

Note: Complete Meeting Appears
On 09-20 on file in Wildwood Crest, NJ
Borough Clerk's Office and YouTube

May 6, 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 9:30 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. 2020-162

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING TEMPORARY SITE PLAN APPROVAL FOR EXISTING RESTAURANTS AND RETAIL BUSINESSES IN RELATION TO CURRENT SOCIAL DISTANCING RESTRICTIONS ENACTED IN CONNECTION WITH THE ONGOING CORONAVIRUS PUBLIC HEALTH EMERGENCY

WHEREAS, on February 3, 2020, New Jersey's Governor, Philip D. Murphy, issued Executive Order 102 establishing the New Jersey Coronavirus Task Force in an effort to monitor the spread of the Coronavirus within the State of New Jersey, the United States of America, and the entire world in order to facilitate necessary and appropriate action to ensure the safety and security of the residents of the State of New Jersey; and

WHEREAS, on March 9, 2020, Governor Murphy issued Executive Order 103 declaring a State of Emergency and a Public Health Emergency in response to the outbreak of the novel Coronavirus within the State of New Jersey; and

WHEREAS, on March 13, 2020, the President of the United States of America formally declared the outbreak of the novel Coronavirus to constitute a National Emergency pursuant to the National Emergencies Act (50 U.S.C. § 1601, et seq.); and

WHEREAS, on March 16, 2020, Governor Murphy issued Executive Order 104 enacting several "social distancing" regulations, including but not limited to, limiting public gatherings to no more 50 people, closing educational facilities, closing various recreation and entertainment based businesses, imposed restrictions on scope of service and hours of operation for other non-essential retail, recreational, restaurant/bars and entertainment businesses; and

WHEREAS, on March 21, 2020, Governor Murphy issued Executive Order 107 which expanded the social distancing regulations set forth within Executive Order 104, including but not limited to, directing all New Jersey residents to remain in their home or place of residence with specific limited exceptions, prohibited gatherings of any size, closed all non-essential retail businesses and identified essential businesses permitted to continue to operate subject to specific limitations, and reiterated and strengthened social distancing requirements when in public; and

WHEREAS, on March 21, 2020, Governor Murphy also issued Executive Order 108 which specifically voided and precluded County and Municipal Governments from imposing or enforcing any restrictions/regulations that in any way would or might conflict with any of the provisions of Executive Order 107, with the exception of regulating online marketplaces for arranging or offering lodging, municipal or county parks, and beaches and boardwalks; and

WHEREAS, Executive Order 107 specifically regulates the continued operation of Bars/Restaurants and provides, in part, that "All restaurants, cafeterias, dining establishments, and food courts, with or without a liquor

license, all bars, and all other holders of a liquor license with retail consumption privileges, are permitted to operate their normal business hours, but are limited to offering only food delivery and/or take-out services in accordance with their existing liquor licenses;” and

WHEREAS, in the anticipation that the regulations, prohibitions, and social distancing requirements within the Governor’s Executive Orders may be relaxed and/or modified in the coming weeks or months, potentially permitting these establishments to operate at reduced capacities, the Board of Commissioners of the Borough of Wildwood Crest finds it to be appropriate to temporarily relax the procedures associated with site plan review and approval of temporary site plans in order to permit said establishments to locate tables out-of-doors, and for other retail business establishments to utilize portions of the Borough right-of-way and/or in other locations on site, subject to the requirements and restrictions set forth herein.

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. All of the statements of the Preamble are repeated and are incorporated herein by this reference and are made a part hereof as if each and every statement were set forth fully herein.
2. Effective immediately, the temporary approvals granted pursuant to this Resolution, shall remain in effect until revoked or modified by the Board of Commissioners of the Borough of Wildwood Crest, taking into consideration the State of New Jersey relaxing the provisions of Executive Order 107, specifically the provisions pertaining to the operation of existing restaurants and retail businesses in relation to social distancing requirements, the Zoning Officer of the Borough of Wildwood Crest is hereby granted the authority and discretion to approve temporary site plan applications pertaining to restaurants and retail businesses subject to the requirements, conditions and restrictions set forth herein.
 - a. Restaurants. Existing restaurants, defined as “restaurants engaged in the preparation and service of meals/food,” subject to the review and approval of the Police Department, may utilize portions of Borough property or Borough rights-of-way and/or other locations on site as well as existing off street parking spaces for the existing business located on their property, for the purpose of creating an exterior dining area.
 - b. Retail Businesses. Existing retail business subject to the review and approval of the Police Department, may utilize portions of Borough property or Borough rights-of-way and/or other locations on their property for merchandise displays and sales, provided that social distancing restriction limit the number of persons permitted inside the store at any one time.
 - c. Application. The business owner or operator, with the consent of the property owner, seeking approval to relocate existing tables/seating or to otherwise utilize the Borough property or Borough right-of-way and/or other locations on site, shall be required to submit a site plan application; the application shall include that information necessary for the Zoning Official to determine the proposal satisfies all safety concerns to protect the public health, safety and welfare as determined by the Zoning Officer, which shall include but not limited to the following:
 - i. A plan depicting the existing and proposed layout and location of tables/seating or other proposed furnishings to be used outside of said restaurant or business, which shall also include but not be limited to, a depiction of all aisles, routes of ingress and egress, clearances/distances between tables and between the seating area and the curb line.
 - ii. An illustration, rendering, and/or photograph of all proposed furniture, umbrellas, and trash receptacles or other items to be located outside of the building.
 - iii. Applicants shall also submit a brief written narrative describing the proposed method of serving food and beverages in the newly proposed areas.
 - iv. Applicants must submit a litter control plan, which shall include a description of the number and location of trash receptacles proposed to service the outdoor dining area, and the frequency with which the outdoor dining area will be policed for litter in order to control the accumulation of trash/recycling.
 - v. A request, if available, the designation of an on-street parking space in front of or in close proximity to the business establishment to be designated as a temporary space for pick up or delivery, subject to review and approval of the Police Department in its sole discretion.
 - vi. Such additional information as may be reasonably required by the Zoning Officer, or other appropriate Borough Official.
 - d. Conditions and Restrictions. The approval of any temporary site plan in relation to this Resolution shall be subject to the following conditions:
 - i. All Applications are subject to the review and approval of the Borough’s Zoning Officer.
 - ii. Tables/seats or other furnishings shall be permitted to be located on Borough property, in the Borough right-of-way, and/or on the Applicants property, provided a minimum 5 feet pedestrian walkway is maintained and provided for the general public, subject to applicable ADA requirements.
 - iii. The total number of new exterior restaurant seats when added to the number preexisting seats the building does not exceed to total number prior to the temporary site plan

- iv. No BYOB shall be permitted in the Borough right-of-way or on Borough property.
 - v. Exterior areas for seating or other uses must cease operation and close to the public no later than 11:00 p.m. Tables/seats and other items approved to be located within the Borough right-of-way or on Borough property must be removed on a daily basis by 11p.m.
 - vi. No temporary structure shall hinder any sight triangles or otherwise cause unsafe driving conditions for vehicles or pedestrians within the public rights-of-way.
 - vii. Low barriers of a temporary nature may be placed at the edge of seating areas provided that there is no interference with public safety or pedestrian movement patterns.
 - viii. No outdoor lighting shall be permitted except small self-powered tabled lighting, and as determined necessary or appropriate by the construction official.
 - ix. Awnings, canopies, tents and/or umbrellas may be used in conjunction with an exterior dining area. Awnings, canopies, tents and umbrellas shall be adequately secured as determined by the construction official.
 - x. Only soft music shall be permitted in outside dining areas and shall not be audible from adjoining properties.
 - xi. Outside cooking of food and food preparation of any kind is prohibited. Food service shall be provided from inside the dining establishment. Exterior dining areas are for table service only
 - xii. Applicants proposing to utilize Borough property or portions of the Borough right-of-way shall enter in a license agreement with the Borough in a form determined by the Borough, in the Borough's sole discretion, which shall require the Applicant to indemnify and hold harmless the Borough, its employees, agents, and/or officers from all claims, losses, liens, expenses, suits and attorney's fees arising out of the placement, operation, and maintenance of the right-of-way area. Applicants must name the Borough as an additional insured under the Applicant's general liability insurance, bodily injury, property damage, and personal injury insurance policies, required to have a minimum limit of one million (\$1,000,000.00) Dollars, and provide proof of same to the Zoning Officer, and proof that said policies have been amended to reflect coverage for the proposed use of the Borough right-of-way.
3. The Borough reserves the right to amend, terminate, or repeal this Resolution and any temporary site plan approval granted pursuant to this Resolution, and accordingly no property or other rights or privileges of any kind, are granted to any person(s) or entities by virtue of this Resolution or approval of a temporary site plan, in law or equity and the applicant and property owner waive any all such rights. All person(s) and/or entities electing to pursue temporary relief in accordance with the provisions of this Resolution are hereby given notice that the expenditure of any funds, or the incurrence of any costs, in reliance upon the provisions of this Resolution shall be at their sole and exclusive expense. All persons and/or entities are hereby given notice that the risk of loss for any expenditure and/or costs incurred shall be their sole and exclusive responsibility.
 4. With the exception of the temporary relief set forth herein, Applicants must comply with any and all other federal, state, county, and local laws and regulations, including any and all other existing zoning ordinances and/or general ordinances governing the operation of restaurants and retail businesses.
 5. In the event the Zoning Officer determines that an Applicant is in violation of the conditions of any temporary site plan approved in relation to this Resolution, or any other law, ordinance or regulation, the Zoning Officer is hereby authorized to immediately revoke the temporary site plan approval received in relation to this Resolution.
 6. This Resolution shall take effect immediately, and shall remain in effect until revoked or modified by the Board of Commissioners of the Borough of Wildwood Crest, taking into consideration the State of New Jersey relaxing the provisions of Executive Order 107, specifically the provisions pertaining to the operation of restaurants and retail businesses in relation to social distancing requirements. At the time of revocation of this Resolution, any temporary approval afforded by the Zoning Officer in accordance with the terms and conditions of this Resolution shall be deemed void, and Applicants shall be required to immediately return all exterior areas to their prior condition and to cease use of Borough property or the Borough right-of-way.
 7. Upon adoption of this Resolution the Borough Clerk shall forward copies, electronically or otherwise, to the following officials: New Jersey Governor, New Jersey Lieutenant Governor, New Jersey Attorney General, New Jersey Senate and Assembly Majority and Minority Leaders, Cape May County Board of Chosen Freeholders, Cape May County Clerk and the Municipal Clerks of each Cape May County Municipality.

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. 2020-163

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST APPROVING FLOOD INSURANCE PROMOTION ACTIVITY WITH THE ATLANTIC-CAPE MULTI-JURISDICTIONAL PROGRAM FOR PUBLIC INFORMATION

WHEREAS, as an active participant in FEMA's Community Rating System (CRS) program, the Borough of Wildwood Crest has determined that it is necessary to participate in the New Jersey Coastal Coalition's Atlantic-Cape Multi-Jurisdictional Public Information (MJPI), consisting of municipal officials and community stakeholders, to assist in evaluating existing public information disseminated by the Borough, other Municipalities and regional stakeholders regarding floodplain management, and to develop new public information needs; and

WHEREAS, the MJPI will coordinate all the flood-related public information in the community and the surrounding areas, both public and private; and

WHEREAS, the MJPI is being expanded to include the Flood Insurance Promotion CRS activity; and

WHEREAS, the Borough of Wildwood will distribute a letter from the governing body to the residents in the Special Flood Hazard Zone and participate in a community outreach meeting to help promote flood insurance.

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

1. The above recital paragraphs are incorporated herein by this reference.
2. The Borough of Wildwood hereby formally supports participation in the Flood Insurance Promotion CRS activity as proposed by the updated MJPI.
3. All Borough officials, officers and employees are empowered to take such action as may be necessary or advisable in order to carry out the intent and purpose of this Resolution.

Don Cabrera, Mayor

Patricia Feketics, 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. 2020-164

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING APPLICATION REFUND OF SPECIAL EVENT FEE FOR BEACH DAY TO LOWER TWP ELEMENTARY SCHOOL PTA

WHEREAS, on March 2, 2020, Lower Township Elementary Sandman School, 838 Seashore Road, Cape May, NJ 08204 applied for a Special Events permit for a Beach Day to be held on June 3, 2020 on the Beach at Rambler Rd; and

WHEREAS, Lower Township Elementary Sandman School cancelled Beach Day due to unforeseen circumstances; and

WHEREAS, Lower Twp. Elementary School PTA, PO Box 741, North Cape May, NJ 08204 paid \$50.00 application fee on March 2, 2020, via check # 1673.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, New Jersey, that the Chief Financial Officer is hereby authorized and directed to issue a refund of application fee in the amount of \$50.00 made payable to Lower Twp. Elementary School PTA, PO Box 741, North Cape May, NJ 08204.

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. 2020-165

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING AWARD OF CONTRACT FOR FY2019 NJDCA SMALL CITIES PROGRAM – JOSEPH VON SAVAGE POOL RESTROOM ADA IMPROVEMENTS

WHEREAS, a Notice to Bidders was authorized for advertisement by Resolution No. 2020-137 on April 8, 2020 for the Borough of Wildwood Crest contract for the FY 2019 NJDCA SMALL CITIES PROGRAM – JOSEPH VON SAVAGE POOL RESTROOM ADA IMPROVEMENTS; and

WHEREAS, Notice to Bidders was advertised in the *Press of Atlantic City* on April 11, 2020 and *Herald of Cape May County* on April 15, 2020 with receipt of sealed bids on April 30, 2020 at 10:00 a.m.; and

WHEREAS, four sealed bid proposals were received, opened and reviewed on April 30, 2020 by the Bid Opening Committee who reviewed the bid proposal and recommended that the Alternate Bid for FY 2019 NJDCA SMALL CITIES PROGRAM – JOSEPH VON SAVAGE POOL RESTROOM ADA IMPROVEMENTS be awarded to Capri Construction Company, Inc., 4266 Post Road, Vineland, NJ 08360 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 of Alternate Bid to Capri Construction Company, Inc., 4266 Post Road, Vineland, NJ 08360; and

WHEREAS, Capri Construction Company, Inc., 4266 Post Road, Vineland, NJ 08360 was lowest responsive bidder and submitted a base bid amount of \$46,167.00 and alternate bid of \$67,093.00; 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, 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 FY 2019 NJDCA SMALL CITIES PROGRAM – JOSEPH VON SAVAGE POOL RESTROOM ADA IMPROVEMENTS is hereby awarded to Capri Construction Company, Inc., 4266 Post Road, Vineland, NJ 08360 the lowest responsive bidder.
3. The award of this contract is contingent upon compliance with the Notice to Bidders; Bid Specifications and Information Packet; 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 certification from the Chief Financial Officer as to the availability of funds.
4. The Mayor and the Borough Clerk are hereby authorized and empowered to enter into a formal contract with Capri Construction Company, Inc., 4266 Post Road, Vineland, NJ 08360 in accordance with this Resolution, Notice to Bidders, Bid Specifications and Information Packet and the submitted bid proposal.
5. That a Notice of Award shall be published in The Herald of Cape May County as required by law within ten (10) days of passage of this Resolution, which notice shall state that this Resolution and the contract are on file and available for public inspection in the office of the Borough Clerk.

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. 2020-166

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING THE SALE OF SURPLUS PROPERTY NO LONGER NEEDED FOR PUBLIC USE ON AN ONLINE AUCTION WEBSITE

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest has determined that the property listed in Schedule A, attached to this resolution is property no longer needed for public use; and

WHEREAS, the Director of the Division of Local Government Services, a Division of the Department of Community Affairs of the State of New Jersey permits the sale of surplus property no longer needed for public use through the use of an online auction service, pursuant to Local Finance Notice 2008-9; and

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest has the property listed in Schedule A, attached to this resolution, and desires to sell this property online.

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, that said items are hereby declared surplus property, to be forthwith advertised for public sale pursuant to the provisions of Revised Statutes 40A:11-36.

BE IT FURTHER RESOLVED that said materials be sold at a public sale to the highest bidder through a contracted government on-line auction service, GovDeals, Inc., the auction site being accessible at www.govdeals.com with the terms and conditions of said contract being available for public view on the GovDeals, Inc. website and in the Office of the Borough Clerk. The Borough will reserve the right to reject any and all bids.

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. 2020-167

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING AN AGREEMENT FOR SHARED SERVICES WITH THE COUNTY OF CAPE MAY FOR THE RECONSTRUCTION OF PACIFIC AVENUE FROM RAMBLER ROAD TO JEFFERSON AVENUE IN THE BOROUGH OF WILDWOOD CREST

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 *et seq.* (the "Act"), authorizes local units of this State to enter into agreements with any other local unit or units to provide or receive any shared service that each local unit participating in the agreement is empowered to provide or receive in its own jurisdiction; and

WHEREAS, County Road 621, also known as Pacific Avenue, located in the Borough of Wildwood Crest, is in need of reconstruction which reconstruction includes infrastructure that belongs to the County and infrastructure that belongs to the Borough including various Borough Street improvements on five Borough side streets; and

WHEREAS, the Borough and County have determined, that for reasons of efficiency and economy, to collaborate by sharing and relying upon each other's resources and professional services, including but not limited to, County engineering services and engineering services provided by the Borough Engineer as well as administrative services from each party to complete the project in the most economically efficient, prudent and fiscally sound manner; and

WHEREAS, the Borough of Wildwood Crest and the County of Cape May in the spirit of Interlocal cooperation, and in furtherance of the principles underlying the Uniform Shared Services and Consolidation Act, have negotiated and agreed upon the terms and conditions of such an agreement for the use of each other's services as set forth herein for their respective portions of the road reconstruction project that is hereby deemed necessary and proper to for the benefit of local and county taxpayers; and

WHEREAS, a written agreement memorializing and specifying those terms and conditions, has been prepared and has been reviewed, which agreement is attached hereto; and

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest is desirous of ratifying this agreement and authorizing its execution.

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

1. The 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 Shared Services Agreement with the County of Cape May in a form substantially similar the form attached hereto as Exhibit "A".
3. The Agreement shall take effect upon the adoption of resolutions by all parties thereto, and execution of the Agreement by the authorized persons as set forth in the resolutions.

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. 2020-168

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AMENDING AND SUPPLEMENTING RESOLUTION NO. 2020-150 AWARDDING CONTRACT TO TRACEPOINT, LLC TO INCREASE THE NTE SUM FROM \$46,875.00 TO NTE SUM OF \$95,625.00

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest authorized award of contract to Tracepoint, LLC, via Resolution No. 2020-150 adopted April 22, 2020, to provide Specialized Consulting Services in the Field of Digital Forensics and Cyber Incident Response Services as set forth in the "Master Services

and Consulting Agreement and Statement of Work from TRACEPOINT, LLC at the not to exceed sum of \$46,875.00; and

WHEREAS, the Borough has insurance through the ACMJIF for cyber liability and anything above the SRI of \$25,000.00 will be paid directly through the insurance carrier,” and

WHEREAS, TRACEPOINT, LLC estimates the investigation will cost approximately \$60,000 - \$95,625 to complete; and

WHEREAS, the updated Statement of Work was provided to the insurance carrier, AXA-XL, who approved of said increase.

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. That the recital paragraphs set forth above are incorporated herein as if set forth at length.
2. That the terms and conditions of the agreement and Statement of Work between the Borough of Wildwood Crest and TRACEPOINT, LLC, as authorized by Resolution No. 2020-150 adopted April 22, 2020 shall be supplemented by the amended Statement of Work and that the amount of the contract shall be increased to a Not To Exceed sum \$95,625.00, all of which has been authorized by the Borough of Wildwood Crest’s Insurance Carrier, AXA-XL.

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

PUBLIC COMMENTS:

The Mayor opened the floor first to callers.

Via telephone:

Dennis Travascio, 112 E. Louisville Avenue, inquired about Resolution No. 7 for Tracepoint, LLC. The Mayor added this was due to suspicious activity and the process was on-going and information was still forthcoming from IT.

Tony Visalli, Bandanas Restaurant, asked how he could get a copy of Resolution No. 1 and the Mayor indicated that a Press Release would be forthcoming and to email the Clerk and she would provide said copy.

Via facebook:

Marcy Ragolio, 7100 Ocean Avenue, inquired about second homeowners and condo owners coming down. The Mayor added he would address shortly.

Kathy Luthin, 418 E. Nashville Avenue, inquired about the risk of residential information that may have been released and the Mayor added that right now they are working through the investigation.

NEW BUSINESS:

- A) Urging CMC to relax prohibition of short-term rentals –

Mayor Cabrera advised that North Wildwood and Wildwood have moved to open May 26th but we would like legal advice prior to Wildwood Crest doing so. Commissioner Thompson added he supports the Freeholders and perhaps they could move the date after legal advice. Commissioner Gould agreed.

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 2020-169

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST SUPPORTING THE CAPE MAY COUNTY-WIDE RECOVERY INITIATIVE AND THE BOARD OF CHOSEN FREEHOLDERS OF THE COUNTY OF CAPE MAY'S PROPOSAL FOR THE SAFE, THOUGHTFUL AND PROGRESSIVE REOPENING OF CAPE MAY COUNTY IN THE TIME OF COVID

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest, supports the proposal of the Cape May County-Wide Recovery Initiative for the safe, thoughtful and progressive reopening of public facilities and businesses over the course of the next several weeks on behalf of the Borough of Wildwood Crest and its business community and to work with the State and the administration of Governor Murphy on a reopening that invests in the safety of the community and the dampening of spread of the virus; and

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest is committed to a progressive reopening of Cape May County over the next several weeks, subject to strict mitigation protocols and culminating in the most responsible reopening of many of County's and Borough's public and business facilities no sooner than June 1, 2020; and

WHEREAS, the Borough of Wildwood Crest is uniquely vulnerable economically given its utter dependence on the seasonal tourism industry and the potential dire consequence for the small businesses and working families of the Borough cannot be overstated; and

WHEREAS, the Board of Commissioners and the Borough's business community stand ready to implement and enforce extensive mitigation protocols in order to emulate to the greatest extent possible the prophylactic effects of the stay-at-home order.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Borough of Wildwood Crest, hereby supports the Cape May County-Wide Recovery Initiative Proposal for the Safe, Thoughtful and Progressive Reopening of Cape May County in the Time of Covid which is attached hereto.

BE IT FURTHER RESOLVED BE IT FURTHER RESOLVED that a certified copy of this resolution be sent to the following: Honorable Philip D. Murphy, Senator Michael Testa, Jr., Assemblyman Antwan McClellan, Assemblyman Erik Simonsen, the Cape May County Board of Chosen Freeholders, and all Cape May County municipalities.

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

Vote: Gould - Thompson - Cabrera - YES

Mayor Cabrera added the Borough Hall and the Recycle Center will be open to the public on May 11th and only one person per floor at a time will be allowed entrance in Borough Hall. There will be a receptionist downstairs to ensure the number of people entering and exiting the building. Each person entering Borough Hall and the Recycle Center will be required to wear a mask. As far as recycle tags, Mayor Cabrera added that the 2019 tags will be honored until further notice. Furthermore, the Memorial Day kickoff concert has been cancelled. Also, he reminded everyone that the beaches are open with restrictions, but all playgrounds are closed and that Sunset Lake is not open for sunbathing and parking chairs at this time.

B) Parking Meter dates (May 15- September 15)

Commissioner Thompson added that he spoke with Captain Lloyd and due to a lack of officers, he would like to push back the enforcement of parking meters until June 1st. All three commissioners were in agreement.

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 2020-170

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING THE SUSPENSION OF PARKING METER ENFORCEMENT UNTIL JUNE 1, 2020

WHEREAS, the Board of Commissioners adopted Resolution No. 2020-98 on March 11, 2020 confirming parking meter charges, dates of operation, and location for CY 2020; and

WHEREAS, the dates of operation for parking meters commence May 15th and terminate September 15th yearly; and

WHEREAS, due to COVID-19, the Board of Commissioners have determined that parking meter enforcement should begin on June 1, 2020 and terminate on September 15, 2020; and

WHEREAS, all other portions of Resolution No. 2020-98 remain in full effect; and

NOW THEREFORE, BE IT RESOLVED that parking meter enforcement shall commence June 1, 2020 and terminate September 15, 2020.

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

Vote: Gould - Thompson - Cabrera - YES

OLD BUSINESS:

-Bulkhead Ordinance / Lot Grading

-Flood Mitigation Efforts – No movement.

-Draft Ordinance for Ch. 63 Sidewalks: No movement.

-Parking for RVs: No movement.

-Old Library- Would like this to be on the May 20th agenda.

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

PUBLIC COMMENTARY:

Via telephone:

Dave McWilliams, 8107 New Jersey Avenue, inquired about the potential consumption license and what it means to Hotels/Motels if a referendum were to pass. The Solicitor added that the commissioners can place a number of restrictions on that one consumption license. He had questions on BYOB establishments, which the Solicitor answered in kind.

Deb Radice, 404-406 Farragut Road, cited an incident where fellow condo owners had concerns over her friends and family staying with her at her condo with the stay at home order in effect. The Mayor added that the Executive Order to Stay at Home is still in effect. The Mayor added that the homeowner has every right to come to their home, but that is all and remember social distancing. The Solicitor added that the Governor's orders control the situation and there is no prohibition to not use their second home.

Via facebook:

The Public Information Officer added there were quite a few remarks that the governing body and members of the meeting were not wearing masks. The Mayor announced that there were under 10 people in the meeting and they were 6 feet apart as per the OEM coordinator, they were in compliance.

Kathy Luthin, 418 E. Nashville Avenue, asked for clarification on seasonal rentals.

Regina Boehm, 200 W. Pittsburgh Avenue, voiced concern over the stay at home order and the town being packed and how to enforce this. She was reminded that the order was in place as per the governor and there is no mechanism currently to enforce this.

Kathy McCullick, 3304 Hudson Avenue, had questions regarding rides on the boardwalk and when they are expected to open. The Mayor reminded Ms. McCullick that Wildwood Crest does not have a boardwalk and those questions are for Wildwood.

Kathy Friedman, 118 W. Cresse Avenue, asked for clarification on the June 1st date and if second homeowners can come down anytime.

Bob Deissroth, 101 W. Charleston Avenue, asked why North Wildwood and Wildwood decided to open May 26th and Wildwood Crest opted for June 1st and why there was not a unified island wide policy. The Mayor added that Wildwood Crest followed the guidelines from the county and advised that it would be considered.

Tracy Herb, 128 E. Fern Road, asked if dogs were restricted from going on the beach. She was informed they are not permitted at all from May 1 – September 30 of every year.

Tim Keough, 407 E. Monterey Avenue, inquired if there is an inability for booking and wanted to know if the Borough would consider waiving or discounting mercantile fees. The Mayor indicated that there would not be a waiver; however, the borough did extend the mercantile deadline to June 1, 2020.

Vicky Dolan, 6400 Atlantic Avenue, added that North Wildwood and Wildwood opening first could be a good “test” to measure both the good and bad outcomes.

Ray Zecka, 406 E. Monterey Avenue, added that walking on the beach was allowable, but not sitting on the beach...

Joseph Marano, 101 W. Buttercup Road, asked who will ultimately enforce the social distancing and Commissioner Thompson added that ultimately it would be the police and they will enforce it as they see it.

Dawn Gunn, 102 E. Primrose Road, inquired if beach sitting will be allowed by Memorial Day Weekend. The Mayor indicated we were waiting for guidance from the state and can't give a definitive answer.

Kathleen Quinn, 196 W. Charleston Avenue, inquired if all hotel/motel owners will follow the same guidance for cleaning and the hours to clean. The Mayor indicated that the Hotel Motel Association has a standard and that should have been sent out. He also indicated that the County drafted a proposal to the Governor that the Borough has posted on its website.

Paul Franco, 508 E. Stanton Road, inquired if the Borough would hold meetings in the future via facebook and live stream on YouTube post pandemic. The Mayor added he would take it under advisement.

Deb Meyers, 7701 Atlantic Avenue, inquired about the regulations on pools for the summer. The Mayor indicated that he has been on conference calls with the Governor's office and they are waiting for guidance from the state and he reminded everyone to continue to sanitize and keep social distancing a priority.

Bob Deissroth, 101 W. Charleston Avenue, had a follow up commentary on the opening dates of the island and how Wildwood Crest is not working with other two municipalities. The Mayor added that perception is not always reality. The County had a proposal ready with each municipality signing off on the plan and the other two municipalities did resolutions on their own. Commissioner Gould added that the Board of Commissioners may have a difference of opinion.

Donna Smith, 300 E. Jefferson Avenue, asked about 2nd quarter property taxes and Mayor Cabrera reminded all that the 2nd quarter taxes are still due May 1st; however, there is a 30 day grace period without delinquent taxes of 8% (up to \$1,500) and 18% (above \$1,500) and if taxes are received after June 1st, the delinquent taxes revert back to May 1st.

Tim Keough, 407 E. Monterey Avenue, had a follow up and disagreed on not discounting mercantile fees. The Mayor added that this is a legal decision to discount and the breakdown on the fees and how it is disseminated.

Donna Smith, 300 E. Jefferson Avenue, asked if a private residence with a pool needs to wait for a directive from the state and that only applies to rental properties with paying guests.

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 10:30 a.m.

Dated: May 20, 2020

Patricia A. Feketics, Borough Clerk

