

Note: Meeting Appears
On Borough of Wildwood Crest Facebook page and You tube by date.

January 2, 2024

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 at Borough Hall at 9:30 a.m. On roll call the following answered to their names:

Schiff - Franco – 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 Herald of Cape May County on October 4, 2023 and The Press on December 13, 2023.

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

The Mayor indicated that the meeting currently had no audio or streaming ability and that it was being addressed.

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 24-01

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING APPOINTMENT OF RONALD GELZUNAS AS THE BOROUGH SOLICITOR AND APPROVAL OF PROFESSIONAL SERVICE CONTRACT FOR CY 2024

WHEREAS, there exists the need for the professional services of a Borough Solicitor, to be retained by the Borough for the performance of legal services and related duties associates therewith as directed by the authorized representatives of the Borough of Wildwood Crest, all as more specifically set forth in the attached Agreement which is made a part hereof by reference as if fully set forth; and

WHEREAS, the Commissioners of the Borough of Wildwood Crest desire to appoint Ronald Gelzunas, Esquire to serve as the Solicitor for the Borough of Wildwood Crest; and

WHEREAS, this contract is awarded without competitive bidding in accordance with the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq. as an authorized exception to the public bidding as a Professional Services Contract; 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, in the County of Cape May, New Jersey, as follows:

1. The above recital paragraphs are incorporated herein as if set forth at length.
2. That Ronald Gelzunas is hereby appointed as Borough of Wildwood Crest Solicitor and the above described contract for professional services is hereby approved.
3. 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.
4. That the Mayor and Borough Clerk are hereby authorized and empowered to enter into a contract for calendar year 2024 with Ronald J. Gelzunas, who shall be compensated by voucher on the basis of a “not to exceed” amount of \$95,000 annually.
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.

Mr. Schiff motions, and Mr. Franco seconds that the foregoing resolution be adopted.

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 24-02

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING SIGNATORIES FOR VARIOUS BOROUGH OF WILDWOOD CREST ACCOUNTS

BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, in the County of Cape May, State of New Jersey, that Francine B. Springer, Chief Financial Officer, be the custodian of the following accounts:

CREST SAVINGS BANK

<u>Account Number</u>	<u>Account Name</u>
54-902507-3	Borough of Wildwood Crest Lien Redemption Account
54-901556-1	Borough of Wildwood Crest Current Account
54-901557-9	Borough of Wildwood Crest Disbursement Account
54-901560-3	Borough of Wildwood Crest Trust Escrow Account
54-901559-5	Borough of Wildwood Crest Recreation Trust Account
54-901561-1	Borough of Wildwood Crest Police Forfeiture Account
54-901564-5	Borough of Wildwood Crest Animal Control Account
53-181178-5	Borough of Wildwood Crest Unemployment Trust Account
99-017769-3	Borough of Wildwood Crest General Capital Fund
54-901558-7	Borough of Wildwood Crest Payroll Account
54-904337-3	Borough of Wildwood Crest Flexible Spending Account
54-902576-8	Borough of Wildwood Crest Uniform Construction Code
99-006342-2	Borough of Wildwood Crest Affordable Housing Trust Fund
99-009896-4	Borough of Wildwood Crest Beach Box Account

STATE OF NEW JERSEY CASH MANAGEMENT FUND (NON-STATE)

000075590-171 Borough of Wildwood Crest GENL AC

NEW JERSEY ASSET & REBATE MANAGEMENT

NJ ARM – Account #280-00

BE IT FURTHER RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, in the County of Cape May and State of New Jersey, that the municipal officials listed hereinbelow are hereby designated as signatories on the above listed accounts (excluding Alexa Campilango on the Payroll Account) when necessary or required as follows:

Francine B. Springer

or

and

Alexa Campilango

Don Cabrera

or

Joseph Franco, Jr.

and

Joseph M. Schiff

Patricia A. Feketics

or

Victoria Mason

BE IT FURTHER RESOLVED that Francine B. Springer, Don Cabrera, Joseph Franco, Jr., Joseph M. Schiff, and Patricia A. Feketics are hereby designated as the authorized signatories on the Borough of Wildwood Crest Payroll Account (No. 54-901558-7).

BE IT FURTHER RESOLVED that Francine B. Springer, Lyndsey Herman and Alexa Campilango are hereby designated as the authorized signatory of the Borough of Wildwood Crest Lien Redemption Account (No. 54-902507-3).

Lyndsey Herman

BE IT FURTHER RESOLVED that Patricia A. Feketics and Francine B. Springer are hereby designated as the authorized signatory of the Borough of Wildwood Crest Borough Election Account (No. 54-900478-9).

Mr. Schiff motions, and Mr. Franco seconds that the foregoing resolution be adopted.
Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 24-03
RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST DESIGNATING OFFICIAL NEWSPAPERS

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest in the County of Cape May, and State of New Jersey, that, in accordance with the provisions of N.J.S.A. 40:53-1 et seq. *the Herald of Cape May County* as primary and *the Press of Atlantic City* be designated as the official newspapers of the Borough of Wildwood Crest, in the County of Cape May, and State of New Jersey, and all ordinances, resolutions, or other public notices which the Borough of Wildwood Crest may required by law to publish, where the manner of publication is not otherwise specifically provided, shall be published in any one or both of the said newspapers.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, New Jersey, that *the Herald of Cape May County* as primary and *the Press of Atlantic City* are hereby designated the official newspapers of the Borough of Wildwood Crest.

Mr. Schiff motions, and Mr. Franco seconds that the foregoing resolution be adopted.
Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 24-04
RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING ADOPTION OF THE 2024 TEMPORARY BUDGET

WHEREAS, N.J.S.A. 40A:4-19 authorizes, by resolution of the governing body prior to January 31 of the fiscal year, adoption of temporary appropriations of not more than TWENTY-SIX AND ONE-QUARTER PERCENT (26.25%) of the total appropriations made for all purposes in the budget for the preceding fiscal year excluding, in both instances, appropriations made for interest and debt redemption charges, capital improvement fund and public assistance; and

WHEREAS, the total temporary appropriations to be created by this resolution amount to \$10,341,100.00, said amount being inclusive of not more than TWENTY-SIX AND ONE-QUARTER PERCENT (26.25%) of the total of those appropriations as fully authorized hereinabove.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, New Jersey, that the amount of \$10,341,100.00 be and the same shall hereby constitute the 2024 Temporary Appropriations:

PUBLIC AFFAIRS & PUBLIC SAFETY DIRECTOR'S OFFICE	
SALARIES & WAGES.....	\$ 7,000.00
OTHER EXPENSES.....	700.00
FIRE DEPARTMENT	
SALARIES & WAGES.....	0.00
OTHER EXPENSES.....	100,000.00

POLICE	
SALARIES & WAGES.....	750,000.00
OTHER EXPENSES.....	91,000.00
DISPATCH SERVICES (SHARED SERVICES)	
OTHER EXPENSES.....	70,000.00
EMERGENCY MANAGEMENT	
SALARIES & WAGES.....	0.00
OTHER EXPENSES.....	1,500.00
MUNICIPAL COURT	
SALARIES & WAGES.....	15,000.00
OTHER EXPENSES.....	40,000.00
SERVICE OF AMBULANCE	
SALARIES & WAGES.....	175,000.00
OTHER EXPENSES.....	20,000.00
ANIMAL CONTROL	
OTHER EXPENSES.....	15,000.00
LIFEGUARDS	
SALARIES & WAGES.....	10,000.00
OTHER EXPENSES.....	36,000.00
FIRE OFFICIAL	
SALARIES & WAGES.....	50,000.00
OTHER EXPENSES.....	5,000.00
LOCAL CODE ENFORCEMENT	
SALARIES & WAGES.....	20,000.00
OTHER EXPENSES.....	3,000.00
TRAFFIC MAINTENANCE	
SALARIES & WAGES.....	50,000.00
OTHER EXPENSES.....	14,000.00
REVENUE & FINANCE DIRECTOR'S OFFICE	
SALARIES & WAGES.....	\$ 0.00
OTHER EXPENSES.....	700.00
FINANCIAL ADMINISTRATION	
SALARIES & WAGES.....	110,000.00
OTHER EXPENSES.....	55,000.00
ASSESSMENT OF TAXES	
SALARIES & WAGES.....	14,000.00
OTHER EXPENSES.....	3,000.00
COLLECTION OF TAXES	
SALARIES & WAGES.....	55,000.00
OTHER EXPENSES.....	9,000.00
INSURANCE	
GROUP INSURANCE FOR EMPLOYEES.....	745,831.00
OTHER INSURANCE.....	170,000.00
BOROUGH ADMINISTRATION	
SALARIES & WAGES.....	105,000.00
OTHER EXPENSES.....	25,000.00
CODIFICATION	
OTHER EXPENSES.....	3,000.00
UTILITIES BILLING	
OTHER EXPENSES.....	5,000.00
CONSTRUCTION OFFICE	
SALARIES & WAGES.....	65,000.00
OTHER EXPENSES.....	8,000.00
LAND USE ADMINISTRATION	
SALARIES & WAGES.....	10,000.00
OTHER EXPENSES.....	30,000.00

GREEN TEAM		
OTHER EXPENSES		5,000.00
PUBLIC WORKS DIRECTOR'S OFFICE		
SALARIES & WAGES.....	\$	8,000.00
OTHER EXPENSES		800.00
PUBLIC WORKS		
SALARIES & WAGES.....		180,000.00
OTHER EXPENSES		51,000.00
UTILITIES		
NATURAL GAS		30,000.00
ELECTRIC.....		50,000.00
FUEL OIL		50,000.00
STREET LIGHTING		50,000.00
LANDFILL		
OTHER EXPENSES		100,000.00
CMC MUA CHARGES		
OTHER EXPENSES		35,000.00
WATER		
OTHER EXPENSES		55,000.00
COMMUNICATIONS		
OTHER EXPENSES		40,000.00
ENGINEER		
OTHER EXPENSES		50,000.00
INFORMATION TECHNOLOGY		30,000.00
LEGAL		
OTHER EXPENSES	\$	50,000.00
BEACH MAINTENANCE		
SALARIES & WAGES.....		5,000.00
OTHER EXPENSES		23,000.00
SANITATION		
SALARIES & WAGES.....		140,000.00
OTHER EXPENSES		14,500.00
RECREATION		
SALARIES & WAGES.....		130,000.00
OTHER EXPENSES		16,000.00
TOURISM		
SALARIES & WAGES.....		20,000.00
OTHER EXPENSES		50,000.00
SEWERAGE		
SALARIES & WAGES.....		40,000.00
OTHER EXPENSES		19,000.00
PARKS AND BUILDINGS		
SALARIES & WAGES.....		60,000.00
OTHER EXPENSES		76,000.00
RECREATION BUILDINGS		
OTHER EXPENSES		60,000.00
FLEET MAINTENANCE		
SALARIES & WAGES.....	\$	70,000.00
OTHER EXPENSES		70,000.00
STATUTORY EXPENSES		
SOCIAL SECURITY		170,000.00
UNEMPLOYMENT INSURANCE.....		0.00
DEFINED CONTRIBUTION RETIREMENT PLAN.....		50.00
PUBLIC EMPLOYEES RETIREMENT SYSTEM.....		554,153.00
POLICE AND FIREMEN'S RETIREMENT SYSTEM.....		715,816.00

CAPITAL IMPROVEMENTS

EMERGENCY SANITARY AND STORM SEWER REPAIRS	25,000.00
CAPITAL LEASES FOR VEHICLES	30,000.00
PURCHASE OF BEACH BOXES.....	50,000.00

TOTAL APPROPRIATIONS EXCLUDING CAPITAL IMPROVEMENT FUND,
INTEREST AND DEBT REDEMPTION CHARGES AND PUBLIC
ASSISTANCE.....\$ 6,010,050.00

CAPITAL IMPROVEMENT

CAPITAL IMPROVEMENT FUND	0.00
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INTEREST AND DEBT REDEMPTION CHARGES

INTEREST AND PRINCIPAL ON BONDS AND LOANS.....	4,331,050.00
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TOTAL TEMPORARY APPROPRIATIONS (ALL PAGES) \$.....10,341,100.00

Mr. Schiff motions, and Mr. Franco seconds that the foregoing resolution be adopted.

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 24-05

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST ADOPTING THE 2024 CASH MANAGEMENT PLAN OF THE BOROUGH OF WILDWOOD CREST

WHEREAS, pursuant to the provisions of N.J.S.A. 40A:5-14, the Borough of Wildwood Crest shall adopt a Cash Management Plan and shall deposit its funds in accordance with the provisions of said Plan; and

WHEREAS, the Cash Management Plan shall include the designation of a depository or depositories as provided in Section 4 of P.L. 1970, c.236; and

WHEREAS, the Cash Management Plan shall be designed to assure to the extent practicable the investment of local funds in interest bearing accounts and may be modified from time to time in order to reflect changes in federal or state law or regulations; and

WHEREAS, the Cash Management Plan shall be subject to the annual audit conducted pursuant to N.J.S.A. 40A:5-4.

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

1. The above recital paragraphs are incorporated herein by as if set forth at length.
2. The Cash Management Plan for the Borough of Wildwood Crest is hereby adopted.
3. A copy of the Cash Management Plan is attached hereto and made a part hereof.

Mr. Schiff motions, and Mr. Franco seconds that the foregoing resolution be adopted.

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 24-06

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST DESIGNATING JASON HESLEY TO REPRESENT THE BOROUGH OF WILDWOOD CREST WITH TAX APPEALS FOR CY2024

WHEREAS, by direction of the Cape May County Board of Taxation, adopted pursuant to the terms and provisions of N.J.A.C. 18:12A-1.6(d), any and all tax appeals seeking either increases or decreases of Tax Assessment which shall be submitted to the Cape May County Board of Taxation by the various municipalities which are situated in the County of Cape May are required to, as a prerequisite to their filing, be authorized by a Resolution of the Tax District involved; and

WHEREAS, upon being appraised of said fact, the Tax Assessor of the Borough of Wildwood Crest requested that a Resolution authorizing the execution of such tax appeals by the Tax Assessor of the Borough of Wildwood Crest be authorized by the governing body of the Borough of Wildwood Crest so that disposition of the same may be made by the Cape May County Board of Taxation.

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

1. That Jason Hesley, Tax Assessor of the Borough of Wildwood Crest, is hereby authorized to both pursue and defend to completion Tax Appeals on behalf of the Borough of Wildwood Crest for either increase or decreases in Tax Assessments for the calendar year 2024, for disposition by the Cape May County Board of Taxation.

2. That Patricia A. Feketics, Borough Clerk of the Borough of Wildwood Crest, is instructed to direct certified copies of this Resolution to the following persons or agencies:

- A. Jason Hesley, Tax Assessor of the Borough of Wildwood Crest;
- B. Lyndsey Herman, Tax Collector of the Borough of Wildwood Crest; and
- C. Cape May County Board of Taxation.

Mr. Schiff motions, and Mr. Franco seconds that the foregoing resolution be adopted.

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 24-07

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING THE TAX COLLECTOR TO CONDUCT A TAX TITLE LIEN SALE IN CY2024

WHEREAS, N.J.S.A. 54:5-19 requires the governing body by Resolution to empower the Tax Collector to conduct a tax sale in 2024 for properties with unpaid taxes, sewer and /or other municipal charges or charges in arrears from the prior fiscal year, as well as temporarily hold out of tax sale certain properties that comply with specifically defined conditions and circumstances; and

WHEREAS, there are properties with delinquent charges as noted above, as well as certain properties as designated on the 2024 tax sale list which comply with said conditions and circumstances to be temporarily withheld from the tax sale for 2023 taxes, sewer and other municipal charges.

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 Tax Collector be empowered to conduct a tax sale in 2024 as referenced above, and temporarily hold out of the tax sale any such property which conforms to the specifically defined conditions and circumstances as promulgated in N.J.S.A. 54:5-19 and/or any other provision of New Jersey Statutory Law.

Mr. Schiff motions, and Mr. Franco seconds that the foregoing resolution be adopted.

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 24-08

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING THE INTEREST RATE, GRACE PERIOD AND YEAR-END PENALTY FOR TAXES/SEWER FEES IN CY2024

WHEREAS, N.J.S.A. 54:4-67 et seq. permits the governing body to fix the rate of interest to be charged for the nonpayment of taxes, sewer or other municipal charges.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Borough of Wildwood Crest, the rate of interest on unpaid taxes and sewer shall be eight (8) percent per annum on the first one thousand five hundred dollars (\$1,500.00) of delinquency and eighteen (18) percent per annum on any amount in excess of one thousand five hundred dollars (\$1,500.00) to be calculated from the date the tax, sewer or other municipal charges were payable until the date of actual payment. No interest shall be charged if payment is made on or before the tenth (10th) calendar day following the date upon which the same is payable.

BE IT FURTHER RESOLVED, in addition to the interest provided above, all delinquencies in excess of ten thousand dollars (\$10,000.00) which are not paid prior to the end of the year will be subject to a year-end penalty of six (6) percent.

Mr. Schiff motions, and Mr. Franco seconds that the foregoing resolution be adopted.

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 24-09
**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF
WILDWOOD CREST AUTHORIZING CANCELLATION OF 2023 TAX AND/OR SEWER
BALANCES OF \$5.00 OR LESS**

WHEREAS, N.J.S.A. 40A:5-17 allows for the cancellation of property tax overpayments or delinquent amounts of five (5) dollars or less; and

WHEREAS, there also exists a need to apply the same provision as promulgated in N.J.S.A. 40A:5-17 to the cancellation of municipal sewer overpayments and delinquencies of five (5) dollars or less.

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 Tax Collector is hereby authorized to cancel without any further action on the part of the Board of Commissioners, any property tax and/or municipal sewer overpayments and/or delinquencies of \$5.00 or less.

Mr. Schiff motions, and Mr. Franco seconds that the foregoing resolution be adopted.

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 24-10
**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF
WILDWOOD CREST AUTHORIZING THE APPOINTMENT OF MATTHEW ROONEY
AS MUNICIPAL PROSECUTOR FOR THE BOROUGH OF WILDWOOD CREST**

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest desires to appoint Matthew Rooney as Municipal Prosecutor for one (1) year term pursuant to the provisions of N.J.S.A. 2B:25-4; and

WHEREAS, the Borough of Wildwood Crest and the Township of Lower will have entered into a Shared Services Agreement for Municipal Court Services on January 2, 2024 for a period commencing January 1, 2024 through December 31, 2026; and

WHEREAS, said agreement stipulates that in addition, the Borough of Wildwood Crest agrees to appoint the same Municipal Prosecutor, Municipal Public Defender, Municipal Court Administrator, and other Court personnel as are currently serving and who in the future shall serve for the Township, and, during the term of this Agreement, shall reappoint, as necessary, all such personnel appointed by the Township.

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 Matthew Rooney, Esquire, 2123 Dune Drive, #1, Avalon, New Jersey be and is hereby appointed as the Municipal Prosecutor of the Borough of Wildwood Crest in accordance with and pursuant to N.J.S.A. 2B:25-4 for a term of one year commencing effective immediately and expiring December 31, 2024.

Mr. Schiff motions, and Mr. Franco seconds that the foregoing resolution be adopted.

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 24-11
**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF
WILDWOOD CREST AUTHORIZING THE APPOINTMENT OF SETH FUSCELLARO AS
MUNICIPAL PUBLIC DEFENDER FOR THE BOROUGH OF WILDWOOD CREST**

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest desires to re-appoint Seth Fuscellaro as Municipal Public Defender for one (1) year term pursuant to the provisions of N.J.S.A. 2B:24-3; and

WHEREAS, the Borough of Wildwood Crest and the Township of Lower will have entered into a Shared Services Agreement for Municipal Court Services on January 2, 2024 for a period commencing January 1, 2024 through December 31, 2026; and

WHEREAS, said agreement stipulates that the Borough of Wildwood Crest agrees to appoint the same Municipal Prosecutor, Municipal Public Defender, Municipal Court Administrator, and other Court personnel as are currently serving and who in the future shall serve for the Township, and, during the term of this Agreement, shall reappoint, as necessary, all such personnel appointed by the Township.

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 Seth Fuscellaro, Esquire, 100 East Rio Grande Avenue, Wildwood, New Jersey be and is hereby appointed as the Municipal Public Defender of the Borough of Wildwood Crest in accordance with and pursuant to N.J.S.A. 2B:25-4 for a term of one year commencing effective immediately and expiring December 31, 2024.

Mr. Schiff motions, and Mr. Franco seconds that the foregoing resolution be adopted.

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 24-12

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH ROBERT BELASCO FOR LEGAL SERVICES FOR THE PLANNING BOARD FOR CY2024 AT NTE SUM \$25,000

WHEREAS, there exists the need for “Professional Services” for a Solicitor for the Borough of Wildwood Crest Planning Board and

WHEREAS, Robert T. Belasco, of Stefankiewicz & Belasco, LLC, is authorized to provide such services and upon recommendation by the Planning Board to be re-appointed as Solicitor at their Re-Org meeting, which will be held on January 9, 2024; and

WHEREAS, this contract is awarded without competitive bidding in accordance with the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1, et. seq. as an authorized exception to the public bidding as a Professional Services Contract; 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 Commissioners of the Borough of Wildwood Crest concur with the Planning Board’s recommendation to re-appoint Robert Belasco to serve as the Solicitor for both the Planning Board for the calendar year of 2024; 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, in the County of Cape May, New Jersey, as follows:

1. The above recital paragraphs are incorporated herein as if set forth at length.
2. That a contract for Planning Board Solicitor is awarded to Robert T. Belasco, Esquire, of Stefankiewicz & Belasco, LLC.
3. 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.

4. That the Mayor and Borough Clerk are hereby authorized and empowered to execute the attached agreement effective immediately through December 31, 2024, with Robert T. Belasco of Stefankiewicz & Belasco, LLC, who shall be compensated pursuant to attached contract, not to exceed Twenty-Five Thousand Dollars.

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.

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

Vote: Schiff - YES Franco – ABSTAIN Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 24-13

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING AWARD OF EUS CONTRACT WITH CONTEMPORARY TECHNOLOGY, INC., FOR NETWORK SUPPORT/INFORMATION TECHNOLOGY SPECIALIST AT NTE SUM OF \$91,000 FOR CY 2024 (MUNICIPAL I.T. AT NTE SUM OF \$59,000 AND PUBLIC SAFETY I.T. AT THE NTE SUM OF \$32,000)

WHEREAS, there exists the need for the “Extraordinary Unspecifiable Services” of a NETWORK SUPPORT / INFORMATION TECHNOLOGY SPECIALIST, to be retained by the Borough for all hardware and software systems for internal operation as directed by the authorized representatives of the Borough of Wildwood Crest, all as more specifically set forth in the attached Agreement which is made a part hereof by reference as if fully set forth; and

WHEREAS, The Contract is awarded without competitive bidding as a “Extraordinary Unspecifiable Service” under the provisions of the Local Public Contracts Law pursuant to N.J.S.A. 40A:11-5 which states that no local unit shall be required to advertise for bids for services which are of such a qualitative nature as will not reasonably permit the drawing of specifications or the receipt of competitive bids, all of which classification the aforesaid contract falls within; 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 Extraordinary Unspecifiable Services because the service requires unique artistic design skills and abilities that are of a qualitative nature; and

WHEREAS, **Contemporary Technologies, Inc.** has completed and submitted a Business Entity Disclosure Certification which certifies that he will not make any reportable contributions pursuant to N.J.S.A. 19:44A-1 commencing January 1, 2024 to any political committee or candidate through the term of this contract.

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

Account Number(s) _____ Amount \$59,000 Signature _____
Account Number(s) _____ Amount \$32,000 Signature _____

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

1. That the allegations of the preamble hereto are incorporated herein as if fully set forth.

2. That the Commissioner of Revenue & Finance and Borough Clerk are hereby authorized and empowered to execute the attached agreement with **Contemporary Technologies, Inc.**, who shall be compensated by voucher at the agreed upon rate of \$100.00 per hour, and \$170.00 per hour for emergency call outs and unplanned assistance between 11:00 p.m. and 8:00 a.m., not to exceed \$59,000 (municipal) and not to exceed \$32,000 (Public Safety), contingent upon certification from the Chief Financial Officer as to the availability of funds, and whose rate/fee structure are contained in the aforesaid Agreement and said “Independent Contractor” shall be required to comply with this Resolution, and the attached Agreement. Said Network Support / Information Technology Specialist is further required to comply with all other conditions/provisions of law or regulation applicable to a “Extraordinary Unspecified Contractor,” including but not limited to procuring/maintaining sufficient insurance coverages necessary to fully protect the interests of the Borough in each and every instance relative to performance under this contract. This contract is awarded pursuant to N.J.S.A. 40A:11-5(dd) which states “The provision or performance of goods or services for the support or maintenance of proprietary computer hardware and software, except that this provision shall not be utilized to acquire or upgrade non-proprietary hardware or to acquire or update non-proprietary software.”

3. 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.

4. That a copy of the specific items appertaining to the award of this contract shall be published in a Notice of Award in *The Herald of Cape May County* as required by law within ten (10) days of passage of the Resolution authorizing same.

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

Vote: Schiff - YES Franco – ABSTAIN Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 24-14

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH WILLIAM G. BLANEY, ESQUIRE, AS SPECIAL LABOR COUNSEL FOR CY 2024

WHEREAS, the Borough of Wildwood Crest requires the professional services of a law firm specializing in labor relations in the field of collective bargaining negotiations, personnel administration, and employer-employee relations in an employee administrative proceeding and litigation and any other legal matter that may be assigned; and

WHEREAS, the Local Public Contracts Law provides for the entering into of a contract for professional services pursuant to R.S.40A:11-5(1)(a), without advertising for competitive bidding; and

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest has determined that **William G. Blaney, Esquire**, and the law firm of Blaney, Donohue & Weinberg, P.C. or Successor Firm, of Avalon, New Jersey is qualified to perform the said work and it is desired to enter a professional contract with them for said services pursuant to law, and to provide for the advertising of a notice pursuant to law; 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 G. Blaney, Esquire** and the law firm of Blaney, Donohue & Weinberg, P.C. or Successor Firm of Avalon, New Jersey is hereby retained as Special Counsel as a professional labor negotiator to provide specialized professional services in the field of collective bargaining negotiations, personnel administration, employee disciplinary actions, and employer-employee relations and litigation and any other legal matter that may be assigned for the period January 1, 2024 through December 31, 2024. The said professional services to be received shall be “as directed” by the Borough of Wildwood Crest from time to time.
3. 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.

4. The Mayor and Borough Clerk are hereby authorized and empowered to enter into a contract with **William G. Blaney, Esquire**, of the law firm of Blaney Donohue & Weinberg, P.C. or Successor Firm for a term of the period indicated above, which contract shall provide for payment at the hourly rate of **one hundred fifty (\$150.00) dollars per hour** not to exceed the amount of \$80,000.00 annually.

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.

Mr. Schiff motions, and Mr. Franco seconds that the foregoing resolution be adopted.

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 24-15

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING AWARD OF CONTRACT TO ANIMAL CONTROL OF SOUTH JERSEY FOR ANIMAL CONTROL SERVICES IN THE BOROUGH FOR CY 2024 AT THE NTE AMOUNT OF \$9,600

WHEREAS, there exists the need for an ANIMAL CONTROL OFFICER AND SERVICES to be retained by the Borough for the performance of animal control, animal cruelty investigation, wildlife removal and road kill disposal services and related duties associated therewith, as directed by the authorized representatives of the Borough of Wildwood Crest, all as more specifically set forth in the attached Agreement which is made a part hereof by reference as if fully set forth; and

WHEREAS, ANIMAL CONTROL OF SOUTH JERSEY has completed and submitted a Business Entity Disclosure Certification which certifies that ANIMAL CONTROL OF SOUTH JERSEY will not make any reportable contributions pursuant to N.J.S.A. 19:44A-1 commencing January 1, 2024 to any political committee or candidate through the term of this contract, December 31, 2024.

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

1. The above recital paragraphs are incorporated herein as if set forth at length.
2. That the contract is awarded as a competitive contract with price and other factors most advantageous for the Borough of Wildwood Crest for the period of January 1, 2024 through December 31, 2024.
3. The Mayor and Borough Clerk are hereby authorized and empowered to enter into the attached agreement with ANIMAL CONTROL OF SOUTH JERSEY who shall be compensated by voucher at the agreed upon rate of Eight Hundred (\$800) Dollars per month for a total of Nine Thousand Six Hundred (\$9,600), WITH NO ADDITIONAL Callout Fee for After Hours, Holidays and Weekends.
4. The award of this contract is contingent upon 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.
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.

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

Account Number (s) _____ Amount _____ Signature _____

Mr. Schiff motions, and Mr. Franco seconds that the foregoing resolution be adopted.

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 24-16

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING PROFESSIONAL SERVICES CONTRACT WITH STEVEN SECARE FOR SERVICES AS HEARING OFFICER FOR CY2024

WHEREAS, there exists the need for the “Professional Services” of a HEARING OFFICER, to be retained by the Borough for all Department of Personnel (a/k/a Civil Service) disciplinary action hearings and related duties

associated therewith as directed by the authorized representatives of the Borough of Wildwood Crest, all as more specifically set forth in the attached Agreement which is made a part hereof by reference as if fully set forth; and

WHEREAS, this contract is awarded without competitive bidding in accordance with the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq. as an authorized exception to the public bidding as a Professional Services Contract; 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 _____

WHEREAS, Steven Secare, Esq. has completed and submitted a Business Entity Disclosure Certification which certifies that he will not make any reportable contributions pursuant to N.J.S.A. 19:44A-1 commencing January 1, 2024 to any political committee or candidate through the term of this contract.

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

1. The above recital paragraphs are incorporated herein as if set forth at length.
2. The award of this contract is contingent upon compliance with the New Jersey Pay to Play Law as set forth in N.J.S.A. 19:44A-1; production of the Business Entity Disclosure Certificate, Affirmative Action Compliance Notice, New Jersey Certificate of Employee Information Report, New Jersey Business Registration Certificate and proof of insurance as required in the contract and certification from the Chief Financial Officer as to the availability of funds.
3. That the Mayor and Borough Clerk are hereby authorized and empowered to enter into the attached agreement effective immediately through December 31, 2024, with Steven Secare, Esq. who shall be compensated by voucher at the agreed upon rate of \$160.00 per hour, not to exceed \$9,500.
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. Schiff motions, and Mr. Franco seconds that the foregoing resolution be adopted.

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 24-17

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING A CONTRACT WITH TRIAD ASSOCIATES FOR CONSULTING AND APPLICATION SERVICES FOR FUNDING OPPORTUNITIES FOR CY2024

WHEREAS, there exists the need for the “Services” of a firm to be retained by the Borough for the performance of Community and Economic Development Services and related duties associated therewith as directed by the authorized representatives of the Borough of Wildwood Crest, all as more specifically set forth in the attached Agreement which is made a part hereof by reference as if fully set forth; and

WHEREAS, **TRIAD ASSOCIATES** has completed and submitted a Business Entity Disclosure Certification which certifies that **TRIAD ASSOCIATES** will not make any reportable contributions pursuant to N.J.S.A. 19:44A-1 commencing January 1, 2024 to any political committee or candidate through the term of this contract. Said term shall expire December 31, 2024; 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, in the County of Cape May, New Jersey, as follows:

1. The above recital paragraphs are incorporated herein as if set forth at length.
2. That the Mayor and Borough Clerk be and they are hereby authorized, instructed, and empowered to execute the attached agreement with **TRIAD ASSOCIATES**, who shall be compensated by voucher at the agreed upon hourly rates, **not to exceed \$5,000**, contingent upon certification from the Chief Financial Officer as to the availability of funds, and whose rate/fee structure are contained in the aforesaid Agreement and said “Independent Contractor” shall be required to comply with this Resolution, and the attached Agreement. Said **TRIAD ASSOCIATES** is further required to comply with all other conditions/provisions of law or regulation applicable to a “Contractor,” including but not limited to procuring/maintaining sufficient insurance coverages necessary to fully protect the interests of the Borough in each and every instance relative to performance under this contract.
3. 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.
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. Schiff motions, and Mr. Franco seconds that the foregoing resolution be adopted.
Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 24-18
RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH HAWKINS, DELAFIELD & WOOD, LLP, AS BOND COUNSEL FOR CY2024

WHEREAS, the Borough of Wildwood Crest requires the professional services of a Law Firm to assist the municipality with the selling of bonds, or bond anticipation notes, for financing the cost of the capital improvement program and for the rendering of legal opinions related thereto; and

WHEREAS, it is desired to employ a professional, pursuant to law, who is duly trained, experienced and specialized in the area of municipal bonds; and

WHEREAS, this contract is awarded without competitive bidding in accordance with the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq. as an authorized exception to the public bidding as a Professional Services Contract; 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 Borough has determined that the firm of Hawkins, Delafield & Wood is qualified to perform the said work and it is desired to enter a professional contract with them for said services pursuant to law, and to provide for the advertising of a notice pursuant to law; and

WHEREAS, Hawkins, Delafield & Wood has completed and submitted a Business Entity Disclosure Certification which certifies that Hawkins, Delafield & Wood will not make any reportable contributions pursuant to N.J.S.A. 19:44A-1 commencing January 1, 2024 to any political committee or candidate through the term of this contract.

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. Hawkins, Delafield & Wood is hereby retained as Bond Counsel to provide specialized professional services in the field of municipal bond work. The said professional services to be received shall be “as directed” by the Borough of Wildwood Crest from time to time.
3. The Mayor and Borough Clerk are hereby authorized and directed to enter into a contract with Hawkins, Delafield & Wood for specialized professional services as Bond Counsel for a term of one (1) year, which contract shall provide for fees to be calculated as set forth in the letter of Hawkins, Delafield & Wood dated October 13, 2023 and attached hereto, contingent upon certification from the Chief Financial Officer as to the availability of funds for specific municipal bond work, if applicable.
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; 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.

Mr. Schiff motions, and Mr. Franco seconds that the foregoing resolution be adopted.

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 24-19

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING PROFESSIONAL SERVICES CONTRACT WITH DANZIGER & MARKHOFF LLP FOR ACTUARIAL SERVICES FOR FYE 2023

WHEREAS, there exists the need for the “Professional Services” of GASB-75 ACTUARIAL SERVICES, to be retained by the Borough for all ACCOUNTING AND FINANCIAL REPORTING FOR POSTEMPLOYMENT BENEFITS OTHER THAN PENSION and related duties associated therewith as directed by the authorized representatives of the Borough of Wildwood Crest, all as more specifically set forth in the attached Agreement which is made a part hereof by reference as if fully set forth; and

WHEREAS, this contract is awarded without competitive bidding in accordance with the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq. as an authorized exception to the public bidding as a Professional Services Contract; 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 of 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 _____

WHEREAS, DANZIGER & MARKHOFF, LLP. has completed and submitted a Business Entity Disclosure Certification which certifies that he will not make any reportable contributions pursuant to N.J.S.A. 19:44A-1 commencing January 1, 2024 to any political committee or candidate through the term of this contract.

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

1. The above recital paragraphs are incorporated herein as if set forth at length.
2. The award of this contract is contingent upon compliance with the New Jersey Pay to Play Law as set forth in N.J.S.A. 19:44A-1; production of the Business Entity Disclosure Certificate, Affirmative Action Compliance Notice, New Jersey Certificate of Employee Information Report, New Jersey Business Registration Certificate and proof of insurance as required in the contract and certification from the Chief Financial Officer as to the availability of funds.
3. That the Mayor and Borough Clerk are hereby authorized and empowered to enter into the attached agreement effective immediately through December 31, 2024, with Danziger & Markhoff LLP who shall be compensated by voucher at the agreed upon rate of not to exceed \$1,850.00 (for FYE 12/31/2023, "MID-CYCLE" GASB # 75 valuation is required.)
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. Schiff motions, and Mr. Franco seconds that the foregoing resolution be adopted.

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 24-20

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING AWARD OF PROFESSIONAL SERVICE CONTRACT WITH JAMES MALEY OF MALEY GIVENS FOR SPECIAL COUNSEL FOR LAND USE REDEVELOPMENT FOR CY2024 AT THE NTE SUM OF \$15,000

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest has determined that there exists the need for a Special Counsel for Land Use Redevelopment for the Borough of Wildwood Crest, and

WHEREAS, this contract is awarded without competitive bidding in accordance with the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1, et. seq. as an authorized exception to the public bidding as a Professional Services Contract; 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 Commissioners of the Borough of Wildwood Crest desire to appoint M. James Maley of Maley Givens, a Professional Corporation, to serve as special counsel to the Borough of Wildwood Crest to handle all legal work necessary and as may be assigned by the Borough to represent the interests of the Borough of Wildwood Crest.

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

Account Number(s) _____ Amount _____ Signature _____

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

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

2. That a contract for Special Counsel is awarded to M. James Maley of Maley Givens, a Professional Corporation.

3. 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.

4. That the Mayor and Borough Clerk are hereby authorized and empowered to enter into a contract through December 31, 2024, with M. James Maley of Maley Givens, a Professional Corporation, who shall be compensated at the not to exceed sum of \$15,000.00.

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.

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

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 24-22

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH FORD, SCOTT & ASSOCIATES, LLC AS BOROUGH AUDITOR FOR CY2024

WHEREAS, there exists the need for the “Professional Services” of a BOROUGH AUDITOR, to be retained by the Borough for the performance of auditing/accounting work and related duties associates therewith as directed by the authorized representatives of the Borough of Wildwood Crest, all as more specifically set forth in the attached Agreement which is made a part hereof by reference as if fully set forth; and

WHEREAS, this contract is awarded without competitive bidding in accordance with the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1, et. seq. as an authorized exception to the public bidding as a Professional Services Contract; 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 Commissioners of the Borough of Wildwood Crest desire to award a Professional Services Contract to **MICHAEL S. GARCIA, RMA, and the firm of Ford Scott Associates, LLC** as Borough Auditor; 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, in the County of Cape May, New Jersey, as follows:

1. The above recital paragraphs are incorporated herein as if set forth at length.
2. That the Mayor and Borough Clerk are hereby authorized and empowered to execute the attached agreement with **MICHAEL S. GARCIA, RMA, of the firm of Ford Scott Associates, LLC**, who shall be compensated by voucher at the agreed upon hourly rates, contingent upon certification from the Chief Financial Officer as to the availability of funds, as well as the governing body setting sufficient funds in the 2023 Municipal Budget, in accordance with the proposal dated, **November 21, 2023**, attached hereto, at a not to exceed **amount of \$38,500**, and whose rate/fee structure are contained in the aforesaid Agreement and said "Independent Contractor" shall be required to comply with this Resolution, and the attached Agreement. Said Auditor is further required to comply with all other conditions/provisions of law or regulation applicable to a "Professional Services Contractor," including but not limited to procuring/maintaining sufficient insurance coverages necessary to fully protect the interests of the Borough in each and every instance relative to performance under this contract.
3. 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.
4. That a copy of the specific items appertaining to the award of this contract shall be published in a Notice of Award in *The Herald of Cape May County* as required by law within ten (10) days of passage of the Resolution authorizing same.

Mr. Schiff motions, and Mr. Franco seconds that the foregoing resolution be adopted.
Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:
RESOLUTION NO. 24-23

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING AWARD OF PROFESSIONAL SERVICES CONTRACT WITH SCOTT TAYLOR OF TAYLOR DESIGN GROUP TO PERFORM SERVICES AS PLANNING BOARD PLANNER FOR CY2024 AT NTE SUM OF \$9,500

WHEREAS, there exists the need for “Professional Services” for Professional Planning and Architecture Services on an as-needed basis for the Planning Board of the Borough of Wildwood Crest, and

WHEREAS, this contract is awarded without competitive bidding in accordance with the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1, et. seq. as an authorized exception to the public bidding as a Professional Services Contract; 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, Scott Taylor, LLA, AICP, PP, LEEP, AP and Vice President of Taylor Design Group, and Taylor Design Group, is experienced and capable of providing the necessary planning and architectural services needed by the Planning Board of the Borough of Wildwood Crest and has submitted all required documents:

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

Account Number(s) _____ Amount _____ Signature _____

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

1. The above recital paragraphs are incorporated herein as if set forth at length.
2. That the Mayor and Borough Clerk are hereby authorized and empowered to execute the attached agreement effective immediately through December 31, 2024, Taylor Design Group and Scott Taylor, Vice President of Taylor Design Group, who shall be compensated pursuant to attached proposal, but in no case shall the compensation exceed Nine Thousand Five Hundred (\$9,500.00) Dollars.
3. 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.
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. Schiff motions, and Mr. Franco seconds that the foregoing resolution be adopted.

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 24-24

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH ACUITY CONSULTING SERVICES FOR AFFORDABLE HOUSING PLANNER AND ADMINISTRATIVE AGENT FOR CY 2024 AT THE NTE SUM OF \$15,500

WHEREAS, there exists the need for the “Professional Services” of a “Professional Planner”, to be retained by the Borough for the performance of affordable housing planning services and to be the Administrative Agent to assist the Borough in the process of addressing its Third Round affordable housing obligation as directed by the authorized representatives of the Borough of Wildwood Crest, all as more specifically set forth in the attached Agreement which is made a part hereof by reference as if fully set forth; and

WHEREAS, Acuity Consulting Services has obtained a detailed knowledge of the Borough of Wildwood Crest through our affordable housing services to the Borough, and Acuity’s Planning Department has substantial experience in providing affordable housing administration services for various municipalities throughout the State of New Jersey, including the Township of Barnegat, Township of Middle, Borough of Monmouth Beach, Township of Galloway and the Township of Lacey; and

WHEREAS, Acuity Consulting Services’ combination of local knowledge and experience uniquely qualifies Acuity Consulting Services to provide the Affordable Housing Administration Services for the Borough; and

WHEREAS, Acuity Consulting Services’ Planning Department consists of New Jersey licensed Professional Planners accredited by the American Institute of Certified Planners and certified Administrative Agents; and

WHEREAS, the Commissioners of the Borough of Wildwood Crest desire to retain the services of Acuity Consulting Services to provide the above referenced professional services to the Borough; 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 Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq., requires that the resolution authorizing the award of contracts for “Professional Services” without competitive bids must be publicly advertised, 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, in the County of Cape May, New Jersey, as follows:

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

2. That the Mayor and Borough Clerk be and they are hereby authorized, instructed, and empowered to execute the attached agreement with Acuity Consulting Services, who shall be compensated by voucher at the agreed upon rates, **not to exceed Fifteen Thousand Five Hundred (\$15,500.00) Dollars** contingent upon certification below from the Chief Financial Officer as to the availability of funds, and whose rate/fee structure are contained in the aforesaid Agreement and said "Independent Contractor" shall be required to comply with this Resolution, and the attached Agreement. Said Professional Planner is further required to comply with all other conditions/provisions of law or regulation applicable to a "Professional Services Contractor," including but not limited to procuring/maintaining sufficient insurance coverages necessary to fully protect the interests of the Borough in each and every instance relative to performance under this contract.

3. 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 the these documents shall be kept on file in the office of the Borough Clerk.

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. Schiff motions, and Mr. Franco seconds that the foregoing resolution be adopted.

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 24-25

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH J. BYRNE AGENCY AS RISK MANAGEMENT CONSULTANT – ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND FOR CY2024

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, New Jersey, has resolved to join Atlantic County Municipal Joint Insurance Fund, a self insurance pooling fund, following a detailed analysis; and

WHEREAS, the by-laws of said Fund require that each municipality appoint a RISK MANAGEMENT CONSULTANT to perform various professional services as detailed in the by-laws as well as other "insurance broker of record duties", including but not limited to the authorized placement of independent statutory bonds, flood and health insurance policies; and

WHEREAS, the by-laws indicate a fee not to exceed six (6%) percent of the municipal assessment, which expenditure represents reasonable compensation for the services required and was included in the cost considered by the Board of Commissioners; and

WHEREAS, the judgmental nature of the RISK MANAGEMENT CONSULTANT's duties renders comparative bidding impractical; and

WHEREAS, the Commissioner of Revenue and Finance has determined that J. BYRNE AGENCY is best qualified to provide the services specified herein; and

WHEREAS, said award of Professional Services Contract is in excess of \$17,500.00 and, on this basis, is subject to the provisions of N.J.S.A. 19:44A-20.4, et. seq. (a/k/a Local Unit Pay-To-Play Law); and

WHEREAS, J. BYRNE AGENCY has completed and submitted a Business Entity Disclosure Certification which certifies that said firm has not made and will not make any reportable contributions pursuant to N.J.S.A. 19:44A-1, et. seq., that, pursuant to P.L. 2004, c. 19, would bar the award of this contract in the one-year period preceding January 1, 2024 to any political committee or candidate of which any member of the governing body is otherwise affiliated.

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

1. J. BYRNE AGENCY is hereby appointed as it RISK MANAGEMENT CONSULTANT AND INSURANCE BROKER OF RECORD for the period commencing January 1, 2024 and terminating effective December 31, 2024 at the rate of compensation equal to **FIVE PERCENT (5%)** of the Borough's annual assessment; all of which is contingent upon adequate budgetary provision being made by the governing body in fiscal year 2024, is in accordance with the full provisions of the Consultant's Agreement, and the provisions of N.J.S.A. 40A:11-5.

2. The award of this contract is contingent upon compliance with the New Jersey Pay to Play Law as set forth in N.J.S.A. 19:44A-1; production of the Business Entity Disclosure Certificate, Affirmative Action Compliance Notice, New Jersey Certificate of Employee Information Report, New Jersey Business Registration Certificate and proof of insurance as required in the contract and certification from the Chief Financial Officer as to

the availability of funds; a copy of these documents on file and available for public inspection in the office of the Borough Clerk.

3. The Mayor and Borough Clerk are hereby authorized and empowered to execute the Consultant's Agreement annexed hereto, which agreement is made a part hereof by reference as if fully set forth.

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. Schiff motions, and Mr. Franco seconds that the foregoing resolution be adopted.

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 24-26

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH PHOENIX ADVISORS AS SEC CONTINUING DISCLOSURE SPECIALIST FOR CY2024

WHEREAS, there exists the need for the "Professional Services" of an **SEC CONTINUING DISCLOSURE SPECIALIST**, to be retained by the Borough for the performance of SEC Continuing Disclosure work and related duties associates therewith as directed by the authorized representatives of the Borough of Wildwood Crest, all as more specifically set forth in the attached Agreement which is made a part hereof by reference as if fully set forth; and

WHEREAS, this contract is awarded without competitive bidding in accordance with the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1, et. seq. as an authorized exception to the public bidding as a Professional Services Contract; 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, all work required of **PHOENIX ADVISORS, LLC**, under contract dated **January 4, 2023** has been completed; and

WHEREAS, **PHOENIX ADVISORS, LLC**, has completed and submitted a Business Entity Disclosure Certification which certifies that **Phoenix Advisors, LLC**, will not make any reportable contributions pursuant to N.J.S.A. 19:44A-1 commencing January 1, 2024 to any political committee or candidate through the term of this contract; and

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

Account Number(s) _____ Amount _____ Signature _____

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

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

2. That the Mayor and Borough Clerk are hereby authorized and empowered to execute the attached agreement with **PHOENIX ADVISORS, LLC**, who shall be compensated by voucher at the agreed upon rates, contingent upon certification from the Chief Financial Officer as to the availability of funds at a **not to exceed amount of \$3,000**, and whose rate/fee structure are contained in the aforesaid Agreement and said "Independent Contractor" shall be required to comply with this Resolution, and the attached Agreement. Said Auditor is further required to comply with all other conditions/provisions of law or regulation applicable to a "Professional Services Contractor," including but not limited to procuring/maintaining sufficient insurance coverages necessary to fully protect the interests of the Borough in each and every instance relative to performance under this contract.

3. 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.

Mr. Schiff motions, and Mr. Franco seconds that the foregoing resolution be adopted.

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 24-27

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING AWARD OF SPECIAL SERVICE CONTRACT FOR CONFLICT SPECIAL LABOR COUNSEL TO JUSTIN WHITE OF TESTA HECK TESTA & WHITE FOR CY2024

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest has determined that there exists the need for a Conflict Labor Counsel for the Borough of Wildwood Crest, and

WHEREAS, this contract is awarded without competitive bidding in accordance with the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1, et. seq. as an authorized exception to the public bidding as a Professional Services Contract; 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 Commissioners of the Borough of Wildwood Crest desire to appoint Justine White, Esquire to serve as special labor counsel to the Borough of Wildwood Crest to handle all legal work necessary and as may be assigned by the Borough to represent the interests of the Borough of Wildwood Crest.

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

Account Number(s) _____ Amount _____ Signature _____

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

1. The above recital paragraphs are incorporated herein as if set forth at length.
2. That a contract for Special Labor Counsel is awarded to Michael Testa, Esquire.
3. 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.
4. That the Mayor and Borough Clerk are hereby authorized and empowered to enter into a contract effective immediately through December 31, 2024, with Justin White, Esquire, who shall be compensated at the billable rate of \$160.00 per hour not to exceed \$2,500.00.
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.

Mr. Schiff motions, and Mr. Franco seconds that the foregoing resolution be adopted.

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 24-28

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING AWARD OF PROFESSIONAL SERVICE CONTRACT TO AVERY TEITLER AS CONFLICT SOLICITOR FOR THE BOROUGH OF WILDWOOD CREST PLANNING BOARD FOR CY 2024 AT NTE SUM \$9,500

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest has determined that there exists the need for a “Professional Services” Conflict Solicitor for the Borough of Wildwood Crest Planning Board, and

WHEREAS, this contract is awarded without competitive bidding in accordance with the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1, et. seq. as an authorized exception to the public bidding as a Professional Services Contract; 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 Commissioners of the Borough of Wildwood Crest desire to appoint Avery Teitler to serve as the Conflict Counsel for the Planning Board to handle all legal work necessary and as may be assigned by the Planning Board or Board of Commissioners to represent the interests of the Borough of Wildwood Crest; 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, in the County of Cape May, New Jersey, as follows:

1. The above recital paragraphs are incorporated herein as if set forth at length.
2. That a contract for conflict Planning Board is awarded to Avery Teitler, Esquire.
3. 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.
4. That the Mayor and Borough Clerk are hereby authorized and empowered to enter into a contract effective immediately through December 31, 2024, Avery Teitler, who shall be compensated pursuant to attached agreement, at the billable rate of \$160.00 per hour not to exceed \$9,500.00.
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.

Mr. Schiff motions, and Mr. Franco seconds that the foregoing resolution be adopted.

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 24-29

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING AWARD OF PROFESSIONAL SERVICES CONTRACT FOR SPECIALIZED LEGAL SERVICES TO NEIL YOSKIN AND THE LAW FIRM OF CULLEN AND DYKMAN, LLP AT THE NTE SUM OF \$5,000 FOR CY2024

WHEREAS, the Borough of Wildwood Crest requires the professional services of a law firm specializing in a potential CAFRA litigation case; and

WHEREAS, it is desired to employ a professional, pursuant to law, who is duly trained, experienced and specialized in the area of skilled labor litigation; and

WHEREAS, the Local Public Contracts Law provides for the entering into of a contract for professional services pursuant to R.S.40A:11-5(1)(a), without advertising for competitive bidding; and

WHEREAS, the Borough has determined that **NEIL YOSKIN AND THE LAW FIRM OF CULLEN AND DYKMAN, LLC** are qualified to perform said work and it is desired to enter a professional contract with them for said services pursuant to law, and to provide for the advertising of a notice pursuant to law; 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, NEIL YOSKIN AND THE LAW FIRM OF CULLEN AND DYKMAN, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that **NEIL YOSKIN AND THE LAW FIRM OF CULLEN AND DYKMAN, LLC** will not make any reportable contributions pursuant to N.J.S.A. 19:44A-1 commencing January 2, 2024 to any political committee or candidate through the term of this contract; and

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

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. **NEIL YOSKIN AND THE LAW FIRM OF CULLEN AND DYKMAN, LLC** is hereby retained as Special Counsel to provide specialized professional services for potential CAFRA litigation for the period ending December 31, 2024.

2. The Mayor and Borough Clerk are hereby authorized and empowered to enter into a contract with **NEIL YOSKIN AND THE LAW FIRM OF CULLEN AND DYKMAN, LLC** for specialized professional services in the field of litigation for a term of the period indicated above, which contract shall provide for payment at the hourly rate of **two hundred sixty five (\$265.00) dollars per hour and not to exceed \$5,000.00.**

3. 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.

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. Schiff motions, and Mr. Franco seconds that the foregoing resolution be adopted.

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 24-30

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING AWARD OF CONTRACT TO SQUARE 1 DESIGN FOR WEBSITE HOSTING MANAGEMENT AND CONSULTATION AT NTE SUM OF \$6,600 FOR CY 2024

WHEREAS, there exists the need for the “Extraordinary Unspecifiable Services” of Website Hosting Management and Consultation to be retained by the Borough of Wildwood Crest; and

WHEREAS, the Contract is awarded without competitive bidding as a “Extraordinary Unspecifiable Service” under the provisions of the Local Public Contracts Law pursuant to N.J.S.A. 40A:11-5 which states that no local unit shall be required to advertise for bids for services which are of such a qualitative nature as will not reasonably permit the drawing of specifications or the receipt of competitive bids, all of which classification the aforesaid contract falls within; and

WHEREAS, the Commissioners of the Borough of Wildwood Crest concur with the Review Committee’s recommendation awarding the contract to Square 1 Design for the website hosting management and consultation contract as mentioned herein; 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, in the 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. That the contract for the Borough of Wildwood Crest website design and maintenance is hereby awarded to Square 1 Design.
3. 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
4. That the Mayor and Borough Clerk are hereby authorized and empowered to enter into a contract effective immediately through December 31, 2024, with Square 1 Design, who shall be compensated in an amount not to exceed \$6,600.00.
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.

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

Vote: Schiff - YES Franco – ABSTAIN Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 24-31

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING A CONTRACT WITH JAMES M. RUTALA ASSOCIATES, LLC FOR CONSULTING AND APPLICATION SERVICES FOR FUNDING OPPORTUNITIES FOR CY2024 AND 2024 FLOOD PREVENTION APPLICATIONS

WHEREAS, there exists the need for the “Services” of a firm to be retained by the Borough for the performance of Community and Economic Development Services and related duties associated therewith as directed by the authorized representatives of the Borough of Wildwood Crest, all as more specifically set forth in the attached Agreement which is made a part hereof by reference as if fully set forth; and

WHEREAS, JAMES M. RUTALA ASSOCIATES, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that **JAMES M. RUTALA ASSOCIATES, LLC** will not make any reportable contributions pursuant to N.J.S.A. 19:44A-1 commencing January 1, 2024 to any political committee or candidate through the term of this contract. Said term shall expire December 31, 2024; 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, in the County of Cape May, New Jersey, as follows:

1. The above recital paragraphs are incorporated herein as if set forth at length.
2. That the Mayor and Borough Clerk be and they are hereby authorized, instructed, and empowered to execute the attached agreement with **JAMES M. RUTALA ASSOCIATES, LLC**, who shall be compensated by voucher at the agreed upon hourly rates, **not to exceed \$15,000**, contingent upon certification from the Chief Financial Officer as to the availability of funds, and whose rate/fee structure are contained in the aforesaid Agreement and said “Independent Contractor” shall be required to comply with this Resolution, and the attached Agreement. Said **JAMES M. RUTALA ASSOCIATES, LLC** is further required to comply with all other conditions/provisions of law or regulation applicable to a “Contractor,” including but not limited to procuring/maintaining sufficient insurance coverages necessary to fully protect the interests of the Borough in each and every instance relative to performance under this contract.
3. 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.
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. Schiff motions, and Mr. Franco seconds that the foregoing resolution be adopted.

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 24-32

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING AWARD OF CONTRACT TO POGUE SAFETY & HEALTH CONSORTIUM FOR ALCOHOL AND DRUG TRAINING/TESTING FOR CDL OPERATORS FOR CY 2024

WHEREAS by the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, New Jersey, that an agreement with POGUE SAFETY & HEALTH CONSORTIUM is hereby authorized and approved effective immediately and through December 31, 2024, for the express purpose of enabling POGUE SAFETY & HEALTH CONSORTIUM to develop, schedule, and provide alcohol and drug testing services at a total cost of Sixty-Five (\$65.00) Dollars per employee trained, **Not to exceed \$6,000.00, (Pre-employment testing at \$85.00 Per; Post-Accident and Reasonable Suspicion testing at \$300 Per; Return to duty and follow-up testing at \$200.00 per)** as set forth in the Proposal dated December 27, 2023 for all CDL (Commercial Driver's License) operators employed by the Borough of Wildwood Crest; said compliance being required by the federally mandated CDL testing procedures which are made a part hereof by reference as if fully set forth.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and the Municipal Clerk are hereby authorized, instructed, and empowered to execute and attest to any and all documents, including the "Provider Agreement," necessary to effectuate the award of this agreement; all of which is fully approved subject to the certification of availability of funds from the CFO upon submission of individual invoices.

Mr. Schiff motions, and Mr. Franco seconds that the foregoing resolution be adopted.

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 24-33

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH CHRISTOPHER WINTER AS A LAW ENFORCEMENT CONSULTANT SPECIALIZING IN POLICE ACCREDITATION AT THE NTE SUM OF \$5,400 FOR CY2024

WHEREAS, the Borough of Wildwood Crest requires the professional services of a Law Enforcement Consultant specializing in police accreditation; and

WHEREAS, it is desired to employ a professional, pursuant to law, who is duly trained, experienced and specialized in the area of police accreditation; and

WHEREAS, this contract is awarded without competitive bidding in accordance with the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1, et. seq. as an authorized exception to the public bidding as a Professional Services Contract; 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 Borough has determined that **Christopher J. Winter, Sr.** is qualified to perform said work and it is desired to enter a professional contract with him for said services pursuant to law, and to provide for the advertising of a notice pursuant to law; and

WHEREAS, **Christopher J. Winter, Sr.** has completed and submitted a Business Entity Disclosure Certification which certifies that Christopher J. Winter, Sr. will not make any reportable contributions pursuant to N.J.S.A. 19:44A-1 commencing January 1, 2024 to any political committee or candidate through the term of this contract; and

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

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. **Christopher J. Winter, Sr.** is hereby retained as Law Enforcement Consultant to provide specialized professional services in the field of Police Accreditation through December 31, 2023. The said professional services to be received shall be “as directed” by the Borough of Wildwood Crest from time to time.

2. The Mayor and Borough Clerk be and they are hereby authorized and empowered to enter into a contract with **Christopher J. Winter, Sr.**, for specialized professional services in the field of police accreditation for a term of the period indicated above, which contract shall provide for payment at the not to exceed rate of **Five thousand four hundred dollars (\$5,400.00)**.

3. 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.

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. Schiff motions, and Mr. Franco seconds that the foregoing resolution be adopted.

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 24-34

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING AWARD OF CONTRACT FOR CAPE MAY COUNTY OPEN SPACE PROGRAM -CREST ARTS PAVILION SITE IMPROVEMENTS (EXTERIOR)

WHEREAS, a Notice to Bidders was authorized for advertisement by Resolution No. 23-314 on November 21, 2023 for the Borough of Wildwood Crest contract for the **CAPE MAY COUNTY OPEN SPACE PROGRAM- CREST ARTS PAVILION SITE IMPROVEMENTS (EXTERIOR)**; and

WHEREAS, Notice to Bidders was advertised in the *Herald of Cape May County* on December 6, 2023 with receipt of sealed bids on December 28, 2023 at 11:00 a.m.; and

WHEREAS, three sealed bid proposals were received, opened and reviewed on December 28, 2023 by the Bid Opening Committee who reviewed the bid proposal and recommended that the Bid (\$1,288,750.00) for the **CAPE MAY COUNTY OPEN SPACE PROGRAM- CREST ARTS PAVILION SITE IMPROVEMENTS (EXTERIOR)** be awarded to Fred M. Schiavone Construction, Inc. PO Box 416, Malaga, NJ 08328 the lowest responsive bidder; and

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest has reviewed the recommendations made by the Bid Opening Committee as well as the bid tabulation and recommendation, and the opinion letter of the Borough Engineer and Borough Solicitor recommending the award of the Bid (\$1,288,750.00) to Fred M. Schiavone Construction, Inc. PO Box 416, Malaga, NJ 08328; and

WHEREAS, Fred M. Schiavone Construction, Inc. PO Box 416, Malaga, NJ 08328 was lowest responsive bidder and submitted a bid amount (\$1,288,750.00); and

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

Account Number(s) _____ Amount _____ Signature _____

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Borough of Wildwood Crest, 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. **CAPE MAY COUNTY OPEN SPACE PROGRAM- CREST ARTS PAVILION SITE IMPROVEMENTS (EXTERIOR)** is hereby awarded to Fred M. Schiavone Construction, Inc. PO Box 416, Malaga, NJ 08328 the lowest responsive bidder.

3. The award of this contract in the amount of \$1,288,750.00 is contingent upon compliance with the Notice to Bidders; Bid Specifications and Information Packet; 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 certification from the Chief Financial Officer as to the availability of funds.

4. The Mayor and the Borough Clerk are hereby authorized and empowered to enter into a formal contract with Fred M. Schiavone Construction, Inc. PO Box 416, Malaga, NJ 08328 in accordance with this Resolution, Notice to Bidders, Bid Specifications and Information Packet and the submitted bid proposal.

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.

Mr. Schiff motions, and Mr. Franco seconds that the foregoing resolution be adopted.

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 24-35

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING AWARD PROFESSIONAL SERVICES CONTRACT TO THE LOMAX GROUP FOR SPECIALIZED ENGINEERING AND ENVIRONMENTAL CONSULTING SERVICES IN CONJUNCTION WITH GREEN TEAM COMMUNITY FORESTRY CONSULTATION SERVICES AT THE NTE SUM OF \$5,000

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest has determined that there exists the need for specialized engineering and environmental consultation services to be provided to the Borough of Wildwood Crest for the Community Forestry Consultation; and

WHEREAS, the Borough Clerk received a proposal from The Lomax Consulting Group dated December 4, 2023 and that proposal was forwarded to 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 The Lomax Consulting Group and based upon the review criteria, has recommended that the proposal of The Lomax Consulting Group best meets the Borough's needs and that The Lomax Consulting Group has the professional credentials and abilities to perform the services required of the subject contract; 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 of 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, this contract is awarded without competitive bidding in accordance with the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1, et. seq. as an authorized exception to the public bidding as a Professional Services Contract; and

WHEREAS, the Commissioners of the Borough of Wildwood Crest concur with the Review Committee's recommendation to award the contract to The Lomax Consulting Group; 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, in the County of Cape May, New Jersey, as follows:

1. The above recital paragraphs are incorporated herein as if set forth at length.
2. That the contract for the Environmental Consulting Services – for Green Team Community Forestry Consultation Services be awarded to The Lomax Consulting Group.
3. 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.
4. That the Mayor and Borough Clerk are hereby authorized and empowered to enter into a professional services contract effective immediately and not to extend beyond one (1) calendar year, with The Lomax Consulting Group, who shall be compensated pursuant to attached Proposal (TLCG FILE: 24-983.4) which is incorporated herein, at the billable rates set forth therein not to exceed \$5,000.00.
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.

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

Vote: Schiff - YES Franco – ABSTAIN Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 24-36

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING AWARD PROFESSIONAL SERVICES CONTRACT TO THE LOMAX GROUP FOR AS NEEDED ENVIRONMENTAL CONSULTING SERVICES IN CONJUNCTION NJDEP / USACE LAND USE PERMIT APPLICATION SERVICES AT THE NTE SUM OF \$24,152

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest has determined that there exists the need for as needed environmental consultation services to be provided to the Borough of Wildwood Crest for As needed NJDEP/USACE Land Use Permit Application Services; and

WHEREAS, the Borough Clerk received Proposal #24-1070.3 for NJDEP/USACE Land Use Permit Application Services from The Lomax Consulting Group dated December 8, 2023 and said proposal was forwarded to 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 The Lomax Consulting Group and based upon the review criteria, has recommended that the proposal of The Lomax Consulting Group best meets the Borough's needs and that The Lomax Consulting Group has the professional credentials and abilities to perform the services required of the subject contract; 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, this contract is awarded without competitive bidding in accordance with the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1, et. seq. as an authorized exception to the public bidding as a Professional Services Contract; and

WHEREAS, the Commissioners of the Borough of Wildwood Crest concur with the Review Committee's recommendation to award the contract to The Lomax Consulting Group; 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, in the County of Cape May, New Jersey, as follows:

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

2. That the contracts for the NJDEP/USACE Land Use Permit Application Services be awarded to The Lomax Consulting Group.

3. 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.

4. That the Mayor and Borough Clerk are hereby authorized and empowered to enter into a professional services contract effective immediately and not to extend beyond one (1) calendar year, with The Lomax Consulting Group, who shall be compensated pursuant to:

-Proposal for NJDEP/USACE Land Use Permit Application Services, at the billable rates set forth therein not to exceed \$24,152.00

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.

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

Vote: Schiff - YES Franco – ABSTAIN Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 24-37

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING AN ADMINISTRATIVE SERVICES AGREEMENT WITH EMPOWER RETIREMENT, LLC AND AUTHORIZING THE MAYOR TO SIGN THE AGREEMENT

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, New Jersey, previously adopted a Deferred Compensation Plan and Service Agreement provided by Empower Annuity Insurance Company of America (f/k/a Great-West Life & Annuity Insurance Company) for the purposes of:

1. the desire to attract and retain qualified employees;

2. the accrual of tax benefits to eligible employees through participation in a Deferred Compensation Plan as established pursuant to *Section 457* of the *Federal Internal Revenue Code*;

3. the fact that there is no cost to the local governmental unit to adopt and implement a Deferred Compensation Plan; and
4. the implementation of a Deferred Compensation Plan serves the interests of the local governmental unit by enabling it to provide enhanced retirement security to its eligible employees.

WHEREAS, Empower Annuity Insurance Company of America has assigned the provision of services to its wholly owned subsidiary, Empower Retirement, LLC, who will continue to provide the same services under an updated Service Agreement. The previously adopted Deferred Compensation Plan remains in full effect and is not being changed.

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

1. The above recital paragraphs are incorporated herein as if set forth at length.
2. The Mayor and the Municipal Clerk are hereby authorized and empowered to execute and attest any and all documents, including the “Administrative Services Agreement”.
3. That a Notice of Resolution 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 agreement are on file and available for public inspection in the office of the Borough Clerk.
4. The Borough Clerk shall send an original copy of this Resolution to the New Jersey Department of Community Affairs, Division of Local Government Services Deferred Compensation Program, P.O. Box 803, Trenton, NJ 08625-0803.

Mr. Schiff motions, and Mr. Franco seconds that the foregoing resolution be adopted.

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 24-38

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING CONTRACTS WITH CERTAIN APPROVED STATE AND NATIONAL CONTRACT VENDORS FOR CY2024

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 and National Contract vendors; and

WHEREAS, the Borough of Wildwood Crest may enter into contractual agreements with the attached referenced State and National 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 and National 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 and National Contract Vendors shall be from January 2, 2024 and continuing through December 31, 2024 or until the expiration of the referenced vendor’s New Jersey State Contract, whichever shall occur first.

Mr. Schiff motions, and Mr. Franco seconds that the foregoing resolution be adopted.

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 24-39

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING THE WILDWOOD CREST POLICE DEPARTMENT TO PARTICIPATE IN THE DEFENSE LOGISTICS AGENCY, LAW ENFORCEMENT SUPPORT OFFICE, 1033 PROGRAM TO ENABLE THE WILDWOOD CREST POLICE DEPARTMENT TO REQUEST AND ACQUIRE EXCESS DEPARTMENT OF DEFENSE EQUIPMENT

WHEREAS, the United States Congress authorized the Defense Logistics Agency (DLA) Law Enforcement Support Office (LESO) 1033 Program to make use of excess Department of Defense personal property by making that personal property available to municipal, county and State law enforcement agencies (LEAs); and

WHEREAS, DLA rules mandate that all equipment acquired through the 1033 Program remain under the control of the requesting LEA; and

WHEREAS, participation in the 1033 Program allows municipal and county LEAs to obtain property they might not otherwise be able to afford in order to enhance community preparedness, response, and resiliency; and

WHEREAS, although property is provided through the 1033 Program at no cost to municipal and county LEAs, these entities are responsible for the costs associated with delivery, maintenance, fueling, and upkeep of the property, and for specialized training on the operation of any acquired property; and

WHEREAS, N.J.S.A. 40A:5-30.2 requires that the governing body of the municipality or county approve, by a majority of the full membership, both enrollment in, and the acquisition of any property through, the 1033 Program; and

NOW THEREFORE BE IT RESOLVED by the Commissioners of the Borough of Wildwood Crest that the Wildwood Crest Police Department is hereby authorized to enroll in the 1033 Program for no more than a one-year period, with authorization to participate terminating on December 31 of the current calendar year from January 1, 2024 to December 31, 2024.

BE IT FURTHER RESOLVED that the Wildwood Crest Police Department is hereby authorized to acquire items of non-controlled property designated "DEMIL A," which may include office supplies, office furniture, computers, electronic equipment, generators, field packs, non-military vehicles, clothing, traffic and transit signal systems, exercise equipment, farming and moving equipment, storage devices and containers, tools, medical and first aid equipment and supplies, personal protection equipment and supplies, construction materials, lighting supplies, beds and sleeping mats, wet and cold weather equipment and supplies, respirators, binoculars, and any other supplies or equipment of a non-military nature identified by the LEA, if it shall become available in the period of time for which this resolution authorizes, based on the needs of the Wildwood Crest Police Department, without restriction.

BE IT FURTHER RESOLVED that Wildwood Crest Police Department is hereby authorized to acquire the following "DEMIL B through Q" property, if it shall become available in the period of time for which this resolution authorizes: military vehicles [utility trucks, jeeps, MRAPs, HMMWVs (High Mobility Multi-purpose Wheeled Vehicle), 2.5 ton cargo trucks], military watercraft/boats and military equipment based on the needs of the Wildwood Crest Police Department.

BE IT FURTHER RESOLVED that the Chief of Police of the Wildwood Crest Police Department shall develop and implement a full training plan and policy for the maintenance and use of the acquired property.

BE IT FURTHER RESOLVED that the Wildwood Crest Police Department shall provide a quarterly accounting of all property obtained through the 1033 Program which shall be available to the public upon request.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately and shall be valid to authorize requests to acquire "DEMIL A" property and "DEMIL B through Q" property that may be made available through the 1033 Program during the period of time for which this resolution authorizes; with Program participation and all property request authorization terminating on December 31st of the current calendar year from January 1, 2024 to December 31, 2024.

Mr. Schiff motions, and Mr. Franco seconds that the foregoing resolution be adopted.

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 24-40

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING FRANCINE SPRINGER AND ALEXA CAMPILANGO TO CONTINUE AS CUSTODIANS OF PETTY CASH FOR THE WILDWOOD CREST ADMINISTRATIVE OFFICES AT THE NTE SUM OF \$250.00

WHEREAS, on January 4, 2023, via Resolution No. 23-12, Francine B. Springer (Chief Financial Officer) and Alexa Campilango (Accountant) were designated as Custodians of Petty Cash for the Wildwood Crest Administrative Offices; and

WHEREAS, it is the desire of the Board of Commissioners of the Borough of Wildwood Crest to have Francine B. Springer and Alexa Campilango serve as Custodians of Petty Cash; and

WHEREAS, Francine B. Springer is bonded in the amount of \$1,000,000.00 by virtue of a surety bond.

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, hereby authorizes that Francine B. Springer and Alexa Campilango continue to serve as Custodians of petty cash for the Administrative offices of the Borough of Wildwood Crest at the not to exceed sum of \$250.00 and directs that two copies of this resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

Mr. Schiff motions, and Mr. Franco seconds that the foregoing resolution be adopted.

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 24-41

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING ROBERT LLOYD TO CONTINUE AS CUSTODIAN OF PETTY CASH FOR THE WILDWOOD CREST POLICE DEPARTMENT AT THE NTE SUM OF \$200.00

WHEREAS, on January 4, 2023, via Resolution No. 23-13, Robert Lloyd was designated as Custodian of Petty Cash for the Wildwood Crest Police Department; and

WHEREAS, it is the desire of the Board of Commissioners of the Borough of Wildwood Crest to have Chief Robert Lloyd continue to serve as Custodian of Petty Cash for the Wildwood Crest Police Department Petty Cash fund at the NTE sum of \$200.00.

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, hereby authorizes that Robert Lloyd continue to serve as Custodian of petty cash for the Wildwood Crest Police Department at the not to exceed sum of \$200.00 and directs that two copies of this resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

Mr. Schiff motions, and Mr. Franco seconds that the foregoing resolution be adopted.

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 24-42

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING CANCELLATION AND REFUND OF TAXES FOR TOTALLY DISABLED VETERAN

WHEREAS, the below listed parcel was granted a 50% Totally Disabled Veteran Exemption on December 14, 2023; and

WHEREAS, the homeowner became eligible for a Totally Disabled Veteran Exemption on April 28, 2023; and

WHEREAS, the property has been granted a 50% exemption from taxes prorated for 242 days, and said exemption has resulted in an overpayment:

Block /Lot	Name	Amount
56.01 / 19	Bastecki, Joseph 212 East Fern Road 50% Totally Disabled Veteran Exemption granted as of April 28, 2023. Refund tax overpayment to homeowner	\$1,882.43

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Commissioners of the Borough of Wildwood Crest, County of Cape May, State of New Jersey, the Chief Financial Officer is hereby authorized to execute said refund as soon as practicable and the Tax Collector should mark the records accordingly to reflect said refund as per the meeting on January 2, 2024.

Mr. Schiff motions, and Mr. Franco seconds that the foregoing resolution be adopted.

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 24-43

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING A LICENSING AGREEMENT BETWEEN BOROUGH OF WILDWOOD CREST AND THE GREATER WILDWOOD LITTLE LEAGUE FOR USE OF HIGBEE'S FIELD AND MOREY'S FIELD FOR BOTH BASEBALL AND SOFTBALL FOR THE 2024 SEASON

WHEREAS, the Greater Wildwood Little League has requested the use of Higbee's Field, located at 6001 Atlantic Avenue, and Morey's Field, located at 6001 Ocean Avenue, for both baseball practice and/or games and softball practice and/or games for the 2024 season; and

WHEREAS, the Greater Wildwood Little League desires to enter into a license agreement to use both fields and the Board of Commissioners does herewith agree to enter into a licensing agreement with the Greater Wildwood Little League for a license for the right to use the Licensed Property known as the Higbee's Field and Morey's Field.

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

1. That the recital paragraphs set forth above are incorporated herein as if set forth at length.
2. That a license for the right to use the Licensed Property known as the Higbee's Field and Morey's Field in the Borough of Wildwood Crest is hereby granted to Greater Wildwood Little League for the period commencing March 1, 2024 and ending September 30, 2024. The specific days and hours of permitted use, and all other conditions including the responsibilities of both Wildwood Crest Public Works and Greater Wildwood Little League, which shall affect, change or modify this license shall be contained in said License Agreement as Schedule "A", a copy of which is attached hereto and made a part hereof.
3. The Mayor and the Borough Clerk be and they are hereby authorized and directed to execute and attest said license agreement on behalf of the Borough.

Mr. Schiff motions, and Mr. Franco seconds that the foregoing resolution be adopted.

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 24-44

A RESOLUTION AUTHORIZING A SHARED SERVICES AGREEMENT BY AND BETWEEN THE TOWNSHIP OF LOWER AND THE BOROUGH OF WILDWOOD CREST FOR A SHARED MUNICIPAL COURT

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, *et. seq.*, authorizes local units of this state to enter into agreements with any other local unit or units in order to provide or receive any service that each local unity participating in the agreement is empowered to provide or receive within its own jurisdiction; and

WHEREAS, N.J.S.A. 2B:12-1(c) allows two or more municipalities, by ordinance or resolution, to agree to provide jointly for courtrooms, chambers, equipment, supplies and employees for their municipal courts and agree to appoint judges and administrators without establishing a joint municipal court; and

WHEREAS, the Borough of Wildwood Crest has expressed a willingness to enter into a Shared Agreement with the Township of Lower in order for the Township to provide all of the usual and ordinary services of a Municipal Court for the Borough; and

WHEREAS, the Township has expressed a willingness to enter into a Shared Service with the Borough in order to provide the Borough with all of the usual and ordinary services of a Municipal Court through the existing Lower Township Municipal Court; and

WHEREAS, in the spirit of interlocal cooperation, and in furtherance of the principles underlying the Act, the Township and the Borough have negotiated an Agreement and deem it necessary and proper to memorialize these terms, as set forth below, in order to outline their respective rights and responsibilities for the benefit of both parties; and

WHEREAS, this Shared Services Agreement has been authorized by duly adopted Ordinances by the parties' respective governing bodies, more specifically Township Ordinance No. _____ and Borough Ordinance No. 1416.

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

1. All of the statements of the preamble are repeated and are incorporated herein by this reference thereto as though the same were set forth at length.

2. On behalf of the Borough of Wildwood Crest, the Mayor and the Borough Clerk be and they hereby are authorized to execute the Shared Services Agreement with the Township of Lower that is annexed hereto as Exhibit "A" and do hereby adopt and endorse the following agreement to outline their rights and responsibilities in order for the Township to provide the Borough with all of the usual and ordinary services of a Municipal Court through the existing Township of Lower Municipal Court.

Mr. Schiff motions, and Mr. Franco seconds that the foregoing resolution be adopted.

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 24-45

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING APPROVAL OF CHANGE ORDER NO. 3 – JOSEPH VON SAVAGE MEMORIAL POOL – POOL AND ROOF IMPROVEMENTS - TO REFLECT ADDITIONAL WORK TO FURNISH AND INSTALL DEPTH MARKERS- AT THE NTE SUM OF \$4,430.65

WHEREAS, Capri Construction Company, 4266 Post Road, Vineland, New Jersey 08360 was awarded the contract known as JOSEPH VON SAVAGE MEMORIAL POOL – POOL AND ROOF IMPROVEMENTS- via Resolution No. 23-108 on March 22, 2023 for \$1,267,500.00; and

WHEREAS, the Board of Commissioners authorized Borough Change Order No 1 – JOSEPH VON SAVAGE MEMORIAL POOL – POOL AND ROOF IMPROVEMENTS - TO REFLECT ADDITIONAL CONCRETE DEMOLITION AND REINFORCEMENT AT VARIOUS LOCATIONS with an increase amount of \$49,879.47 all of which is detailed in the attachment to the Change Order and revising the Contract Price to \$1,317,379.47 via Resolution No. 23-277 on October 4, 2023; and

WHEREAS, the Board of Commissioners authorized Borough Change Order No 2 – JOSEPH VON SAVAGE MEMORIAL POOL – POOL AND ROOF IMPROVEMENTS - TO REFLECT ADDITIONAL WORK TO REMOVE AND REPLACE EXISTING POOL GRATING AND INSTALLATION OF TRELLIS AND FLAG POLE AT PRESTON PARK with an increase amount of \$75,863.67 all of which is detailed in the attachment to the Change Order and revising the Contract Price to \$1,393,243.14 via Resolution No. 23-300 on November 1, 2023; and

WHEREAS, Borough Engineer Marc DeBlasio of DeBlasio & Associates has reviewed the request for additional work to FURNISH AND INSTALL DEPTH MARKERS with an increase amount of \$4,430.65 of which is detailed in the attachment to the Change Order and revising the Amended Contract Price to \$1,397,673.79; and

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

Account Number: _____ Amount: \$4,430.65 Signature: _____

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

1. That the above recital paragraphs are incorporated herein by reference as if set forth at length.
2. That said Change Order Number 3- increasing the total contract amount by \$4,430.65 and revising the Amended contract price to \$1,397,673.79 is hereby approved.
3. 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.

Mr. Schiff motions, and Mr. Franco seconds that the foregoing resolution be adopted.

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 24-46

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING ADVERTISEMENT OF A REQUEST FOR PROPOSAL (RFP) NOTICE TO BIDDERS FOR LEAD BASED PAINT INSPECTION CONCESSION SERVICES

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, Cape May County, New Jersey, that the Borough Clerk is hereby authorized to advertise a Notice to Bidders for a Request for Proposal in *The Herald of Cape May County* on January 10, 2024.

BE IT FURTHER RESOLVED that the plan and design as set forth in the Specifications on file in the Borough for the LEAD BASED PAINT INSPECTION CONCESSION SERVICES is hereby approved.

BE IT FURTHER RESOLVED Sealed bids will be received by the Bid Opening Committee in the Commissioners Meeting Room, Wildwood Crest Borough Hall, on **Thursday, February 1, 2024 at 10:00am**,

prevailing time, for furnishing the items hereinafter set forth in accordance with the Specifications on file in the Borough Hall. Said items are as follows:

LEAD BASED PAINT INSPECTION CONCESSION SERVICES

Mr. Schiff motions, and Mr. Franco seconds that the foregoing resolution be adopted.

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 24-47

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING ADVERTISEMENT OF A NOTICE TO BIDDERS FOR BEACH STREET END PUBLIC ACCESS IMPROVEMENTS – PHASE 3

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, Cape May County, New Jersey, that the Borough Clerk is hereby authorized to advertise a Notice to Bidders in *The Herald of Cape May County* on January 10, 2024.

BE IT FURTHER RESOLVED that the plan and design as set forth in the Specifications on file in the Borough for the **BEACH STREET END PUBLIC ACCESS IMPROVEMENTS – PHASE 3** is hereby approved.

BE IT FURTHER RESOLVED that sealed bids will be received by the Bid Opening Committee in the Commissioners Meeting Room, Wildwood Crest Borough Hall, on **Wednesday, January 31, 2024 at 10:00 am**, prevailing time, for furnishing the items hereinafter set forth in accordance with the Specifications on file in the Borough Hall. Said items are as follows:

BEACH STREET END PUBLIC ACCESS IMPROVEMENTS – PHASE 3

Mr. Schiff motions, and Mr. Franco seconds that the foregoing resolution be adopted.

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 24-48

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING AN INTRA-COUNTY MUTUAL AID AND ASSISTANCE AGREEMENT BETWEEN THE COUNTY OF CAPE MAY AND THE BOROUGH OF WILDWOOD CREST

THIS AGREEMENT is made on this 2nd day of January, 2024, by and between the County of Cape May (“County”) and Municipalities located within Cape May County, which includes, but is not limited to, the various departments, agencies, districts, and entities within the County and Municipalities, such as law enforcement, public works, Community Emergency Response Teams (CERT), Medical Reserve Corps (MRC), construction officials, Emergency Medical Services (“EMS”), fire departments, volunteer fire companies and/or EMS organizations or fire districts. The County, Municipalities, and the various departments, agencies, districts, and entities are singularly referred to as a “Participating Entity” and collectively as “Participating Entities.” For purposes of this Agreement, a Requesting Entity is a Participating Entity that requests assistance pursuant to the Agreement. A Providing Entity is a Participating Entity that provides response assistance or resource support pursuant to the Agreement.

WHEREAS, the President of the United States, in Homeland Security Presidential Directive 5 (“HSPD-5” or the “Presidential Directive”), directed the Secretary of the Department of Homeland Security (“DHS”) to develop and administer a National Incident Management System (“NIMS”), which would provide a consistent nationwide approach to Federal, State, local¹ and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity; and

WHEREAS, then-Acting Governor Richard J. Codey, in his Executive Order No. 50, dated August 5, 2005 (the “Executive Order”), implemented NIMS as the state standard for incident management and directed its use for all emergency incidents in the State of New Jersey; and

¹ As defined in the Homeland Security Act of 2002, Section 2(10), the term “local government” includes:

- (A) a county, municipality, city, town, township, local public authority, school district, special district, intrastate district, council of governments ... regional or interstate government entity, or agency or instrumentality of a local government;
- (B) an Indian tribe or authorized tribal organization, or in Alaska a Native village or Alaska Regional Native Corporation; and
- (C) a rural community, unincorporated town or village, or other public entity.

WHEREAS, “The New Jersey Civilian Defense and Disaster Control Act”, N.J.S.A. App. A:9-30 et seq. (the “Disaster Control Act”), provides for the health, safety and welfare of the people of the State of New Jersey during any emergency by centralizing control of all civilian activities having to do with such emergency in the Governor, who shall have authority over the resources of each and every political subdivision of the State to cope with any condition that shall arise out of such emergency; and

WHEREAS, in addition to the Disaster Control Act, the “Fire Service Resource Emergency Deployment Act,” N.J.S.A. 52:14E-11 et seq. (the “Fire Service Act”) establishing a mechanism for the coordination of fire service resources throughout the State to facilitate a quick and efficient response to any emergency incident or situation that requires the immediate deployment of those resources in order to protect life and property from the danger or destruction of fire, explosion or other disaster; and

WHEREAS, the Director of the Division of Fire Safety in the Department of Community Affairs promulgated rules commonly referred to as the “Fire Service Resource Emergency Deployment Regulations” N.J.A.C. 5:75A-1.1 et seq. (the “Fire Service Regulations”), and N.J.A.C. 5:75A-2.2 specifically requires each municipality or fire district to adopt a local fire mutual aid plan; and

WHEREAS, an emergency responder is defined as anyone employed by, contracted to provided services to, or otherwise affiliated with the Participating Entities and possessing special skills, qualifications, training, knowledge, and experience beneficial to the mitigation of disaster situations. An emergency responder includes, but is not limited to, the following: law enforcement officers, fire fighters, emergency medical services personnel, physicians, nurses, or other public health officials, emergency management personnel, public works personnel, those persons with specialized equipment operations skills or training or any other skills needed to provide aid in a declared emergency; and

WHEREAS, the Participating Entities recognize the benefits of entering into the Agreement for mutual aid and assistance with each other to protect against loss, damage or destruction by fire, catastrophe or other extraordinary devastation, civil unrest, major emergency, major criminal acts, acts of terrorism, and/or natural and man-made disasters or catastrophes which threaten or affect life, property and environment (the “Emergency Situations”) and to address those situations when additional aid and assistance is needed to protect the best interests of the persons and property in each individual jurisdiction.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, in the County of Cape May, New Jersey, do hereby authorize the Intra-County Mutual Aid and Assistance Agreement between the County of Cape May and the Borough of Wildwood Crest.

Mr. Schiff motions, and Mr. Franco seconds that the foregoing resolution be adopted.

Vote: Schiff - Franco – Cabrera – YES

BILLS: NO BILL LIST.

CORRESPONDENCE: N/A

PUBLIC COMMENTARY:

NEW BUSINESS: N/A

OLD BUSINESS:

- Concession agreement hotel zone / beach chairs- On Hold.
- Potential Swim / Run Event -TDC has their next meeting on 1-10-24 and possible resolution may be needed.
- Traffic Calming – N/A
- Back Beach Excavation: On Hold.
- Dredging: The Administrator covered in her report.
- NJ Avenue infrastructure pre-county: On Hold.
- PW roof: On Hold pending review of Crest Pier roof, Public Works roof and Pool roof with quotes; waiting on Czar Engineering.
- Bayside outfalls and capacity / bulkhead repairs / replacement: There is an internal capital meeting next week for funding sources.
- Washington / Seaview – beach outfalls and capacity: Waiting on grant application outcome.

PUBLIC COMMENTARY:

Commissioner Comments:

Mr. Schiff – Thanked those that participated in the Boardwalk Basketball Classic and mentioned the Mayor for guest announcing, our Borough Engineer, Mr. Chuck James and Brian Cunniff to name a few.

Mr. Franco – Happy New Year to the taxpayers.

Mayor Cabrera – Borough Hall hours are now in effect from 8:30 a.m. to 4:00 p.m. Happy New Year to the staff, residents and vacationers.

After hearing nothing further from the public, Mr. Schiff motioned and Mr. Franco seconded that the meeting be adjourned. All were in favor. The time was 9:46 a.m.

Dated: January 24, 2024

Patricia A. Feketics, Borough Clerk

