

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

March 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.

Mr. Franco motions, Mr. Schiff seconds that Ordinance No. 1398 be placed on second reading and final passage by title only.

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE ORDINANCE BY TITLE:

**ORDINANCE NO. 1398**

**ORDINANCE OF THE BOROUGH OF WILDWOOD CREST  
AMENDING AND SUPPLEMENTING CHAPTER 48, ARTICLE I,  
SECTION 48-4 USE OF PUBLIC FACILITIES OF THE CODE OF THE  
BOROUGH OF WILDWOOD CREST TO PROHIBIT THE CHAINING  
OF BICYCLES AND BEACH CHAIRS TO BOROUGH RAILINGS AND  
BENCHES**

Mr. Franco motions, Mr. Cabrera seconds that a public hearing be held on Ordinance No. 1398.

Vote: Schiff - Franco – Cabrera – YES

Dave McWilliams asked for clarification and the intent of the ordinance. Commissioner Schiff indicated that complaints were received that people were locking chairs and bikes to the fencing. He added that additional bike racks would be forthcoming.

Teresa Carey inquired if additional bike racks would be at all borough properties. The mayor added that the newly renovated beach bump outs have cabled railing and having chairs and bikes locked to it causes damage. This ordinance allows for enforcement and can alleviate a public safety concern.

Katherine Hughes inquired what happens when items get confiscated and the Chief of Police indicated they will be brought back to the station until they get claimed.

Dawn Ware, via telephone, asked if the ordinance could be less restrictive and worried about the consistency of enforcement all over the borough. The mayor added that bicycles being chained to regular wooden fences and railings causes damage to the spindles and blocks access to the beach. He added there will be additional racks at Veterans park, Sunset Lake and the street ends and asked for everyone to give it time. If changes are needed in the future, they will address.

After hearing nothing from the public, Mr. Franco motions, Mr. Schiff seconds that a public hearing be closed on Ordinance No. 1398.

Vote: Schiff - Franco – Cabrera – YES

Mr. Franco motions, Mr. Schiff seconds that Ordinance No. 1398 be passed on second and final reading and advertised according to law.

Vote: Schiff - Franco – Cabrera – YES

Mr. Franco motions, Mr. Schiff seconds that Ordinance No. 1399 be placed on second reading and final passage by title only.

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE ORDINANCE BY TITLE:

**ORDINANCE NO. 1399**

**ORDINANCE OF THE BOROUGH OF WILDWOOD CREST AMENDING AND SUPPLEMENTING CHAPTER 48, ARTICLE I, SECTION 48-4 USE OF PUBLIC FACILITIES OF THE CODE OF THE BOROUGH OF WILDWOOD CREST TO DESIGNATE RESTRICTED AREAS ON BOROUGH PROPERTY, IN BUILDINGS, STRUCTURES AND OTHER FACILITIES LIMITED TO AUTHORIZED EMPLOYEES ONLY TO PROTECT AND SAFEGUARD PUBLIC RECORDS CONTAINING PERSONALLY IDENTIFIABLE INFORMATION AND TO PROVIDE A SAFE AND SECURE WORK SPACE FREE FROM INTRUSION AND DISRUPTION FOR BOROUGH OFFICIALS AND EMPLOYEES**

Mr. Franco motions, Mr. Schiff seconds that a public hearing be held on Ordinance No. 1399.

Vote: Schiff - Franco – Cabrera – YES

After hearing nothing from the public, Mr. Franco motions, Mr. Schiff seconds that a public hearing be closed on Ordinance No. 1399.

Vote: Schiff - Franco – Cabrera – YES

Mr. Franco motions, Mr. Schiff seconds that Ordinance No. 1399 be passed on second and final reading and advertised according to law.

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

**RESOLUTION NO. 23-103**

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING THE APPOINTMENT OF KYLE WEINBERG, ESQUIRE, AS ALTERNATE CONFLICT MUNICIPAL PROSECUTOR FOR THE BOROUGH OF WILDWOOD CREST FOR CY 2023**

**WHEREAS**, the Board of Commissioners of the Borough of Wildwood Crest desires to appoint Kyle Weinberg, Esquire, as Alternate Conflict Municipal Prosecutor for CY2023 per Superior Court of New Jersey's requirements for a Shared Court; and

**WHEREAS**, the Borough of Wildwood Crest and the City of North Wildwood entered into a Shared Services Agreement for Municipal Court Services on September 18, 2018 for a period commencing January 1, 2019 through December 31, 2023; and

**WHEREAS**, said agreement stipulates the City of North Wildwood hereby agrees to provide, at its costs and expense, all usual and ordinary judicial and administrative services to Wildwood Crest including the physical court facilities, the services of the North Wildwood Municipal Court Judge, Municipal Prosecutor, Municipal Public Defender, and other court staffing and equipment, as required by statute and by the Supreme Court of New Jersey, for so long as the agreement remains in effect.

**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 Kyle Weinberg, Esquire, be and is hereby appointed as the Conflict Municipal Prosecutor of the Borough of Wildwood Crest in accordance with and pursuant Superior Court of New Jersey's requirements for a Court for a term expiring December 31, 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. 23-104**

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST APPROVING CONTRACT FOR BOROUGH ADMINISTRATOR THROUGH 2026**

**WHEREAS**, the Board of Commissioners of the Borough of Wildwood Crest has met with Constance Mahon for the express purpose of formulating an employment agreement by and between the Borough of Wildwood Crest and Constance Mahon as Administrator of the Borough of Wildwood Crest; and

**WHEREAS**, the parties have reached agreement on all of the issues existing between the Borough of Wildwood Crest and Constance Mahon which were, or could have been, the subject of negotiation; and

**WHEREAS**, it is the intent of the Board of Commissioners to authorize the aforesaid agreement which has been negotiated by and between the parties which is attached hereto and incorporated herein.

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

1. The above recital paragraphs are incorporated herein as if set forth in full.
2. The Mayor and the Borough Clerk are hereby authorized, instructed, and empowered to execute the agreement on behalf of the Borough of Wildwood Crest, embodying all of the mutual terms, understandings and conditions involving the employment of Constance Mahon through 2026; a copy of said agreement shall be placed on file in the office of the Borough Clerk and is incorporated herein by reference as if fully set forth.
3. This Resolution shall take effect as provided by law.

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

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

**RESOLUTION NO. 23-105**

**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 \$340,000.00, 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 \$10,276,000.00, 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”	
	Borough Administration OE	10,000.00
	Financial Administration OE	5,000.00
	Group Insurance	250,000.00
	Police S/W	20,000.00
	Ambulance S/W	5,000.00
	Public Building OE	5,000.00
		<hr/>
		<b>\$295,000.00</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. 23-106

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING AWARD OF PROFESSIONAL SERVICES CONTRACT FOR SPECIAL COUNSEL FOR GENERAL LEGAL SERVICES PERTAINING TO PUBLIC UTILITY LAW AT THE NTE SUM OF \$5,000**

**WHEREAS**, the Board of Commissioners of the Borough of Wildwood Crest has determined that there exists the need for a Special Counsel for general legal advice concerning public utility law for the Borough of Wildwood Crest, and

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

**WHEREAS**, under the Local Public Contracts Law, N.J.S.A. 40A:11-1, et. seq., the subject contract would be a contract for professional services because:

1. Professional services of the type herein sought are of such a nature as to require a high degree to trust and confidence in the individual providing the service and may require the creation of a confidential or fiduciary relationship between that individual and the Borough;
2. The services required are highly specialized or technical in nature;
3. The services require peculiar ability and skill, and demand a high degree of specialized knowledge or expertise;
4. The services are such that their relative worth must be judged by subjective considerations that are not susceptible of valuation by competitive bidding;
5. The individual or entity who will provide these services has demonstrated competence and particular expertise in the services required;
6. The individual or entity who will perform these services is held to and fully adheres to the strict ethical standards that govern the involved profession;
7. The services include advise to and consultation with the municipality that require both knowledge and judgment on the part of the individual or entity providing services, as well as the confidence of the municipal officials, such that competitive bidding is not feasible or practical;
8. The services to be provided are such that their nature, scope and duration are not capable of precise measurement, but rather require a flexibility and discretion that render competitive bidding impractical and inefficient; and

**WHEREAS**, the Commissioners of the Borough of Wildwood Crest desire to appoint Joseph P. Baumann, Jr., of McManimon Scotland Baumann, LLC, to serve as special counsel to the Borough of Wildwood Crest to handle all legal work necessary and as may be assigned by the Borough to represent the interests of the Borough of Wildwood Crest.

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

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

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

1. The above recital paragraphs are incorporated herein as if set forth at length.
2. That a contract for Special Counsel is awarded to Joseph P. Baumann, Jr., of McManimon Scotland Baumann, LLC.
3. The award of this contract is contingent upon compliance with the New Jersey Pay to Play Law as set forth in N.J.S.A. 19:44A-1; production of the Business Entity Disclosure Certificate, Affirmative Action Compliance Notice, New Jersey Certificate of Employee Information Report, New Jersey Business Registration Certificate and proof of insurance as required in the contract and certification from the Chief Financial Officer as to the availability of funds; a copy of these documents shall be kept on file in the office of the Borough Clerk.
4. That the Mayor and Borough Clerk are hereby authorized and empowered to enter into a contract effective immediately through March 21, 2024, with Joseph P. Baumann, Jr., of McManimon Scotland Baumann, LLC who shall be compensated at the not to exceed sum of \$5,000.00.

5. That a Notice of Award shall be published in *The Herald of Cape May County* as required by law within ten (10) days of passage of this Resolution, which notice shall state that this Resolution and the contract are on file and available for public inspection in the office of the Borough Clerk.

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

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 23-107

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING AWARD OF PROFESSIONAL SERVICES CONTRACT FOR SPECIALIZED LEGAL SERVICES TO CHRISTOPHER ORLANDO AND THE LAW FIRM OF PARKER MCCAY, P.A. AT THE NTE SUM OF \$5,000**

**WHEREAS**, the Borough of Wildwood Crest requires the professional services of a law firm specializing in a legal issues associated with a dredge project; and

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

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

**WHEREAS**, the Borough has determined that **CHRISTOPHER ORLANDO AND THE LAW FIRM OF PARKER MCCAY, P.A.** are qualified to perform said work and it is desired to enter a professional contract with them for said services pursuant to law, and to provide for the advertising of a notice pursuant to law; and

**WHEREAS**, under the Local Public Contracts Law, N.J.S.A. 40A:11-1, et. seq., the subject contract would be a contract for professional services because:

1. Professional services of the type herein sought are of such a nature as to require a high degree of trust and confidence in the individual providing the service and may require the creation of a confidential or fiduciary relationship between that individual and the Borough;

2. The services required are highly specialized or technical in nature;

3. The services require peculiar ability and skill, and demand a high degree of specialized knowledge or expertise;

4. The services are such that their relative worth must be judged by subjective considerations that are not susceptible of valuation by competitive bidding;

5. The individual or entity who will provide these services has demonstrated competence and particular expertise in the services required;

6. The individual or entity who will perform these services is held to and fully adheres to the strict ethical standards that govern the involved profession;

7. The services include advise to and consultation with the municipality that require both knowledge and judgment on the part of the individual or entity providing services, as well as the confidence of the municipal officials, such that competitive bidding is not feasible or practical;

8. The services to be provided are such that their nature, scope and duration are not capable of precise measurement, but rather require a flexibility and discretion that render competitive bidding impractical and inefficient; and

**CHRISTOPHER ORLANDO AND THE LAW FIRM OF PARKER MCCAY, P.A.** has completed and submitted a Business Entity Disclosure Certification which certifies that **CHRISTOPHER ORLANDO AND THE LAW FIRM OF PARKER MCCAY, P.A.** will not make any reportable contributions pursuant to N.J.S.A. 19:44A-1 commencing March 22, 2023 to any political committee or candidate through the term of this contract; and

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

Account Number(s) \_\_\_\_\_ Amount: at NTE \$5,000.00 Signature \_\_\_\_\_

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

1. **CHRISTOPHER ORLANDO AND THE LAW FIRM OF PARKER MCCAY, P.A.** is hereby retained as Special Counsel to provide specialized professional services for legal issues associated with a dredge project for the period ending April 11, 2024.

2. The Mayor and Borough Clerk are hereby authorized and empowered to enter into a contract with **CHRISTOPHER ORLANDO AND THE LAW FIRM OF PARKER MCCAY, P.A.** for specialized professional services in the field of litigation for a term of the period indicated above, which contract shall provide for payment at **not to exceed sum of \$5,000.**

3. The award of this contract is contingent upon compliance with the New Jersey Pay to Play Law as set forth in N.J.S.A. 19:44A-1; production of the Business Entity Disclosure Certificate, Affirmative Action Compliance Notice, New Jersey Certificate of Employee Information Report, New Jersey Business Registration Certificate and proof of insurance as required in the contract and certification from the Chief Financial Officer as to the availability of funds; a copy of these documents shall be kept on file in the office of the Borough Clerk.

4. That a Notice of Award shall be published in *The Herald of Cape May County* as required by law within ten (10) days of passage of this Resolution, which notice shall state that this Resolution and the contract are on file and available for public inspection in the office of the Borough Clerk.

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

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 23-108

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING AWARD OF CONTRACT FOR JOSEPH VON SAVAGE MEMORIAL POOL – POOL AND ROOF IMPROVEMENTS**

**WHEREAS**, a Notice to Bidders was authorized for advertisement by Resolution No. 23-63 on January 25, 2023 for the Borough of Wildwood Crest contract for the JOSEPH VON SAVAGE MEMORIAL POOL – POOL AND ROOF IMPROVEMENTS; and

**WHEREAS**, Notice to Bidders was advertised in the *Herald of Cape May County* AND *The Press of Atlantic City* on February 15, 2023 with receipt of sealed bids on March 9, 2023 at 10:00 a.m.; and

**WHEREAS**, one sealed bid proposal was received, opened and reviewed on March 9, 2023 by the Bid Opening Committee who reviewed the bid proposal and determined that CAPRI CONSTRUCTION COMPANY, 4266 Post Road, Vineland, New Jersey 08360 was the lowest responsive bidder in the amount of \$1,267,500.00 for the JOSEPH VON SAVAGE MEMORIAL POOL – POOL AND ROOF IMPROVEMENTS; 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 Engineer dated March 9, 2023 and Borough Solicitor recommending the award in a letter dated March 14, 2023 to CAPRI CONSTRUCTION COMPANY, 4266 Post Road, Vineland, New Jersey 08360; and

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

Account Number(s) \_\_\_\_\_ Amount \$1,267,500.00 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 – POOL AND ROOF IMPROVEMENTS is hereby awarded to CAPRI CONSTRUCTION COMPANY, 4266 Post Road, Vineland, New Jersey 08360 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 CAPRI CONSTRUCTION COMPANY, 4266 Post Road, Vineland, New Jersey 08360 in accordance with this Resolution, Notice to Bidders, Bid Specifications and Information Packet and the submitted bid proposal.
5. That a Notice of Award shall be published in *The Herald of Cape May County* as required by law within ten (10) days of passage of this Resolution, which notice shall state that this Resolution and the contract are on file and available for public inspection in the office of the Borough Clerk.

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

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 23-109

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING AWARD OF CONTRACT FOR LANDSCAPING SERVICES – BOROUGH CONTRACT #2023-2**

**WHEREAS**, a Notice to Bidders was authorized for advertisement by Resolution No. 23-72 on February 8, 2023 for the Borough of Wildwood Crest contract for the LANDSCAPING SERVICES- BOROUGH CONTRACT #2023-2; and

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

**WHEREAS**, two sealed bid proposals were received, opened and reviewed on March 15, 2023 by the Bid Opening Committee who reviewed the bid proposal and determined that A. GUZZO LANDSCAPING, LLC 111 Pleasant Avenue, Absecon, New Jersey 08201 was the lowest responsive bidder in the amount of \$61,450.00 for the LANDSCAPING SERVICES- BOROUGH CONTRACT #2023-2; 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 Borough Solicitor recommending the award in a letter dated March 15, 2023 to A. GUZZO LANDSCAPING, LLC 111 Pleasant Avenue, Absecon, New Jersey 08201; and

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

Account Number(s) \_\_\_\_\_ Amount \$61,450.00 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 LANDSCAPING SERVICES- BOROUGH CONTRACT #2023-2 is hereby awarded to A. GUZZO LANDSCAPING, LLC 111 Pleasant Avenue, Absecon, New Jersey 08201 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 A. GUZZO LANDSCAPING, LLC 111 Pleasant Avenue, Absecon, New Jersey 08201 in accordance with this Resolution, Notice to Bidders, Bid Specifications and Information Packet and the submitted bid proposal.
5. That a Notice of Award shall be published in The Herald of Cape May County as required by law within ten (10) days of passage of this Resolution, which notice shall state that this Resolution and the contract are on file and available for public inspection in the office of the Borough Clerk.

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

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 23-110

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING APPROVAL OF CHANGE ORDER NO. 1 – FY2022 NJDOT MUNICIPAL AID – RECONSTRUCTION OF SYRACUSE AVENUE TO REFLECT ADDITIONAL WORK OF BAYVIEW DRIVE FROM HOLLYWOOD AVENUE TO SYRACUSE AVENUE - AT THE NTE SUM OF \$340,472.00**

**WHEREAS**, Asphalt Paving Systems Inc., PO Box 530, Hammonton, New Jersey 08037 was awarded the contract known as RECONSTRUCTION OF SYRACUSE AVENUE (FY 2022 NJDOT MUNICIPAL AID) -via Resolution No. 22-315 on October 26, 2022 for \$2,193,300.00 with the Borough's portion being \$1,837,566.25; and

**WHEREAS**, Borough Engineer Marc DeBlasio of DeBlasio & Associates has reviewed the request for additional work for Bayview Drive from Hollywood Avenue to Syracuse Avenue and approves Change Order No 1 - RECONSTRUCTION OF SYRACUSE AVENUE (FY 2022 NJDOT MUNICIPAL AID) TO REFLECT ADDITIONAL WORK FROM BAYVIEW DRIVE FROM HOLLYWOOD AVENUE TO SYRACUSE AVENUE with an increase amount of \$340,472.00 all of which is detailed in the attachment to the Change Order and revising the Contract Price to \$2,533,772.00; and

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

Account Number: \_\_\_\_\_ Amount: \$340,472.00 Signature: \_\_\_\_\_

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

1. That the above recital paragraphs are incorporated herein by reference as if set forth at length.
2. That said Change Order Number 1- increasing the total contract amount by \$340,472.00 and revising the contract price to \$2,533,772.00 is hereby approved.
3. That the Mayor and Borough Clerk of the Borough of Wildwood Crest are hereby authorized and directed to execute and attest said Change Order documents on behalf of the Borough of Wildwood Crest.

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

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

**RESOLUTION NO. 23-111**

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING FOR THE PURCHASE OF BODY CAMERA SYSTEMS THROUGH STATE CONTRACT #17-FLEET-00738 IN THE AMOUNT OF \$123,688.00 OVER FIVE YEARS AND TWO MONTHS**

**WHEREAS**, pursuant to N.J.S.A. 40A:11-12A and N.J.A.C. 5:34-7.29(c), the Borough of Wildwood Crest 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**, on February 15, 2023, Axon Enterprises, Inc., supplied a quote for the above referenced camera systems in the amount of \$123,688.00 over five years and two months; and

**WHEREAS**, Axon Enterprises, Inc, is a State Contract Vendor under Contract # 17-FLEET-00738, for Public Safety Body Cameras, through March, 2027; and

**WHEREAS**, the Department of Public Safety will be using NJ STATE Contract # 17-FLEET-00738 to purchase Body Camera Systems; and

**WHEREAS**, it is recommended that the Borough Commissioners approve the purchase of Body Camera Systems, through the State Contract # 17-FLEET-00738 in the amount of \$123,688.00 over the course of five years as follows:

Year One (2023)	\$19,688.00
Year Two (2024)	\$23,000.01
Year Three (2025)	\$25,000.01
Year Four (2026)	\$26,999.98
Year Five (2027)	\$29,000.00

**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, Cape May County, New Jersey, that it approves the purchase of 13 Fleet 2 Camera Systems, through the State Contract # 17-FLEET-00738 in the amount of \$140,709.00, in accordance with the State Cooperative Purchasing Program over five years and two months.

**BE IT FURTHER RESOLVED** by the Board of Commissioners of the Borough of Wildwood Crest, New Jersey authorizes the purchase of Public Safety Cameras, in accordance with the State Cooperative Purchasing System and that the Departments are authorized to issue a purchase order as needed for the necessary items in accordance with the terms of State Cooperative Purchasing System as per State Contract # 17-FLEET-00738.

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. 23-112**

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING FOR THE PURCHASE OF (13) FLEET 3 CAMERA SYSTEMS THROUGH STATE CONTRACT #17-FLEET-00738 IN THE AMOUNT OF \$140,709.00 OVER FIVE YEARS**

**WHEREAS**, pursuant to N.J.S.A. 40A:11-12A and N.J.A.C. 5:34-7.29(c), the Borough of Wildwood Crest 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**, on February 10, 2023, Axon Enterprises, Inc., supplied a quote for the above referenced camera systems in the amount of \$140,709.00 over five years; and

**WHEREAS**, Axon Enterprises, Inc, is a State Contract Vendor under Contract # 17-FLEET-00738, for Public Safety Cameras, through April, 2028; and

**WHEREAS**, the Department of Public Safety will be using NJ STATE Contract # 17-FLEET-00738 to purchase 13 Fleet 3 Camera Systems; and

**WHEREAS**, it is recommended that the Borough Commissioners approve the purchase of 13 Fleet Camera Systems, through the State Contract # 17-FLEET-00738 in the amount of \$140,709.00 over the course of five years as follows.

**WHEREAS**, the CFO will certify the availability of funds in each budget year as specified in the quote.

**NOW THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Borough of Wildwood Crest, Cape May County, New Jersey, that it approves the purchase of 13 Fleet 3 Camera Systems, through the State Contract # 17-FLEET-00738 in the amount of \$140,709.00, in accordance with the State Cooperative Purchasing Program over five years.

**BE IT FURTHER RESOLVED** by the Board of Commissioners of the Borough of Wildwood Crest, New Jersey authorizes the purchase of Public Safety Cameras, in accordance with the State Cooperative Purchasing System and that the Departments are authorized to issue a purchase order as needed for the necessary items in accordance with the terms of State Cooperative Purchasing System as per State Contract # 17-FLEET-00738.

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. 23-113**

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST ACCEPTING DONATION OF POLICE K-9 DOGS FROM THE WILDWOOD CREST K9 ASSOCIATION**

**WHEREAS**, the Wildwood Crest K9 Association is composed of members of the Wildwood Crest Police Department who have formed a non-profit organization with a purpose to independently raise funds for the purchase and support of canines to be used as police dogs; and

**WHEREAS**, the Wildwood Crest K9 Association has raised such funds and purchased from private sellers a two-year old German Sheperd named Flex and an 18-month-old Czech Sheperd, named Quest, with the intent and purpose to donate those canines to the Borough of Wildwood Crest to be utilized by the Borough of Wildwood Crest Police Department; and

**WHEREAS**, the Board of Commissioners of the Borough of Wildwood Crest desires to accept such donation from the Wildwood Crest K9 Association and to further accept ownership and responsibility for the care, maintenance and training of the canines.

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

1. The Board of Commissioners hereby accepts the donation of the canines Quest and Flex, and all rights, title and interest in and to the canines from the Wildwood Crest K9 Association which acceptance is effective as of March 1, 2022.
2. That the Borough of Wildwood Crest is now the legal owner of the canines and may exercise full and complete control over the rights therein.
3. That the Borough of Wildwood Crest accepts all responsibility for the care, maintenance and training of the canines for their intended use as police dogs.
4. That any and all acts of the Borough of Wildwood Crest, its elected officials, officers, directors, department heads, supervisors, employees and agents, which would have been authorized by the foregoing Resolutions except that such acts were taken prior to the adoption of such Resolutions, are hereby severally authorized, ratified, confirmed and adopted as acts in the name and on behalf of the Borough of Wildwood Crest.

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

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 23-114

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING THE MUNICIPAL ENGINEER TO MAKE “FULL APPLICATION” TO THE CAPE MAY COUNTY OPEN SPACE FOR FUNDING REGIONAL BIKE PATH SYSTEM AND CREST ARTS PAVILION SITE**

**WHEREAS**, in 1997, the State of New Jersey passed a number of laws which expanded the potential function of the Open Space and Farmland Preservation Trust Fund programs to include recreation and historic preservation; and

**WHEREAS**, the decision to expand the Open Space Program into the realms of recreation and historic preservation beginning in 2013 has helped to enhance and protect our collective community assets; and

**WHEREAS**, the Board of Commissioners of the Borough of Wildwood Crest passed Resolution No. 22-139 on March 23, 2022, which authorized the Municipal Engineer to Make Pre-Application to the Cape May County Open Space Funding Regional Bike Path System; and

**WHEREAS**, the Board of Commissioners recognize the value of safe public access in Cape May County and the potential to enhance tourism and economic development while also promoting usage of the beachfront amenities with enhancements to Regional Bike Path System and Crest Arts Pavilion Site; and

**WHEREAS**, the Borough proposes to provide a site along the highly utilized bike path, which includes necessary amenities for cyclists, pedestrians and joggers and to link the bike path to the newly repurposed old library building which houses ADA compliant restrooms, refreshments, entertainment and arts; and

**WHEREAS**, the Board of Commissioners desire to apply to the Cape May County Open Space Board for Regional Bike Path System and Crest Arts Pavilion Site funding for the purposes stated herein.

**WHEREAS**, the Total Grant Request is: \$1,234,927.00

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Borough of Wildwood Crest, County of Cape, State of New Jersey, hereby authorize the Borough Engineer to make application to the Cape May County Open Space Board for the project known as: **REGIONAL BIKE PATHY SYSTEM AND CREST ARTS PAVILION**.

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. 23-115

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING THE APPOINTMENT OF COLLEEN ARCHER AS COMMUNITY FORESTRY MANAGEMENT PLAN COORDINATOR**

**WHEREAS**, the Board of Commissioners of the Borough of Wildwood Crest adopted a Community Forestry Management Plan via Resolution No. 51-19 on January 2, 2019; and

**WHEREAS**, it is the desire of the Board of Commissioners to appoint Colleen Archer as Community Forestry Management Plan Coordinator with a yearly stipend of \$2,500.00.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May and State of New Jersey, that Colleen Archer is hereby appointed Community Forestry Management Plan Coordinator for the Borough of Wildwood Crest effective March 27, 2023.

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

Vote: Schiff - Franco – Cabrera – YES

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

Vote: Schiff - Franco – Cabrera – YES

**MINUTES:** The Clerk added the minutes for approval. Mr. Schiff motioned, and Mr. Franco seconded that all minutes from the meetings scheduled February 22<sup>nd</sup> and March 8<sup>th</sup>, 2023 be approved as presented.

Vote: Schiff - Franco – Cabrera – YES

**REPORTS:** The Clerk added the reports from the department heads for the month of February 2023 for approval. Mr. Schiff motions, and Mr. Franco seconded that all reports from the department heads for the month of February, 2023 be approved.

Vote: Schiff - Franco – Cabrera – YES

## **CORRESPONDENCE:**

## **PUBLIC COMMENTARY:**

Dave McWilliams inquired about the Emergency Temporary Budget. The CFO clarified that since the budget has not yet been adopted, some line items needed money.

Teresa Carey had many questions about the pickleball courts from resurfacing and wind protection. Mr Bond was able to answer that and indicated there are plans for hooks on fences, labeling the courts, bike racks and seating areas.

## **DISCUSSION:**

### **NEW BUSINESS:**

-Code Enforcement – Commissioner Franco indicated that with all of the building going on and that currently code enforcement works until noon that additional help may be needed. He wanted to begin the conversation to possibly get more help in the future. Commissioner Schiff added that the police department also does enforcement and that they need another set of eyes. Chief Lloyd indicated it would be helpful on weekends. Mayor Cabrera recognizes that zoning, construction and property maintenance and trash/recycle violations and mercantile violations are all under the umbrella of code enforcement.

Mayor Cabrera introduced veteran Michael Marino who is the appointee to help the borough with the “We Value our Veterans” campaign. Mr. Marino gave a brief update.

-Bayside Bulkhead Proposal- The Mayor indicated that the area discussed is known as the Bayside Triangle and it is from Rambler Road to Cresse Avenue and from Pacific Avenue westbound. The Engineer gave an overview of the proposal for the Bayside Bulkhead Replacement and Flood Mitigation Improvements for survey, engineering design and regulatory permitting services. He added that it was his understanding that the Borough wants to replace or elevate the eleven (11) existing bayside street end bulkheads from Cardinal Road to Primrose Road and implement flood mitigation improvements along the bayside from Cresse Avenue to Rambler Road. He indicated that the Borough would like to complete the improvements in a phased manner and initiate the first phase of the bulkhead replacements in the Fall 2023 with construction completed by Spring 2024. The proposed goals of the project are to replace structurally compromised bulkheads and provide conformity with the Borough bulkhead height requirements. The estimated construction cost for the replacement of the eleven (11) bayside street end bulkheads is \$4,000,000.00. Additionally, each bayside street end will be designed to be increased in elevation to the maximum extent possible and each storm sewer outfall will be retrofitted with a more effective tide control valve where applicable. Lastly, our scope of services will also include the survey, base mapping, and elevational analysis of the “Bayside Triangle” to determine if the roadways can be further raised and any other flood mitigation improvements can be identified.

The Engineer added that he may need access to private property as well. It was also noted that raising streets may affect owners access to their driveways and new outfall lines can help with surface water but not tidal flooding.

The governing body touched upon the private property bulkhead ordinance. They will need a timeline and phases and will need to address hot spots.

The governing body were all in agreement to move forward with Engineer’s proposal for the next meeting (April 5<sup>th</sup>).

### **OLD BUSINESS:**

-Crest Arts Pavilion: On Hold.

-Back Beach Excavation: On Hold.

-Flood Mitigation Projects: Discussed.

-Dredging: Commissioner Franco indicated they had a meeting with the Scott Douglas (DOT) and Wildwood, West Wildwood and North Wildwood and the project is moving along.

- CAFRA Permit:** The permit is in the technical review stage with the DEP.
- NJ Avenue infrastructure pre-county:** On hold.
- Major reconstructing streets plan:** On hold.
- PW roof:** Awaiting funding.
- Borough hall exterior and addition – office moves:** Awaiting proposal.
- Bayside outfalls and capacity / bulkhead repairs / replacement:** Discussed.
- Arts Pavilion Exterior – with CMCOS:** The County has the application, and we are in queue for decision on amount.
- Washington / Seaview – beach outfalls and capacity:** This was recently authorized and now survey work needs to be done; tied in with BRIC grant.
- Update Landscaping and add lighting in Business district -NJ-** Asst. Superintendent Shearer is working on.

**PUBLIC COMMENTARY:**

Katherine Hughes, brought up dumpsters and how they are and are not enforced. She noted several dumpsters were not in compliance and the Commissioner of Public Safety asked Ms. Hughes to call him about it and the Chief of Police said he would address it.

Commissioner Schiff asked the Chief of Police and EMS Supervisor for their monthly reports.

First Responder Reports:

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

**Calls for Service: 1,297**

**Criminal Investigations: 206**

**Service Calls: 262**

**Traffic: 202**

**Arrests: 8**

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

**Office of OEM:** Drill activity for participants.

**Fire Prevention:** Total Inspections were 105 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: 59

**Volunteer Fire Co:** Total Incidents: 25

**Commissioner Comments**

**Commissioner Schiff:** Congratulations to the K-9s for their graduation with their handlers. Officer Lavender with Quest and Officer Magnavita with Flex.

**Commissioner Franco:** Many thanks to Public Works and Recreation for their work at the Crest Arts Pavilion to get it ready for the soft opening on for the Arts Exhibit taking place on Friday at 6:00 pm.

**Mayor Cabrera:** Thank you to Mr. Mike Marino, the Administrator, Clerk for their work on the “We Value our Veterans” campaign.

Also, the Borough of Wildwood Crest recently found out that they have been awarded the designation of “Healthy Town” for the 3<sup>rd</sup> year in a row.

April 29<sup>th</sup> at 8:30 is the Mayor’s Wellness Walk and there will be another wellness challenge in April for “steps.”

Lastly, Congratulations to Borough Administrator on your contract through 2026.

Hearing nothing further, Mr. Schiff motioned and Mr. Franco seconded that the meeting be adjourned. All were in favor. The time was 5:59 p.m.

Dated: April 26, 2023

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Patricia A. Feketics, Borough Clerk

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