

Note: Complete Meeting Appears  
On Borough of Wildwood Crest Facebook page by date  
And on disc by date

November 5, 2020

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

The meeting of the Board of Commissioners, Borough of Wildwood Crest, Cape May County, New Jersey, was held in the Municipal Court Room at 9:30 a.m. On roll call the following answered to their names:

Gould - Thompson - Cabrera - YES

Mr. Cabrera read the following statement: In compliance with the Open Public Meeting Act, Chapter 231, P.L. 1975, the notice requirements have been satisfied as to the time, place and date of holding said meeting by posting **NOTICE OF CHANGE OF DATE** on the bulletin board in the Borough Hall and by e-mailing and same to the Gazette-Leader, Herald of Cape May County and The Press on October 9, 2020.

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

Mr. Cabrera noted that this meeting was now partially open to the public in accordance with Executive Order No. 173, Section 3, "Legislative Proceedings of state, county, or local government are not subject to the capacity limits on gatherings in this or any other applicable Executive Order." In accordance, there is a cap of 150 people. He thanked those for tuning in via the Borough's Facebook page. He reminded those tuning in that you could also listen in and provide commentary by dialing in 234-203-2766 and using passcode 786394836#. Again, he said that public commentary is available by calling in the number. When the public portion opens, you will be able to provide your name and comment. A response will be given right away.

For the record, there is a maximum number (24) of people allowed in the COURT ROOM and there were a total of 16 people in attendance at the start of the meeting.

Mrs. Gould motions, Mr. Thompson seconds that Ordinance No. 1336 be placed on second reading and final passage by title only.

Vote: Gould - Thompson - Cabrera - YES

THE CLERK READS THE ORDINANCE BY TITLE:

**ORDINANCE NO. 1336**  
**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 32A**  
**-ENTITLED FEES, SECTION 32A-1, FEES, GENERAL, OF THE CODE**  
**OF THE BOROUGH OF WILDWOOD CREST TO PROVIDE FOR**  
**BEACH BOX RENTAL FEES**

Mrs. Gould motions, Mr. Thompson seconds that a public hearing now be held on Ordinance No. 1336.

Vote: Gould - Thompson - Cabrera - YES

After hearing nothing from the public, Mrs. Gould motions, Mr. Thompson seconds that the public hearing on Ordinance No. 1336 now be closed.

Vote: Gould - Thompson - Cabrera - YES

Mrs. Gould motions, Mr. Thompson seconds that Ordinance No. 1336 be passed on second and final reading and advertised according to law.

Vote: Gould - Thompson - Cabrera - YES

Mrs. Gould motions, Mr. Thompson seconds that Ordinance No. 1337 be placed on second reading and final passage by title only.

Vote: Gould - Thompson - Cabrera - YES

THE CLERK READS THE ORDINANCE BY TITLE:

**ORDINANCE NO. 1337**

**ORDINANCE AMENDING AND SUPPLEMENTING  
CHAPTER 35, FIRE PREVENTION TO REGULATE  
OUTDOOR FIRES IN THE BOROUGH OF WILDWOOD  
CREST**

Mrs. Gould motions, Mr. Thompson seconds that a public hearing now be held on Ordinance No. 1337.

Vote: Gould - Thompson – Cabrera – YES

After hearing nothing from the public, Mrs. Gould motions, Mr. Thompson seconds that the public hearing on Ordinance No. 1337 now be closed.

Vote: Gould - Thompson – Cabrera – YES

Mrs. Gould motions, Mr. Thompson seconds that Ordinance No. 1337 be passed on second and final reading and advertised according to law.

Vote: Gould - Thompson – Cabrera – YES

THE CLERK READS THE ORDINANCE BY TITLE:

**ORDINANCE NO. 1338**

**BOND ORDINANCE PROVIDING FOR THE  
ACQUISITION OF NEW RADIOS FOR USE BY THE  
VOLUNTEER FIRE COMPANY OF THE BOROUGH OF  
WILDWOOD CREST, IN THE COUNTY OF CAPE MAY,  
NEW JERSEY, APPROPRIATING \$250,000 THEREFOR  
AND AUTHORIZING THE ISSUANCE OF \$237,500 BONDS  
OR NOTES OF THE BOROUGH FOR FINANCING SUCH  
APPROPRIATION.**

Mrs. Gould motions, Mr. Thompson seconds that Ordinance No. 1338 be passed on first reading, advertised according to law, be brought up for second and final reading and public hearing on November 18, 2020 at 5:30 p.m.

Vote: Gould - YES Thompson – ABSTAIN Cabrera – YES

THE CLERK READS THE ORDINANCE BY TITLE:

**ORDINANCE NO. 1339**

**ORDINANCE AMENDING AND SUPPLEMENTING  
CHAPTER 21, CLAIMS PROCEDURE OF THE CODE OF  
THE BOROUGH OF WILDWOOD CREST PERMITTING  
THE USE OF PROCUREMENT CARDS**

Mrs. Gould motions, Mr. Thompson seconds that Ordinance No. 1339 be passed on first reading, advertised according to law, be brought up for second and final reading and public hearing on November 18, 2020 at 5:30 p.m.

Vote: Gould - Thompson – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

**RESOLUTION NO. 2020-305**

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF  
WILDWOOD CREST AUTHORIZING INCREASE OF EUS CONTRACT IN THE  
AMOUNT OF \$15,000.00 TO CONTEMPORARY TECHNOLOGY FOR NETWORK  
SUPPORT/INFORMATION TECHNOLOGY SPECIALIST FOR THE CY2020.**

**WHEREAS**, the Board of Commissioners of the Borough of Wildwood Crest awarded a contract, via Resolution No. 2020-20 adopted January 7, 2020, to CONTEMPORARY TECHNOLOGY, for network support/information technology specialist for CY2020 contract at the NTE sum of \$58,000.00; and

**WHEREAS**, it is the desire of the Board of Commissioners of the Borough of Wildwood Crest to increase the amount of the contract by \$15,000.00; and

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

Account Number(s)	Amount	Signature
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**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. That the recital paragraphs set forth above are incorporated herein as if set forth at length.
2. That the terms and conditions of the contract between the Borough of Wildwood Crest and CONTEMPORARY TECHNOLOGY, authorized by Resolution No. 2020-20 adopted January 7, 2020 shall remain in full force and effect, with the sole exception that the amount of the contract shall be increased to a total sum not to exceed \$73,000.00 all of which is contingent upon certification from the Chief Financial Officer as to the availability of funds.
3. 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.

Mrs. Gould motions, Mr. Thompson seconds that the foregoing resolution be adopted.  
 Vote: Gould - Thompson - Cabrera - YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

**RESOLUTION NO. 2020-306  
 RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF  
 WILDWOOD CREST AUTHORIZING CERTAIN APPROPRIATION TRANSFERS**

**WHEREAS**, N.J.S.A. 40A:4-58 permits transfers between budget appropriations during the final two (2) months of the fiscal year;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, New Jersey, that transfers between 2020 budget appropriations be and the same are hereby authorized as follows:

<b>Appropriation Title</b>		
FROM:	Group Insurance – Other Expenses	\$ 150,000.00
	Public Works – Other Expenses	\$ 10,000.00
	Recycling – Salary and Wages	\$ 10,000.00
	<b>TOTAL</b>	<b><u>\$ 170,000.00</u></b>
TO:	Cape May County MUA – Other Expenses	\$ 20,000.00
	Communications – Other Expenses	\$ 15,000.00
	Information Technology – Other Expenses	\$ 15,000.00
	Fleet Maintenance – Other Expenses	\$ 20,000.00
	Parks and Playgrounds – Other Expenses	\$ 100,000.00
	<b>TOTAL</b>	<b><u>\$ 170,000.00</u></b>

Mrs. Gould motions, Mr. Thompson seconds that the foregoing resolution be adopted.  
 Vote: Gould - Thompson - Cabrera - YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

**RESOLUTION NO. 2020-307  
 RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF  
 WILDWOOD CREST AUTHORIZING DONATION OF SAVIN PHOTOCOPIER FROM  
 THE BOROUGH OF WILDWOOD CREST TO THE WILDWOOD CREST VOLUNTEER  
 FIRE COMPANY #1**

**WHEREAS**, N.J.S.A. 40A:11-36 pertains to the sale or other disposition of personal property by municipalities; and

**WHEREAS**, Section (2) of the aforesaid statute provides that “the contracting unit need not advertise for bids when it makes any such sale to the United States, the State of New Jersey, another contracting unit or to any body politic to which it contributes tax raised funds;” and

**WHEREAS**, the Borough of Wildwood Crest has determined that an existing photocopier in its possession is of little or no value to said Borough and, consequently, desires to donate the photocopier, (SAVIN MPC2003 – Serial # E20412300196) to the Wildwood Crest Volunteer Fire Company #1 at no charge; and

**NAME OF DONOR**

**ITEM**

Borough of Wildwood Crest

SAVIN MPC2003 - Serial # E20412300196

**WHEREAS**, the terms or conditions of the donation (s), if any, are as follows:

**DONATION NUMBER/ITEM**

**TERMS OR CONDITIONS**

SAVIN MPC2003 - Serial # E20412300196

*None*

**WHEREAS**, the Borough of Wildwood Crest has satisfactorily met the conditions prescribed and required by the aforementioned Section (2) of N.J.S.A. 40A:11-36, thus enabling a **donation** to be authorized with the **Wildwood Crest Volunteer Fire Company# 1** for the **photocopier** described hereinabove.

**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 allegations of the preamble hereto are incorporated herein as if fully set forth.
2. That in accordance with the provisions of N.J.S.A. 40A:11-36, ownership of one (1) SAVIN MPC2003 – Serial # E20412300196, presently in the possession of the Borough of Wildwood Crest, be and the same is hereby authorized to be donated to the Wildwood Crest Volunteer Fire Company #1 at no charge.
3. That the appropriate officials of the Borough of Wildwood Crest be and they are hereby authorized, empowered, and directed to execute any and all required documents necessary to conclude the donation of the SAVIN MPC2003 – Serial # E20412300196 photocopier.

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

Vote: Gould - YES          Thompson - ABSTAIN          Cabrera - YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

**RESOLUTION NO. 2020-308**

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING THE CANCELATION OF TRUST ACCOUNT BALANCES**

**WHEREAS**, the Borough of Wildwood Crest has monies held in certain trust accounts that was previously paid from Current Fund Appropriations and not properly applied to the trust account balances from several years ago; and

**WHEREAS**, the Chief Financial Officer of the Borough of Wildwood Crest has reviewed these dormant accounts and recommends that the funds be transferred to the Current fund to offset expenditures in previous years; and

**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 following Trust accounts reserves are hereby authorized to be canceled to fund balance in the Current Fund:

Reserve for Planning and Zoning Escrow	\$ 93,438.05
Reserve for Street Paving	\$ 59,087.80
Total	\$152,525.85

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

Vote: Gould - Thompson - Cabrera - YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

**RESOLUTION NO. 2020-309**

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST ESTABLISHING THE PROCUREMENT CARD POLICIES AND PROCEDURES**

**WHEREAS**, the Borough of Wildwood Crest is a participating agency under the State of New Jersey, Division of Purchase and Property, Local Public Contract Law 40A:11-12A; and

**WHEREAS**, the Borough of Wildwood Crest has authorized Resolution 250-19, an agreement for Procurement Card Services under State Contract #84675, FIA Card Services, Bank of America; and

**WHEREAS**, the Borough desires to establish the Policies and Procedures for using the Procurement Card as required and are herein attached "Attachment A"; and

**WHEREAS**, the Borough wishes to appoint James Craft, Qualified Purchasing Agent, as the Program Manager of the Procurement Card Program and Francine Springer, Chief Financial Officer, as responsible for the reconciliation of activity and posting of the same; and

**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 Procurement Card Policies and Procedures be established as attached and the management of the Procurement Card fall under the direction of the Chief Financial Officer and the Purchasing Agent.

Mrs. Gould motions, Mr. Thompson seconds that the foregoing resolution be adopted.  
Vote: Gould - Thompson - Cabrera - YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 2020-310  
**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AMENDING THE 2020 CAPITAL BUDGET**

**WHEREAS**, the local capital budget for the year 2020 was adopted on the 25<sup>th</sup> day of March, 2020; and

**WHEREAS**, it is desired to amend said adopted capital budget section;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, New Jersey, that the following amendments to the capital budget of 2020 be made:

						ABSTAIN	}
RECORDED							
VOTE	AYES	{	Gould Thompson Cabrera	NAYS	{		
						ABSENT	{

**BE IT FURTHER RESOLVED**, that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services.

Mrs. Gould motions, Mr. Thompson seconds that the foregoing resolution be adopted.  
Vote: Gould - Thompson - Cabrera - YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 2020-311  
**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING ADVERTISEMENT OF A REQUEST FOR PROPOSAL (RFP) NOTICE TO BIDDERS FOR AUTHORIZED ON-SITE INSPECTIONS AND PLAN REVIEW AGENCIES FOR THE FOLLOWING SUB-CODES: PLUMBING, ELECTRICAL, FIRE PROTECTION AND BUILDING (ONE (1) YEAR CONTRACT WITH 2 ONE (1) YEAR OPTIONS)**

**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 November 11, 2020.

**BE IT FURTHER RESOLVED** that the plan and design as set forth in the Specifications on file in the Borough for the AUTHORIZED ON-SITE INSPECTIONS AND PLAN REVIEW AGENCIES FOR THE FOLLOWING SUB-CODES: PLUMBING, ELECTRICAL, FIRE PROTECTION AND BUILDING (ONE (1) YEAR CONTRACT WITH 2 ONE (1) YEAR OPTIONS) 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 **Wednesday December 2, 2020 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:

**AUTHORIZED ON-SITE INSPECTIONS AND PLAN REVIEW AGENCIES FOR THE FOLLOWING SUB-CODES: PLUMBING, ELECTRICAL, FIRE PROTECTION AND BUILDING (ONE (1) YEAR CONTRACT WITH 2 ONE (1) YEAR OPTIONS)**

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

Vote: Gould - Thompson - Cabrera - YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

**RESOLUTION NO. 2020-312**

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING A REIMBURSEMENT AGREEMENT WITH BOROUGH MECHANICS FOR USE OF PERSONAL TOOLS**

**WHEREAS**, the Board of Commissioners of the Borough of Wildwood Crest, recognizes that Borough Mechanics (“Employees”) employed in the Department of Public Works utilize personal tools in the performance of their daily duties; and

**WHEREAS**, the Commissioners desire to execute a “Reimbursement Agreement” to compensate said Employees of the Borough for the use of their personal tools;

**BE IT RESOLVED**, by the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, State of New Jersey, that the Mayor and the Borough Clerk be and they are hereby authorized and instructed to execute the attached “Reimbursement Agreement” .

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

Vote: Gould - Thompson - Cabrera - YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

**RESOLUTION NO. 2020-313**

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST ENDORSING THE BOROUGH OF WILDWOOD CREST’S COVID-SAFE COMMUNITY PLEDGE**

**WHEREAS**, the Borough of Wildwood Crest offers this COVID-Safe Community Pledge as a proposal to the people, institutions, businesses, and visitors to Wildwood Crest to encourage shared community awareness and actions to protect each other; and

**WHEREAS**, the Board of Commissioners of the Borough of Wildwood Crest recognizes that employees, residents and visitors are doing a great job at wearing masks, congregating outside rather than inside, keeping their distance from each other, maintaining personal hygiene (handwashing) and staying home if sick; and

**WHEREAS**, the Board of Commissioners hopes that a community effort around The Pledge will increase and/or reestablish the awareness that we are all in this together; and

**WHEREAS**, with the rising numbers of cases, it is vital that we work together as a community and each do EVERYTHING we can to prevent the spread; and

**WHEREAS**, the Board of Commissioners affirm the following COVID-Safe Community Pledge:

We Pledge to:

- Value the health of others as well as our own health as we go about our essential activities, such as necessary healthcare, schooling, work and local business. In this way, these activities can be AS SAFE AS POSSIBLE FOR EVERYONE until there is a safe, effective and available vaccine to prevent infection, disease or serious outcomes of disease.
- Remain aware of the risk involved in the activities we engage in and understand that the risks we take do not only affect ourselves, but affect our family, friends, teachers, businesses and other members of our community.
- Follow- with support from the Borough and institutions and individuals within – to the best of our ability national, state and local public health guidance related to COVID-19.
- If necessary, quarantine if exposed, or if returning from travel in an area with high levels of the virus as designated by the State of New Jersey.
- Staying home- isolating- if we become ill with signs and symptoms consistent with COVID-19, or while waiting for a COVID test result until cleared to go out.
- Getting tested if having signs and symptoms consistent with COVID OR having been in close contact with someone with COVID.
- Wearing a mask/face-covering over both nose and mouth AT ALL TIMES when out and may be within 6 feet of others who are not members of our household.

- Practice social distancing at all times when outside of our homes.
- Cooperating honestly and openly with contact tracing to protect the health and safety of others in the community.
- Being respectful of others in our community and committing to COVID-safe etiquette in the community.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, New Jersey, does hereby endorse the above referenced pledge knowing that these actions, if committed to and followed by the large majority of our community, will have a measurable effect on battling COVID-19.

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

Vote: Gould - Thompson - Cabrera - YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

**RESOLUTION NO. 2020-314**

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING REFUND OF PROPERTY TAXES OR UTILITIES OVERPAYMENT IN THE AMOUNT OF \$1,370.92 FOR PROPERTY LOCATED AT 132 W MORNING GLORY ROAD MADE PAYABLE TO DEBORAH BARR**

**WHEREAS**, the Tax Collector of the Borough of Wildwood Crest collected from the property owner or it's designee an excess amount on 2020 property taxes and/or utility payments; and

**WHEREAS**, an overpayment was created for the reason listed above, and

**WHEREAS**, the Tax Collector of the Borough of Wildwood Crest has determined the said overpayment should be refunded accordingly as indicated below.

8-40-C0132	Barr, Deborah Lynn	<b>Amount</b>
2020 Taxes	132 W Morning Glory Rd	\$1,370.92
	Homeowner made direct debit payment	
	After home had sold	
	4 <sup>th</sup> quarter taxes	
	Refund overpayment to Deborah Barr	
	129 N Valley Forge Rd.	
	Devon, PA 19333	

**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 November 5, 2020

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

Vote: Gould - Thompson - Cabrera - YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

**RESOLUTION NO. 2020-315**

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING AWARD OF PROFESSIONAL SERVICES CONTRACT WITH JAMES RUTALA ASSOCIATES, LLC FOR PLANNING CONSULTANT SERVICES TO APPLY FOR GRANT FUNDING THROUGH THE FLOOD MITIGATION ASSISTANCE (FMA) PROGRAM AND TO EXECUTE AGREEMENT WITH THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) AT THE NTE SUM OF \$5,000**

**WHEREAS**, there exists the need for "Professional Services" for Professional Planning Services to apply for Grant Funding through the Flood Mitigation Assistance (FMA) Program and to execute agreement with the Federal Emergency Management Agency on behalf 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**, James Rutala Associates, LLC is experienced and capable of providing the necessary planning consultant services needed by 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 November 4, 2021, James Rutala Associates, LLC, who shall be compensated pursuant to attached proposal dated November 4, 2020, but in no case shall the compensation exceed Five Thousand (\$5,000.00) 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.

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

Vote: Gould - Thompson - Cabrera - YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 2020-316

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING TO APPLY FOR GRANT FUNDING THROUGH THE FLOOD MITIGATION ASSISTANCE (FMA) PROGRAM AND EXECUTE OF A GRANT AGREEMENT WITH THE FEDERAL EMERGENCY MANAGEMENT AGENCY**

**WHEREAS**, the Borough of Wildwood Crest qualifies for the Flood Mitigation Assistance (FMA) Programs administered by the Federal Emergency Management Agency (FEMA); and

**WHEREAS**, the Flood Mitigation Assistance (FMA) program provided funding to assist in efforts to reduce or eliminate the risks of repetitive flood damage to buildings and structures insurable under the National Flood Insurance Program (NFIP); and

**WHEREAS**, eligible activities for the FMA Programs includes structure elevation, dry floodproofing, green infrastructure and hazard mitigation planning as well as other activities; and

**WHEREAS**, the Borough of Wildwood Crest strives to save tax dollars; assist homeowners to recover from Superstorm Sandy; assure clean land, air, and water; and improve working and living environments; and

**WHEREAS**, the Borough of Wildwood Crest wishes to apply for funding through the FEMA FMA Programs; and



**NOW THEREFORE, BE IT RESOLVED**, that the governing body of the Borough of Wildwood Crest, State of New Jersey, hereby supports and authorizes the Flood Mitigation Assistance (FMA) Programs application.

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to submit a grant application to the Federal Emergency Management Agency of the US Department of Homeland Security.

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Wildwood Crest and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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

Vote: Gould - Thompson - Cabrera - YES

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

Vote: Gould - Thompson - Cabrera - YES

**CORRESPONDENCE:** N/A

**PUBLIC COMMENTARY:** N/A

**NEW BUSINESS:**

**OLD BUSINESS:**

**-Washington Avenue Flooding Issues –** } Discussed previously with Resolutions 11 and 12.

**-Bulkhead Ordinance / Lot Grading –** } Stormwater Master Plan is available online.

**-Flood Mitigation Efforts –** } SAA

**-Ordinance – Garbage, Rubbish, Solid Waste- Green Team Representative Sam Wilson attended and shared information about the proposed ordinance.** It was noted that the Governor recently signed the Plastics ban into legislation and it will be effective in May 2022. The Governing body decided to table the proposed ordinance.

**-Old Library-** presentation took place at last meeting. The next step will be to engage the Engineer to start the bid specs for the project. It was noted that the CFO will have a presentation at the next meeting for financing the project.

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

**-Beach Bump out-** The Mayor indicated the state has approved the design and now we are waiting on the permit.

**-Beach Walkways –** There have been mixed opinions on the mats; the Mayor is waiting on a financial comparison.

**-Park Blvd / Pumping Station –** Previously discussed.

**-Beach Bike Path –** No movement.

**-Possible Ordinance to Prohibit Bamboo –** Commissioner Thompson indicated that perhaps we could make a provision in the proposed ordinance to allow in the motel zone and the Solicitor indicated there are in fact ways to allow that.

**-Little League Field-** The Mayor indicated that the Little League field incurred damage after a storm a few months back. He indicated the dugout, scorebox, storage and bathrooms need to be done. They are awaiting word from the insurance adjuster. He further indicated that the Borough will need to contribute financially to bring it up to current standards.

(For the record, there are 17 people in the courtroom)

**PUBLIC COMMENTARY:** N/A

Hearing nothing from the public, Mrs. Gould motioned, seconded by Mr. Thompson that the meeting go into closed session after a five minute break.

Vote: Gould - Thompson - Cabrera - YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 2020-317

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING EXECUTIVE/CLOSED SESSION IN ACCORDANCE WITH THE PROVISIONS OF THE OPEN PUBLIC MEETINGS ACT, SPECIFICALLY N.J.S.A. 10:4-12(B)**

**WHEREAS**, the Open Public Meetings Act (N.J.S.A. 10:4-6 et. seq.) requires all meetings of the Board of Commissioners of the Borough of Wildwood Crest to be held in public, except that N.J.S.A. 10:4-12(b) sets forth nine (9) types of matters that may lawfully be discussed in "Executive or Closed Session," i.e., without the public being permitted to attend; and

**WHEREAS**, the Board of Commissioners of the Borough of Wildwood Crest has determined that one (1) issue(s) is/are permitted by N.J.S.A. 10:4-12(b) to be discussed without the public in attendance to be discussed during the Executive or Closed Session to be held on **Thursday, November 5, 2020 at 9:30 A.M.**; and

**WHEREAS**, the nine (9) exceptions to public meetings set forth in N.J.S.A. 10:4-12(b) are listed below, and next to each exception is a box within which the number of issues to be privately discussed that fall within that exception shall be written, and after each exception is a space where additional information that will disclose as much information about the discussion as possible without undermining the purpose of the exception shall be written:

\_\_\_\_\_ **"(1) Any matter which, by express provision of Federal law, State statute or rule of court shall be rendered confidential or excluded from public discussion."** The legal citation to the provision(s) at issue is: \_\_\_\_\_ and the nature of the matter, described as specifically as possible without undermining the need for confidentiality is \_\_\_\_\_

\_\_\_\_\_ **"(2) Any matter in which the release of information would impair a right to receive funds from the state or federal government."** The nature of the matter, described as specifically as possible without undermining the need for confidentiality is \_\_\_\_\_

\_\_\_\_\_ **"(3) Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly."** The nature of the matter, described as specifically as possible without undermining the need for confidentiality is \_\_\_\_\_

\_\_\_\_\_ **"(4) Any collective bargaining agreement, or the terms and conditions of which are proposed for inclusion in any collective bargaining agreement, including the negotiation of terms and conditions with employees or representatives of employees of the public body."** The collective bargaining contract(s) discussed are between the Borough and \_\_\_\_\_

\_\_\_\_\_ **"(5) Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed."** The nature of the matter, described as specifically as possible without undermining the need for confidentiality is \_\_\_\_\_

\_\_\_\_\_ **"(6) Any tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection. Any investigations of violations or possible violations of the law."** The nature of the matter, described as specifically as possible without undermining the need for confidentiality is \_\_\_\_\_

\_\_\_\_\_ **"(7) Any pending or anticipated litigation or contract negotiation in which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a**

lawyer.” The parties to and docket numbers of each item of litigation and/or the parties to each contract discussed and the nature of the discussion, described as specifically as possible without undermining the need for confidentiality is potential contract negotiations and more specifically is potential LITIGATION- SMITH

\_\_\_\_\_ “(8) Any matter involving the employment, appointment, termination of employment, terms and conditions or employment, evaluation of the performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees whose rights could be adversely affected request, in writing, that such matter or matters be discussed at a public meeting.” Subject to the balancing of the public’s interest and the employee’s privacy rights under *South Jersey Publishing Co. v. New Jersey Expressway Authority*, 124 N.J. 478, the employee(s) and nature of the discussion, described as specifically as possible without undermining the need for confidentiality are \_\_\_\_\_.

\_\_\_\_\_ “(9) Any deliberation of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act or omission for which the responding party bears responsibility.” The nature of the matter, described as specifically as possible without undermining the need for confidentiality is \_\_\_\_\_

**WHEREAS**, the Board of Commissioners shall reconvene the public meeting at the conclusion of the authorized closed or executive session, which may or may not include formal action as a result of the discussion(s) held.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Borough of Wildwood Crest, assembled in public session on the date of the meeting of the governing body set forth herein above, that a closed session shall be held for the discussion of matters relating to the specific items designated above involving the Borough of Wildwood Crest. The governing body shall convene a closed session discussion immediately upon passage of this resolution and it is anticipated that the deliberations conducted in closed session shall be disclosed to the public upon conclusion of the matter and/or after determination of the Board of Commissioners that the public interest will no longer be served by such confidentiality and that the meeting will return to open session at the conclusion of the discussion and formal action may be taken if/as authorized.

**BE IT FURTHER RESOLVED** that the Municipal Clerk, at the present public meeting, shall read aloud enough of this resolution so that members of the public in attendance can understand, as precisely as possible, the nature of the matters that will be privately discussed.

**BE IT FURTHER RESOLVED** that the Municipal Clerk, on the next business day following this meeting, shall furnish a copy of this resolution to any member of the public who requests one at the fees authorized by N.J.S.A. 47:1A-1, et. seq.

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

Vote: Gould - Thompson - Cabrera - YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 2020-318

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING EXECUTIVE/CLOSED SESSION IN ACCORDANCE WITH THE PROVISIONS OF THE OPEN PUBLIC MEETINGS ACT, SPECIFICALLY N.J.S.A. 10:4-12(B)**

**WHEREAS**, the Open Public Meetings Act (N.J.S.A. 10:4-6 et. seq.) requires all meetings of the Board of Commissioners of the Borough of Wildwood Crest to be held in public, except that N.J.S.A. 10:4-12(b) sets forth nine (9) types of matters that may lawfully be discussed in “Executive or Closed Session,” i.e., without the public being permitted to attend; and

**WHEREAS**, the Board of Commissioners of the Borough of Wildwood Crest has determined that one (1) issue(s) is/are permitted by N.J.S.A. 10:4-12(b) to be discussed without the public in attendance to be discussed during the Executive or Closed Session to be held on **Thursday, November 5, 2020 at 9:30 A.M.**; and

**WHEREAS**, the nine (9) exceptions to public meetings set forth in N.J.S.A. 10:4-12(b) are listed below, and next to each exception is a box within which the number of issues to be privately discussed that fall within that exception shall be written, and after each exception is a space where additional information that will disclose as much information about the discussion as possible without undermining the purpose of the exception shall be written:

\_\_\_\_\_ “(1) Any matter which, by express provision of Federal law, State statute or rule of court shall be rendered confidential or excluded from public discussion.” The legal citation to the provision(s) at issue is: \_\_\_\_\_ and the nature of the matter, described as specifically as possible without undermining the need for confidentiality is \_\_\_\_\_

\_\_\_\_\_  
“(2) Any matter in which the release of information would impair a right to receive funds from the state or federal government.” The nature of the matter, described as specifically as possible without undermining the need for confidentiality is \_\_\_\_\_

\_\_\_\_\_  
“(3) Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual’s personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.” The nature of the matter, described as specifically as possible without undermining the need for confidentiality is \_\_\_\_\_

\_\_\_\_\_  
“(4) Any collective bargaining agreement, or the terms and conditions of which are proposed for inclusion in any collective bargaining agreement, including the negotiation of terms and conditions with employees or representatives of employees of the public body.” The collective bargaining contract(s) discussed are between the Borough and \_\_\_\_\_

\_\_\_\_\_  
“(5) Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed.” The nature of the matter, described as specifically as possible without undermining the need for confidentiality is \_\_\_\_\_

\_\_\_\_\_  
“(6) Any tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection. Any investigations of violations or possible violations of the law.” The nature of the matter, described as specifically as possible without undermining the need for confidentiality is \_\_\_\_\_

  x  \_\_\_\_\_  
“(7) Any pending or anticipated litigation or contract negotiation in which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.” The parties to and docket numbers of each item of litigation and/or the parties to each contract discussed and the nature of the discussion, described as specifically as possible without undermining the need for confidentiality is potential contract negotiations and more specifically is potential LITIGATION- HUNT

\_\_\_\_\_  
“(8) Any matter involving the employment, appointment, termination of employment, terms and conditions or employment, evaluation of the performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees whose rights could be adversely affected request, in writing, that such matter or matters be discussed at a public meeting.” Subject to the balancing of the public’s interest and the employee’s privacy rights under *South Jersey Publishing Co. v. New Jersey Expressway Authority*, 124 N.J. 478, the employee(s) and nature of the discussion, described as specifically as possible without undermining the need for confidentiality are \_\_\_\_\_.

\_\_\_\_\_  
“(9) Any deliberation of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act or omission for which the responding party bears responsibility.” The nature of the matter, described as specifically as possible without undermining the need for confidentiality is \_\_\_\_\_

**WHEREAS**, the Board of Commissioners shall reconvene the public meeting at the conclusion of the authorized closed or executive session, which may or may not include formal action as a result of the discussion(s) held.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Borough of Wildwood Crest, assembled in public session on the date of the meeting of the governing body set forth herein above, that a closed session shall be held for the discussion of matters relating to the specific items designated above involving the Borough of Wildwood Crest. The governing body shall convene a closed session discussion immediately upon passage of this resolution and it is anticipated that the deliberations conducted in closed session shall be disclosed to the public upon conclusion of the matter and/or after determination of the Board of Commissioners that the public interest will no longer be served by such confidentiality and that the meeting will return to open session at the conclusion of the discussion and formal action may be taken if/as authorized.

**BE IT FURTHER RESOLVED** that the Municipal Clerk, at the present public meeting, shall read aloud enough of this resolution so that members of the public in attendance can understand, as precisely as possible, the nature of the matters that will be privately discussed.

**BE IT FURTHER RESOLVED** that the Municipal Clerk, on the next business day following this meeting, shall furnish a copy of this resolution to any member of the public who requests one at the fees authorized by N.J.S.A. 47:1A-1, et. seq.

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

Vote: Gould - Thompson - Cabrera - YES

After returning from Closed Session and no one being present for the meeting,

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 2020-319

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST APPROVING A SETTLEMENT AGREEMENT IN LITIGATION KNOWN AS IRA SMITH VS. BOROUGH OF WILDWOOD CREST, JOE BOND, NICK BLASI AND JOHN DOES EMPLOYEES 1-10 DOCKET NO. CPM-L-142-20 SUPERIOR COURT OF NEW JERSEY, CAPE MAY COUNTY**

**WHEREAS**, the Borough of Wildwood Crest is the defendant in litigation entitled Ira Smith Vs. Borough of Wildwood Crest, Joe Bond, Nick Blasi and John Does Employees 1-10, under Docket No. CPM-L-142-20 in the Superior Court of New Jersey, Cape May County Law Division (the "Litigation"); and

**WHEREAS**, the Borough has been afforded insurance coverage by the Municipal Excess Liability Joint Insurance Fund (the "MEL") who has appointed special counsel, James R. Birchmeier, of the firm of Birchmeier & Powell, LLC, Counsellors at Law, 1891 State Highway 50, Tuckahoe, New Jersey; and

**WHEREAS**, the Litigation was mediated before the Honorable Michael A. Donio, J.S.C. Retired and special counsel James Birchmeier has negotiated a settlement agreement and recommended that the litigation be settled in accordance with the proposed Mediation Settlement Agreement attached hereto as Exhibit "A" (the "Settlement Agreement"); and

**WHEREAS**, the Board of Commissioners, based upon the recommendation by its special counsel, desires to accept such recommendation and settle the Litigation against the defendants and further determines that the terms of the Settlement Agreement are in the best interest of the Borough and the public.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, State of New Jersey, that the Settlement Agreement attached hereto as Exhibit "A" is hereby approved.

**BE IT FURTHER RESOLVED**, that special counsel James Birchmeier, the Mayor, Borough Clerk and other appropriate officers of the Borough are hereby authorized and directed to execute the Settlement Agreement and such other documents and to take all necessary action necessary to effectuate the terms thereof.

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

Vote: Gould - Thompson - Cabrera - YES

After hearing nothing from the public, Mrs. Gould motioned, and Mr. Thompson seconded that the meeting be adjourned. All were in favor. The time was 11:21 a.m.

Dated: November 18, 2020

\_\_\_\_\_  
Patricia A. Feketics, Borough Clerk

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