

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

June 21, 2023

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

The meeting of the Board of Commissioners, Borough of Wildwood Crest, Cape May County, New Jersey, was held at Borough Hall at 5:00 p.m. On roll call the following answered to their names:

Schiff - Franco – Cabrera - YES

Mr. Cabrera read the following statement: In compliance with the Open Public Meeting Act, Chapter 231, P.L. 1975, the notice requirements have been satisfied as to the time, place and date of holding said meeting by posting notice on the bulletin board in the Borough Hall and by e-mailing and same to the Herald of Cape May County and The Press on December 7, 2022.

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

The Mayor indicated that the meeting was being streamed online via the Borough's Facebook page and youtube channel due to scheduling conflicts and if there were any questions, please call the Clerk.

Mr. Franco motioned, Mr. Schiff seconded that Ordinance No. 1401 be placed on second reading and final passage by title only.

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE ORDINANCE BY TITLE:

ORDINANCE NO. 1401

**ORDINANCE OF THE BOROUGH OF WILDWOOD CREST
AMENDING AND SUPPLEMENTING ARTICLE III OF CHAPTER 40 OF
THE CODE OF THE BOROUGH OF WILDWOOD CREST ENTITLED
PORTABLE VENDING UNITS OF THE CODE OF THE BOROUGH OF
WILDWOOD CREST TO PERMIT THE USE OF AN ASSISTANT SALES
PERSON**

Mr. Franco motioned and Mr. Schiff seconded that a public hearing now be held on Ordinance No. 1401.

Vote: Schiff - Franco – Cabrera – YES

After hearing nothing from the public, Mr. Franco motioned and Mr. Schiff seconded that the public hearing on Ordinance No. 1401 now be closed.

Vote: Schiff - Franco – Cabrera – YES

Mr. Franco motions, Mr. Schiff seconds that Ordinance No. 1401 be passed on second and final reading and advertised according to law.

Vote: Schiff - Franco – Cabrera – YES

Mr. Franco motioned, Mr. Schiff seconded that Ordinance No. 1402 be placed on second reading and final passage by title only.

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE ORDINANCE BY TITLE:

ORDINANCE NO. 1402

**ORDINANCE OF THE BOROUGH OF WILDWOOD CREST
AMENDING AND SUPPLEMENTING SECTION 85-11 DEFINITIONS
AND SECTION 85-68 ACCESSORY BUILDINGS, STRUCTURES, AND
USES IN CHAPTER 85 OF THE LAND DEVELOPMENT ORDINANCE
OF THE BOROUGH OF WILDWOOD CREST**

Mr. Franco motioned and Mr. Schiff seconded that a public hearing now be held on Ordinance No. 1402.

Vote: Schiff - Franco – Cabrera – YES

After hearing nothing from the public, Mr. Franco motioned and Mr. Schiff seconded that the public hearing on Ordinance No. 1402 now be closed.

Vote: Schiff - Franco – Cabrera – YES

Mr. Franco motions, Mr. Schiff seconds that Ordinance No. 1402 be passed on second and final reading and advertised according to law.

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE ORDINANCE BY TITLE:

ORDINANCE NO. 1403

ORDINANCE AMENDING AND SUPPLEMENTING SECTION 56A-5 OF CHAPTER 56A, RENTAL PROPERTIES OF THE CODE OF THE BOROUGH OF WILDWOOD CREST REQUIREMENTS FOR A MERCANTILE LICENSE

Mr. Franco motioned and Mr. Schiff seconded that Ordinance No. 1403 be passed on first reading, advertised according to law, be brought up for second and final reading and public hearing on July 5, 2023 at 9:30 a.m.

THE CLERK READS THE ORDINANCE BY TITLE:

ORDINANCE NO. 1404

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 39, LAND USE PROCEDURES, ARTICLE II ZONING OFFICER, SECTION 39-7 ZONING PERMIT APPLICATION FEES AND ESCROW DEPOSIT OF THE CODE OF THE BOROUGH OF WILDWOOD CREST

Mr. Franco motioned and Mr. Schiff seconded that Ordinance No. 1404 be passed on first reading, advertised according to law, be brought up for second and final reading and public hearing on July 5, 2023 at 9:30 a.m.

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 23-186

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING APPLICATION TO LEAD GRANT ASSISTANCE PROGRAM

WHEREAS, effective July 22, 2022, the Legislature enacted P.L. 2021, c. 182, “An Act concerning certain lead-based paint hazard, and residential rental property, and establishing lead-based paint hazard programs, supplementing P.L. 2003, c. 311 (C. 52:27D-437.1 et al.) amending various parts of the statutory law, and making an appropriation;” and

WHEREAS, pursuant to N.J.S.A. 52:27D-437.16(b)(1), a municipality that maintains a permanent local agency for the purpose of conducting inspections and enforcing laws, ordinances, and regulations concerning buildings and structures, is required to inspect for lead-based paint hazards in certain specified single-family, two-family, and multiple rental dwellings, at the time periods set forth in the statute; and

WHEREAS, pursuant to N.J.S.A. 52:27D-437.16(b)(2) a municipality that does not maintain such a permanent local agency must hire a lead evaluation contractor, certified to provide lead paint inspection services by DCA, or enter a shared services agreement as permitted by law, for the purpose of conducting the inspections for lead-based paint hazards; and

WHEREAS, pursuant to Section 9 of P.L. 2021, c. 182, the State of New Jersey has allocated the sum of \$3,900,000 to effectuate the purposes of P.L. 2021, c. 182 (C. 52:27D-437.16). Further, pursuant to the FY 2023 Appropriations Act (P.L. 2022, Chapter 49), DCA received a grant-in-aid amount of \$3,900,000 for P.L. 2021, c. 182, for a total of \$7,800,000 in appropriations to effectuate the purpose of the Act; and

WHEREAS, DCA has allocated \$7,000,000 of this appropriation to the development of the Lead Grant Assistance Program (“LGAP”) for the issuance of grant funds to municipalities for the purpose of assisting in municipal compliance with P.L. 2021, c. 182; and

WHEREAS, the Division of Local Government Services (DLGS), within DCA, administers the LGAP; and

WHEREAS, the LGAP exists to provide funding to help off-set the costs to municipalities to provide the required inspections at stipulated times of certain single-family, two-family, and multiple rental dwelling units for lead-based paint hazards, pursuant to P.L. 2021, c. 182; and

WHEREAS, an authorized municipal officer must execute the attached grant agreement in order to receive LGAP funding.

NOW, THEREFORE, BE IT RESOLVED, the Board of Commissioners of the Borough of Wildwood Crest does hereby authorize Mayor Don Cabrera and Borough Clerk Patricia Feketics to sign the attached grant agreement, and thus bind the Borough of Wildwood Crest to the grant agreement’s terms in order to receive the \$9,400.00 grant from the DLGS.

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

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 23-187

EXTRACT from the minutes of a regular meeting of the Board of Commissioners of the Borough of Wildwood Crest, in the County of Cape May, New Jersey, held at the Municipal Building, 6101 Pacific Avenue, Wildwood Crest, New Jersey, on June 21, 2023, at 5:00 o’clock P.M.

PRESENT: SCHIFF – FRANCO – CABRERA

ABSENT: NONE

* * *

Mr. Schiff introduced and moved the adoption of the following resolution and Mr. Franco seconded the motion:

RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$9,500,000 BOND ANTICIPATION NOTES OF THE BOROUGH OF WILDWOOD CREST, IN THE COUNTY OF CAPE MAY, NEW JERSEY.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST, IN THE COUNTY OF CAPE MAY, NEW JERSEY, AS FOLLOWS:

Section 1. Pursuant to a bond ordinance of the Borough of Wildwood Crest, in the County of Cape May (the “Borough”), entitled: “Bond ordinance providing for the improvement of the storm water drainage and sanitary sewerage systems in and by the Borough of Wildwood Crest, in the County of Cape May, New Jersey, appropriating \$7,500,000 therefor and

authorizing the issuance of \$6,931,961 bonds or notes of the Borough for financing such appropriation”, finally adopted on February 16, 2022 (#1370), bond anticipation notes of the Borough in a principal amount not exceeding \$5,500,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Section 2.

Pursuant to a bond ordinance of the Borough entitled: “Bond ordinance appropriating \$4,500,000 and authorizing the issuance of \$4,275,000 bonds or notes of the Borough for various improvements or purposes authorized to be undertaken by the Borough of Wildwood Crest, in the County of Cape May, New Jersey”, finally adopted on December 7, 2022 (#1388), bond anticipation notes of the Borough in a principal amount not exceeding \$4,000,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor, and any action heretofore had or taken with respect to said notes is hereby approved, ratified and confirmed.

Section 3.

All bond anticipation notes (the “notes”) issued hereunder shall mature at such times as may be determined by the treasurer, the chief financial officer or the acting chief financial officer of the Borough (the “Chief Financial Officer”), provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer and shall be signed and sealed by officials and officers of the Borough in any manner permitted by N.J.S.A. §40A:2-25. The Chief Financial Officer shall determine all matters in connection with the notes issued hereunder, and the Chief Financial Officer’s signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes at not less than par from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price. The Chief Financial Officer is directed to report in writing to the governing body of the Borough at the meeting next succeeding the date when any sale or delivery of the notes hereunder is made. Such report must

include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

Section 4.

Any note issued pursuant to this resolution shall be a general obligation of the Borough, and the Borough's faith and credit are hereby pledged to the punctual payment of the principal of and interest on the notes and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

Section 5.

The Chief Financial Officer is hereby authorized and directed to do all other matters necessary, useful, convenient or desirable to accomplish the delivery of the notes to the purchasers thereof as promptly as possible, including (i) the preparation, execution and dissemination of a Preliminary Official Statement and Final Official Statement with respect to the notes, (ii) preparation, distribution and publication, if necessary, of a Notice of Sale with respect to the notes, (iii) execution of a Continuing Disclosure Undertaking, with respect to the notes in accordance with Rule 15c2-12 promulgated by the Securities and Exchange Commission and (iv) execution of an arbitrage and use of proceeds certificate certifying that, among other things, the Borough, to the extent it is empowered and allowed under applicable law, will do and perform all acts and things necessary or desirable to assure that interest paid on the notes is not included in gross income under Section 103 of the Internal Revenue Code of 1986, as amended.

Section 6.

All action heretofore taken by officials and professionals of the Borough with regard to the sale and award of the notes is hereby ratified, confirmed, adopted and approved.

Section 7.

This resolution shall take effect immediately.

Upon motion of Mr. Schiff, seconded by Mr. Franco, the foregoing resolution was adopted by the following vote:

AYES: SCHIFF – FRANCO – CABRERA

NOES: NONE

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

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 23-188

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING RELEASE OF ESCROW FUNDS FOR PERMIT #SO22-0411 IN THE AMOUNT OF \$727.50

WHEREAS, the Borough of Wildwood Crest Construction Official has received written approval from the Borough Engineer, DeBlasio & Associates, on April 18, 2023 to refund escrow to Mitchell Nichols Enterprises, Inc. for Street Opening Permit #SO22-0411, Block 52/Lot 6.02; and

WHEREAS, the Borough Construction Official has confirmed that all Borough Engineer billings related to Street Opening Application #SO22-0411 are complete; and

WHEREAS, Mitchell Nichols Enterprises, Inc., 23 King Street, Rio Grande, NJ 08242 made an escrow payment to the Borough of Wildwood Crest of \$1,000.00 on April 11, 2022 for Street Opening Permit for location 6500 New Jersey Avenue, Block 52/Lot 6.02 and has requested return of the unused escrow balance; and

WHEREAS, the escrow used totaled \$272.50 and the Borough of Wildwood Crest Construction Official is recommending the return of the unused escrow fee of **\$727.50**.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, in the County of Cape May, New Jersey, that the return of the balance of the unused escrow account in the amount of \$727.50 to Mitchell Nichols Enterprises, Inc., 23 King Street, Rio Grande, NJ 08242 be and hereby is approved.

BE IT FURTHER RESOLVED that the Chief Financial Officer is hereby authorized to return the balance of the unused escrow account in the amount of \$727.50 to Mitchell Nichols Enterprises, Inc., 23 King Street, Rio Grande, NJ 08242.

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

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 23-189

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING RELEASE OF ESCROW FUNDS FOR PERMIT #SO22-0412 IN THE AMOUNT OF \$547.50

WHEREAS, the Borough of Wildwood Crest Construction Official has received written approval from the Borough Engineer, DeBlasio & Associates, on April 18, 2023 to refund escrow to Mitchell Nichols Enterprises, Inc. for Street Opening Permit #SO22-0412, Block 141/Lot 11; and

WHEREAS, the Wildwood Crest Construction Official has confirmed that all Borough Engineer billings related to Street Opening Application #SO22-0412 are complete; and

WHEREAS, Mitchell Nichols Enterprises, Inc., 23 King Street, Rio Grande, NJ 08242 made an escrow payment to the Borough of Wildwood Crest of \$1,000.00 on April 19, 2022 for Street Opening Permit for location 111 E. Preston Avenue, Block 141/Lot 11 and has requested return of the unused escrow balance; and

WHEREAS, the escrow used totaled \$452.50 and the Borough of Wildwood Crest Construction Official is recommending the return of the unused escrow fee of **\$547.50**.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, in the County of Cape May, New Jersey, that the return of the balance of the unused escrow account in the amount of \$547.50 to Mitchell Nichols Enterprises, Inc., 23 King Street, Rio Grande, NJ 08242 be and hereby is approved.

BE IT FURTHER RESOLVED that the Chief Financial Officer is hereby authorized to return the balance of the unused escrow account in the amount of \$547.50 to Mitchell Nichols Enterprises, Inc., 23 King Street, Rio Grande, NJ 08242.

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

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 23-190

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING POLICE SERVICES AGREEMENT WITH BCMF, LLC FOR LAW ENFORCEMENT EVENT SUPPORT

WHEREAS, BCMF, LLC, (the “Contractor”) requires police related services from June 15, 2023 to June 18, 2023 for a multi-day music festival, which will attract a number of attendees (“Event”); and

WHEREAS, the Attorney General of the State of New Jersey has authorized municipalities to enter into agreements with private persons and public entities for the purpose of providing police services; and

WHEREAS, the Borough of Wildwood Crest (the “Borough”) has in its employment properly trained and qualified individuals and equipment available to provide such services and agrees to make these services and equipment available to the Contractor for and by the terms dictated in the Police Services Agreement attached hereto incorporated herein (the “Agreement”); and

WHEREAS, the Borough and the Contractor desire to enter into an agreement wherein the Contractor will pay the Borough for all costs incurred for such services for the purposes described below and pursuant to the terms and conditions and in the amounts as set forth in the Agreement.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, State of New Jersey, hereby approves the Police Services Agreement attached hereto with BCMF, LLC for law enforcement event support and authorizes and directs the Mayor and Borough Clerk to execute same retro to the dates of the event.

BE IT FURTHER RESOLVED that any and all acts of the Borough of Wildwood Crest, its elected officials, officers, directors, department heads, supervisors, employees and agents, which would have been authorized by the foregoing Resolutions except that such acts were taken prior to the adoption of such Resolutions, are hereby severally authorized, ratified, confirmed and adopted as acts in the name and on behalf of the Borough of Wildwood Crest.

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

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

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 23-191

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST SUPPORTING S - 3906 KNOWN AS THE “GIVE IT BACK” PROPERTY TAX RELIEF LEGISLATION

WHEREAS, Senators Declan O’Scanlon and Michael Testa jointly announced a plan to provide \$4.32 billion of “Give It Back” property tax relief to New Jersey municipalities and counties; and

WHEREAS, the Bill (S3906) would appropriate \$4.32 billion from the New Jersey Debt Defeasance and Prevention Fund to towns and counties to retire and defease local debt or fund capital projects on a pay-as-you go basis; and

WHEREAS, under the bill, \$4.32 billion would be allocated to each municipality on an equal per capita basis wherein each municipality receives the same dollar amount per resident; and

WHEREAS, the allocations to municipalities and counties would average more than \$100 million per legislative district and is the equivalent of approximately \$1,250.00 per family; and

WHEREAS, under this plan, the Borough of Wildwood Crest would receive \$1,001,507.00 and Cape May County would receive \$13,332,111.10.

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, strongly supports Senate Bill 3096 and requests the Governor’s passage of the same.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the sponsor of each bill, the Office of the Governor, the New Jersey State League of Municipalities, and all Cape May County Municipalities.

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

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 23-192

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST OPPOSING PORTIONS OF A- 5175 WHICH CHANGES CERTAIN GENERAL ELECTION DEADLINES

WHEREAS, Sections 19 and 20 of A-5175 move the reorganization date for November non-partisan elections from January 1 (or later as designated by local ordinance) to January 15 (or later as designated by local ordinance); and

WHEREAS, the unintended consequences for the affected municipalities that have November non-partisan elections, regardless of whether there is a local runoff provision or not, are far reaching; and

WHEREAS, a previously elected governing body would be in a position to make decisions that the newly elected governing body members would have to abide by or overturn, creating confusion regarding meeting dates and professional appointments; and

WHEREAS, the time municipalities have to complete early work is reduced potentially putting them out of compliance with Open Public Meetings Act and Local Public Contracts Law; and

WHEREAS, the time a local governing body has to adopt a temporary budget would be reduced going from 31 days to 16 days or less.

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, strongly opposes Portions 19 and 20 of A-5175 for the above reasons.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the sponsor of each bill, the Office of the Governor, Senator Michael Testa, the New Jersey State League of Municipalities, and all Cape May County Municipalities.

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

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 23-193

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST RECOMMENDING PLAN ENDORSEMENT AND ADOPTING BOTH THE PLANNING AND IMPLEMENTATION AGREEMENT AND THE CENTERS DESIGNATION BOUNDARY MAP

WHEREAS, pursuant to the New Jersey State Planning Act and N.J.A.C. 5:85-7.1-24 the Borough of Wildwood Crest has participated in the Plan Endorsement Process; and

WHEREAS, the Borough of Wildwood Crest held a pre-petition meeting the State on March 24, 2020; and

WHEREAS, the Borough of Wildwood Crest conducted a public hearing to consider the Plan Endorsement on and the Municipal Self -Assessment (MSA) at a meeting on June 23, 2021 after providing due notice of the date of the hearing in accordance with N.J.A.C. 5:85-1.7 (d); and

WHEREAS, the Borough of Wildwood Crest has approved the MSA, dated June 23, 2021, prepared by the Borough Administrator; and

WHEREAS, the Borough of Wildwood Crest will create a Visioning Statement that will be incorporated into the next Master Plan update; and

WHEREAS, the Borough of Wildwood Crest has reviewed and adopts the proposed Centers Designation Boundary Map to include the Pier in the Center; and

WHEREAS, the New Jersey State Planning Commission expects to adopt the Plan Endorsement Petition on July 5, 2023.

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, as follows:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Borough of Wildwood Crest adopts the attached PIA AND CENTERS DESIGNATION BOUNDARY MAP as part of the Plan Endorsement recertification process.
3. This Resolution shall be forwarded to the N.J. State Office of Planning Advocacy.
4. All Borough officials and officers are hereby authorized and empowered to take all actions deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

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

Prior to the vote, Administrator Mahon gave the following presentation:

Plan Endorsement is a voluntary process established at the state level in New Jersey to promote consistency between local master plans and the goals and objectives of the State Development and Redevelopment Plan (SDRP). It is through Plan Endorsement that local, county and State governments work together to develop coordinated capital investment and planning implementation mechanisms that are consistent with each other. The Plan

Endorsement process is administered by the **State Planning Commission** with the participation of a variety of state agencies such as DEP and the Division of Water Quality. Plan Endorsement has a 10-year life. Pursuant to authority under statute as amended by the administrative code the Wildwoods were granted an extension on our prior plan endorsement which was due to expire on December 31, 2018. In 2019 “the Wildwoods” began pursuing our regional plan endorsement collectively. Each town within the Wildwoods region had certain benchmarks to meet individually in pursuit of our plan endorsement and the Office of Planning Advocacy recognized that some towns would move through the process quicker, therefore could get individual endorsement in that case. I crafted and submitted our Municipal Self-Assessment in 2020 and many of the capital projects listed in the MSA are now completed or nearly complete. It is important to note that we followed the letter of law and drafted our own MSA without a planner by taking a grass roots effort and utilizing our Planning Board and Green Team to help with this important document. After the completion of the MSA, I continued to work with Office of Planning Advocacy to push to get important infrastructure included in the center boundary including a proportion of the fishing pier which was left out during the plan endorsement process in 2008. Although DEP did not support this effort and we will still have to seek an amendment to our sewer service area, the PIC has moved to endorse this change. That brings us too today. Tonight, the governing body approved the proposed PIA and centers boundary maps provided by the Office of Planning Advocacy and the Mayor and I participated in the State Planning Commission’s meeting at which we presented our petition for plan endorsement. I am happy to report that the PIC recommended that our petition for plan endorsement be forwarded to the State Planning Commissioner for approval on July 5th. Upon the State’s approval we will have plan endorsement for the next 10 years. Once the other island communities move through the process, we will have regional endorsement. Our hard work for the last 5 years has paid off and we were praised for the following the letter of the law and taking such a leadership role in getting this done.

The benefits of plan endorsement are financial and technical incentives that will assist in making its endorsed plan a reality. These incentives are based on the endorsed plan and include low-interest loans, tax credits, prioritized technical assistance, and coordinated regulatory review among the State agencies. The biggest benefit in my opinion is higher impervious coverage limits for those properties in the center’s boundary. Under the Coastal Zone Management Rules, CAFRA-regulated development located within a CAFRA center, that is, a center, core and/or node that have been adopted by the State Planning Commission and reviewed and accepted by the NJDEP for the purposes of CAFRA, receives higher impervious cover limits than development located outside of a CAFRA center. As stated earlier, we will also be eligible to receive technical assistance with important upcoming issues with UEZ and redevelopment.

Mayor Cabrera offered sincere thanks to Administrator Mahon for all of her hard work and saving the borough a substantial amount of money and he thanked Meghan Wren from the state as well for her guidance.

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 23-194

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING RELEASE OF PERMIT FUNDS FOR CANCELED PERMIT #2022-0122 IN THE AMOUNT OF \$470.40

WHEREAS, the Borough of Wildwood Crest Construction Official has received written request from VISION SOLAR LLC on June 7, 2023 to refund permit fees for a withdrawn solar permit to VISION SOLAR LLC for Permit #2022-0122, Block 13/Lot 25.01; and

WHEREAS, the Construction Official confirmed that the plan review fee of 20 percent for Permit #2022-0122 in the amount of \$117.60 is nonrefundable per the Uniform Construction Code of New Jersey; and

WHEREAS, VISION SOLAR LLC, 511 Route 168, Blackwood, NJ 08012 made a permit payment to the Borough of Wildwood Crest of \$588.00 on May 2, 2022 for a Roof Mounted Solar Array Permit for location 5611 Park Blvd, Block 13/Lot 25.01 and has requested refund of; and

WHEREAS, 20 percent totaled \$117.60 (for plan review) and the Borough of Wildwood Crest Construction Official is recommending the return of the balance of the permit fee of **\$470.40**.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, in the County of Cape May, New Jersey, that the return of the balance of the withdrawn permit fee in the amount of \$470.40 to VISION SOLAR LLC, 511 Route 168, Blackwood, NJ 08012 be and hereby is approved.

BE IT FURTHER RESOLVED that the Chief Financial Officer is hereby authorized to return the balance of the withdrawn permit fee in the amount of \$470.40 to VISION SOLAR LLC, 511 Route 168, Blackwood, NJ 08012.

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

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 23-195

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING BOROUGH ENGINEER WORK ORDER FOR FY 2023 NJDOT MUNICIPAL AID RECONSTRUCTION OF ORCHID ROAD – AT THE NTE SUM OF \$135,000

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest desires to authorize issuance of a Work Order to the Borough Engineer, Marc DeBlasio and the Firm of DeBlasio & Associates for the **FY 2023 NJDOT MUNICIPAL AID RECONSTRUCTION OF ORCHID ROAD**, for engineering services which are more specifically set forth in the attached Proposal from Marc DeBlasio and the Firm of DeBlasio & Associates, dated **December 1, 2022** 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 **\$135,000.00**; 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 **\$135,000.00**.

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

Vote: Schiff - Franco – Cabrera – YES

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

Vote: Schiff - Franco – Cabrera – YES

REPORTS: Mr. Franco motions, and Mr. Schiff seconded that all reports received from the Court Administrator, Chief Financial Officer, Tax Collector, Chief of Police, Supervisor for the Recreation Department, Construction Official, Emergency Services Coordinator, for the EMS and the Wildwood Crest Volunteer Fire Company Chief for the month ending May 31, 2023 be accepted as presented.

Vote: Schiff - Franco – Cabrera – YES

MINUTES: Mr. Schiff motions, and Mr. Franco seconded that all minutes from the Commission meetings dated May 24, 2023 and June 7, 2023 be approved as presented.

Vote: Schiff - Franco – Cabrera – YES

First Responder Reports: Capt. Rick D’Amico (PD) and Ron Harwood (EMS/Fire Prev/ Fire/OEM) and Sr. Lieutenant Max Bilkins (WCBP)

Lt. Max Bilkins (wcbp)

WCBP REPORT 6/21/2023 (COMMISSIONER MONTHLY MEETING)

- 2023 WCBP LIFEGUARD COVERAGE: EVERYDAY FROM 10:00AM- 5:30PM (WEATHER PERMITTING) UNTIL THE SUNDAY AFTER LD (SEPT 10)
- HANDICAP TRANSPORT SERVICE 11AM-4PM WHENEVER LIFEGUARDS ARE ON DUTY.
- SURF CHAIRS (BEACH WHEEL CHAIRS) 10AM-5PM PICK-UP AND RETURN AT BEACH PATROL HQ (RAMBLER ROAD AND BEACH)
- 2023 SURFING BEACHES: RAMBLER-PRIMROSE, ASTER-CARDINAL, HOLLYWOOD-TOPEKA (10AM-1PM NOON ONLY)
- CURRENTLY IN THE PROCESS OF TRAINING/CERTIFICATION OF 21 NEW CANDIDATES
- FUTURES PROGRAM FOR GRADES 9TH -10TH BEGAN TODAY AND WILL BE HELD EVERY MON AND WED FOR THE NEXT 4 WEEKS
- JRLG PROGRAM FOR GRADES 4TH-8TH WILL BEGIN TOMORROW AND BE HELD EVERY TUES AND THURS FOR THE NEXT 4 WEEKS
- WCBP WILL AGAIN BE HOSTING THE 39TH ANNUAL CAPE MAY COUNTY LIFEGUARD CHAMPIONSHIPS ON FRIDAY, JULY 7TH, STARTING AT 6:30 PM AT RAMBLER ROAD AND THE BEACH IN WILDWOOD CREST.
- CALL BEACH PATROL HQ AT 609-522-3825 FOR INFORMATION, QUESTIONS OR CONCERNS.
-

Capt. Rick D’Amico gave a run down on recent activity from the previous month to note:

Calls for Service: 2,017
Criminal Investigations: 350
Service Calls: 380
Traffic: 638
Arrests: 19

Capt. D'Amico added that the law enforcement efforts this past weekend for the BCMF were outstanding on all levels. The City of Wildwood did a great job and he was proud of our officers who were involved on all levels. He added that summer officers will be ready and working by July 4th holiday.

Mayor Cabrera added that there was a strong police presence at the country concert and everything went smoothly.

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

Office of OEM: Emergency Operation Plan was updated and waiting on approval. Attended the municipal coordinators meeting June 1, 2023.

Fire Prevention: Total Inspections were 935 and Smoke Detector Inspections were 2.

The Fire Inspection Bureau has a total of 3250 local Fire Inspections and 64 Life Hazard Fire Inspections required under the state of New Jersey Uniform Fire Code.

EMS: Total Calls: 91

Volunteer Fire Co: Total Incidents: 29

Comm. Schiff thanked the Fire Company for allowing the use of the building for training, etc.

ADMINISTRATOR'S REPORT:

ONGOING AND UPCOMING PROJECTS

Beach End Bump Outs

The decks at all 11 street ends south of Rambler are now complete with just a few outstanding items left to complete. Bike racks have been ordered to supplement what currently exists. Our contractor- Fred Shiavone did an outstanding job!

Crest Arts Pavilion

I am happy to report that all punch list items are now complete, and the Crest Arts Pavilion is now open to the public every day. Hours are 9:00 am to 4:00 pm Monday through Saturday and 9:00 am to 1:00 pm on Sunday. Our grand opening was very well attended.

Hereford Inlet to Cape May Inlet Beach and Dune Construction

The DEP is currently acquiring easements. We are expecting this project to be in construction in late 2024 or early 2025.

New Jersey Avenue

The County Engineer has informed us that we should start the infrastructure work in fall 2024 in advance of their plans to start the reconstruction of New Jersey Avenue in the spring of 2025. This project is expected to take two years. The county's striping plan has been approved by resolution.

Sunset Lake- State Channel Dredging

As I reported on last month, the NJDOT Office of Maritime Resources will be dredging State boating channels in North Wildwood, Wildwood and West Wildwood from the mouth of Beach Creek to Post Creek Basin between the beginning of September to the end of January, 2023 to remove shoals and restore navigability. Approximately 124,000 CY of sediment will be removed using a hydraulic cutterhead pipeline dredge and pumped to one of three sites for dewatering. Dredging operations will take place 24/7 during this timeframe. The three sites identified for dewatering are 401/501 W 26th Avenue in North Wildwood, 510 NY Avenue in North Wildwood and 525 W Spicer Avenue in Wildwood. Once dewatered, the material will be removed from the site and trucked to the Tuckahoe Turf Farm in Atlantic County for use as agricultural soil. Trucking operations will begin on or about February 1 and will be completed on or about May 31, 2024 and will follow main routes to and from the sites in accordance with municipal and county approved trucking routes.

CAFRA Applications

We received an answer to our Jurisdictional Determination for the upcoming bulkhead project. It has been determined that we do not need a CAFRA permit, however, the project will require a waterfront development permit. It has yet to be determined if that will be a general permit or individual permit.

Washington Avenue BRIC Planning Study

DeBlasio and Associates has completed the draft of his study of the Washington Avenue flooding issues. This study was funded by a \$70,875 FEMA grant. The borough's contribution of \$70,875 is \$23,625. Upon submission and

approval of the final study we will seek reimbursement of the \$70K and will pursue a FEMA grant for the recommended work. I have already contacted our grant writer and he is making preparations.

EV Charging Stations

We have been given a one-year extension on our Tourism Grant and Clean Energy Grant. These two grants will provide funding toward the purchase and installation of level 2 chargers for 6301 Ocean Avenue. As of Monday, our grant writer informed us of another DEP grant that can be used in addition to the ones already obtained. We are currently preparing that application which will significantly lower the cost for the EV Charging stations at the Crest Arts Pavilion if granted. At this time, due to budget constraints we have decided not to pursue the grants for the other two locations previously mentioned. The \$4,000 incentive grants for 2 Chevy Bolts is currently on hold.

FY2023 DCA-Small Cities ADA Grant

Our FY2023 DCA Small Cities Grant application was approved in the amount of \$342,720. These funds will be used to renovate the 3 bathrooms in the municipal building and 3 bathrooms at the Crest Pier. Bid specifications will be crafted to get this project out to bid in the fall. We have two-years from the date of award to expend the funds.

Plan Endorsement

The Mayor and I attended the State's Plan Implementation Committee's meeting today at which our petition for plan endorsement was reviewed for consistency and I am extremely happy to report that the PIC has recommended that our petition for plan endorsement be forwarded to the State Planning Commission for approval on July 5th.

Dave McWilliams asked about signage since you can no longer lock bikes to the railings, etc and how people would know this is no longer permissible. More bike racks were just delivered, and they will be installed. The Mayor asked Steve Shearer to find out about signs. Mr. McWilliams asked about the recently authorized Plan adoption and Centers Designation and if it will affect the borough since the other neighboring municipalities have yet to adopt and the Administrator indicated it will not and when they do adopt, we will do an island wide agreement.

ENGINEER'S REPORT:

Capital Projects

1. 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.
 - All work on Cardinal Avenue has been completed and we are in the project close out phase.
2. FY 2023 NJDOT Municipal Aid Program – Reconstruction of Orchid Road
 - The Borough has been allotted a \$170,085.00 grant from the NJDOT.
 - Our office submitted a proposal on December 1, 2022 to design the project. Upon authorization from the Borough, we are prepared to start work immediately.
3. Washington Avenue Storm Sewer Outfall Preliminary Investigation
 - The final report is scheduled to be finalized and completed by June 23rd.
4. Fiscal Year 2019 NJDCA Small Cities Program – Renovations to the Crest Arts Pavilion
 - The bid opening occurred on November 24, 2021 and the apparent low bidder was Joseph Porretta Builders, Inc. in the amount of \$1,918,713.00 for the Base Bid, Alternate Bid No. 1 and Alternate Bid No. 2.
 - The Atlantic City Electric utility pole has been installed, the electrical power to the building has been established and the project has entered the punch list phase.
5. Fiscal Year 2022 NJDOT Municipal Aid Program – Reconstruction of Syracuse Avenue
 - The Borough was notified by the NJDOT that \$196,025.00 was allocated for the Reconstruction of Syracuse Avenue.
 - The bid opening occurred on October 19, 2022 and the apparent low bidder was Asphalt Paving Systems, Inc. in the amount of \$2,193,300.00.
 - All work on Syracuse Avenue is completed.
 - Bayview Avenue has been base paved.
 - Concrete work on Bayview Avenue has been completed and final paving will be completed by June 23rd.
 - The Improvements at Preston Park has started, the brick paver pathway is under construction and the turtle nesting area will be installed soon.
6. Beach Patrol Headquarter Renovations-Readvertised
 - The project was re-advertised for public bid on March 1, 2023 and the apparent low bidder was Straga Brothers in the amount of \$2,054,334.00 for the Base Bid plus Alternate Bid 1 and Alternate Bid 2.
 - The contractor has remobilized to the site to finish the demolition.
7. Beach Street End Public Access Improvements – Phase 2
 - The bid opening occurred on February 1, 2023, and the apparent low bidder was Fred M. Schiavone Construction, Inc. in the amount of \$3,228,065.20.
 - All eleven (11) street end decking, ramps and railings have been installed.
 - All water main extensions, water services and trench repairs have been completed.
 - The contractor is set to commence concrete work the week of May 22, 2023.

- Concrete work at the Beach Ends has been partially completed.
 - The pergolas have been delivered and have begun to be installed.
8. Von Savage Pool – Pool and Roof Repairs
- The bid opening occurred on March 9, 2023 and the apparent low bidder was Capri Construction in the amount of \$1,267,500.00.
 - A pre-construction meeting was held on March 30th and construction is scheduled to begin on August 15, 2023.
9. Public Works Roof Repairs
- Our office has completed bid documents and are ready for public bidding when authorized by the Borough.
10. Bayside Bulkhead Replacement and Flood Mitigation Improvements
- The Borough wants to replace or elevate the eleven (11) existing bayside street end bulkheads from Cardinal Road to Primrose Road and implement flood mitigation improvements along the bayside from Cresse Avenue to Rambler Road. It is our understanding that the Borough would like to complete the improvements in a phased manner and initiate the first phase of the bulkhead replacements in the Fall 2023 with construction completed by Spring 2024.
 - Our office has completed the survey of the bayside street ends and are currently in the base mapping and permitting phase.
 - The NJDEP has indicated that a Waterfront Development Permit is required and a CAFRA permit is not required.

Commissioner Franco added that the recently finished street bump outs look great and the contractor did a fantastic job.

CORRESPONDENCE:

*Kudos on all of the improvements the Crest has made with street ends, maintenance of the beach, appearance of streets and buildings, etc.

Mayor Cabrera indicated he has received several emails regarding the added hour of surfing at the Hollywood /Topeka beaches and how upset people seemed to be. He gave a brief recap that two years ago, the designation of Topeka/Hollywood Avenues as a surfing beach was done without much warning to homeowners. The additional hour of coverage from 10:00-1:00 was done via borough webpage and press release and not via letters to homeowners. There are no plans to make this a full-time surfing beach.

PUBLIC COMMENTARY:

On the conference line, Ann O'Brien, disagreed with this decision. She indicated that those opposing this decision are not over the top, but rather frustrated that they were not engaged in the decision-making process. She indicated that this is not a good decision.

Commissioner Schiff indicated he would like to address everyone after hearing all of the public comments regarding the surfing beach.

Laurie P, complemented the borough on all of the improvements, the beautifully maintained beaches and beach walkways. The increased hours of the surfing beach at Hollywood and Topeka was very upsetting. She questioned why the need to increase was made to accommodate a handful of surfers. She suggested having a lifeguard come in early or rotate the surfing beach.

Joe DiMarco indicated his main concern was that this doesn't become a full-time surfing beach.

Commissioner Schiff started with he recognized and understood their concerns. There were email requests from approximately five different people to extend the hours. When this first took place, he was not the Commissioner of Public Safety, but he was on the beach transport team and he has seen the evolution of the growing popularity for surfing. He spoke to the Chief of the Beach Patrol and they agreed to extend for 1 more hour going from 10:00 -12:00 to not 10:00 – 1:00 pm. If this compromise doesn't work, they can revert. He indicated from 10:00-12:00, there were on average approximately 10-15 surfers in 2021; 20-25 surfers in 2022, and they anticipate 30-35 in 2023. Adding a guard from 9:00-10:00 won't work as it will set a precedent that if it's done here, it can be done on other streets. The beach hours for lifeguard coverage are set from 10:00 am– 5:30 pm. He added that Wildwood Crest is a wellness community and the request was made for a surfing beach in the southern zone and Topeka/Hollywood is the best

location since there is an outfall line and restricted bathing. As far as special needs, the WCBP has received 13,870 calls for transport and are happy to assist. He apologized for the oversight in communication.

Ann O'Brien, via telephone, disagreed with the decision and the handful of surfers are taking priority over swimmers and taxpayers. She wanted this rolled back to original hours of 10:00-12:00 pm. She indicated that the homeowners/taxpayers should have been engaged in the decision process and wants this repealed immediately.

Bob Crawford asked for clarification. He indicated that this change was from 5 emails to change the hours to all day and the compromise was for an additional hour. It appears that the Beach Patrol has the authority to make decisions with regulation to beach hours. He added that the decision appears to be poorly thought out and unbalanced. He asked that we step back and have appropriate conversations and make decisions based on input from everyone.

Commissioner Schiff indicated that the decision was well thought out. He further indicated that we hear your frustration and will discuss with fellow commissioners on their opinion and to roll back the hours to the original hours of 10:00 am -12:00 pm. They agreed to make this effective on June 22, 2023 throughout the summer.

Barb Morrow added that if an extra hour was needed that maybe they could do 4:30-5:30 or alternate streets.

Mayor Cabrera added that we have heard you and received your comments and Wildwood Crest always has their eye on recreational areas for all.

Commissioner Schiff lastly added that they are always happy to pick up with the handicapped transport.

Joe Viscomi, added that people are becoming more engaged in meetings and they get worked up and frustrated when decisions are made that can affect them personally and financially. When people show up it means they care. He asked for a brief overview of the proposed Washington Avenue infrastructure to which the Engineer replied.

Chris Calderbank indicated he has been emailing for 3 years over vulgar flags being flown on the public beach. He added this is an embarrassment for Wildwood Crest This is not private property and he desperately wants the borough to do something about it ahead of the election cycle. This is not about one political party over another; it is about the vulgarity.

The Solicitor added he could do research, but it is difficult to regulate speech with the first amendment. We can research what other communities are doing, if anything. It was noted it is illegal to ban the United States flag. The mayor added that this is a tough challenge and that time in needed.

NEW BUSINESS:

N/A

OLD BUSINESS:

-**Traffic Study**-Will rename this Traffic Calming techniques and a proposal is forthcoming.

-**Code Enforcement Personnel**- No movement. Waiting on finances.

-**Back Beach Excavation**: On Hold until we hear from USACE and DEP on new dune.

-**Dredging**: The Administrator covered in her report and progress is being made. Thank you Administrator Mahon.

-**NJ Avenue infrastructure pre-county**: On hold.

-**PW roof**: Close to bidding the project.

-**Bayside outfalls and capacity / bulkhead repairs / replacement**: Funding is now in place for Phase I. The turnaround time frame will depend on if the borough needs a Individual Permit (longer time) or General (Shorter).

-**Arts Pavilion Exterior – with CMCOS**: Finishing up.

-**Washington / Seaview – beach outfalls and capacity**: Discussed in Administrator's report.

-**Update Landscaping and add lighting in Business district -NJ**- In the works.

- **Lightning Detection System**: Commissioner Schiff appreciates the feedback and the vendor will be happy to come down and demonstrate. The Mayo noted there are legal concerns, JIF concerns, noticing residents on the audio and visual sirens/flashing as well as the what would happen if we have this system and someone gets struck.

PUBLIC COMMENTARY:

Commissioner Comments-

Commissioner Schiff – The grand opening of the CAP center was well done and well attended.

Commissioner Franco – The same sentiments were echoed. Also, the Create in the Crest was fantastic. Public safety, the Recreation Department, Public Works, the administration, all worked well to pull this off. There were over 500 people in attendance and the Creative Arts Council should be applauded.

Mayor Cabrera – The Grand Opening of the Crest Arts Pavilion was a success. He thanked Commissioner Morey and Assemblyman Simonsen for attending as well as the Creative Arts Council.

Hearing nothing further from the public, Mr. Schiff motioned and Mr. Franco seconded that the meeting be adjourned. All were in favor. The time was 6:34 p.m.

Dated: July 19, 2023

Patricia A. Feketics, Borough Clerk
