

Note: Complete Meeting Appears  
On 08-20 on file in Wildwood Crest, NJ  
Borough Clerk's Office and YouTube

April 22, 2020

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

The meeting of the Board of Commissioners, Borough of Wildwood Crest, Cape May County, New Jersey, was held in the Municipal Court Room at 5:30 p.m. On roll call the following answered to their names:

Gould - Thompson - 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 Gazette-Leader, Herald of Cape May County and The Press on October 23, 2019.

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

Mr. Cabrera noted that this meeting was closed to the public in accordance with Executive Order No. 107. He thanked those for tuning in to YouTube and the Borough's Facebook page. He reminded those tuning in that you could also listen in and provide commentary by dialing in 234-203-2766 and using passcode 786394836#. Again, he said that public commentary is available by calling in the number, facebook live and Youtube. When the public portion opens up, you will be able to provide your name and comment. A response will be given right away.

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 2020-149

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING RATIFICATION AND AWARD OF PROFESSIONAL SERVICES CONTRACT FOR SPECIALIZED LEGAL SERVICES TO THE LAW FIRM OF MULLEN COUGHLIN, LLC FOR CYBER INCIDENT RESPONSE SERVICES**

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest has determined that there exists the immediate need for specialized legal services of a law firm to be retained by the Borough in the field of cyber incident response; and

WHEREAS, the Borough received a proposal from MULLEN COUGHLIN, LLC at the recommendation from Municipal Joint Insurance Fund ("JIF"), for performance of specialized legal services in the field of cyber incident response; and

WHEREAS, MULLEN COUGHLIN, LLC'S proposal met the Borough's emergent need, possess the unique technical and legal expertise in the field of cyber incident response services and abilities to perform the services required of the subject contract; and

WHEREAS, the attached Engagement Agreement and the services described therein, provided by MULLEN COUGHLIN, LLC, is hereby retained, and the contract is awarded pursuant to the authority granted by N.J.S.A. 40A:11-6 Emergency Contracts, and as further provided, without competitive bidding, pursuant to the Local Public Contracts Law for entering into of a contract for professional services pursuant to N.J.S.A. 40A:11-5(1)(a); and

WHEREAS, the Borough has determined that MULLEN COUGHLIN, LLC, is qualified to perform said work and it is desired to ratify the professional services contract with them for said services to protect the public safety and welfare pursuant to law, and to provide for the advertising of a notice pursuant to law; 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, County of Cape May, New Jersey, as follows:

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

2. The Engagement Agreement with MULLEN COUGHLIN, LLC, for specialized legal services attached hereto for a term of six (6) months and for an amount not to exceed \$25,000.00 at the rates set forth therein is hereby approved and ratified. The Borough has insurance through the ACMJIF for cyber liability and anything above the SRI will be paid directly through insurance carrier directly.

3. All acts of the Mayor, Clerk, Chief Financial Officer, Administrator, and other professionals of the Borough, which would have been authorized by this Resolution except that such acts were taken prior to the adoption of this Resolution, are hereby severally authorized,

ratified, confirmed and adopted as acts in the name and on behalf of the Borough of Wildwood Crest.

4. The Mayor, Clerk, Chief Financial Officer, Administrator, and other professionals of the Borough are hereby authorized to do and cause to be done any and all other acts and things and pay all expenses necessary or appropriate in carrying out this Resolution.

5. MULLEN COUGHLIN, LLC shall comply with the New Jersey Pay to Play Law as set forth in N.J.S.A. 19:44A-1; produce a 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 by law and regulation.

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

Mrs. Gould motions, Mr. Thompson seconds that the foregoing resolution be adopted.

Vote: Gould - Thompson - Cabrera - YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

**RESOLUTION NO. 2020-150**

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING RATIFICATION AND AWARD OF A CONTRACT FOR SPECIALIZED CONSULTING SERVICES IN THE FIELD OF DIGITAL FORENSICS AND CYBER INCIDENT RESPONSE SERVICES WITH TRACEPOINT, LLC**

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest has determined that there exists the immediate need for the "Extraordinary Unspecifiable Services" of a firm to be retained by the Borough for technical expertise in the field of digital forensics and cyber incident response services; and

WHEREAS, the Borough received a proposal from TRACEPOINT, LLC at the recommendation from Borough special counsel, Mullen Coughlin, LLC, which proposal was reviewed by special counsel and further recommended the immediate delivery of, and performance of digital forensics and cyber incident response services; and

WHEREAS, TRACEPOINT'S proposal met the Borough's emergent need and TRACEPOINT possesses the unique technical expertise in the field of digital forensics and cyber incident response services and abilities to perform the services required of the subject contract; and

WHEREAS, the Commissioners of the Borough of Wildwood Crest concur with the recommendation of special counsel to retain the immediate services of TRACEPOINT, LLC to protect the public safety and welfare; and

WHEREAS, the attached Master Services and Consulting Agreement and Statement of Work and the services described herein, provided by TRACEPOINT, LLC, are hereby approved, their services retained, and the contract is awarded pursuant to the authority granted by N.J.S.A. 40A:11-6 Emergency Contracts, and as further provided, without competitive bidding, as a "Extraordinary Unspecifiable Service" under the provisions of the Local Public Contracts Law pursuant to N.J.S.A. 40A:11-5 which states that no local unit shall be required to advertise for bids for services which are of such a qualitative nature as will not reasonably permit the drawing of specifications or the receipt of competitive bids; 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, State of New Jersey, as follows:

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

2. The Master Services and Consulting Agreement and Statement of Work from TRACEPOINT, LLC for digital forensics and cyber incident response services attached hereto for a term of six (6) months and for an amount not to

exceed \$46,875.00 are hereby approved and ratified. The Borough has insurance through the ACMJIF for cyber liability and anything above the SRI of \$25,000.00 will be paid directly through insurance carrier.

3. All acts of the Mayor, Clerk, Chief Financial Officer, Administrator, and other professionals of the Borough, which would have been authorized by this Resolution except that such acts were taken prior to the adoption of this Resolution, are hereby severally authorized, ratified, confirmed and adopted as acts in the name and on behalf of the Borough of Wildwood Crest.

4. The Mayor, Clerk, Chief Financial Officer, Administrator, and other professionals of the Borough are hereby authorized to do and cause to be done any and all other acts and things and pay all expenses necessary or appropriate in carrying out this Resolution.

5. TRACEPOINT, LLC shall comply with the New Jersey Pay to Play Law as set forth in N.J.S.A. 19:44A-1; produce a 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 by law and regulation.

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

Mrs. Gould motions, Mr. Thompson seconds that the foregoing resolution be adopted.

Vote: Gould - Thompson - Cabrera - YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 2020-151

**AUTHORIZING SALE OF A SURPLUS VEHICLE FROM THE BOROUGH OF WILDWOOD CREST TO THE TOWNSHIP OF MIDDLE**

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A: 11-36 pertains to the sale or disposition by a contracting unit of personal property not needed for public use; and

WHEREAS, N.J.S.A. 40A:11-36(2) provides that “contracting unit need not advertise for bids when it makes such sale to the United States, the State of New Jersey, another contracting unit or to any body politic to which contributes tax raised funds,” and

WHEREAS, the Borough of Wildwood Crest Emergency Medical Services has determined that a 1998 Ambulance in its possession is of little or no value to the Borough and, consequently, desires to transfer title of the vehicle to the Township of Middle Emergency Medical Services for the total sum of \$1.00; and

WHEREAS, the 1998 Ambulance is in the Wildwood Crest Fixed Asset Inventory, VIN #1 1FDXE4OFXWHB36704; and

WHEREAS, the Township of Middle has agreed to purchase the 1989 Ambulance for the sum of \$1.00 and the Township of Middle Chief Financial Officer has certified the availability of funds; and

WHEREAS, the Borough of Wildwood Crest satisfactorily has met the conditions prescribed and required by N.J.S.A. 40A:11-36(2) thus enabling a direct sale for the sum total of \$1.00 to the Township of Middle for the 1998 Ambulance described hereinabove, in that the Borough of Wildwood Crest and the Township of Middle are both contracting units within the State of New Jersey and the subject of the sale is not needed for public use by the Borough of Wildwood Crest.

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

1. All of the above recital paragraph are incorporated herein by reference as if set forth at length.

2. In accordance with the provisions of N.J.S.A. 40A:11-36(2), ownership of a 1998 Ambulance in the Wildwood Crest Fixed Asset Inventory, VIN #1 1FDXE4OFXWHB36704 presently in the possession of the Borough of Wildwood Crest, is hereby authorized to be sold by the Borough of Wildwood Crest to the Township of Middle for the total sum of \$1.00.

3. That the appropriate officials of the Borough of Wildwood Crest are hereby authorized, empowered, and directed to execute any and all required documents necessary to conclude the sale of the aforesaid 1998 Ambulance, said execution to permit the physical transfer of said 1998 Ambulance to the Township of Middle as expeditiously as possible.

Mrs. Gould motions, Mr. Thompson seconds that the foregoing resolution be adopted.

Vote: Gould - Thompson - Cabrera - YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 2020-152

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING AWARD OF CONTRACT WITH COMCAST ENTERPRISE SERVICES FOR BUSINESS VOICE EDGE SERVICES**

WHEREAS, the Borough of Wildwood Crest (hereinafter “Borough”), desires to obtain a new telephone system to better service the community and the employees of the Borough in a more efficient manner; and

WHEREAS, the Borough Administrator, Chief Financial Officer and IT Specialist have requested information from three providers in the industry and reviewed the same with each vendor; and

WHEREAS, the Borough may without advertising for bid, purchase any materials, supplies or equipment under the bid threshold after soliciting at least two competitive quotations and make award to a vendor whose response is most advantageous, price and other factors considered, pursuant to the provisions of NJSA 40A:11-6.1; and

WHEREAS, the Borough wishes to evidence an Agreement with the Vendor: Comcast Business Enterprise Services, which agreement shall be for a thirty-six-month period.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, New Jersey, that this Resolution shall constitute an Agreement between the Borough of Wildwood Crest and Comcast Enterprise Services, subject to all conditions applicable to the contract attached.

BE IT FURTHER RESOLVED, pursuant to the rules of the Local Finance Board of the State of New Jersey, that no amount of these contracts shall be chargeable until such time as materials, supplies or equipment are ordered and a certification of availability of funds is made by the Chief Financial Officer. Additionally, the subsequent years will be certified subject to the availability and appropriation annually.

WHEREAS, the Chief Financial Officer has certified the availability of funds for the 2020 Budget year as evidenced below by her signature:

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

Signature \_\_\_\_\_

Mrs. Gould motions, Mr. Thompson seconds that the foregoing resolution be adopted.

Vote: Gould - Thompson - Cabrera - YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 2020-153

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING AWARD OF CONTRACT WITH FP FINANCE FOR FOLDER/INSERTER – STATE CONTRACT # TO-200**

WHEREAS, the Borough of Wildwood Crest (hereinafter “Borough”), as a contracting unit, may without advertising for bid, purchase any materials, supplies or equipment from State Contract Vendors which have contracted with the State of New Jersey, Department of the Treasury, Division of Purchase and Property, pursuant to the provisions of NJSA 40A:11-12; and

WHEREAS, the contracts awarded under a State Cooperative Purchasing Contract that are in excess of the contract unit’s bid threshold shall be made by resolution of the governing body; and

WHEREAS, the Borough wishes to evidence an Agreement with the Vendor: FP Finance – referenced under US Communities NJ State Contract #T-0200, which agreement shall be in the not to exceed amount of \$232.00 per month for the 60 month contract lease subject to all the conditions applicable to the current State Contract.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, State of New Jersey, that this Resolution shall constitute an Agreement between the Borough of Wildwood Crest and FP Finance – NJ State Contract #T-0200, subject to all conditions applicable to the State Contract.

BE IT FURTHER RESOLVED, pursuant to the rules of the Local Finance Board of the State of New Jersey, that no amount of these contracts shall be chargeable until such time as materials, supplies or equipment are ordered and a certification of availability of funds is made by the Chief Financial Officer.

WHEREAS, the Chief Financial Officer has certified the availability of funds as evidenced below by her signature:

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

Signature \_\_\_\_\_

BE IT FURTHER RESOLVED that the duration of this Agreement shall be sixty (60) months or upon expiration of a listed Vendor's State Contract, whichever event occurs first.

Mrs. Gould motions, Mr. Thompson seconds that the foregoing resolution be adopted.

Vote: Gould - Thompson - Cabrera - YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 2020-154

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST TO CREATE THE PLAN ENDORSEMENT CITIZENS' ADVISORY COMMITTEE**

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest desires to obtain Plan Endorsement from the State Planning Commission; and

WHEREAS, Plan Endorsement is a voluntary review process developed by the State Planning Commission to provide the technical assistance and coordination of the State for municipalities, counties, and regional agencies to meet the goals of the State Planning Act and State Development and Redevelopment Plan; and

WHEREAS, the State Planning Act recognizes the coordination of State action is necessary to help municipalities develop New Jersey's economy while protecting the natural, historic and recreational resources, providing adequate and diverse housing, and redeveloping our cities and older suburban areas; and

WHEREAS, the purpose of the Plan Endorsement process is to increase the degree of consistency among municipal, county, regional and state agency plans with each other and with the State Plan and to facilitate the implementation of these plans with the primary focus on where and how development and redevelopment can be accomplished in accordance with the State Plan; and

WHEREAS, the State Planning Rules and Plan Endorsement Guidelines establish a comprehensive and coordinated planning process in order for a municipality to consider, and update as necessary, master plans, functional plans, development regulations and capital plans to be consistent with the State Plan and achieve plan endorsement; and

WHEREAS, through plan endorsement, master plans, functional plans, development regulations and capital plans should be coordinated and supportive of each other; and

WHEREAS, the State Planning Rules and Plan Endorsement Guidelines incorporate, and expand upon, the principles of the Municipal Land Use Law in order to help towns plan for sustainable future; and

WHEREAS, pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-27, the Mayor may appoint one or more persons as a citizens' advisory committee to assist or collaborate with the planning board in its duties, including adoption of, and amendment to, the master plan to guide the use of lands within the municipality in a manner which protects the public health and safety and promotes the general welfare of the community; and

WHEREAS, the Plan Endorsement Guidelines and State Planning Rules require the appointment of a Plan Endorsement Advisory Committee to guide the municipality through the Plan Endorsement process; and

WHEREAS, the Plan Endorsement Advisory Committee shall consist of between 5 and 10 members, including one representative of the governing body, a Class IV member of the planning board; one representative of a local board, commission or committee who is not a member of the planning board; and two representatives of the public that do hold a position, employment or office with the municipality; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, New Jersey, hereby approves and adopts the following:

1. Don Cabrera, Member of the Governing Body
2. Patrick Davenport, Class IV Member of the Planning Board
3. Jamie Peterson, Representative of Fishing Pier Committee
4. Toni Fuscellaro, Member of the Public
5. Joe Franco, Member of the Public
6. Angel Daniels, Member of the Public
7. Anthony Mollica, Member of the Public

8. Abby McQueen, Member of the Public

9. Sam Wilson, Member of the Public

The members of the Citizens' Advisory Committee shall serve at the pleasure of the Board of Commissioners; and

The Citizens' Advisory Committee shall report findings and conclusions of its actions performed pursuant to the State Planning Rules and Plan Endorsement Guidelines, and make recommendations to the Planning Board on next steps, but shall have no power to vote or take other action required of the Planning Board; and

The Citizens' Advisory Committee shall also report to the Governing Body at least monthly on the status of the endorsement; and

The Citizens' Advisory Committee shall be entitled to call to its assistance any personnel of any municipal department or consultant thereto as it may require in order to perform its duties; and

The Citizens' Advisory Committee is established for the purpose of:

Guiding the plan endorsement process for the municipality;

Increasing public awareness of, and participation in, the plan endorsement process for the community;

Serving as the Liaison with the state, county, regional agencies and local officials throughout the plan endorsement process;

-Assisting the municipality in meeting the deadlines of plan endorsement;

-Take the lead on completing the municipal self-assessment and submitting the required planning documents to the Office of Smart Growth;

-Helping to facilitate community visioning as described in the Plan Endorsement Guidelines and community visioning standards;

-Reporting the findings and conclusions of the self-assessment and community visioning to the local planning board for its review;

-Negotiating a draft Action Plan with the Office of Smart Growth, in collaboration with the planning board and governing body, to consist of actions that should be taken to adopt and/or update plans, ordinances and regulations in order to meet the plan endorsement requirements;

-Facilitating completion of the Action Plan items in order to achieve endorsement by the State Planning Commission and enjoy the benefits available to the municipality as a result of the endorsed plan.

Mrs. Gould motions, Mr. Thompson seconds that the foregoing resolution be adopted.

Vote: Gould - Thompson - Cabrera - YES

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

**RESOLUTION NO. 2020-155**

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING THE PREPARATION OF ESTIMATED TAX BILLS**

WHEREAS, due to the Covid-19 health crisis facing the State of New Jersey, Governor Murphy issued a State of Emergency in Executive Order 103. As a result, the State's fiscal year will be extended to September 30, 2020; and

WHEREAS, due to the State of Emergency, the County Board of Taxation will be unable to certify the tax rate and therefore, the Municipal Tax Collector will also be unable to mail tax bills on a timely basis; and

WHEREAS, the Tax Collector and the Chief Financial Officer have reviewed and computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, New Jersey, hereby authorizes that:

1. The Tax Collector is directed to prepare, and issue estimated tax bills for the Municipality of Wildwood Crest for the third quarter 2020, in accordance with the provisions of N.J.S.A. 54:4-66.2 et seq.

2. The entire estimated tax levy for 2020 is hereby set at \$29,942,045.00.

3. The Tax Collector takes any additional steps necessary to immediately implement this resolution.

Mrs. Gould motions, Mr. Thompson seconds that the foregoing resolution be adopted.

Vote: Gould - Thompson - Cabrera - YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 2020-156

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING THE WILDWOOD CREST POLICE DEPARTMENT TO APPLY FOR A DONATION OF PERSONAL PROTECTIVE EQUIPMENT FROM AXON IN RESPONSE TO COVID19**

WHEREAS, considering the current COVID19 pandemic, and the urgent need for all of the first responders to wear personal protective equipment (“PPE”) during the normal course of business; and

WHEREAS, Axon Enterprise, Inc. of Scottsdale, Arizona, a Borough vendor, has committed to donate over one million dollars for this effort to purchase PPE for public safety officers; and

WHEREAS, the Borough Commissioners authorizes the submittal of a request to Axon for the donation of medical masks, hand sanitizer and latex gloves for our public safety officers.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, New Jersey, that this Resolution shall authorize the Wildwood Crest Police Department to make a request to Axon Enterprise, Inc. for the donation of PPE for Borough employees on the front lines of the COVID 19 pandemic.

Mrs. Gould motions, Mr. Thompson seconds that the foregoing resolution be adopted.

Vote: Gould - Thompson - Cabrera - YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 2020-157

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING BOROUGH ENGINEER WORK ORDER FOR RECONSTRUCTION OF BEACH AVENUE (FY 2020 NJDOT MUNICIPAL AID) AND STANTON ROAD AT THE NTE SUM OF \$105,000.00**

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest desires to authorize issuance of a Work Order to the Borough Engineer, Marc DeBlasio and the Firm of DeBlasio & Associates for the RECONSTRUCTION OF BEACH AVENUE (FY 2020 NJDOT MUNICIPAL AID) AND STANTON ROAD, for engineering services which are more specifically set forth in the attached Proposal from Marc DeBlasio and the Firm of DeBlasio & Associates, dated March 19, 2020 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 \$105,000.00; and

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

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

Signature \_\_\_\_\_

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

1. The above recital paragraphs are incorporated herein as if set forth at length.
2. The Mayor and Borough Clerk are hereby authorized and empowered to execute the attached Work Order authorizing MARC DEBLASIO and DEBLASIO & ASSOCIATES to perform the professional engineering services as described in the Proposal which is hereby approved, at the billable rates set forth in the professional services agreement between Marc DeBlasio and Borough not to exceed \$105,000.00.

Mrs. Gould motions, Mr. Thompson seconds that the foregoing resolution be adopted.

Vote: Gould - Thompson - Cabrera - YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 2020-158

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE RECONSTRUCTION OF STANTON ROAD**

WHEREAS, the Board of Commissioners desires to authorize, approve and submit a grant application and enter a grant contract with the New Jersey Department of Transportation for the reconstruction of Stanton Road; and

WHEREAS, the Board of Commissioners determines that it is in the best interests of the health, welfare and safety of the residents and visitors of the Borough to reconstruct Stanton Avenue and apply and approve said grant and contract.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May and State of New Jersey, formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to submit an electronic grant application identified as No. MA-2021-Reconstruction of Stanton Road-00012 to the New Jersey Department of Transportation on behalf of the Borough of Wildwood Crest.

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

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the above resolution.

ATTEST and AFFIX SEAL

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

\_\_\_\_\_  
Don Cabrera, Mayor

Mrs. Gould motions, Mr. Thompson seconds that the foregoing resolution be adopted.

Vote: Gould - Thompson - Cabrera - YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 2020-159

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING AWARD OF THE PORTABLE TOILETS CONTRACT**

**WHEREAS**, a Notice to Bidders was authorized for advertisement by Resolution No. 2020-105 on March 11, 2020 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 March 18, 2020 with receipt of sealed bids on April 1, 2020 at 10:15 a.m.; and

**WHEREAS**, three sealed bid proposals were opened and reviewed on April 1, 2020 by the Bid Opening Committee who reviewed the bid proposals 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 recommendations 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 2020 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 \$45,000.00 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.

Mrs. Gould motions, Mr. Thompson seconds that the foregoing resolution be adopted.

Vote: Gould - Thompson - Cabrera - YES

**BILLS:** Mrs. Gould motioned and Mr. Thompson seconded that all bills properly authorized, as submitted, be paid.

Vote: Gould - Thompson - Cabrera - YES

**REPORTS:** Mrs. Gould motioned and Mr. Thompson seconded that all reports received from the Court Administrator, Chief Financial Officer, Tax Collector, Captain of Police, Supervisor for the Recreation Department, Emergency Service Coordinator for the EMS and the Wildwood Crest Volunteer Fire Company Chief for the month ending March 31, 2020 be approved as presented.

Vote: Gould - Thompson - Cabrera - YES

**MINUTES:** Mrs. Gould motioned and Mr. Thompson seconded that all minutes received from the regularly scheduled Commission meetings dated March 25, 2020 and April 8, 2020 be approved as presented.:

Vote: Gould - Thompson - Cabrera - YES

### **ADMINISTRATOR'S REPORT:**

Only COVID 19 was discussed. The entire report is below.

#### Kayak Launch/ Sunset Lake Shoreline Stabilization

As previously reported, this project has not been closed out as we are currently awaiting completion of punch list items including the replacement of stamped concrete in certain areas and sealing of concrete all other areas. Our public works department will be replacing the defective ones currently in place around the circles in the park. Mott MacDonald will be paying for ½ of this expenditure. The installation of traffic calming and other safety measures along the Sunset Lake area of New Jersey Avenue is also forthcoming and will be paid by the contractor as part of a liquidated damages claim. I have reminded our engineer Tom Thornton of the need to close this project out several times and as expect to hear from him shortly on this.

#### Beach/ Dune Project

Our engineer has provided NJDEP Coastal Engineering with our request for a LEERD credit and we are currently awaiting word back from them on the United States Army Corp's answer. I have a follow up email in to NJDEP and am awaiting word back. There is nothing else to report currently.

#### Rio Grande Avenue Gateway Improvement Project

Construction is ongoing and traffic detours are expected to continue through the spring.

#### Cape May County Open Space and Recreation Applications 2018

As previously reported, the Open Spaces Board granted an extension of Shared Service Agreement for the Sunrise Park Recreational Improvement project for the \$283,625 grant award until July 31, 2020. We now have our CAFRA permit which will be slightly modified and can commence work as soon the that is finalized. It is likely that the

Cape May County Board of Chosen Freeholders will automatically extend all SSA's due to the pandemic, if not we can certainly apply for the extension.

#### Pacific Avenue- Rambler to Jefferson

The sanitary sewer improvement work has commenced for this project. Our engineer will elaborate on this project in his report.

#### New Jersey Avenue-Rambler to Cresse

Conceptual, artistic renderings for this project are now available and posted on our website. We held our first Stakeholder Meeting on December 11th at 5:30 pm at the firehouse and our second stakeholder meeting that was scheduled for Saturday, March 28th at 11:00 am at the firehouse has been postponed until May 16th. It is likely that this date will be moved back due to the COVID-19 pandemic. I ask that everyone be patient as we see how the next few weeks play out in Cape May County.

#### Center Designation

Our pre-petition meeting was held on March 24, 2020 at 10:00 am via telephone conference. It went very well. Tonight the governing body appointed the Plan Endorsement Citizens' Advisory Committee. This takes care of another critical step in the plan endorsement process. I have started our self-assessment report and will turn it over to the committee for refinement once our OPA representative-Meghan Wren provides her comments to us. The next step in the PA process is to have the Citizen's Advisory Committee finalize the self-assessment report and provide the governing body with a presentation and recommendation to approve. Due to the Corona Virus pandemic, all Centers

Designations that are due to expire will be given a 180-day extension from the date that the declared disaster ends. Never-the-less we will forge forward in achieving plan endorsement.

#### Beach Signage

Bids were accepted for this project and an award was made to Seashore Signs on April 8, 2020. We expect to have our new signs on the beach and street ends this summer season.

#### Old Library

Nothing new to report.

#### Scoop Taylor Park

As previously reported, have been awarded a \$400,000 FY2020 DCA Small Cities grant to make this park ADA compliant. The budget for this project is Budget is \$678,670 and includes the replacement of the playground equipment and a new ADA complaint surface, replacement of existing ramps and walkways, picnic tables and a new gazebo. Conceptual plans for the playground are forthcoming.

#### CAFRA IP Permit

I am happy to report that our CAFRA IP permit applied form in October and subsequently amended has been approved! Approved activity includes Sunrise Park improvements and Crest Fishing Pier improvements.

#### Wildwood Water Rate Increase

Wildwood Water's new tariff increase will be effective April 14, 2020. Wildwood adopted their ordinance on March 18th and estoppel period has concluded. The water rate increases will not be in effect for the current 1st quarter billing due now but will be for the 2nd quarter billing (July) for all Wildwood Water Customers. According to Wildwood officials, the increase is due mostly to the reduction in water consumption (down 11% since 2016) and the increase in electric costs. For a household using 20,000 gallons quarterly or 80,000 annually this will equate to an increase of \$30.42.

#### COVID-19 CLOSINGS AND CANCELLATIONS

All Borough Buildings are currently closed to the public; however, most employees remain at work every day during normal business hours. There are some employees that are working from home as approved by the governing body and their respective department heads. All recreation events and venues remain closed until notice. Our beaches, parks playgrounds and bike path are currently closed by proclamation. The County has banned all short-term rentals until further notice.

All these closures and cancellations as well as all other pertinent information is being posted on our website and is being updated regularly. Department Heads continue to be advised of all updates from State, County and Federal notices and guidance.

I, along with the governing body, have and will continue to participate in all conference calls with agencies going forward. Most days I participate 1-2 conference calls with County or State agencies.

I encourage everyone to continue to visit the CDC website and County Health Department's new COVID-9 website as often as possible. The number of COVID-19 cases in Cape May County continues to rise as do the number of deaths associated. This is a very difficult time for all of us.

I'd like to thank our staff for their dedication to this community and each other.

The Mayor added that the Borough does participate in many conference calls between the state, county and local municipalities. We are looking at opening the beaches and bike path on approximately May 8, 2020 (limited). We are continuing to monitor this on a day to day basis. He added that as far as businesses are concerned and opening back up takes place on the state level. Please keep up with social distancing and sanitization.

## **ENGINEER'S REPORT:**

### Grant Applications

#### 1. Fiscal Year 2021 NJDOT Municipal Aid Program

- The NJDOT has announced they are receiving applications for Fiscal Year 2021 for the following State Aid Programs: Municipal Aid, Transit Village, Bikeways and Safe Streets to Transit. The deadline for grant application submissions is July 1, 2020.

-The Borough has selected Stanton Road from the Beach to New Jersey Avenue as their Roadway Application.

#### 2. FEMA Flood Mitigation Assistance (FMA)

- The Borough is proposing to construct one (1) bayside storm sewer pump station, install bay outfall SCADA control valves and associated storm sewer improvements in the north west section of the Borough.

- Our office provided a revised report to Triad Associates on December 20, 2019 to address comments received by FEMA.

- The application has been reviewed by the NJ Office of Emergency Management and has been recommended to be sent to FEMA for consideration. A decision on the application is anticipated in June 2020.

### Capital Projects

#### 1. NJDEP CAFRA Permit-Beach Programming and Improvements

- On April 14th, the Borough received the NJDEP CAFRA permit for the Crest Fishing Pier Expansion and Sunrise Park Improvements.

- The remaining components from the original application will be submitted later as a "Phase 2" application.

#### 2. Sunrise Park Improvements

- Cape May County approved a grant for Sunrise Park in the amount of \$283,625.00.

- These park improvements were permitted thru a NJDEP CAFRA permit on April 14th.

- Construction is tentatively scheduled to start in May 2020.

#### 3. Pacific Avenue Storm Sewer Improvements and Borough Street Improvements

- The bid was awarded to Asphalt Paving Systems in the amount of \$5,767,600.00.

- The contractor is currently working on the utility improvements on Farragut Road, Pacific Avenue and Miami Avenue.

- The contractor will start the concrete replacement on Farragut Road the week of April 27th.

- The contractor will start the utility work on St. Louis Avenue the week of May 11th.

#### 4. 2019 Road Improvement Program - Crocus Road, Denver, Stockton and Trenton Avenues

- The contract was awarded to Asphalt Paving Systems, Inc in the amount of \$2,144,400.00.

- The contractor has completed all of the work in the contract and we will be working on contract closeout.

5. FY2019 NJDCA Small Cities Program-Old Library and Joseph Von Savage Pool

- The State has notified the Borough that \$354,545.00 in grant funding has been allocated for ADA improvements at the Old Library Building and Joseph Von Savage Pool.

- The Joseph Von Savage Pool bathroom improvements are currently out to public bid and the bid opening is scheduled for April 30th.

6. New Jersey Avenue Sanitary Sewer Replacement

- Our office provided a proposal to the Borough on September 13, 2019 to complete the proposed improvements.

7. Reconstruction of Beach Avenue and Stanton Road

- The Borough was notified that a grant in the amount of \$155,000.00 was allocated for the reconstruction of Beach Avenue from Crocus Road to Forget-Me-Not Road.

- Our office provided a proposal to the Borough on March 19, 2020 to complete the proposed improvements.

8. FY2020 NJDCA Small Cities Grant Application-Scoop Taylor Park

- The Borough was notified that a grant in the amount of \$400,000.00 was allocated for improvements at Scoop Taylor Park.

- Our office provided a proposal to the Borough on August 20, 2019 to complete the proposed improvements.

## **LOVE BLUE PRESENTATION**

The folks at Love Blue gave a brief presentation about their non-profit organization in hopes to expand their efforts and educate the public. They hope to partner with the Borough of Wildwood Crest to help make it happen. The Mayor had a response to the request made by Love Blue and would need to have the solicitor review the law to see if a partnership is possible. The Mayor asked that their presentation be placed on the borough website for all to see. The Mayor added that they will be in touch. Commissioner Thompson commended the organization for their efforts and Commissioner Gould agreed. Good job.

## **DISCUSSION:**

-New Business

- 1. Carpenters's Local Union:** The Mayor indicated that DEPTCOR, who builds the beach boxes for the Borough of Wildwood Crest has been shut down due to COVID 19. With that being said, the demand for the beach boxes still needs to be met. The Administrator has reached out the Carpenter's Local Union and they are able to build the boxes with the materials purchased by the Borough of Wildwood Crest under state contract. The Union is being paid for their labor only.

A caller, Victoria Dolan 6400 Atlantic Avenue, added a suggestion for smoking signage and to added a meme above the cigarette butt receptacles to make smokers more mindful. The mayor took that suggestion under consideration.

The commissioners agreed to pass the attached resolution.

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 2020-160

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING A MEMORANDUM OF UNDERSTANDING WITH THE EASTERN ATLANTIC STATES REGIONAL COUNCIL OF CARPENTERS TO EMPLOY VARIOUS MEMBERS OF THE CARPENTER'S UNION ON AN AS NEEDED, TEMPORARY BASIS TO SUPPLEMENT THE BOROUGH OF WILDWOOD CREST'S EXISTING WORKFORCE**

WHEREAS, the Borough of Wildwood Crest is in need supplemental labor on a temporary basis to supplement the Borough's existing work force; and

WHEREAS, the Eastern Atlantic States Regional Council of Carpenters have in their ranks numerous individuals who are qualified to perform such temporary services; and

WHEREAS, the Borough desires to temporarily employ various members of the Eastern Atlantic States Regional Council of Carpenters on an as needed, temporary basis to supplement its existing workforce; and

WHEREAS, the Borough and Eastern Atlantic States Regional Council of Carpenters have negotiated a Memorandum of Understanding between them which embodies all of the mutual terms, understandings and conditions under which the Borough will retain temporary laborers to render services to the Borough which is attached hereto as Exhibit "A".

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 as if set forth as length.
2. The Memorandum of Understanding between the Borough of Wildwood Crest and the Eastern Atlantic States Regional Council of Carpenters in substantially the form attached hereto as Exhibit "A" for a period not to exceed one year is hereby approved.
3. The Mayor and Borough Clerk are hereby authorized and empowered to execute the Memorandum of Understanding on behalf of the Borough of Wildwood Crest, in substantially the same format attached hereto as Exhibit "A" and to take any and all other action necessary to effectuate the terms thereof.
4. This Resolution shall take effect as provided by law and a copy of this Resolution and the Memorandum of Understanding shall be placed on file and available for public inspection in the office of the Borough Clerk.

Mrs. Gould motions, Mr. Thompson seconds that the foregoing resolution be adopted.

Vote: Gould - Thompson - Cabrera - YES

- 2. Delinquent Taxes – Rates of Interest:** The Mayor gave a brief rundown that the Borough received requests for due dates for interest for the second quarter. Interest rates were set back in January with a 10 day grace period. The Borough was trying to attempt to give the month of May with zero interest and have everything start in June, but this is not possible. The state has yet to provide guidance on this. Perhaps a reduction in some of the interest can be made, but guidance on how to notice the public must come from the state as well as the opinion from the Division of Community Affairs. If a special meeting is needed to take action, we will do so.

In addition, Commissioner Thompson addressed the fact that the Borough recently passed a resolution to extend the Mercantile deadline to June 1st to provide some relief.

- 3. New Rendering Sunrises Park:** The Borough received the NJ DEP CAFRA permit to begin construction on the new playground, waterplay structure and fitness equipment at Sunrise Park hopefully finished by June. The plan is on the website for all to view.
- 4. Restaurant Zoning Relaxation – Social Distancing:** With respect to getting businesses open and with social distancing, North Wildwood and Wildwood with their number of restaurants are working to relax some restrictions. We too in the Crest are looking at doing this also for all businesses to be successful. Solicitor Gelzunas added that North Wildwood and Wildwood circulated a resolution granting access to zoning officer to approve a temporary site plan to use exterior areas. The Borough is considering the same and expand further to include retail businesses as well. The form would documented in site plan with visual depiction and narrative. Also taking into consideration would be fire codes, ingress and egress, trash clean up and policing of the general area. Approvals only valid during the restrictions of social distancing. The governing body will consider and potential resolution at the next meeting on May 6, 2020.

#### **OLD BUSINESS:**

**-Bulkhead Ordinance / Lot Grading**

**-Flood Mitigation Efforts – No movement.**

**-Draft Ordinance for Ch. 63 Sidewalks:** No movement. Waiting on Planning Board opinion.

**-Parking for RVs:** No movement. Waiting on Planning Board opinion.

**-Old Library-** No movement.

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

Prior to Public Commentary, Mayor Cabrera added that the Stakeholder Meeting scheduled for May 16th needs to be postponed. It is a meeting that needs public interaction and the date is to be determined.

**PUBLIC COMMENTARY:**

Via facebook:

Vicky Dolan, 6400 Atlantic Avenue, inquired if the beaches will be monitored to enforce social distancing. If and when the beaches open on May 8th, police will do their best to ensure social distancing is being followed.

Commissioner Thompson added that traffic lights go back on May1, 2020.

Tony Visalli, Bandanas Restaurant, 5607 Atlantic Avenue, inquired about parking meters in front of restaurants and not have them operable and allow curb side pick up. Commissioners found this acceptable. Coordination with the police department would be needed as well. A resolution would be forthcoming at the next meeting.

Furthermore, the business community be made aware of the resolution being passed at the next meeting (relaxing restrictions). The Mayor added that the county plan has yet to be determined but is expected soon.

Heather Horvath, 408 E. Myrtle Road, inquired about the mercantile licenses and was informed that it was extended until June 1st.

Lynn Spellman, 109 Topeka Avenue, inquired if Wildwood Crest had plans to open the pool and have summer camp. Again, all public buildings are closed at this time. We can only make decisions based on the Governor's orders.

Helen Kreider, 120 W. Toledo Avenue, inquired about the sales of parking permits if buildings are closed. We will have to email Captain, Clerk and Tax Collector to make it happen. We will communicate and make it happen.

Brian Reed, hopes the Borough will encourage those that are second homeowners should not be harassed if they do not have New Jersey plates. The Mayor encouraged all to be patient, cooperate and be nice.

Margie Aarvig, 122 East Forget Me Not Road, wanted to know when the Borough finally opens, will the concerts take place at Centennial Park. The Mayor again said at the moment all gatherings are not allowed to take place until the Governor weighs in.

Marcy Rasolio, East Primrose Road, inquired if condo owners own in Wildwood Crest, are they not allowed down? The Mayor added the Governor placed a stay at home order, but this is not enforceable. It is a strong urging to stay at home.

After hearing nothing further from the public, Mrs. Gould motioned, seconded by Mr. Thompson that the meeting be adjourned. All were in favor. The time was 6:34 p.m.

Dated: May 20, 2020

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Patricia A. Feketics, Borough Clerk

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