

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

March 9, 2022

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

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

Schiff - Franco - Cabrera - YES

Mr. Cabrera read the following statement: In compliance with the Open Public Meeting Act, Chapter 231, P.L. 1975, the notice requirements have been satisfied as to the time, place and date of holding said meeting by posting notice on the bulletin board in the Borough Hall and by e-mailing and same to the Herald of Cape May County and The Press on October 13, 2021.

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

The Mayor noted for the record that that this meeting was open to the public in accordance with Executive Orders and there is no longer a limit restriction for indoor gatherings and that the meeting could be streamed online at Borough's Facebook page Youtube page.

Mr. Franco motioned, Mr. Schiff seconded that Ordinance No. 1374 be placed on second and final reading by title only.

Vote: Schiff - Franco - Cabrera - YES

THE CLERK READS THE INTRODUCED ORDINANCE BY TITLE:

**ORDINANCE NO. 1374**  
**ORDINANCE TO ESTABLISH CAP BANK FOR**  
**CY2022 PURSUANT TO N.J.S.A. 40A:4-45.14**

Mr. Franco motioned, Mr. Schiff seconded that a hearing now be held on Ordinance No. 1374.

Vote: Schiff - Franco - Cabrera - YES

Hearing nothing from the public, Mr. Franco motioned, Mr. Schiff seconded that the hearing on Ordinance No. 1374 now be closed.

Vote: Schiff - Franco - Cabrera - YES

Mr. Franco motioned, Mr. Schiff seconded that Ordinance No. 1374 be passed on second and final reading and advertised according to law.

Vote: Schiff - Franco - Cabrera - YES

Mr. Franco motioned, Mr. Schiff seconded that Ordinance No. 1375 be placed on second and final reading by title only.

Vote: Schiff - Franco - Cabrera - YES

THE CLERK READS THE INTRODUCED ORDINANCE BY TITLE:

**ORDINANCE NO. 1375**  
**ORDINANCE OF THE BOROUGH OF WILDWOOD CREST**  
**AMENDING AND SUPPLEMENTING CHAPTER 40 LICENSES OF THE**  
**CODE OF THE BOROUGH OF WILDWOOD CREST REGULATING**  
**SPECIAL EVENTS AND USE OF MUNICIPAL FACILITIES AND**  
**GROUNDS**

Mr. Franco motioned, Mr. Schiff seconded that a hearing now be held on Ordinance No. 1375.

Vote: Schiff - Franco - Cabrera - YES

Hearing nothing from the public, Mr. Franco motioned, Mr. Schiff seconded that the hearing on Ordinance No. 1375 now be closed.

Vote: Schiff - Franco - Cabrera - YES

Mr. Franco motioned, Mr. Schiff seconded that Ordinance No. 1375 be passed on second and final reading and advertised according to law.

Vote: Schiff - Franco – Cabrera – YES

Mr. Franco motioned, Mr. Schiff seconded that Ordinance No. 1376 be placed on second and final reading by title only.

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE INTRODUCED ORDINANCE BY TITLE:

**ORDINANCE NO. 1376**

**ORDINANCE OF THE BOROUGH OF WILDWOOD CREST AMENDING AND SUPPLEMENTING ARTICLE XVI OF CHAPTER 85 OF THE CODE OF THE BOROUGH OF WILDWOOD CREST LAND DEVELOPMENT ORDINANCE GRANTING TO THE PLANNING BOARD THE AUTHORITY TO EXERCISE ALL POWERS OF THE ZONING BOARD OF ADJUSTMENT**

Mr. Franco motioned, Mr. Schiff seconded that a hearing now be held on Ordinance No. 1376.

Vote: Schiff - Franco – Cabrera – YES

Hearing nothing from the public, Mr. Franco motioned, Mr. Schiff seconded that the hearing on Ordinance No. 1376 now be closed.

Vote: Schiff - Franco – Cabrera – YES

Mr. Franco motioned, Mr. Schiff seconded that Ordinance No. 1376 be passed on second and final reading and advertised according to law.

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE INTRODUCED ORDINANCE BY TITLE:

**ORDINANCE NO. 1377**

**AN ORDINANCE TO AMEND SECTION 59-3 OF THE CODE OF THE BOROUGH OF WILDWOOD CREST, KNOWN AS THE "SALARY ORDINANCE," FIXING AND DETERMINING SALARIES AND COMPENSATIONS OF THE BOROUGH OF WILDWOOD CREST, AND PROVIDING FOR THE RAISING OF THE AMOUNTS THEREOF BY TAXATION AND FOR THE TIME AND METHOD OF PAYMENT**

Mr. Franco motioned, Mr. Schiff seconded that Ordinance No. 1377 be passed on first reading, advertised according to law, be brought up for second and final reading and public hearing on March 23, 2022 at 5:30 p.m.

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE INTRODUCED ORDINANCE BY TITLE:

**ORDINANCE NO. 1378**

**ORDINANCE OF THE BOROUGH OF WILDWOOD CREST AMENDING AND SUPPLEMENTING ARTICLE XIV EXCEPTIONS AND SUPPLEMENTAL REGULATIONS OF THE LAND DEVELOPMENT ORDINANCE OF THE BOROUGH OF WILDWOOD CREST PERMITTING ELECTRIC VEHICLE CHARGING STATIONS AND EQUIPMENT AS AN ACCESSORY USE IN ALL ZONING DISTRICTS IN THE BOROUGH OF WILDWOOD CREST**

Mr. Franco motioned, Mr. Schiff seconded that Ordinance No. 1378 be passed on first reading, advertised according to law, be brought up for second and final reading and public hearing on March 22, 2022 at 5:30 p.m.

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

**RESOLUTION NO. 22-114**

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST CANCELING ERRONEOUS 2022 SEWER RENTS IN THE AMOUNT OF \$124.00 FOR PROPERTY LOCATED AT 407 EAST MIAMI AVENUE**

**WHEREAS**, it has been determined by the Tax Collector of the Borough of Wildwood Crest, that a sewer account has been billed erroneous sewer rents for 2022; and

**WHEREAS**, sewer account 1838-0, at 407 East Miami Avenue had no water meter installed for the year 2021, the sewer rents levied in 2022 should be canceled; and

**WHEREAS**, the Tax Collector of the Borough of Wildwood Crest has determined the said erroneous sewer rents should be canceled accordingly as indicated below.

<b>Block / Lot Sewer ID#</b>	<b>Name</b>	<b>Amount</b>
117.02/5.01 1838-0	Benedetto, E&C & Benedetto, A&D 407 East Miami Avenue 2022 Sewer Rents	\$124.00

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, State of New Jersey, hereby authorize the Tax Collector of the Borough of Wildwood Crest to cancel said sewer amounts for 2022.

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

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

**RESOLUTION NO. 22-115**

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST CANCELING ERRONEOUS 2022 SEWER RENTS IN THE AMOUNT OF \$124.00 FOR PROPERTY LOCATED AT 106-08 EAST BUTTERCUP ROAD**

**WHEREAS**, it has been determined by the Tax Collector of the Borough of Wildwood Crest, that a sewer account has been billed erroneous sewer rents for 2022; and

**WHEREAS**, sewer account 303-1, at 106-08 East Buttercup Road had no water meter installed for the year 2021, the sewer rents levied in 2022 should be canceled; and

**WHEREAS**, the Tax Collector of the Borough of Wildwood Crest has determined the said erroneous sewer rents should be canceled accordingly as indicated below.

<b>Block / Lot Sewer ID#</b>	<b>Name</b>	<b>Amount</b>
12-25 303-1	Peter, Scott 106-08 East Buttercup Road 2022 Sewer Rents	\$124.00

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, State of New Jersey, hereby authorize the Tax Collector of the Borough of Wildwood Crest to cancel said sewer amounts for 2022.

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

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

**RESOLUTION NO. 22-116**

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST CANCELING ERRONEOUS 2022 SEWER RENTS IN THE AMOUNT OF \$124.00 FOR PROPERTY LOCATED AT 6509 SEAVIEW AVENUE**

**WHEREAS**, it has been determined by the Tax Collector of the Borough of Wildwood Crest, that a sewer account has been billed erroneous sewer rents for 2022; and

**WHEREAS**, sewer account 995-0, at 6509 Seaview Avenue had no water meter installed for the year 2021, the sewer rents levied in 2022 should be canceled; and

**WHEREAS**, the Tax Collector of the Borough of Wildwood Crest has determined the said erroneous sewer rents should be canceled accordingly as indicated below.

<b>Block / Lot Sewer ID#</b>	<b>Name</b>	<b>Amount</b>
50.02-7 995-0	Glovas, Michael 6509 Seaview Avenue 2022 Sewer Rents	\$124.00

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, State of New Jersey, hereby authorize the Tax Collector of the Borough of Wildwood Crest to cancel said sewer amounts for 2022.

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

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 22-117

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST CANCELING ERRONEOUS 2022 SEWER RENTS IN THE AMOUNT OF \$124.00 FOR PROPERTY LOCATED AT 404-406 EAST MIAMI AVENUE**

**WHEREAS**, it has been determined by the Tax Collector of the Borough of Wildwood Crest, that a sewer account has been billed erroneous sewer rents for 2022; and

**WHEREAS**, sewer account 1868-0, at 404-406 East Miami Avenue had no water meter installed for the year 2021, the sewer rents levied in 2022 should be canceled; and

**WHEREAS**, the Tax Collector of the Borough of Wildwood Crest has determined the said erroneous sewer rents should be canceled accordingly as indicated below.

<b>Block / Lot Sewer ID#</b>	<b>Name</b>	<b>Amount</b>
118.02/6 1868-0	KH NJ Ventures LLC 404-406 East Miami Avenue 2022 Sewer Rents	\$124.00

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, State of New Jersey, hereby authorize the Tax Collector of the Borough of Wildwood Crest to cancel said sewer amounts for 2022.

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

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 22-118

**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 2022 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.

16.03-1.02-C0302 2022 Taxes	Dhruva, Jyotsna and Nirranjan 5711 Atlantic Avenue Homeowner and mortgage company both paid first quarter Refund overpayment to Corelogic	<b>Amount</b> \$1,355.51
56.03-3-C0207	McCarthy, Charles and Susan	\$1,361.80

2022 Taxes	407 East Palm Road Homeowner and mortgage company both paid first quarter Refund overpayment to Corelogic	
96.03-8-C0402 2022 Taxes	Berardi, Ralph and Patricia 520 East Stockton Road Homeowner and mortgage company both paid first quarter Refund overpayment to Corelogic	\$1,811.65
126.02-2-C0009 2022 Taxes	Aroneo, Rachel and Coulter, John 402 East Saint Paul Avenue Homeowner and mortgage company both paid first quarter Refund overpayment to Corelogic	\$441.23

**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 March 9, 2022.

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

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

**RESOLUTION NO. 22-119**

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING RELEASE OF ESCROW FUNDS FOR PERMIT #SO20-1201 IN THE AMOUNT OF \$187.50**

**WHEREAS**, the Wildwood Crest Construction Official has received written approval from the Borough Engineer, DeBlasio & Associates, on December 27, 2021 to refund escrow to Garden State General Construction, Inc. for Street Opening Permit #SO20-1201, Block 75/Lot 19 & 20; and

**WHEREAS**, the Wildwood Crest Construction Official has confirmed that all Borough Engineer billings related to Street Opening Application #SO20-1201 are complete; and

**WHEREAS**, Garden State General Construction, Inc., 8 Clermont Drive, Clermont, New Jersey 08210 made an escrow payment to the Borough of Wildwood Crest of \$1,000.00 on November 23, 2020 for Street Opening Permit for location 97-99 West Myrtle Road, Block 75/Lot 19 & 20 and has requested return of the unused escrow balance; and

**WHEREAS**, the escrow used totaled \$812.50 and the Borough of Wildwood Crest Construction Official is recommending the return of the unused escrow fee of \$187.50.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Borough of Wildwood Crest, in the County of Cape May, New Jersey, that the return of the balance of the unused escrow account in the amount of \$187.50 to Garden State General Construction, Inc., 8 Clermont Drive, Clermont, New Jersey 08210 be and hereby is approved.

**BE IT FURTHER RESOLVED** that the Chief Financial Officer is hereby authorized to return the balance of the unused escrow account in the amount of \$187.50 to Garden State General Construction, Inc., 8 Clermont Drive, Clermont, New Jersey 08210.

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

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

**RESOLUTION NO. 22-120**

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING AWARD OF CONTRACT TO ATLANTIC WAV STUDIO TO PROVIDE TECHNICIAN TO STREAM PROPOSED BULKHEAD ORDINANCE PRESENTATION/DISCUSSION AT THE NTE SUM OF \$1,200.00**

**WHEREAS**, there exists the need for the “Services” of a company to be retained by the Borough for the handling of audio/visual services for the streaming of stakeholder meeting for proposed bulkhead ordinance associated therewith as directed by the authorized representatives of the Borough of Wildwood Crest, all as more specifically set forth in the attached Agreement which is made a part hereof by reference as if fully set forth; and

**WHEREAS**, ATLANTIC WAV STUDIO has completed and submitted a Business Entity Disclosure Certification which certifies that ATLANTIC WAV STUDIO will not make any reportable contributions pursuant to N.J.S.A. 19:44A-1 commencing March 9, 2022 to any political committee or candidate through the term of this contract. Said term shall expire March 8, 2023; and

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

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

Signature \_\_\_\_\_

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

1. The above recital paragraphs are incorporated herein as if set forth at length.
2. That the Mayor and Borough Clerk are hereby authorized and empowered to execute the attached agreement with **ATLANTIC WAV STUDIO**, who shall be compensated by voucher at the agreed upon rates not to \$1,200.00 when the location of the meeting changes, contingent upon certification from the Chief Financial Officer as to the availability of funds, and said "Independent Contractor" shall be required to comply with this Resolution, and the attached Agreement. Said **ATLANTIC WAV STUDIO** is further required to comply with all other conditions/provisions of law or regulation applicable to a "Contractor," including but not limited to procuring/maintaining sufficient insurance coverages necessary to fully protect the interests of the Borough in each and every instance relative to performance under this contract.
3. The award of this contract is contingent upon compliance with the New Jersey Pay to Play Law as set forth in N.J.S.A. 19:44A-1; production of the Business Entity Disclosure Certificate, Affirmative Action Compliance Notice, New Jersey Certificate of Employee Information Report, New Jersey Business Registration Certificate and proof of insurance as required in the contract and certification from the Chief Financial Officer as to the availability of funds; a copy of these documents shall be kept on file in the office of the Borough Clerk.
4. That a Notice of Award shall be published in *The Herald of Cape May County* as required by law within ten (10) days of passage of this Resolution, which notice shall state that this Resolution and the contract are on file and available for public inspection in the office of the Borough Clerk.

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

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

**RESOLUTION NO. 22-121**

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING EXECUTION OF AN ADDENDUM TO THE EXISTING CONTRACT WITH CAPE PROFESSIONAL BILLING FOR EMERGENCY MEDICAL BILLING SERVICES THROUGH 2022**

**WHEREAS**, the Board of Commissioners authorized Resolution No. 2020-303 on October 21, 2020 which authorized award of contract for Emergency Medical Billing Services 2020-2022 to Cape Professional Billing, Inc. d/b/a Cape Medical Billing, and

**WHEREAS**, Cape Professional Billing, Inc, has provided a "HIPAA Business Associate Addendum" to the Borough, which concerns compliance issues with HIPAA only and does not change any of the terms and conditions of the previously awarded contract; and

**WHEREAS** the Solicitor for the Borough of Wildwood Crest has reviewed the Addendum and recommends the execution of the addendum by the Board of Commissioners.

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

1. The attached HIPAA Business Associate Addendum is hereby approved.
2. The Mayor of and the Municipal Clerk are hereby authorized, instructed and empowered to execute the attached Amendment to the original Contract.

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

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

**RESOLUTION NO. 22-122**

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE NEW JERSEY URBAN ENTERPRISE ZONE AUTHORITY FOR ENTERPRISE ZONE ASSISTANCE FUNDS FOR ADMINISTRATION OF THE URBAN ENTERPRISE ZONE PROGRAM FOR FISCAL YEAR ENDING JUNE 30, 2022**

**WHEREAS**, N.J.S.A. 52:27H.88 creates an Enterprise Zone Assistance Fund to be held by the State Treasurer on behalf of qualifying municipalities, of which the Borough of Wildwood Crest is recognized, which

shall be a repository of all monies required to be deposited therein and disbursed in the amounts necessary to fulfill the purposes of the UEZ Authority, N.J.S.A. 52:27H 60 et seq.; and

**WHEREAS**, N.J.S.A. 52:27H-88 b. permits a municipality to utilize 10% of the amount annually credited to its enterprise zone Assistance fund for administrative expenses incurred in furtherance of the mission of the New Jersey Urban Enterprise Zone Authority; and

**WHEREAS**, in order to adequately provide for the proper administration of qualified economic development projects in designated enterprise zones within the Borough of Wildwood Crest by funding qualified assistance fund expenses, the Board of Commissioners finds it to be in the best interest of the borough and in furtherance of the goals set forth in N.J.S.A. 52:27H-60 et seq. to request and utilize available monies being held by the State Treasurer in the amount equal to 10% of the amount credited for the Fiscal Year ending June 30, 2022 (FY2022).

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Commissioners of the Borough of Wildwood Crest, does hereby authorize and direct the submission of a proposal to the New Jersey Urban Enterprise Zone Authority for use of Enterprise Zone Assistance Funds in the amount of 10% of the amount credited in FY2022 being held on behalf of the Borough of Wildwood Crest for administrative expenses necessary to fulfill the purposes of N.J.S.A. 52:27H-60 et seq.

**BE IT FURTHER RESOLVED** that the persons whose names, titles, and signatures appear below or their successors in said titles are authorized to sign any agreement connected with this funding and any other documents necessary in connection therewith:

_____	_____
(signature)	(signature)
_____	_____
(print name)	(print name)
_____	_____
Mayor	Clerk

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

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

**RESOLUTION NO. 22-123**  
**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING THE USE OF FUNDS DESIGNATED FOR THE BOROUGH OF WILDWOOD CREST FROM THE FISCAL YEAR 2022 WILDWOODS URBAN ENTERPRISE ZONE FUND FOR THE ACQUISITION OF LITTER CONTAINERS PROJECT**

**WHEREAS**, a proposal for the use of Fiscal Year 2022 Urban Enterprise Zone Assistance Funds has been approved by the Urban Enterprise Committee for the following: Acquisition of Litter Containers; and

**WHEREAS**, it is determined to be in the best interest of the Borough of Wildwood Crest and the community in particular that Urban Enterprise Zone Assistance Funds be utilized for the above-mentioned purpose.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Commissioners of the Borough of Wildwood Crest does hereby approve the use of Urban Enterprise Zone Assistance Funding for the following project, in accordance with the budget submitted and approved by the Urban Enterprise Zone Committee: Acquisition of Litter Containers for a cost not to exceed \$40,074.00.

**BE IT FURTHER RESOLVED** that the persons whose names, titles, and signatures appear below or their successors in said titles are authorized to sign any agreement connected with this funding and any other documents necessary in connection therewith:

_____	_____
(signature)	(signature)
_____	_____
(print name)	(print name)
_____	_____
Mayor	Clerk

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

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

**RESOLUTION NO. 22-124**  
**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING AWARD OF PROFESSIONAL SERVICE**

**CONTRACT FOR SPECIAL COUNSEL FOR LAND USE REDEVELOPMENT AT THE NTE SUM OF \$15,000**

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

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

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

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

**WHEREAS**, the Commissioners of the Borough of Wildwood Crest desire to appoint M. James Maley of Maley Givens, a Professional Corporation, to serve as special counsel to the Borough of Wildwood Crest to handle all legal work necessary and as may be assigned by the Borough to represent the interests of the Borough of Wildwood Crest.

**WHEREAS**, the CFO has certified the availability of funds as evidenced below by her signature:  
Account Number(s) \_\_\_\_\_ Amount \_\_\_\_\_ Signature \_\_\_\_\_

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

1. The above recital paragraphs are incorporated herein as if set forth at length.
2. That a contract for Special Counsel is awarded to M. James Maley of Maley Givens, a Professional Corporation.
3. The award of this contract is contingent upon compliance with the New Jersey Pay to Play Law as set forth in N.J.S.A. 19:44A-1; production of the Business Entity Disclosure Certificate, Affirmative Action Compliance Notice, New Jersey Certificate of Employee Information Report, New Jersey Business Registration Certificate and proof of insurance as required in the contract and certification from the Chief Financial Officer as to the availability of funds; a copy of these documents shall be kept on file in the office of the Borough Clerk.
4. That the Mayor and Borough Clerk are hereby authorized and empowered to enter into a contract effective immediately through December 31, 2021, with M. James Maley of Maley Givens, a Professional Corporation, who shall be compensated at the not to exceed sum of \$15,000.00.
5. That a Notice of Award shall be published in *The Herald of Cape May County* as required by law within ten (10) days of passage of this Resolution, which notice shall state that this Resolution and the contract are on file and available for public inspection in the office of the Borough Clerk.

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

Vote: Schiff - Franco – Cabrera – YES



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

Vote: Schiff - Franco – Cabrera – YES

**CORRESPONDENCE:** N/A

**PUBLIC COMMENTARY:** N/A

**DISCUSSION:**

**NEW BUSINESS –**

-Back Beach Excavation: The area in question is from Rambler Road to Jefferson Avenue in the low-lying areas west of the dunes. There were discussions with the State using a permit for USACE project to include moving sand to the back beaches, but the DEP has not weighed in yet. The Engineer indicated he would provide a survey and an estimate on construction. They agreed to wait on the Engineer's proposal before going out to bid for excavation.

-Surveillance Cameras: There have been requests for more security in Borough Hall, Public parks, etc. for security cameras. The Chief had indicated that there would be discussions with the Prosecutor's Office and a walk through of the building to tightening up measures and to better align with Best Practices.

-Office Moves: There may be shifting of offices to make the building more secure with less people having free access to the building.

-NJ Lots / All Borough lots – costs vision: The Tax Assessor provided a list of Borough lots that were cumulatively valued at slightly below \$3,000,000 and if the Borough wanted to sell any or keep since the market is prime.

-Ordinance on Fireworks- The Solicitor gave an overview of the proposed ordinance on fireworks and that the ordinance calls for a ban on them in public parks and beaches. The Chief added that it is indeed needed for enforcement and to educate the public. This does not apply to Borough sponsored events. The all agreed to introduce this ordinance at the March 23<sup>rd</sup> meeting.

-Jitneys / proposed ordinance: There is a proposal circulating from Atlantic City Jitney that went to the Tourism Authority and then to island municipalities for a fee-based program to provide transportation via jitneys since there is no longer transportation. A draft jitney ordinance was circulated to Wildwood and North Wildwood for review as well as police for input. It was noted that if the island municipalities did not want to move on this that the deal would be in jeopardy. They agreed to introduce the ordinance at the next meeting on March 23<sup>rd</sup> at 5:30 p.m.

**OLD BUSINESS –**

**-Proposed Floodplain Ordinance – April 2<sup>nd</sup> at 11:00 am at Crest Pier and letter went out 2-22-22**

**-Vision for Old Library – Lease specs to be provided shortly.**

**-Washington Avenue Flooding Issues:** No movement.

**-Flood Mitigation:** Ties in with Proposed Floodplain Ordinance.

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

**-Park Blvd. Pumping Station- application for FEMA Pre Disaster Mitigation Pump Stations:** No movement, but this will be addressed at the Proposed Bulkhead Ordinance presentation. The mayor reminded all that a pumping station will be needed, and the municipality will inevitably have to purchase a lot.

**PUBLIC COMMENTARY:**

Commissioner Comments:

Commissioner Schiff indicated that he is enjoying his time here and learning a lot.

Commissioner Franco indicated that the recently held Island Tournament at the Crest Pier was a huge success again and thanked the Recreation Department for hosting a top-notch event. He also congratulated Wildwood Crest residents on their recent basketball achievements:

- Wildwood High School coach Teresa Cunniff
- Wildwood High Assistant Coach Jimmy Clarke
- Wildwood High School senior Emily Little
- Wildwood Catholic Academy senior Kimmy Casiello
- Wildwood Catholic Academy junior Carly Murphy
- Wildwood Catholic Academy sophomore Ava Vogdes

Mayor Cabrera added that Public Works did a great job remodeling the court room. He also thanked Commissioner Franco and the Creative Arts Council for the displays supporting Ukraine and the students of Crest Memorial for all their efforts as well.

Hearing nothing further, THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 22-125

**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, March 9, 2022 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 employees of the public body.

\_\_\_\_\_ **“(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 \_\_\_\_\_.

\_\_\_\_\_ **“(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.

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

Vote: Schiff - Franco – Cabrera – YES

There was a five minute break before going into closed session.

After the closed session ended at 10:48 am, the Clerk went back into Open Session and hearing nothing further from the public, Mr. Schiff motioned and Mr. Franco seconded that the meeting be adjourned. All were in favor. The time was 10:49 a.m.

Dated: March 23, 2022

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Patricia A. Feketics, Borough Clerk