

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

February 22, 2023

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

The meeting of the Board of Commissioners, Borough of Wildwood Crest, Cape May County, New Jersey, was held at Borough Hall at 5:00 p.m. On roll call the following answered to their names:

Schiff - Franco – Cabrera - YES

Mr. Cabrera read the following statement: In compliance with the Open Public Meeting Act, Chapter 231, P.L. 1975, the notice requirements have been satisfied as to the time, place and date of holding said meeting by posting notice on the bulletin board in the Borough Hall and by e-mailing and same to the Herald of Cape May County and The Press on December 7, 2022.

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

The Mayor indicated that the meeting was being streamed online via the Borough's Facebook page and youtube channel due to scheduling conflicts and if there were any questions, please call the Clerk.

THE CLERK READS THE ORDINANCE BY TITLE:

**ORDINANCE NO. 1396**  
**ORDINANCE REPEALING AND RESTATING ORDINANCE 911 AND 914 AND ADOPTING RECENT REGULATIONS AND PROVISIONS ADOPTED BY THE LEGISLATURE OF THE STATE OF NEW JERSEY PERTAINING TO THE ENTERPRISE ZONE DEVELOPMENT CORPORATION OF THE WILDWOODS**

Mr. Franco motions, Mr. Schiff seconds that Ordinance No. 1396 be passed on first reading, advertised according to law, be brought up for second and final reading and public hearing on March 8, 2023.

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE ORDINANCE BY TITLE:

**ORDINANCE NO. 1397**  
**ORDINANCE TO ESTABLISH CAP BANK FOR CY2023 PURSUANT TO N.J.S.A. 40A:4-45.14**

Mr. Franco motions, Mr. Schiff seconds that Ordinance No. 1397 be passed on first reading, advertised according to law, be brought up for second and final reading and public hearing on March 8, 2023.

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

**RESOLUTION NO. 23-80**  
**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING AN EMERGENCY TEMPORARY BUDGET FOR 2023**

**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 2023 including this resolution total \$45,000.00, and;

**WHEREAS**, the total temporary budget previously adopted in accordance with N.J.S.A. 40A:4-19 totaled \$9,936,000.00, and;

**WHEREAS**, the total amount of the 2023 temporary budget including this temporary emergency appropriation is \$9,981,000.00, 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 2023 budget.
3. The following temporary appropriations shall constitute the 2023 temporary budget including this temporary emergency:

**8. General Appropriations**

(A)	Operations – Within “CAPS”	
	Legal – Other Expenses	\$20,000.00
(C)	Capital Improvements – Excluded from CAPS	
	Purchase of Equipment and Computers	\$25,000.00
		_____
		<b>\$45,000.00</b>

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

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 23-81

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING EXPENDITURE TO PURCHASE A PETERBILT 548 TANDEM AXLE CAB & CHASSIS 66,000 GVW 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 Peterbilt 548 Tandem axle cab & chassis 66,000 GVW *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) 454 North Broadway, Pennsville, NJ 08070 has provided a quote dated January 6, 2023 for \$153,922.00; and

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

Account Number(s) 3-01-44-907-299 Amount \$ 153,922.00

Signature \_\_\_\_\_

**NOW THEREFORE, 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 Peterbilt 548 Tandem axle cab & chassis 66,000 GVW based upon the price quote on January 6, 2023 from Hunter Jersey Peterbilt (Sourcewell Contract # 060920-PMC) in an amount not to exceed \$153,922.00.

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

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 23-82

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING EXPENDITURE TO PURCHASE A 29 CUBIC YARD LEACH 2R-111 REAR LOADER 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 29 cubic yard Leach 2R-111 Rear Loader *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**, Gran Turk (Sourcewell Contract # 091219-LEG) 1 Schuylkill Parkway, Building B, Bridgeport, PA 19405 has provided a quote dated January 24, 2023 for \$123,018.40; and

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

Account Number(s) 3-01-44-907-299 Amount \$ 123,018.40

Signature \_\_\_\_\_

**NOW THEREFOR, 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 29 cubic yard Leach 2R-111 Rear Loader based upon the price quote on January 23, 2023 from Gran Turk (Sourcewell Contract # 091219-LEG) in an amount not to exceed \$123,018.40.

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

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 23-83

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING REFUND OF MEMORIAL BENCH PAYMENT MADE PAYABLE TO MANUEL MARTINS IN THE AMOUNT OF \$500.00**

**WHEREAS**, Manuel Martins paid the Borough of Wildwood Crest for a Memorial Bench; and

**WHEREAS**, the Department of Public Works deemed there was no Memorial Bench available for Manuel Martins; and

**WHEREAS**, the Tax Collector's Department processed the payment for the Memorial Bench and created an overpayment.

**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 Chief Financial Officer is hereby authorized to execute a refund in the amount of \$500.00 to Manuel Martins.

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

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 23-84

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST ACCEPTING WORK PERFORMED AND AUTHORIZING RELEASE OF PERFORMANCE BOND AND ACCEPTING MAINTENANCE BOND FOR THE NJDCA SMALL CITIES PROGRAM BEACH STREET END PUBLIC ACCESS IMPROVEMENTS – PHASE 1B**

**WHEREAS**, the contract for the **NJDCA SMALL CITIES PROGRAM BEACH STREET END PUBLIC ACCESS IMPROVEMENTS – PHASE 1B** was awarded to FRED M. SCHIAVONE CONSTRUCTION, INC. via Resolution No. 22-146 on March 23, 2022; and

**WHEREAS**, Fred M. Schiavone Construction, Inc. posted a **Performance Bond No.: SU1175123-0000** from Arch Insurance Company in the amount of **\$1,037,288.50** ensuring the Borough of Wildwood Crest; and

**WHEREAS**, the Borough's project engineer, Marc DeBlasio, P.E., P.P., C.M.E. of DeBlasio & Associates, P.C., by letter dated February 3, 2023 which is incorporated herein, reports to the Borough that **Fred M. Schiavone Construction, Inc.** has completed the project in substantial conformance with the contract documents including all approved change orders, field modifications and accepted as-built plans; and

**WHEREAS**, the project engineer further recommends that the Borough release the Performance Bond and accept the submitted Maintenance Bond from **Arch Insurance Company, Bond SU11751230000MNT.**

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

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

2. That the plan and design as set forth in the Specifications prepared by **DeBlasio & Associates, P.C.**, as modified by approved change orders, field modifications and as depicted in the accepted as-built plans for the **NJDCA SMALL CITIES PROGRAM BEACH STREET END PUBLIC ACCESS IMPROVEMENTS – PHASE 1B** are hereby approved and accepted.

3. That the above improvements performed by **Fred M. Schiavone Construction, Inc.** are hereby approved and accepted.

4. That the Clerk is hereby authorized to release the performance bond conditioned upon acceptance of the appropriate maintenance bond.

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

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 23-85

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST NAMING THE BASKETBALL COURTS LOCATED AT SCOOP TAYLOR PARK AS THE “JACK BUCHANAN” BASKETBALL COURTS AND NAMING THE CONCESSION STAND LOCATED AT HIGBEE FIELD AS “THE LUNCH WITH LYNCH” CONCESSION STAND**

**WHEREAS**, Chapter 47A of the Code of the Borough of Wildwood Crest provides that the Board of Commissions may designate and name, from time to time by resolution, such Borough owned or leased property as areas which property will be subject to the provisions of Chapter 47A; and

**WHEREAS**, the properties designated herein shall be utilized for public park purposes and for the purpose of conservation of natural resources, to promote the public health, safety, prosperity and general welfare of the community, to preserve open space in its natural and open condition and to facilitate the protection of the natural resources as well as the preservation of scenic, aesthetic and cultural values and the public’s enjoyment thereof as set forth in Chapter 47A; and

**WHEREAS**, the Board of Commissions desires to designate the Borough owned property set forth herein for the purposes set for in Chapter 47A as special honors at both Scoop Taylor Park and Higbee Field areas within the Borough; and

**WHEREAS**, Jack Buchanan was an employee of the Borough of Wildwood Crest Recreation Department and a man dedicated to the youth who coached hundreds on and off the field while instilling the value of good sportsmanship; and

**WHEREAS**, Scoop Taylor Park located at 5801 Ocean Avenue and designated on the Tax Map as Block 21.04 and Lot 1 has two basketball courts and the Board of Commissions desires to name those basketball courts as the “Jack Buchanan” basketball courts; and

**WHEREAS**, the Lunch with Lynch Foundation has been at the forefront of giving back to the youth on this island since its inception back in 2000; and

**WHEREAS**, the Lunch with Lynch Foundation has been providing young people with stepping stones to be the leaders of tomorrow; and

**WHEREAS**, Higbee Field located at 6001 Atlantic Avenue and designated on the Tax Map as Block 30.03 and Lot 1 has a concession stand and the Board of Commissions desires to name that concession stand as “The Lunch with Lynch” concession stand.

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

1. The Scoop Taylor Basketball Courts, located at 5801 Ocean Avenue, and designated as Block 21.04, Lot 1 shall now be known as the “Jack Buchanan” basketball courts.
2. The Higbee Field Concession stand, located at 6001 Atlantic Avenue, and designated as Block 30.03, Lot 1 shall now be known as the “Lunch with Lynch” concession stand.

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

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 23-86

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD SUPPORTING S-3388 – REDIRECTING \$300 MILLION IN CERTAIN FEDERAL FUNDS UNDER FY2023 APPROPRIATIONS ACT TO CREATE**

**COMPETITIVE CAPITAL PROJECT GRANT PROGRAM IN OFFICE OF SECRETARY OF HIGHER EDUCATION**

**WHEREAS**, Senator Michael L. Testa, Jr. introduced S-3388, urging Governor Murphy to redirect \$300 million in certain federal funds under FY 2023 appropriations act to create a competitive capital project grant program in the Office of Secretary of Higher Education; and

**WHEREAS**, the fiscal year 2023 appropriations act includes an overabundance of special appropriations that benefit specifically named public and private organizations and groups; and

**WHEREAS**, these special, direct appropriations are included in the appropriations act without providing similar organizations and groups across the State the opportunity to earn these public dollars; and

**WHEREAS**, the fiscal year 2023 appropriations act inappropriately authorizes \$300 million in federal funds to be allocated to Rutgers University for undisclosed capital needs while other institutions of higher education and postsecondary schools throughout the State have legitimate infrastructure needs that have been ignored; and

**WHEREAS**, these federal funds can be more fairly and efficiently allocated if the State makes them available to all institutions of higher education and other postsecondary schools on a competitive basis, which recognizes the needs of all of these educational entities and seeks regional balance in the distribution of monies; and

**WHEREAS**, it is altogether fitting and proper that the State redirect the \$300 million currently available only to Rutgers University for its capital needs, to create a competitive grant program that can make monies available to all institutions of higher education in the State.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Commissioners, of the Borough of Wildwood Crest, County of Cape May and State of New Jersey, strongly supports Senate Bill 3388 and is hopeful that the Governor will consider reallocating these funds to a competitive, merit-based process that is open to the broader education community.

**BE IT FURTHER RESOLVED**, that a copy of this resolution be forwarded to the sponsor of S-3388 Senator Michael L. Testa, Jr., the Office of the Governor, the New Jersey State League of Municipalities, and all Cape May County Municipalities.

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

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

**RESOLUTION NO. 23-87**

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD SUPPORTING A646 & S2079- URGING THE PASSAGE OF TOURISM TAX FAIR SHARE BILL**

**WHEREAS**, New Jersey law dictates that the Director of the Division of Taxation shall collect and administer fees imposed pursuant to section 1 of P.L.2003, c.114 (C.54:32D-1), and said fees shall be deposited to the State General Fund and allocated towards Arts, Historical Heritage, and Tourism; and

**WHEREAS**, the Bills (A646/S2079) would increase the allocation of revenues from the hotel and motel occupancy fee towards arts, historical heritage, and tourism purposes from 40 percent to 100 percent; and

**WHEREAS**, the change in allocation would assure that counties like Cape May, Ocean, Monmouth, and Atlantic would retain more of their contributed tourism dollars, and in essence, could be used to improve infrastructure critical to attract more patrons and tourists along the Jersey Shore; and

**WHEREAS**, in Cape May County, for example, hotel and occupancy taxes raised nearly \$16.3 million in 2021 but the county only received \$1.05 million back in Fiscal Year 2022 Arts and History Grants. By comparison, Essex County only generated about \$4.2 million in the same taxes but received \$8 million in grants funding according to figures from the state Department of Treasury.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, and State of New Jersey, strongly supports Senate Bill 2079 and Assembly Bill 2079 and requests the Governor's passage of the same.

**BE IT FURTHER RESOLVED**, that a copy of this resolution be forwarded to the sponsor of each bill, the Office of the Governor, the New Jersey State League of Municipalities, and all Cape May County Municipalities.

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

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 23-88

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING CERTIFICATION OF COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S "ENFORCEMENT GUIDANCE ON THE CONSIDERATION OF ARREST AND CONVICTION RECORDS IN EMPLOYMENT DECISIONS UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964"**

**WHEREAS**, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c. 183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. §2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

**WHEREAS**, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Commissioners of the Borough of Wildwood Crest, hereby states that it has complied with N.J.S.A. 40A: 4-5, as amended by P.L. 2017, c. 183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

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

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 23-89

**AUTHORIZING THE AWARD OF EMERGENCY CONTRACT TO ASPHALT PAVING SYSTEMS, INC. FOR SEWER SERVICE ISSUES ON WEST PALM ROAD AND NEW JERSEY AVENUE IN ACCORDANCE WITH N.J.S.A. 40A:11-6**

**WHEREAS**, N.J.S.A. 40A:11-6 provides for the award of an emergency contract when an emergency affecting public health, safety or welfare requires immediate performance of services; and

**WHEREAS**, as a sinkhole has appeared in the roadway at the intersection of W. Palm and New Jersey Avenue; and

**WHEREAS**, the Borough Engineer and the Superintendent of the Department of Public Works do herewith declare that an emergency exists affecting the safety, health and welfare of the public, and recommend that the Borough engage a Contractor to be mobilized to effectuate the repair.

**NOW, THEREFORE BE IT RESOLVED**, the Mayor and the Borough Commissioners do herewith declare that an emergency exists with the regard to a sinkhole has appeared in the roadway at the intersection of West Palm and New Jersey Avenue which affects the public health, safety and welfare necessitating immediate repairs and that the Borough Engineer be directed to coordinate all the necessary repairs.

**BE IT FURTHER RESOLVED** by the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, New Jersey, that in accordance with the provisions of N.J.S.A. 40A:11-6, an emergency contract be awarded to Asphalt Paving Systems, Inc., the estimated construction costs for said emergency to be \$68,643.00 all of which is more specifically set forth in the attached detailed breakdown of costs as supplied by the Borough Engineer which are made a part hereof by reference as if fully set forth. This emergency is subject to certification of availability of funds by the CFO as evidenced below by her signature.

Account Number	Amount	Signature
_____	\$68,643.00	_____

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

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 23-90

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING REFUND OF PROPERTY TAXES OR UTILITIES OVERPAYMENT 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 2023 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.

		<b>Amount</b>
58-22.02 2023 Taxes	Derito, Angelo and Margaret 104-106 West Fern Road Homeowner and mortgage company both paid first quarter Refund overpayment to Corelogic	\$1,307.95
171-1 2023 Taxes	DiPretoro, Tim and Maria 9100 Atlantic Avenue Homeowner and mortgage company both paid first quarter Refund overpayment to Corelogic	\$2,060.61

**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 22, 2023.

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

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

**RESOLUTION NO. 23-91**

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING EXPENDITURE TO PURCHASE COMPUTER SOFTWARE FOR CLERK MANAGEMENT UNDER BERGEN COUNTY COOPERATIVE**

**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 Computer Software *for Clerk Management*; 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**, SHI International (Bergen County Contract # BC-BID-CK04 -22-24) 290 Davidson Avenue, Somerset NJ 08873 has provided a quote for \$23,730.00; 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 Computer Software for Clerk Management based upon the price quote from SHI (Bergen County Contract # BC-BID-CK04-22-24) in an amount not to exceed \$23,730.00; 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 Computer Software for Clerk Management based upon the price quote from SHI (Bergen County Contract # BC-BID-CK04-22-24) in an amount not to exceed \$23,730.00; and

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

Account Number(s) 3-01-44-909-299 Amount \$ 23,730.00

Signature \_\_\_\_\_

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

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

**RESOLUTION NO. 23-92**

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING WAIVER OF THE FEE REQUIRED FOR APPLICATION BY THE WILDWOOD CREST SCHOOL DISTRICT TO HOST A GRADUATION CEREMONY AT CENTENNIAL PARK ON JUNE 15, 2023 FROM 5:00-7:00 PM**

**WHEREAS**, Wildwood Crest School District has requested the use of Centennial Park to host a graduation ceremony at Centennial Park on June 15, 2023 from 5:00-7:00 pm; and

**WHEREAS**, the Board of Commissioners of the Borough of Wildwood Crest has reviewed the request for their upcoming graduation ceremony and in the spirit of supporting our local school district and our community, the Board of Commissioners has agreed to waive the fee required by application.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, New Jersey, that the fee required by application of the Wildwood Crest School District for the graduation ceremony being held on June 15, 2023 from 5:00-7:00 pm at Centennial Park.

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

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 23-93

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING AWARD OF CONTRACT FOR JOSEPH VON SAVAGE MEMORIAL POOL HVAC EQUIPMENT REPLACEMENT**

**WHEREAS**, a Notice to Bidders was authorized for advertisement by Resolution No. 22-351 on December 28, 2022 for the Borough of Wildwood Crest contract for the JOSEPH VON SAVAGE MEMORIAL POOL HVAC EQUIPMENT REPLACEMENT; and

**WHEREAS**, Notice to Bidders was advertised in the *Herald of Cape May County* on January 11, 2023 with receipt of sealed bids on February 15, 2023 at 10:00 a.m.; and

**WHEREAS**, three sealed bid proposals were received, opened and reviewed on February 15, 2023 by the Bid Opening Committee who reviewed the bid proposal and determined that LGB Mechanical, Inc. 555 North Route 73, West Berlin, New Jersey 08091 was the lowest responsive bidder in the amount of \$391,316.00 for the JOSEPH VON SAVAGE MEMORIAL POOL HVAC EQUIPMENT REPLACEMENT; and

**WHEREAS**, the Board of Commissioners of the Borough of Wildwood Crest has reviewed the recommendations made by the Bid Opening Committee as well as the bid tabulation and recommendation, and the opinion letter of the Project Engineer dated February 21, 2023 and Borough Solicitor recommending the award in a letter dated February 17, 2023 to LGB Mechanical, Inc. 555 North Route 73, West Berlin, New Jersey 08091; and

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

Account Number(s) \_\_\_\_\_ Amount \$319,316.00 Signature \_\_\_\_\_

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

1. The above recital paragraphs are incorporated herein as if set forth at length.
2. The JOSEPH VON SAVAGE MEMORIAL POOL HVAC EQUIPMENT REPLACEMENT is hereby awarded to LGB Mechanical, Inc. 555 North Route 73, West Berlin, New Jersey 08091 the lowest responsive bidder.
3. The award of this contract is contingent upon compliance with all terms, conditions and requirements set forth in the Notice to Bidders; Bid Specifications and Information Packet and other Bid Documents and certification from the Chief Financial Officer as to the availability of funds.
4. The Mayor and the Borough Clerk are hereby authorized and empowered to enter into a formal contract with LGB Mechanical, Inc. 555 North Route 73, West Berlin, New Jersey 08091 in accordance with this Resolution, Notice to Bidders, Bid Specifications and Information Packet and the submitted bid proposal.
5. That a Notice of Award shall be published in The Herald of Cape May County as required by law within ten (10) days of passage of this Resolution, which notice shall state that this Resolution and the contract are on file and available for public inspection in the office of the Borough Clerk.

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

Vote: Schiff - Franco – Cabrera – YES

**BILLS:** Mr. Franco motions, and Mr. Schiff seconded that all bills properly authorized, as submitted, be paid.

Vote: Schiff - Franco – Cabrera – YES

**REPORTS:** Mr. Franco motions, and Mr. Schiff seconded that all reports received from the Court Administrator, Chief Financial Officer, Tax Collector, Chief of Police, Supervisor for the



Recreation Department, Construction Official, Emergency Services Coordinator, for the EMS and the Wildwood Crest Volunteer Fire Company Chief for the month ending January 31, 2023 be accepted as presented.

Vote: Schiff - Franco – Cabrera – YES

**MINUTES:** Mr. Schiff motions, and Mr. Franco seconded that all minutes from the Commission meetings dated January 25, 2023 and February 8, 2023 be approved as presented.

Vote: Schiff - Franco – Cabrera – YES

## **ENGINEER'S REPORT:**

**Date:** February 22, 2023

### **Capital Projects**

1. Pacific Avenue Storm Sewer Improvements and Borough Street Improvements
  - The bid was awarded to Asphalt Paving Systems in the amount of \$5,767,600.00.
  - The Borough has approved a Change Order for improvements on Ocean Avenue and Washington Avenue and various streets.
  - Our office is in the process of preparing a Change Order to replace the Cardinal Avenue sanitary sewer from Seaview Avenue to Pacific Avenue for Winter 2022/Spring 2023 construction.
2. FY 2023 NJDOT Municipal Aid Program – Reconstruction of Orchid Road
  - The Borough has been allotted a \$170,085.00 grant from the NJDOT.
  - Our office submitted a proposal on December 1, 2022 to design the project. Upon authorization from the Township, we are prepared to start work immediately.
3. NJDEP CAFRA Permit for Beachfront Improvements, Sand Back Passing and Dune Maintenance Activities
  - The application has been submitted and deemed administratively complete.
  - The application has been deemed complete for public comment period.
  - The public comment period will begin with publication in the DEP Bulletin on February 1, 2023. The public comment period will continue for 30 calendar days until March 2, 2023.
4. Fiscal Year 2019 NJDCA Small Cities Program – Renovations to the Crest Arts Pavilion
  - The bid opening occurred on November 24, 2021 and the apparent low bidder was Joseph Porretta Builders, Inc. in the amount of \$1,918,713.00 for the Base Bid, Alternate Bid No. 1 and Alternate Bid No. 2.
  - The Atlantic City Electric utility pole has been installed and main power should be connected soon.
5. Fiscal Year 2022 NJDOT Municipal Aid Program – Reconstruction of Syracuse Avenue
  - The Borough was notified by the NJDOT that \$196,025.00 was allocated for the Reconstruction of Syracuse Avenue.
  - The bid opening occurred on October 19, 2022 and the apparent low bidder was Asphalt Paving Systems, Inc. in the amount of \$2,193,300.00.
  - All pipe work is completed on the 200 Block of Syracuse Avenue.
  - The concrete work is completed on the 100 Block, and the contractor is now working on the 200 Block.
  - Sewer main services have been installed on the 300 Block of Syracuse Avenue and they are installing sewer laterals next week.
6. Beach Patrol Headquarter Renovations
  - The bid opening occurred on January 19, 2023. The apparent low bidder was Straga Brothers, Inc.
  - Due to the fact that the bid exceeded the Engineer's Estimate we recommend the bids be rejected and re-advertised for public bidding.
  - The project was re-advertised for public bid on February 1, 2023 and the bid opening is scheduled for March 1, 2023 at 10:00 a.m.
7. Beach Street End Public Access Improvements – Phase 2
  - Survey is complete, the design is in progress and construction is scheduled for Winter 2022/Spring 2023.
  - The project was advertised for public bid on January 11, 2023 and the bid opening is scheduled for February 1, 2023 at 10:00 a.m.
  - The bid opening occurred on February 1, 2023 and the apparent low bidder was Fred M. Schiavone Construction, Inc. in the amount of \$3,228,065.20.
  - A pre-construction meeting was held on February 15<sup>th</sup>.
  - The contractor has begun material submittals.
  - Construction is scheduled to start on February 22<sup>nd</sup>.
8. Von Savage Pool – Pool and Roof Repairs
  - Our office is currently finalizing the bid documents and are scheduled for bidding in February 2023.
  - The project was advertised for public bid on February 15, 2023 and the bid opening is scheduled for March 9, 2023 at 10:00 a.m.

9. Public Works Roof Repairs

- Our office is currently finalizing the bid documents and are scheduled for bidding in March 2023.

Commissioner Schiff indicated that the color was still being determined to match what was already there. The Engineer received approval to move forward with getting both quotes.

## **ADMINISTRATOR'S REPORT:**

### **ONGOING AND UPCOMING PROJECTS**

#### **Beach End Bump Outs**

Our contractor Fred Schiavone is preparing to begin work on the beach bump outs at Toledo, St. Paul, Monterey, Miami, Louisville, Nashville, Atlanta, Farragut, Stanton, Stockton, and Orchid. The contractor has assured us that he will do everything possible to avoid unnecessary disruption to business and activity in the construction area. All asphalt and infrastructure work will be completed first to minimize disruption. Notices of the project have been provided by our engineer to all affected properties. A press release went out yesterday and the contractor will be placing notices at properties shortly as well. We have been awarded a \$2.5M Open Spaces grant for this purpose.

#### **Crest Arts Pavilion**

Atlantic City Electric has installed the new upgraded service and transformers necessary. Our contractor was given notice to reroute the electrical conduit to enable the new service feed to the building's main panel. They are scheduled to power up the building this week provided that ACE comes back to connect to pole. I have asked our governmental liaison to advocate for this. Once we power is to the main panel a full energizing of all mechanical components will happen and the contractor can complete the last of the painting, trim and minor details as well as a final walkthrough punch list will take place. The power to the new digital sign will also be hooked up as soon as possible. A preliminary punch list will be developed at tomorrow's walkthrough which is scheduled for 1:00 pm on site.

Our contractor is aware of the Creative Arts Council's event to be held on March 24<sup>th</sup>.

#### **Pacific Avenue**

According to the County's Engineer, the contractor will be setting up for the roadwork that will occur in late March. The drainage is complete as is most of the electrical work and concrete work.

#### **Hereford Inlet to Cape May Inlet Beach and Dune Construction**

The Commissioner of the NJDEP has given Wildwood and Lower Township until today to agree to sign their respective state aid agreements. I will report back on this as soon as I hear from the state on the status of this project.

#### **New Jersey Avenue**

The County Engineer has informed us that we should start the infrastructure work in fall 2024 in advance of their plans to start the reconstruction of New Jersey Avenue in the spring of 2025. This project is expected to take two years. We are currently awaiting final plans from the county engineer so that we can formally approve it. The business district project would occur in conjunction with county. Final plans will need to be formulated for this.

#### **Sunset Lake- State Channel Dredging**

We continue to work with the NJDOT's Office of Maritime Resources, the NJDEP Office of Sediment and Dredging Technology and our dredging committee to have the State dredge their state channel and have requested that they realign the channel and perhaps partner with us to dredge more of the lake.

#### **CAFRA Applications**

Our special counsel has had a preliminary meeting with NJDEP in our pursuit for Alternative Dispute Resolution for the storage/parking area adjacent to the beach patrol headquarters.

The CAFRA IP for the following 5 items has been submitted to DEP:

- Dune and Beach Maintenance Activities
- Bike Path Improvements north of Rambler
- Widening of pedestrian access through dunes north of Rambler
- Old Library site improvements including expanded parking
- Water main looping

We still await word on this permit.

#### **Washington Avenue BRIC Planning Study**

DeBlasio and Associates has been authorized to perform a study of the Washington Avenue flooding issues. This is being funded by a \$70,875 FEMA grant. The borough's contribution of \$70,875 is \$23,625.

#### **EV Charging Stations**

The NJBPU has approved a Tourism Grant and Clean Energy Grant. These two grants will provide funding toward the purchase and installation of 7 level 2 chargers for 6301 Ocean Avenue, 4 DCFC (fast chargers) for 8800 New Jersey Avenue and 5800 Ocean Avenue, and \$4,000 incentive grants for 2 Chevy Bolts. The level 2 grants provide up to \$7,000 per charger and the DCFC grants provides \$75,000 per charger. This project is pending funding.

#### **FY2023 DCA-Small Cities ADA Grant**

In our continued efforts to address ADA compliance in our municipally owned facilities, we have identified a need to renovate the 3 bathrooms in the municipal building and 3 bathrooms at the Crest Pier. This 2023 application is currently pending.

The mayor added that there will be a meeting at the Crest Arts Pavilion with the Recreation Department, Public Works, Administration and Engineer to prepare for an upcoming Arts Festival on March 24, 2023.

### **CORRESPONDENCE:**

First Responder Reports:

Chief Robert Lloyd gave a run down on recent activity from the previous month to note:

**Calls for Service: 1,446**

**Criminal Investigations: 211**

**Service Calls: 269**

**Traffic: 256**

**Arrests: 5**

Also, Chief Lloyd indicated that on February 28<sup>th</sup>, they will be speaking to a group called Forever Young about Elder Fraud and the FBI will also come in to speak. Also, on or about March 22<sup>nd</sup>, they are trying to put a presentation together to speak to parents of 4<sup>th</sup> grade and younger on bullying, mass shootings, and preparation. When the details are finalized, he will share them. Lastly, he offered to have any of his officers speak whenever needed.

Ron Harwood was next up and briefed all on the following:

**Office of OEM:** No report for January 2023.

**Fire Prevention:** Total Inspections were 176 and Smoke Detector Inspections were 2.

The Fire Inspection Bureau has a total of 3250 local Fire Inspections and 64 Life Hazard Fire Inspections required under the state of New Jersey Uniform Fire Code.

**EMS:** Total Calls: 65

**Volunteer Fire Co:** Total Incidents: 26

**PUBLIC COMMENTARY:** N/A

### **DISCUSSION:**

#### **NEW BUSINESS:**

Proposed Railing Ordinance: The mayor indicated that with the new beach bump outs and decking, there were incidents last year with people using the railings and locking up bicycles, chairs, etc. There was a draft ordinance in circulation to prohibit the use of the railings. The commissioners agreed to review and provide comments (if necessary) and instructed the Clerk to place on the next agenda for introduction.

5:25 p.m., the audio/visual for the meeting went down.

#### **OLD BUSINESS:**

-**Back Beach Excavation:** No movement.

-**Flood Mitigation Projects:** No movement.

-**Dredging:** Preliminary work being done.

-**CAFRA Permit:** No movement.

-**NJ Avenue infrastructure pre-county:** The No movement.

-**Major reconstructing streets plan:** No movement.

-**North / South street line striping / pedestrian cross walks:** On Hold.

-**Pool roof and resurfacing:** The resolution authorizing the NTB was done earlier in the meeting.

-**PW roof:** Pending.

-**Borough hall exterior and addition – office moves:** Awaiting quote.

-**Bayside outfalls and capacity / bulkhead repairs / replacement:** No movement.

-**Arts Pavilion Exterior – with CMCOS:** No movement.

-**Washington / Seaview – beach outfalls and capacity:** No movement.

-**Seating in lieu of barricades at Centennial Park:** Discussed after Engineer's report.

-**Update Landscaping and add lighting in Business district -NJ-** No movement.

#### **PUBLIC COMMENTARY:**

Dave Mears inquired about the cancellation of the Crest Best Run Fest and that it was a well-respected race. The mayor indicated that the race has been held for the past 4-5 years and that it

is actually a small race for the company (Delmo Sports). It seemed to be a business decision on their part, but the company is available to do the timing and on-course engineering if needed. The borough is looking into the idea of doing the race on a smaller scale and Mr. Mears pointed out that the borough has a fine work force and are more than capable.

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 23-94

**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) WITH REGARD TO POLICE NEGOTIATIONS**

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

Vote: Schiff - Franco – Cabrera – YES

After returning into Open Session and hearing nothing from the public, Mr. Schiff motioned and Mr. Franco seconded that the meeting be adjourned. All were in favor. The time was 6:06 p.m.

Dated: March 22, 2023

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Patricia A. Feketics, Borough Clerk

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