

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

April 13, 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. 1377 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. 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 a hearing now be held on Ordinance No. 1377.

Vote: Schiff - Franco - Cabrera - YES

Hearing nothing from the public, Mr. Franco motioned, Mr. Schiff seconded that the hearing on Ordinance No. 1377 now be closed.

Vote: Schiff - Franco - Cabrera - YES

Mr. Franco motioned, Mr. Schiff seconded that Ordinance No. 1377 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. 1379 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. 1379

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 47A, PARKS, OF THE CODE OF THE BOROUGH OF WILDWOOD CREST PROHIBITING THE USE OF FIREWORKS IN PUBLIC PARKS

Mr. Franco motioned, Mr. Schiff seconded that a hearing now be held on Ordinance No. 1379.

Vote: Schiff - Franco - Cabrera - YES

Hearing nothing from the public, Mr. Franco motioned, Mr. Schiff seconded that the hearing on Ordinance No. 1379 now be closed.

Vote: Schiff - Franco – Cabrera – YES

Mr. Franco motioned, Mr. Schiff seconded that Ordinance No. 1379 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. 1380 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. 1380
ORDINANCE OF THE BOROUGH OF WILDWOOD CREST
AMENDING AND SUPPLEMENTING CHAPTER 73, TAXICABS
REGARDING THE LICENSING AND REGULATION OF JITNEYS IN
THE BOROUGH OF WILDWOOD CREST

Mr. Franco motioned, Mr. Schiff seconded that a hearing now be held on Ordinance No. 1380.

Vote: Schiff - Franco – Cabrera – YES

Hearing nothing from the public, Mr. Franco motioned, Mr. Schiff seconded that the hearing on Ordinance No. 1380 now be closed.

Vote: Schiff - Franco – Cabrera – YES

Mr. Franco motioned, Mr. Schiff seconded that Ordinance No. 1380 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. 1381
ORDINANCE AMENDING AND SUPPLEMENTING
SECTION 56A-2 DEFINITIONS OF CHAPTER 56A,
RENTAL PROPERTIES OF THE CODE OF THE
BOROUGH OF WILDWOOD CREST DEFINING PERSONS
LICENSED PURSUANT TO THE NEW JERSEY REAL
ESTATE BROKERS AND SALESMEN ACT N.J.S.A. 45:15-1
ET SEQ.

Mr. Franco motioned, Mr. Schiff seconded that Ordinance No. 1381 be passed on first reading, advertised according to law, be brought up for second and final reading and public hearing on April 27, 2022 at 5:30 p.m.

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 22-152
RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF
WILDWOOD CREST AUTHORIZING A SHARED SERVICES AGREEMENT
BETWEEN THE BOROUGH OF WILDWOOD CREST AND THE COUNTY OF CAPE
MAY OPEN SPACE AND FARMLAND PRESERVATION PROGRAM – PUBLIC
BEACH ACCESS IMPROVEMENTS

WHEREAS, the County has determined that it is in the best interest of the County and residents therein, as well as the municipalities and residents of the individual municipalities located within the County, for the County to provide funds to such municipalities for the acquisition of lands for open space and the development of public park and recreation facilities or improvements; and

WHEREAS, the County desires, pursuant to the provisions of statutes providing for joint action with regard to capital projects and improvements which are deemed to benefit the County and the municipalities and their residents (including without limitation N.J.S.A. 40:12-16, et seq., N.J.S.A. 40:12-9 and N.J.S.A. 40A:65-1, et seq.), to provide funding for such projects and improvements, and

WHEREAS, in 1989, pursuant to P.L. 1989, Chapter 30, the County of Cape May Board of Chosen Freeholders established an Open Space and Farmland Preservation Trust Fund; and

WHEREAS, on December 27, 2012, in accordance with N.J.S.A. 40:12-15.3, the Board of Chosen Freeholders adopted new Program Guidelines for the Open Space Program that amended the County's parameters for Open Space projects to include eligibility for park and recreation development as well as historic preservation projects; and

WHEREAS, the Borough has submitted an application under the County's 2021 Open Space Program for the ("Property), with an initial request for funding in the amount not to exceed \$2,500,000.00 (hereinafter "Submitted Proposal"), which Submitted Proposal is included as part of Schedule A; and

Commented [L1]: Same comment

WHEREAS, on December 14, 2021, the Open Space Review Board thoroughly reviewed, deliberated and voted to make a recommendation to the Board of County Commissioners to fund this project as follows: Wildwood Crest Beach Street End Parks- Public Beach Access Improvement Project, in an amount not to exceed \$2,500,000.00 (hereinafter the "Defined Project"); and

WHEREAS, a public hearing on the Defined Project was held on March 8, 2022 at the Cape May County Administration Building, 4 Moore Road, Cape May Court House, New Jersey 08210; and

WHEREAS, on the basis of the information provided by the Borough, the recommendation of the Open Space Review Board, and any input received at the public hearing, the Board of County Commissioners (formerly, Board of Chosen Freeholders) desires to enter into this Shared Services Agreement with the Borough to support the implementation of the Defined Project; and

WHEREAS, the County and the Borough desire to enter into this Agreement in order for the County to provide funding to the Borough for the aforementioned Defined Project;

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 approves and adopts the attached Shared Services Agreement with the County of Cape May Open Space and Farmland Preservation Program and authorizes and directs the Mayor and Borough Clerk to execute same.

BE IT FURTHER RESOLVED that a copy of this resolution be attached to the original Shared Services Agreement and shall remain on file in the Clerk's Office and available for public inspection.

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. 22-153

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING AWARD OF THE PORTABLE TOILETS CONTRACT#2022-01

WHEREAS, a Notice to Bidders was authorized for advertisement by Resolution No. 22-101 on February 16, 2022 for the Borough of Wildwood Crest contract for the Portable toilets Contract; and

WHEREAS, Notice to Bidders was advertised in the *Herald of Cape May County* on February 23, 2022 with receipt of sealed bids on March 30, 2020 at 10:00 a.m.; and

WHEREAS, one (1) sealed bid proposals was opened and reviewed on March 30, 2022 by the Bid Opening Committee who reviewed the bid proposal and specifications and recommended that the Portable Toilets Contract be awarded to Starr General Contracting Corporation, 3017 Delsea Drive, Franklinville, NJ 08322, the lowest responsive bidder; and

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest has reviewed the recommendation made by the Bid Opening Committee as well as the bid tabulation and recommendation, and the opinion letter of the Borough Solicitor recommending the award to Starr General Contracting Corporation; and

WHEREAS, Starr General Contracting Corporation was lowest responsive bidder Starr General Contracting Corporation was the lowest responsive bidder for all per unit prices; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for the 2022 Budget year 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, 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 Portable toilets Contract is hereby awarded to Starr General Contracting Corporation, 3017 Delsea Drive, Franklinville, NJ 08322 the lowest responsive bidder.

3. The award of this contract is contingent upon compliance with the Notice to Bidders; Specifications and General Requirements; 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, execution of a Contract, and certification from the Chief Financial Officer as to the availability of funds. This contract for services has a yearly NTE amount of \$70,870.00 which is the maximum dollar value by reasonable estimate and the Borough is not obligated to spend said amount.

4. The Mayor and the Borough Clerk are hereby authorized and empowered to enter into a formal contract with Starr General Contracting Corporation, 3017 Delsea Drive, Franklinville, NJ 08322 in accordance with this Resolution, Notice to Bidders, specifications 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, Mr. Franco seconds that the foregoing resolution be adopted.

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 22-154
**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE
BOROUGH OF WILDWOOD CREST DESIGNATING LOCATIONS FOR
PORTABLE VENDING UNITS**

WHEREAS, Article III of Chapter 40 of the Code of the Borough of Wildwood Crest entitled Portable Vending Units provides for the designation of locations upon which a portable vending unit may operate; and

WHEREAS, the Board of Commissioners determine that the locations of Primrose Road at Ocean Avenue and the Crest Fishing Pier are the most appropriate locations for portable vending units to be operated in the Borough.

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. That the location of Rambler Road at Ocean Avenue and at the base of the Crest Fishing Pier, the exact locations to be determined by the Borough, are hereby authorized to be utilized as locations for Portable Vending Units to be operated in accordance with the provision of Article III of Chapter 40 of the Borough Code. The locations shall be subject to further regulation by the Board of Commissioners, including but not limited to a rotation schedule, and no rights are created or granted herein to operate a vending unit in these locations which may be revoked or rescinded by the Borough at its discretion.

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. 22-155
**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF
WILDWOOD CREST AUTHORIZING AMENDMENT TO THE 2022 MUNICIPAL
BUDGET TO ACCOUNT FOR ADDITIONAL FUNDING FROM THE NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE RECYCLING
TONNAGE GRANT**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by any public or private funding source and the amount thereof shall not have been determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount; and

WHEREAS, the Borough of Wildwood Crest received \$ 12,951.45 from the New Jersey Department of Environmental Protection for the Recycling Tonnage Grant, and wishes to amend its 2022 Municipal Budget to include this amount of revenue.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, New Jersey, does hereby request the Director of the Division of Local Government services to approve the insertion of an item of revenue in the municipal budget of the Borough of Wildwood Crest for the year 2022 in the sum of \$ 12,951.45, which is now available as a revenue from:

Miscellaneous Revenues
Special Items of General Revenue Anticipated with
Prior Written Consent of the Director of the Division

of Local Government Services - Public and Private
Revenues Offset with Appropriations:
Recycling Tonnage Grant \$ 12,951.45

BE IT FURTHER RESOLVED that a like sum of \$ 12,951.45
is hereby appropriated under the caption of:

GENERAL APPROPRIATIONS

- (a) Operations Excluded from Caps
Public and Private Programs Offset by Revenues:
Recycling Tonnage Grant

BE IT FURTHER RESOLVED that the Borough CFO is hereby authorized and directed to electronically file this Resolution and applicable submittal form with the Director of the Division of Local Government Services for approval.

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. 22-156

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF
WILDWOOD CREST AUTHORIZING AMENDMENT TO THE 2022 MUNICIPAL
BUDGET TO ACCOUNT FOR ADDITIONAL FUNDING FROM THE NEW JERSEY
DIVISION OF HIGHWAY SAFETY MOBILIZATION DISTRACTED DRIVING
CRACKDOWN GRANT**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by any public or private funding source and the amount thereof shall not have been determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount; and

WHEREAS, the Borough of Wildwood Crest will receive \$ 7,000.00 from the New Jersey Division of Highway Safety Mobilization for the Distracted Driving Crackdown Grant and wishes to amend its 2022 Municipal Budget to include this amount of revenue.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, New Jersey, does hereby request the Director of the Division of Local Government services to approve the insertion of an item of revenue in the municipal budget of the Borough of Wildwood Crest for the year 2022 in the sum of \$ 7,000.00, which is now available as a revenue from:

Miscellaneous Revenues
Special Items of General Revenue Anticipated with
Prior Written Consent of the Director of the Division
of Local Government Services - Public and Private
Revenues Offset with Appropriations:
Distracted Driving Crackdown Grant \$ 7,000.00

BE IT FURTHER RESOLVED that a like sum of \$7,000.00
is hereby appropriated under the caption of:

GENERAL APPROPRIATIONS

- (a) Operations Excluded from Caps
Public and Private Programs Offset by Revenues:
Distracted Driving Crackdown Grant

BE IT FURTHER RESOLVED, that the Chief Financial Officer be and is hereby authorized and directed to pay a flat rate of \$70.00 per hour to law enforcement pursuant to the 2022 Distracted Driving Crackdown Grant.

BE IT FURTHER RESOLVED, that the Borough CFO is hereby authorized and directed to electronically file this Resolution and applicable submittal form with the Director of the Division of Local Government Services for approval.

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. 22-157

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST ACCEPTING WORK PERFORMED FOR THE FY2019 NJDOT MUNICIPAL AID PROGRAM – RECONSTRUCTION OF TRENTON AVENUE FROM THE BEACH TO PACIFIC AVENUE CONTRACT

WHEREAS, the contract for **FY2019 NJDOT MUNICIPAL AID PROGRAM RECONSTRUCTION OF TRENTON AVENUE** was awarded to Asphalt Paving Systems, Inc. PO Box 530, Hammonton, NJ 08037 via Resolution No. 228-19 on August 21, 2019 with the Borough's participating amount of \$1,863,982.00; and

WHEREAS, the Borough Engineer, Marc DeBlasio of DeBlasio & Associates, P.C., by letter dated March 10, 2022 which is incorporated herein, reports to the Borough that **ASPHALT PAVING SYSTEMS, INC.** has completed the project in substantial conformance with the contract documents; and

WHEREAS, the Board of Commissioners authorized Resolution No. 2020-277, which approved Change Order #1 on September 23, 2020; and

WHEREAS, said Change Order #1 reflected Sunrise Park Improvements and As Built Quantity Adjustments and increased the overall contract by \$130,221.58 bringing the new contract price to \$1,994,203.58; and

WHEREAS, the Board of Commissioners authorized Resolution No. 21-134, which approved Change Order #2 on March 31, 2021; and

WHEREAS, said Change Order #2 reflected Additional Work at Sunrise Park to Include Installation of Foot Wash Stations, Landscaping and Sod Restoration and increased the amended contract of \$1,994,203.58 by \$59,025.00 bringing the newly amended contract price to \$2,053,228.58; and

WHEREAS, the Board of Commissioners authorized Resolution No. 21-164, which approved Change Order #3 on April 28, 2021; and

WHEREAS, said Change Order #3 reflected Additional Fencing at Sunrise Park and increased the amended contract of \$2,053,228.58 by \$24,275.00 bringing the newly amended contract price to \$2,077,503.58; and

WHEREAS, the Board of Commissioners authorized Resolution No. 21-330, which approved Change Order #4 on December 22, 2021; and

WHEREAS, said Change Order #4 reflected Sunrise Park As-Built Quantity Adjustment and increased the amended contract of \$2,077,503.58 by \$1,914.87.00 bringing the newly amended contract price to \$2,079,418.45; and

WHEREAS, Asphalt Paving Systems, Inc., posted a Performance Bond No.: 13BCSID7841 from Hartford Fire Insurance Company in the amount of \$1,863,982.00 ensuring the Borough of Wildwood Crest; and

WHEREAS, the Borough's engineer, Marc DeBlasio of DeBlasio & Associates (the Borough Engineer), by letter dated March 10, 2022 which is incorporated herein, reports to the Borough that Asphalt Paving Systems, 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.

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 Borough appointed Engineer, Marc DeBlasio of DeBlasio & Associates, P.C., **FY2019 NJDOT MUNICIPAL AID PROGRAM RECONSTRUCTION OF TRENTON AVENUE** are hereby approved and accepted.
3. That the above improvements performed by **ASPHALT PAVING SYSTEMS, INC.** are hereby approved and accepted.
4. The revised contract amount of 2,079,418.45 has been authorized via Resolution Nos. 228-19, 2020-277, 21-134, 21-164 and 21-330 and paid to **ASPHALT PAVING SYSTEMS, INC.**
5. That the Clerk is hereby authorized to release the performance bond conditioned upon acceptance of the appropriate maintenance bond.

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. 22-158

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING RELEASE OF ESCROW FUNDS FOR PERMIT #SO21-0104 IN THE AMOUNT OF \$582.50

WHEREAS, the Wildwood Crest Construction Official has received written approval from the Borough Engineer, DeBlasio & Associates, on February 8, 2022 to refund escrow to Garden State General Construction, Inc. for Street Opening Permit #SO21-0104, Block 820/Lot 2.05 (2.21 & 2.22); and

WHEREAS, the Wildwood Crest Construction Official has confirmed that all Borough Engineer billings related to Street Opening Application #SO21-0104 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 December 23, 2020 for Street Opening Permit for location 8100 Bayview Avenue (Toledo Avenue), Block 820/Lot 2.05 (2.21 & 2.22) and has requested return of the unused escrow balance; and

WHEREAS, the escrow used totaled \$417.50 and the Borough of Wildwood Crest Construction Official is recommending the return of the unused escrow fee of \$582.50.

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 \$582.50 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 \$582.50 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. 22-159

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING RELEASE OF ESCROW FUNDS FOR PERMIT #SO21-0105 IN THE AMOUNT OF \$582.50

WHEREAS, the Wildwood Crest Construction Official has received written approval from the Borough Engineer, DeBlasio & Associates, on February 8, 2022 to refund escrow to Garden State General Construction, Inc. for Street Opening Permit #SO21-0105, Block 820/Lot 2.05 (2.23 & 2.24); and

WHEREAS, the Wildwood Crest Construction Official has confirmed that all Borough Engineer billings related to Street Opening Application #SO21-0105 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 December 23, 2020 for Street Opening Permit for location 8100 Bayview Avenue (St. Paul Avenue), Block 820/Lot 2.05 (2.23 & 2.24) and has requested return of the unused escrow balance; and

WHEREAS, the escrow used totaled \$417.50 and the Borough of Wildwood Crest Construction Official is recommending the return of the unused escrow fee of \$582.50.

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 \$582.50 to Garden State General Construction, Inc., 8 Clermont Drive, Clermont, New Jersey 08210 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 \$582.50 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. 22-160

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 103 EAST STANTON 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 1672-0, at 103 East Stanton 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.

Block / Lot Sewer ID#	Name	Amount
110/14.01 303-1	White Sand LLC 103 East Stanton 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. 22-161

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING PEDDLING TRUCK LICENSE TO A&T ICE LLC FOR 2022

WHEREAS, Section 40-16, et. seq., of the Code of the Borough of Wildwood Crest, County of Cape May, State of New Jersey, sets forth the pertinent law regarding the issuance of licenses to persons, firms or corporations desiring to engage in the peddling and soliciting of Ice Cream Products and Fruits/Vegetables within the Borough of Wildwood Crest; and

WHEREAS, A&T Ice LLC applied for renewal of Ice Cream Peddling License and has fulfilled all requirements for renewal of license; and

WHEREAS, review of the qualifications of applicant for said license has been made.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest that an Ice Cream Peddling license for the balance of calendar year 2022 is hereby authorized to be issued to A&T Ice LLC, 202 E Maryland Avenue, Rio Grande, New Jersey, 08242.

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. 22-162

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST OPPOSING NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION'S PROPOSED COASTAL REGULATIONS REQUIRING HOUSES TO BE ELEVATED FIVE FEET ABOVE BASE FLOOD ELEVATION

WHEREAS, climate change and sea level rise are a documented threat to New Jersey and its barrier island communities; requiring a thoughtful and well-reasoned response from all levels of government; and

WHEREAS, Governor Murphy has by Executive Order directed the New Jersey Department of Environmental Protection (NJDEP) to research and develop regulations to address the threats from climate change and sea level rise; and

WHEREAS, NJDEP is planning to adopt new regulations (commonly known as the "PACT" or "Protecting Against Climate Threats" regulations) that will, if implemented, significantly devalue land and stymie construction in the Borough of Wildwood Crest; and

WHEREAS, the current proposal is that PACT Rules will require that new construction in flood zones be elevated five (5) feet above the base flood elevation for new construction; and

WHEREAS, Elevating new and substantially improved homes an additional five feet will be prohibitively expensive for our residents and may not even be feasible on many sites; and

WHEREAS, historically when NJDEP issues new rules they have been promulgated pursuant to legislation; and

WHEREAS, in this case there is no legislation that has authorized the NJDEP to require more stringent requirements than the federal regulations that are now in place; and

WHEREAS, according to scientific studies commissioned by NJDEP, the prospective five-foot freeboard requirement is based on sea level rise projections for the year 2100 that have an occurrence probability of only 17%; and

WHEREAS, municipalities are required by the Municipal Land Use Law to prepare Master Plans using a 20- or 30-year planning horizon, as a consequence of which the Borough of Wildwood Crest strongly suggests that the State use the same time horizon that municipalities are required by law to use; and

WHEREAS, the science behind these 80-year projections have been questioned as reported in a guest editorial in the Press of Atlantic City on Sunday, February 28, 2021; and

WHEREAS, there has been no public discussion whatsoever concerning the magnitude of the economic impact of these proposed regulations or how to assist residents who will be negatively impacted. NJDEP's proposed regulatory re-alignment is expected to result in extensive and immediate economic impacts. NJDEP must engage in a meaningful, holistic economic impact analysis, and not simply rely on a one-sided analysis of potential economic impacts from future, projected climate change related threats; and

WHEREAS, NJDEP is currently requiring municipalities to adopt a new model Flood Damage Protection Ordinance that appears to require that municipalities automatically impose the NJ PACT regulations prior to their adoption through the State rule making process; and

WHEREAS, the new model Flood Damage Protection Ordinance also requires that road and parking areas proposed in the flood hazard be constructed at least one foot above the Flood Hazard Area Design elevation, that flood permits be required for ordinary maintenance and minor work that does not require a building permit under the Uniform Construction Code, that seasonally occupied structures be built on a foundation even though no such requirement exists in the Uniform Construction Code, among other new regulations.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Borough of Wildwood Crest opposes the adoption of the PACT Regulations and the State's proposed Flood Damage Protection Ordinance as currently presented; and

BE IT FURTHER RESOLVED, that NJDEP's decision to use sea level rise projections with only a 17% confidence level be subject to a scholarly peer review prior to commencing the rule making process.

BE IT FURTHER RESOLVED, that the PACT regulations be based on a 20- or 30-year timeframe and adjusted over time to address then current science and resiliency measures, rather than be based on an 80-year projection.

BE IT FURTHER RESOLVED, that the NJDEP seek counsel from an independent economist to consider potential economic impacts prior to release of the NJ PACT proposals, to better understand the economic impact to coastal communities.

BE IT FURTHER RESOLVED, that the NJDEP follow the same practice as FEMA and provide detailed maps so that communities and residents can clearly understand how these regulations will impact specific properties.

BE IT FURTHER RESOLVED, that the Legislature be encouraged to exercise its legislative oversight authority to review and approve the PACT Regulations prior to their adoption so as to ensure the fairness and the maximum public acceptance of those regulations.

BE IT FURTHER RESOLVED, that the NJDEP abandon all efforts to require the adoption of the current proposed local Flood Damage Protection Ordinance until such time as the NJ PACT regulations are approved by the State Legislature.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to Governor Phil Murphy, Lt. Governor Sheila Oliver, New Jersey Department of Environmental Protection Commissioner Shawn LaTourette, Senate President Nicholas Scutari, Assembly Speaker Craig Coughlin, Senator Vince Polistina, Senator Michael Testa, Assemblyman Don Guardian, Assemblywomen Clair Swift, Assemblyman Eric Simonsen, and Assemblyman Antwan McClellan.

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. 22-163

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING AMENDMENT TO THE 2022 MUNICIPAL BUDGET TO ACCOUNT FOR ADDITIONAL FUNDING FROM THE NEW JERSEY

**HEALTH CARE QUALITY INSTITUTE FOR THE MAYORS WELLNESS CAMPAIGN
INCENTIVE GRANT**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by any public or private funding source and the amount thereof shall not have been determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount; and

WHEREAS, the Borough of Wildwood Crest received \$ 1,000.00 from the New Jersey Health Care Quality Institute for the Mayors Wellness Campaign Incentive Grant, and wishes to amend its 2022 Municipal Budget to include this amount of revenue.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, New Jersey, does hereby request the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the municipal budget of the Borough of Wildwood Crest for the year 2022 in the sum of \$ 1,000.00, which is now available as a revenue from:

Miscellaneous Revenues
Special Items of General Revenue Anticipated with
Prior Written Consent of the Director of the Division
of Local Government Services - Public and Private
Revenues Offset with Appropriations:
Mayors Wellness Campaign Incentive Grant \$1,000.00

BE IT FURTHER RESOLVED that a like sum of \$ 1,000.00
be and the same is hereby appropriated under the caption of:

GENERAL APPROPRIATIONS
(a) Operations Excluded from Caps
Public and Private Programs Offset by Revenues:
Mayors Wellness Campaign Incentive Grant

BE IT FURTHER RESOLVED that the Borough CFO is hereby authorized and directed to electronically file this Resolution and applicable submittal form with the Director of the Division of Local Government Services for approval.

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. 22-164

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF
WILDWOOD CREST AUTHORIZING AMENDMENT TO THE 2022 MUNICIPAL
BUDGET TO ACCOUNT FOR ADDITIONAL FUNDING FROM THE STATE OF NEW
JERSEY DEPARTMENT OF COMMUNITY AFFAIRS FOR THE LOCAL
RECREATIONAL IMPROVEMENT GRANT**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by any public or private funding source and the amount thereof shall not have been determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount; and

WHEREAS, the Borough of Wildwood Crest received \$ 50,000.00 from the State of New Jersey Department of Community Affairs for the Local Recreational Improvement Grant, and wishes to amend its 2022 Municipal Budget to include this amount of revenue.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, New Jersey, does hereby request the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the municipal budget of the Borough of Wildwood Crest for the year 2022 in the sum of \$ 50,000.00 which is now available as a revenue from:

Miscellaneous Revenues
Special Items of General Revenue Anticipated with
Prior Written Consent of the Director of the Division
of Local Government Services - Public and Private
Revenues Offset with Appropriations:
Local Recreational Improvement Grant \$50,000.00

BE IT FURTHER RESOLVED that a like sum of \$ 50,000.00

be and the same is hereby appropriated under the caption of:

GENERAL APPROPRIATIONS

- (a) Operations Excluded from Caps
Public and Private Programs Offset by Revenues:
Local Recreational Improvement Grant

BE IT FURTHER RESOLVED that the Borough CFO is hereby authorized and directed to electronically file this Resolution and applicable submittal form with the Director of the Division of Local Government Services for approval.

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. 22-165

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING ADVERTISEMENT OF A NOTICE TO BIDDERS FOR ACQUISITION OF TWO (2) USED MODEL YEAR 2011 OR NEWER ONE-MAN REFUSE COLLECTION SYSTEM VEHICLES

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 Borough Clerk is hereby authorized to advertise a Notice to Bidders in *The Herald of Cape May County* on April 20, 2022.

BE IT FURTHER RESOLVED Sealed bids will be received by the Bid Opening Committee in the Municipal Court Room, Wildwood Crest Borough Hall, on **Wednesday, MAY 18, 2022 at 10:00 a.m.**, prevailing time, for furnishing the items hereinafter set forth in accordance with the Specifications on file in the Borough Hall. Said items are as follows:

ACQUISITION OF TWO (2) USED MODEL YEAR 2011 OR NEWER ONE-MAN REFUSE COLLECTION SYSTEM VEHICLES

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. 22-166

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING GRANT APPLICATION FOR OCEAN WIND PRO-NJ GRANTOR TRUST

WHEREAS, in August 2010, the Offshore Wind Economic Development Act (OWEDA) was enacted for the purpose of establishing a program for Offshore Wind Renewable Energy Certificates to incentivize the development of offshore wind facilities in New Jersey. In furtherance of this purpose, Governor Murphy issued the 2018 Executive Order No. 8, calling upon the New Jersey Board of Public Utilities (BPU) to fully implement the OWEDA. Ocean Wind LLC, a subsidiary of Ørsted, was selected by the BPU on June 21, 2019, to build an offshore wind farm and to perform certain related activities; and

WHEREAS, as part of the selection process, Ocean Wind committed to starting a Pro-NJ Grantor Trust (the Trust) and to fund the Trust with \$15,000,000 over the course of seven years to support economic development throughout the State of New Jersey. The Trust seeks to provide grants to fund infrastructure projects located in Ocean County, Atlantic County, and Cape May County with the goal of increasing coastal resiliency in these communities to better prepare them for natural disasters, such as Hurricane Sandy; and

WHEREAS, during this round of funding, the Trust will award up to \$3.5 million in support of projects that address environmental and infrastructure issues. The application seeks information related to coastal resiliency and critical infrastructure projects from county and municipal entities in Ocean, Atlantic and Cape May counties that are involved in, or seeking to initiate projects; and

WHEREAS, this grant program does not require a local match; and

WHEREAS, the Borough of Wildwood Crest carefully considers grant programs that assist the City in achieving projects and programs that are priorities for the community.

NOW THEREFORE, BE IT RESOLVED, that the governing body of the Borough of Wildwood Crest, State of New Jersey, hereby supports and authorizes this Ocean Wind Pro-NJ Grantor Trust application.

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to submit a grant application on behalf of the Borough of Wildwood Crest.

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

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. 22-167

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING APPROVAL OF CHANGE ORDER NO. 1 - RECONSTRUCTION OF BEACH AVENUE (FY2020 NJ DOT MUNICIPAL AID) AND RECONSTRUCTION OF STANTON ROAD (FY2021 NJ DOT MUNICIPAL AID) AT THE NTE SUM OF \$112,285.00

WHEREAS, Asphalt Paving Systems, PO Box 530, Hammonton, New Jersey 08037 was awarded the contract known as **RECONSTRUCTION OF BEACH AVENUE (FY2020 NJDOT MUNICIPAL AID) AND RECONSTRUCTION OF STANTON ROAD (FY 2021 NJDOT MUNICIPAL AID)** via Resolution No. 21-98 on February 24, 2021 for \$1,943,283.00; and

WHEREAS, Wildwood Water Utility has participating items, which tabulate in the amount of \$249,717.00; and

WHEREAS, Borough Engineer Marc DeBlasio of DeBlasio & Associates has reviewed the request for additional work for Police Department Parking Lot Improvements and Resurfacing of Orchid Avenue from Ocean Avenue to Beach Bulkhead and approves Change Order No 1 - **RECONSTRUCTION OF BEACH AVENUE (FY2020 NJDOT MUNICIPAL AID) AND RECONSTRUCTION OF STANTON ROAD (FY 2021 NJDOT MUNICIPAL AID)** with an increase amount of \$112,285.00 all of which is detailed in the attachment to the Change Order and revising the Contract Price to \$2,055,568.00; and

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

Account Number: _____ Amount: \$112,285.00 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- **RECONSTRUCTION OF BEACH AVENUE (FY2020 NJDOT MUNICIPAL AID) AND RECONSTRUCTION OF STANTON ROAD (FY 2021 NJDOT MUNICIPAL AID)** increasing the total contract amount by \$112,285.00 and revising the contract price to \$2,055,568.00 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, Mr. Franco seconds that the foregoing resolution be adopted.

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 22-168

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING PEDDLING TRUCK LICENSE TO BIG TOP ICE CREAM LLC FOR 2022

WHEREAS, Section 40-16, et. seq., of the Code of the Borough of Wildwood Crest, County of Cape May, State of New Jersey, sets forth the pertinent law regarding the issuance of licenses to persons, firms or corporations desiring to engage in the peddling and soliciting of Ice Cream Products and Fruits/Vegetables within the Borough of Wildwood Crest; and

WHEREAS, BIG TOP ICE CREAM LLC applied for renewal of Ice Cream Peddling License and has fulfilled all requirements for renewal of license; and

WHEREAS, Review of the qualifications of applicant for said license has been made.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest that an Ice Cream Peddling license for the balance of calendar year 2022 is hereby authorized to be issued to BIG TOP ICE CREAM LLC, 8338 TORRESDALE AVE, PHILADELPHIA PA 19136.

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. 22-169

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 APRIL 27, 2022 COMMISSION MEETING AT CREST PIER 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 certain meetings 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 April 12, 2022 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 _____ 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. 22-170

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING BOROUGH ENGINEER WORK ORDER FOR BEACH STREET END PUBLIC ACCESS IMPROVEMENTS – PHASE IB – CONSTRUCTION PHASE SERVICES AT THE NTE SUM OF \$41,000

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest desires to authorize issuance of a Work Order to the Borough Engineer, Marc DeBlasio and the Firm of DeBlasio & Associates for **BEACH STREET END PUBLIC ACCESS IMPROVEMENTS- PHASE IB- CONSTRUCTION PHASE SERVICES (\$41,000.00)** for engineering services which are more specifically set forth in the attached Proposal from Marc DeBlasio and the Firm of DeBlasio & Associates, dated **August 25, 2021** which is made a part hereof by reference as if fully set forth at the billable rates set forth in the professional services agreement between Marc DeBlasio and Borough not to exceed **\$41,000.00**; and

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

Account Number(s): _____ Amount: \$41,000.00 Signature _____

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

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

2. The Mayor and Borough Clerk are hereby authorized and empowered to execute the attached Work Order authorizing MARC DEBLASIO and DEBLASIO & ASSOCIATES to perform the professional engineering services as described in the Proposal, which is hereby approved, at the billable rates set forth in the professional services agreement between Marc DeBlasio and Borough not to exceed **\$41,000.00**.

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:

Handicapped Parking / meters- a request was made to add additional handicapped parking. The mayor asked the Chief and Public Safety Commissioner to review and advise.

New Jersey Avenue speed along the lakefront-The borough already lowered the speed from 25 mph to 20 mph along the lakefront and the Chief advised that it is strictly enforced.

PUBLIC COMMENTARY: N/A

DISCUSSION:

NEW BUSINESS-

-Proposed Ordinance No. 1382 – Licenses permitting temporary signs. The mayor asked the solicitor to tighten up the existing ordinance with respect to tourism related events and special event permitting process. All agreed to introduce at the next meeting on April 27, 2022 at 5:30 pm at Crest Pier.

OLD BUSINESS –

-**Back Beach Excavation:** tabled for now.

-**Office Moves:** on hold for now.

-**NJ Lots / All Borough lots – costs vision:** on hold for now.

-**Proposed Floodplain Ordinance – April 2nd at 11:00 am at Crest Pier- RECAP OF MEETING-** The mayor summarized how the meeting on April 2nd went. There was an overwhelming response to push the mandate down the road, but the Borough still needs to have a plan in sight. The Engineer advised to have a bulkhead ordinance introduced without the controversial mandate and to perhaps look at a tiered structure and new bulkheads should have the new standards in place. The Mayor asked the Engineer to update the previous cost analysis from 2019 to today with current prices and to circulate to the governing body. The Engineer added that they can do address the current outfall lines first. The commissioners agreed to look at updating the bulkhead ordinance without the state’s mandated portion and get it out the affected property owners via email and blasts. Will be grouped in as “Flood Mitigation Projects at next meeting.”

-**Vision for Old Library –** Lease specs have been drafted and circulated to the governing body. The mayor indicated there are two components: Food /beverage and merchandise. Furthermore, he would like to get a Notice to Bidders ready soon and the Administrator advised to hold off until the building is complete as there are supply chain issues. The Mayor added that the Crest Historical artifacts will be displayed throughout the building.

-**Washington Avenue Flooding Issues:** No movement. Will be grouped in as “Flood Mitigation Projects at next meeting.”

-**Flood Mitigation:** Ties in with Proposed Floodplain Ordinance. Will be grouped in as “Flood Mitigation Projects at next meeting.”

-Bulkhead Ordinance / Lot Grading: Will be grouped in as “Flood Mitigation Projects at next meeting.”

-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. Will be grouped in as “Flood Mitigation Projects at next meeting.”

PUBLIC COMMENTARY: Nothing from the public.

Commissioner Comments:

Commissioner Schiff – Congratulated Rich Hans on cusp of 200th victory for Wildwood Baseball.

Commissioner Franco – Happy Easter to all.

Mayor Cabrera – Reminded everyone that the next meeting will take place at Crest Pier on April 27, 2022 at 5:30 pm where there will be several recognitions. He further added that Pacific Avenue will be getting first paving coat before Memorial Day weekend and second coat / striping after. Bike lanes will be placed as well.

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

RESOLUTION NO. 22-171
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 (3) 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, April 13, 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 _____

x “(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 the police department.

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

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

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

 x “(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 administrator’s contract / directives.

 “(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 11:43 am, the Clerk went back into Open Session and

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:
RESOLUTION NO. 22-172

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 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

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 April 12, 2022 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) 2-01-20-155-299 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 12, 2023.
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, Mr. Franco seconds that the foregoing resolution be adopted. Before the vote, the mayor asked if \$5,000.00 was sufficient and he was told that it could be revisited if additional funds were needed.
Vote: Schiff - Franco – Cabrera – YES

The Clerk also indicated that there would an introduction for the Composition of the police department at the next meeting.

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 11:43 a.m.

Dated: April 27, 2022

Patricia A. Feketics, Borough Clerk

