

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

February 10, 2021

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

For the record, Commissioner Thompson was present telephonically as was the Clerk.

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 and The Press on October 28, 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 Orders, the meeting is capped at 33 people and there are currently 12 people in attendance. He reminded those tuning in that you could also listen in and provide commentary by dialing in 888-363-4734 and using 9699020. 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.

Mrs. Gould motions, Mr. Thompson seconds that Ordinance No. 1342 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. 1342**

**ORDINANCE AMENDING AND SUPPLEMENTING  
CHAPTER 11, BRUSH MAINTENANCE OF THE CODE OF  
THE BOROUGH OF WILDWOOD CREST REGULATING  
CERTAIN TYPES OF BAMBOO**

Mrs. Gould motions, Mr. Thompson seconds that a public hearing now be held on Ordinance No. 1342.

Vote: Gould - Thompson – Cabrera – YES

After hearing nothing from the public, Mrs. Gould motions, Mr. Thompson seconds that the public hearing on Ordinance No. 1342 now be closed.

Vote: Gould - Thompson – Cabrera – YES

Mrs. Gould motions, Mr. Thompson seconds that Ordinance No. 1342 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. 1343 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. 1343**

**ORDINANCE AMENDING AND SUPPLEMENTING  
CHAPTER 28, DOGS, ARTICLE II, LICENSING,  
AUTHORIZING THE BOROUGH CLERK TO ISSUE DOG  
LICENSES IN THE BOROUGH OF WILDWOOD CREST**

Mrs. Gould motions, Mr. Thompson seconds that a public hearing now be held on Ordinance No. 1343.

Vote: Gould - Thompson – Cabrera – YES

After hearing nothing from the public, Mrs. Gould motions, Mr. Thompson seconds that the public hearing on Ordinance No. 1343 now be closed.

Vote: Gould - Thompson – Cabrera – YES

Mrs. Gould motions, Mr. Thompson seconds that Ordinance No. 1343 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. 1344 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. 1344**

**ORDINANCE AMENDING AND SUPPLEMENTING  
CHAPTER 40, LICENSES, ARTICLE IV, BINGO AND  
RAFFLE LICENSES, AUTHORIZING THE BOROUGH  
CLERK TO ISSUE RAFFLE AND BINGO LICENSES IN  
THE BOROUGH OF WILDWOOD CREST**

Mrs. Gould motions, Mr. Thompson seconds that a public hearing now be held on Ordinance No. 1344.

Vote: Gould - Thompson – Cabrera – YES

After hearing nothing from the public, Mrs. Gould motions, Mr. Thompson seconds that the public hearing on Ordinance No. 1344 now be closed.

Vote: Gould - Thompson – Cabrera – YES

Mrs. Gould motions, Mr. Thompson seconds that Ordinance No. 1344 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. 1345**

**BOND ORDINANCE PROVIDING FOR THE  
IMPROVEMENTS OF THE MUNICIPAL BUILDING  
LOCATED AT 6301 OCEAN AVENUE IN AND BY THE  
BOROUGH OF WILDWOOD CREST, COUNTY OF CAPE  
MAY, NEW JERSEY, APPROPRIATING \$1,600,000  
THEREFOR AND AUTHORIZING THE ISSUANCE OF  
\$570,000 BONDS OR NOTES OF THE BOROUGH FOR  
FINANCING SUCH APPROPRIATIONS**

Mr. Thompson motioned, Mr. Cabrera seconded that Ordinance No. 1345 be passed on first reading, advertised according to law, be brought up for second and final reading and public hearing on February 24, 2021 at 5:30 p.m.

Vote: Gould - NO Thompson – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

**RESOLUTION NO. 21-73**

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF  
WILDWOOD CREST AUTHORIZING AN EMERGENCY TEMPORARY BUDGET FOR  
2021**

**WHEREAS, N.J.S.A. 40A:4-20 provides for the creation of emergency temporary appropriations for any purposes which appropriations may be lawfully made; and**

**WHEREAS**, the total emergency appropriations adopted in the year 2021 including this resolution total \$150,000.00, and;

**WHEREAS**, the total temporary budget previously adopted in accordance with N.J.S.A. 40A:4-19 totaled \$9,489,955.00, and;

**WHEREAS**, the total amount of the 2021 temporary budget including this temporary emergency appropriation is \$9,639,955.00, and;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, New Jersey, (not less than 2/3 of all the members thereof affirmatively concurring) that in accordance the provisions of N.J.S.A. 40A:4-20:

1. One certified copy of this resolution be filed with the Director of Local Government Services.
2. Said temporary emergency appropriation will be provided for in full in the 2021 budget.
3. The following temporary appropriations shall constitute the 2021 temporary budget including this temporary emergency:

**8. General Appropriations**

(F)	Judgments (N.J.S.A. 40A:4-45.3cc)	\$150,000.00
		_____
		<b>\$150,000.00</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. 21-74**

**RESOLUTION OF THE BOARD OF COMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING SETTLEMENT OF HUNT VS. BOROUGH OF WILDWOOD CREST, DOCKET #CPM-L-506-16**

**WHEREAS**, Thomas and Barbara Hunt have brought an action against the BOROUGH OF WILDWOOD CREST, CARL GROON, THOMAS DePAUL, DAVID MAYER, and MICHAEL HAWTHORNE, currently pending in the SUPERIOR COURT OF NEW JERSEY, LAW DIVISION, CAPE MAY COUNTY, and captioned THOMAS HUNT AND BARBARA HUNT v. BOROUGH OF WILDWOOD CREST, et al., Docket No.: CPM - L -000506-16 (“the Litigation”); and

**WHEREAS**, the Parties have engaged in extensive discussions related to the settlement of the litigation, including mediation conducted by a retired Judge of the Superior Court, and multiple settlement conference conducted by a sitting Judge of the Superior Court; and

**WHEREAS**, the Borough of Wildwood Crest has secured contribution from its insurers towards the resolution of the Litigation; and

**WHEREAS**, those discussions have lead to a proposed settlement which has been recommended by the insurers of the Borough of Wildwood Crest as well as counsel for the Borough of Wildwood Crest; and

**WHEREAS**, the terms of the proposed settlement are expressed with more particularity in a settlement agreement (“the Settlement Agreement”) which has been executed by Thomas and Barbara Hunt.

**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 settlement of the Litigation as expressed within the Settlement Agreement is approved;
2. [Mayor Cabrera] is authorized to execute the Settlement 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. 21-75**

**RESOLUTION OF THE BOARD OF COMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING DISMISSAL OF THE THIRD-PARTY**

**COMPLAINT FILED AGAINST THIRD-PARTY DEFENDANT MICHAEL D. HAWTHORNE. SR. IN THE SUPERIOR COURT OF NEW JERSEY – CAPE MAY COUNTY – LAW DIVISION UNDER DOCKET #CPM-L-506-16**

**WHEREAS**, on March 20<sup>th</sup>, 2018, the Borough of Wildwood Crest filed a Complaint, as Third-Party Plaintiff, against Michael D. Hawthorne Sr., as Third-Party Defendant, with such matter being filed in the Superior Court of New Jersey, Cape May County - Law Division, under Docket No.: CPM-L-506-16.

**WHEREAS**, the above-captioned matter is companion to and consolidated with a matter captioned Thomas J. Hunt and Barbara Hunt vs. Borough of Wildwood Crest, et al., (herein referred to as the "Hunt matter") also filed in the Superior Court of New Jersey, Cape May County Law Division, under Docket No.: CPM-L-506-16.

**WHEREAS**, the Plaintiffs in the Hunt matter, Thomas J. Hunt and Barbara Hunt, have agreed to settle all claims against the Borough of Wildwood Crest as it relates to Docket No.: CPM-L-506-16.

**WHEREAS**, the Borough of Wildwood Crest has authorized settlement of the Hunt matter, which is reflected under the Borough of Wildwood Crest Resolution No. \_\_\_\_\_, adopted on February 10, 2021.

**WHEREAS**, the Borough of Wildwood Crest has determined that settlement of the Hunt matter renders its third-party Complaint filed against Michael D. Hawthorne, Sr. moot.

**WHEREAS**, the Borough of Wildwood Crest has determined that dismissal of its third-party Complaint against Michael D. Hawthorne Sr. under Docket No.: CPM-L-506-16 shall be dismissed in its entirety as to all claims asserted therein, following dismissal of the Hunt matter under the same Docket No.

**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 third-party Complaint filed on behalf of the Borough of Wildwood Crest (as third-party plaintiff) against Michael D. Hawthorne Sr. (as third-party defendant) in the Superior Court of New Jersey, Cape May County - Law Division under Docket No. CPM-L-506-16 shall and is hereby dismissed in its entirety as to all counts asserted therein;
2. The Board of Commissioners hereby authorize attorney Patrick C. Joyce, Esquire to file a Stipulation of Dismissal, as it relates to the third-party Complaint noted above, with the Superior Court of New Jersey, Cape May County – Law Division;
3. It is understood that such Stipulation of Dismissal shall be filed with prejudice, without further costs to either party and without any further adjudication on the merits of the counts contained within the third-party Complaint noted herein.
4. It is further understood that such Stipulation of Dismissal shall be contingent upon dismissal of the Hunt matter and shall only be filed following dismissal of the Hunt matter.

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. 21-76**

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING EXPENDITURE TO PURCHASE A 2021 TRASH TRUCK FOR PUBLIC WORKS UNDER NATIONAL COOPERATIVE SOURCEWELL**

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

**WHEREAS**, the Borough of Wildwood Crest is in need of a *2021 Trash Truck for Public Works*; and

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

**WHEREAS**, Hunter Jersey Peterbilt (Sourcewell Contract # 060920-PMC) 524 Monmouth Road, Clarksburg, NJ 08510 has partnered with Gran Turk (Sourcewell Contract # 091219-LEG) One Schuylkill Parkway, Building B Bridgeport, PA 19405 for Government vehicles and Equipment; and

**BE IT RESOLVED**, by the Board of Commissioners of the Borough of Wildwood Crest, in the County of Cape May, that the Borough is authorized to fund the expenditure to purchase a 2021 Peterbilt 348 Tandem Axle Cab & Chassis 60,000 lb GVW based upon the price quote on January 20, 2021 from Hunter Jersey Peterbilt (Sourcewell Contract # 060920-PMC) in an amount not to exceed \$110,275.00; and

**BE IT FURTHER RESOLVED**, by the Board of Commissioners of the Borough of Wildwood Crest, in the County of Cape May, that the Borough is authorized to fund the expenditure to purchase the Leach 29 Cu Yd 2r-111 Residential Rear Loading Refuse Body for said vehicle based upon the price quote on December 22, 2020 from GranTurk using (Sourcewell) Contract number 091219-LEG in an amount not to exceed \$84,500.00; and

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

Account Number(s) \_\_\_\_\_ Amount \$ \_\_\_\_\_ Signature \_\_\_\_\_

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. 21-77

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING EXPENDITURE TO HOME DEPOT TO PURCHASE LUMBER UNDER STATE CONTRACT #18-FLEET-00234 FOR BEACH WALKWAYS**

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

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

**WHEREAS**, Home Depot (State Contract # 18-FLEET-00234 M8001) 21 Indian Trail Road, Cape May Court House, NJ 08210 has all the necessary Lumber and Material and Accessories; and

**BE IT RESOLVED**, by the Board of Commissioners of the Borough of Wildwood Crest, in the County of Cape May, that the Borough is authorized to fund the expenditure to purchase Lumber based upon the price quote \$230,550.00 on February 2, 2021 from Home Depot (State Contract # 18-FLEET-00234 M8001) in an amount not to exceed \$230,550.00; and

**BE IT FURTHER RESOLVED**, by the Board of Commissioners of the Borough of Wildwood Crest, in the County of Cape May, that the Borough is authorized to fund the expenditure to purchase Lumber based upon the price quote \$230,550.00 on February 2, 2021 from Home Depot using (State Contract number 18-FLEET-00234 M8001) in an amount not to exceed \$230,550.00; and

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

Account Number(s) C-04-55-134-1B2 Amount \$ 230,550.00 Signature \_\_\_\_\_

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. 21-78

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD AUTHORIZING REFUND OF PROPERTY TAXES OR UTILITIES OVERPAYMENT IN THE AMOUNT OF \$505.50 FOR PROPERTY LOCATED AT 7100 SEAVIEW AVE MADE PAYABLE TO CORELOGIC**

**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.

68.01-3-C0205	Harding, Dean H & Marianne	<b>Amount</b>
2020 Taxes	7100 Seaview Ave	\$505.50
	Title company & mortgage company both paid	
	4 <sup>th</sup> quarter taxes	
	Refund overpayment to Corelogic	
	PO Box 9202	
	Coppell, TX 75019	

**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 February 10, 2021.

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. 21-79

**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, INC. FOR MASTER PLAN RE-EXAMINATION AT NTE SUM OF \$11,250**

**WHEREAS**, there exists the need for "Professional Services" for Professional Planner on an as-needed basis for Re-Examination of the Master Plan, 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 for the re-examination of the Master Plan in 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, 2021, 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 Eleven Thousand Two Hundred Fifty (\$11,250.00) 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. 21-80

**EXTRACT** from the minutes of a regular meeting of the Board of Commissioners of the Borough of Wildwood Crest, in the County of Cape May, New Jersey, held at the Municipal Building, 6101 Pacific Avenue, Wildwood Crest, New Jersey, on February 10, 2021, at 9:30 o'clock A.M.

**PRESENT: GOULD – THOMPSON - CABRERA**

**ABSENT: NONE**

\* \* \*

Mrs. Gould introduced and moved the adoption of the following resolution and Mr. Thompson seconded the motion:

**RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$9,000,000 BOND ANTICIPATION NOTES OF THE BOROUGH OF WILDWOOD CREST, IN THE COUNTY OF CAPE MAY, NEW JERSEY.**

**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. Pursuant to a bond ordinance of the Borough of Wildwood Crest, in the County of Cape May (the "Borough"), entitled: "Bond ordinance providing for the improvement of the storm water drainage and sanitary sewerage systems in and by the Borough of Wildwood Crest, in the County of Cape May, New Jersey, appropriating \$6,000,000 therefor and authorizing the issuance of \$5,700,000 bonds or notes of the Borough for financing such appropriation", finally adopted on December 11, 2019 (#1318), bond anticipation notes of the Borough in a principal amount not exceeding \$4,000,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Pursuant to a bond ordinance of the Borough entitled: "Bond ordinance appropriating \$5,300,000 and authorizing the issuance of \$5,035,000 bonds or notes of the Borough for various improvements or purposes authorized to be undertaken by the Borough of Wildwood Crest, in the County of Cape May, New Jersey", finally adopted on December 29, 2020 (#1341), bond anticipation notes of the Borough in a principal amount not exceeding \$5,000,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor, and any action heretofore had or taken with respect to said notes is hereby approved, ratified and confirmed.

All bond anticipation notes (the "notes") issued hereunder shall mature at such times as may be determined by the treasurer, the chief financial officer or the acting chief financial officer of the Borough (the "Chief Financial Officer"), provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer and shall be signed and sealed by officials and officers of the Borough in any manner permitted by N.J.S.A. §40A:2-25. The Chief Financial Officer shall determine all matters in connection with the notes issued hereunder, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes at not less than par from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price. The Chief Financial Officer is directed to report in writing to the governing body of the Borough at the meeting next succeeding the date when any sale or delivery of the notes hereunder is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

Any note issued pursuant to this resolution shall be a general obligation of the Borough, and the Borough's faith and credit are hereby pledged to the punctual payment of the principal of and interest on the notes and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

The Chief Financial Officer is hereby authorized and directed to do all other matters necessary, useful, convenient or desirable to accomplish the delivery of the notes to the purchasers thereof as promptly as possible, including (i) the preparation, execution and dissemination of a Preliminary Official Statement and Final Official Statement with respect to the notes, (ii) preparation, distribution and publication, if necessary, of a Notice of Sale with respect to the notes, (iii) execution of a Continuing Disclosure Undertaking, with respect to the notes in accordance with Rule 15c2-12 promulgated by the Securities and Exchange Commission and (iv) execution of an arbitrage and use of proceeds certificate certifying that, among other things, the Borough, to the extent it is empowered and allowed under applicable law, will do and perform all acts and things necessary or desirable to assure that interest paid on the notes is not included in gross income under Section 103 of the Internal Revenue Code of 1986, as amended.

All action heretofore taken by officials and professionals of the Borough with regard to the sale and award of the notes in hereby ratified, confirmed, adopted and approved.

This resolution shall take effect immediately.

Upon motion of Mrs. Gould, seconded by Mr. Thompson, the foregoing resolution was adopted by the following vote:

**AYES: GOULD – THOMPSON - CABRERA**

**NOES: NONE**

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. 21-81

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING THE TAX COLLECTOR TO CALCULATE A WEIGHTED AVERAGE SEWER BILL FOR THE PROPERTY AT 5800 PACIFIC AVENUE**

**WHEREAS**, the Tax Collector of the Borough of Wildwood Crest has billed for 2021 sewer charges in accordance with Ordinance 1330; and

**WHEREAS**, Wildwood Water Utility notified the Borough of Wildwood Crest of a water meter leak and subsequent adjustment at the property at 5800 Pacific Avenue; and

**WHEREAS**, Wildwood Water Utility has given the customer at 5800 Pacific Avenue a credit for 50,000 gallons applied to the 2020 third quarter water bill due to this account having several leaks at the water meter.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, State of New Jersey, the Tax Collector is hereby authorized to prepare a weighted average adjusted 2021 sewer bill.

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. 21-82

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST APPROVING THE 2021 TEMPORARY CAPITAL BUDGET**

**WHEREAS**, the local capital budget for the year 2021 has not been adopted; and

**WHEREAS**, it is desired to approve a temporary capital budget prior to said adoption of the 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 temporary capital budget of 2021 be made:

RECORDED				ABSTAIN {None
VOTE	AYES	{Gould Thompson Cabrera	NAYS	{None
				ABSENT {None

**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. 21-83

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD AUTHORIZING REFUND OF PROPERTY TAXES OR UTILITIES OVERPAYMENT IN THE AMOUNT OF \$486.28 FOR PROPERTY LOCATED AT 7100 SEAVIEW AVE MADE PAYABLE TO WELLS FARGO**

**WHEREAS**, the Tax Collector of the Borough of Wildwood Crest collected from the property owner or it's designee an excess amount on 2021 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.

68.01-3-C0102 2020 Taxes	Juhas, Jeffrey & Lisa A 7100 Seaview Ave Title company & mortgage company both paid 1 <sup>st</sup> quarter taxes Refund overpayment to Wells Fargo 1 Home Campus MAC F2302-04D Des Moines, IA 50328	<b>Amount</b> \$486.28
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**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 February 10, 2021.

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. 21-84**

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD AUTHORIZING REFUND OF PROPERTY TAXES OR UTILITIES OVERPAYMENT IN THE AMOUNT OF \$1,981.84 FOR PROPERTY LOCATED AT 219 W LAVENDER RD MADE PAYABLE TO WELLS FARGO**

**WHEREAS**, the Tax Collector of the Borough of Wildwood Crest collected from the property owner or it's designee an excess amount on 2021 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.

14-13-C0219 2020 Taxes	Lombardi, Steven R & Janice L 219 W Lavender Rd Title company & mortgage company both paid 1 <sup>st</sup> quarter taxes Refund overpayment to Wells Fargo 1 Home Campus MAC F2302-04D Des Moines, IA 50328	<b>Amount</b> \$1,981.84
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**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 February 10, 2021.

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. 21-85**

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING A LICENSING AGREEMENT BETWEEN BOROUGH OF WILDWOOD CREST AND LOWER CAPE MAY REGIONAL HIGH SCHOOL FOR THE USE OF THE JOSEPH VON SAVAGE POOL**

**WHEREAS**, the LOWER CAPE MAY REGIONAL HIGH SCHOOL has requested to use the Joseph Von Savage Pool located at 8800 New Jersey Avenue for a period defined below; and

**WHEREAS**, the LOWER CAPE MAY REGIONAL HIGH SCHOOL would like to enter into an agreement for the following payment terms included in Schedule A:

**WHEREAS**, the Board of Commissioners hereby authorize a licensing agreement with LOWER CAPE MAY REGIONAL HIGH SCHOOL for a license for the non-exclusive right to use the Licensed Property known as the Joseph Von Savage Pool for the referenced fees and swim seasons is Schedule A.

**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 non-exclusive right to use the Licensed Property known as Joseph Von Savage Pool in the Borough of Wildwood Crest is hereby granted to LOWER CAPE MAY REGIONAL HIGH SCHOOL for the period LISTED IN "SCHEDULE A". The foregoing payment schedule, the days and hours of permitted use, and all other conditions, 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 are hereby authorized and directed to execute and attest said license agreement on behalf of the Borough.

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. 21-86

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING REFUND OF EMS OVERPAYMENT**

**WHEREAS**, Louis Rodriguez, of 7 Franklin Ave, Saddlebrook, NJ 07663, had cause to utilize Emergency Medical Services of the Borough of Wildwood Crest; and

**WHEREAS**, Louis Rodriguez, paid \$200.00 check #0069619817 and Patient/Family was only responsible for \$100.00; and

**WHEREAS**, Cape Medical Billing indicated that a refund of \$100.00 was owed to Louis Rodriguez for overpayment.

**NOW, THEREFORE, BE IT RESOLVED** that Chief Financial Officer is hereby authorized to issue a refund of overpaid Emergency Medical Services in the amount of \$100.00 to Louis Rodriguez, of 7 Franklin Ave, Saddlebrook, NJ 07663.

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. 21-87

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING BOROUGH ENGINEER WORK ORDER FOR HIGBEE FIELD LITTLE LEAGUE IMPROVEMENTS PHASE 1 ARCHITECTURAL, DESIGN AND CONSTRUCTION PHASE COST AT THE NTE SUM OF \$60,000**

**WHEREAS**, the Board of Commissioners of the Borough of Wildwood Crest desires to authorize issuance of a Work Order to the Borough Engineer, Marc DeBlasio and the Firm of DeBlasio & Associates for the **HIGBEE FIELD LITTLE LEAGUE IMPROVEMENTS PHASE 1 ARCHITECTURAL, DESIGN AND CONSTRUCTION PHASE**, for engineering services which are more specifically set forth in the attached Proposal from Marc DeBlasio and the Firm of DeBlasio & Associates, dated **February 5, 2021** which is made a part hereof by reference as if fully set forth at the billable rates set forth in the professional services agreement between Marc DeBlasio and Borough not to exceed **\$60,000.00**; 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, 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 Borough Clerk are hereby authorized and empowered to execute the attached Work Order authorizing MARC DEBLASIO and DEBLASIO & ASSOCIATES to perform the professional engineering services as described in the Proposal, which is hereby approved, at the billable rates set forth in the professional services agreement between Marc DeBlasio and Borough not to exceed **\$60,000.00**.

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

**PUBLIC COMMENTARY:**

There was no one on the Conference line and no commentary from the public.

**NEW BUSINESS:**

None.

**OLD BUSINESS:**

-Washington Avenue Flooding Issues – } No movement.

-Bulkhead Ordinance / Lot Grading – } No movement.

-Flood Mitigation Efforts – } No movement.

-Old Library- Remove as per the Mayor for next agenda.

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

-Beach Walkways – PW will be building more in house...can remove.

-Park Blvd / Pumping Station – No movement.

-Beach Bike Path – No movement.

-Little League Field- Just authorized Resolution #16 to proceed for emergency repair and to get a minimum of three quotes for getting the dugout, snack box and scoreboard reconstructed.

Old Street Signs (to purchase) – No movement.

**PUBLIC COMMENTARY:**

The floor was once again opened for public commentary.

Jim Zecca, Hollywood Avenue, inquired about the timeline on Pacific Avenue. The engineer indicated that they are ahead of schedule and the county will be going out to bid shortly. He further inquired about New Jersey Avenue and if it would be narrowed to one lane in both directions and Mayor Cabrera indicated yes, one lane with turn lane from Cresse Avenue to Rambler Road. He then asked if it would be all medians or paint and the Mayor indicated that the proposed downtown area (blocks) would be medians and the rest would be painted. Mr. Zecca then asked about studies that would justify the investment. The Mayor added that the next stakeholder meeting will be in either March or April they would have a better understanding of the investment. Lastly, Mr. Zecca pointed out that more transparency was needed with regard to the proposed consumption license. Mayor Cabrera was emphatic in stating there has been complete transparency with this from the first day it was discussed. He further pointed out that the money the Borough has spent so far on land acquisitions could always be turned over for profit or they could sell other lots that the borough owns. The Solicitor pointed out there is a lot of misconception with the interpretation of the law and that if the voters pass a referendum, municipalities are not required to issue any license. Commissioner Gould indicated she would make sure Mr. Zecca received the FAQ on if a referendum were to come to fruition.

There was a five-minute break to go into Closed Session.

**THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:**

RESOLUTION NO. 21-88

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

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

**WHEREAS**, the Board of Commissioners of the Borough of Wildwood Crest has determined that one (1) issue(s) is/are permitted by N.J.S.A. 10:4-12(b) to be discussed without the public in attendance to be discussed during the Executive or Closed Session to be held on **Wednesday, February 10, 2021 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 acquisition of property

\_\_\_\_\_ **“(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

Since going back into Open Session, and hearing nothing further, Mrs. Gould motioned, Mr. Thompson seconded that the meeting be adjourned. All were in favor. The time was 11:09 a.m.

Dated: February 24, 2021

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

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