

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

June 7, 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 9:30 a.m. On roll call the following answered to their names:

Schiff - Franco – Cabrera - YES

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

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 motions, Mr. Schiff seconds that Ordinance No. 1401 be passed on first reading, advertised according to law, be brought up for second and final reading and public hearing on June 21, 2023 at 5:00 pm.

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 motions, Mr. Schiff seconds that Ordinance No. 1402 be passed on first reading, advertised according to law, be brought up for second and final reading and public hearing on June 21, 2023 at 5:00 pm.

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 23-178

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF
WILDWOOD CREST AUTHORIZING AMENDMENT TO THE 2023 MUNICIPAL
BUDGET TO ACCOUNT FOR ADDITIONAL FUNDING FOR THE FY2023 CLEAN
COMMUNITIES GRANT**

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

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

WHEREAS, the Borough of Wildwood Crest received \$ 27,803.46 from the State of New Jersey for the FY23 Clean Communities Grant, and wishes to amend its 2023 Municipal Budget to include this amount of revenue.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, New Jersey, does hereby request the Director of the Division of Local Government services to approve the insertion of an item of revenue in the municipal budget of the Borough of Wildwood Crest for the year 2023 in the sum of \$ 27,803.46 which is now available as a revenue from:

Miscellaneous Revenues
Special Items of General Revenue Anticipated with
Prior Written Consent of the Director of the Division
of Local Government Services - Public and Private
Revenues Offset with Appropriations:
Clean Communities Grant FY23 \$27,803.46

BE IT FURTHER RESOLVED that a like sum of \$27,803.46 be and the same is hereby appropriated under the caption of:

GENERAL APPROPRIATIONS
(a) Operations Excluded from Caps
Public and Private Programs Offset by Revenues:
Clean Communities Grant FY23

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

Mr. Schiff motions, 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. 23-179

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AFFIRMING THE BOROUGH OF WILDWOOD CREST'S CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTEERS, INDEPENDENT CONTRACTORS, AND MEMBERS OF THE PUBLIC THAT COME INTO CONTACT WITH MUNICIPAL EMPLOYEES, OFFICIALS AND VOLUNTEERS

WHEREAS, it is the policy of the Borough of Wildwood Crest to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act, and

WHEREAS, the governing body of the Borough of Wildwood Crest has determined that certain procedures need to be established to accomplish this policy.

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

Section 1: No official, employee, appointee or volunteer of the Borough of Wildwood Crest by whatever title known, or any entity that is in any way a part of the Borough of Wildwood Crest shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the Borough of Wildwood Crest's business or using the facilities or property of the Borough of Wildwood Crest.

Section 2: The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Borough of Wildwood Crest to provide services that otherwise could be performed by the Borough of Wildwood Crest.

Section 3: Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

Section 4: The Borough Administrator shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

Section 5: No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

Section 6: The Borough Administrator shall establish written procedures that require all officials, employees, appointees and volunteers of the Borough of Wildwood Crest as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

Section 7: The Borough Administrator shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.

Section 8: At least annually, the Borough Administrator shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Borough of Wildwood Crest. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the Borough of Wildwood Crest's web site.

Section 9: This resolution shall take effect immediately.

Section 10: A copy of this resolution shall be published in the official newspaper of the Borough of Wildwood Crest in order for the public to be made aware of this policy and the Borough of Wildwood Crest's commitment to the implementation and enforcement of this policy.

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. 23-180

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING GRANT APPLICATION SUBMISSION TO THE STATE OF NEW JERSEY FEDERAL FISCAL YEAR 2022 STATE AND LOCAL CYBERSECURITY GRANT PROGRAM FOR HARDWARE, SOFTWARE AND SERVICES AND AUTHORIZES THE MAYOR AND BOROUGH CLERK TO EXECUTE THE CONSENT AGREEMENT

WHEREAS, the Borough of Wildwood Crest desires to participate in and consent to the State of New Jersey's State Administrative Agency (SAA), namely the New Jersey Office of Homeland Security & Preparedness (NJOHSP), undertaking the following acts in accordance with the State and Local Cybersecurity Grant Program (SLCGP) for Federal Fiscal Year (FFY) 2022, Funding Opportunity Number DHS-22-137-000-01.

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 Borough of Wildwood Crest does hereby authorize the submission of State and Local Cybersecurity Grant Program Application and authorizes the Mayor and Borough Clerk to execute the Consent Agreement.
2. The Borough of Wildwood Crest recognizes and accepts that the consent is given with the understanding that Local Government Entity is receiving cybersecurity hardware, software, and /or services in lieu of funds from the State and Local Cybersecurity Grant Program and this consent is only effective for the Federal Fiscal Year (FFY) 2022 SLCGP Funds.
3. That the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith:

_____ (SIGNATURE) Don Cabrera _____ (TYPED NAME) Mayor _____ (TITLE)	_____ (SIGNATURE) Patricia A. Feketics _____ (TYPED NAME) Municipal Clerk _____ (TITLE)
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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. 23-181

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING A REVOCABLE LICENSING AGREEMENT AND WAIVER OF ENCROACHMENT BETWEEN BOROUGH OF WILDWOOD CREST AND J.C.C. BOATS INC., AND ANDREW CICCHITTI FOR USE OF PORTION OF BOROUGH OF WILDWOOD CREST PROPERTY

WHEREAS, the Borough of Wildwood Crest is the owner of certain real property located at the west street end of Sweet Briar Road together with a fishing pier, located in the Borough of Wildwood Crest designated as Lot 1 Block 37.01 on the municipal tax map of the Borough of Wildwood Crest (collectively the “Borough Property”); and

WHEREAS, Andrew Cicchitti is the owner of certain adjoining real property designated as Lots 4.02, 4.021, 5, 5.01, 6, 6.01, 7, and 7.01 together with bulkheading, piers, pilings, and docks as well as a commercial building containing a takeout restaurant and rest rooms (collectively “Cicchitti’s Property”); and

WHEREAS, J.C.C. BOATS, Inc. owns and operates several marine vessels in connections with a sightseeing, fishing and pirate ship show business which are docked and operated on Cicchitti’s Property; and

WHEREAS, certain facilities and improvements consisting of, but not limited to, pilings and docking equipment and infrastructure utilized by and owned by Cicchitti and J.C.C. Boats, Inc. in connection with the operation of its business and docking of its vessels, currently encroaches onto a portion of the Borough Property; and

WHEREAS, the Borough desires to grant to a license for the right to use the Borough property and a waiver of encroachment to maintain the encroachments on the property in accordance with the terms and conditions set forth in the License Agreement and Waiver of Encroachment attached hereto.

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. That the recital paragraphs set forth above are incorporated herein as if set forth at length.
2. That the License Agreement and Waiver of Encroachment attached hereto is hereby approved.
3. That the Mayor and the Borough Clerk are hereby authorized and directed to execute and attest said license agreement on behalf of the Borough.

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. 23-182

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING REFUND OF MERCANTILE LICENSE AND TOURISM FEES TO GLEN D. KIMBALL

WHEREAS, Mr. Kimball paid mercantile license and tourism fees totaling \$420.00 (check #511) for the 2023 rental license for property located at 322 East Syracuse Avenue, Block 143.01, Lot 22, Q- C0322; and

WHEREAS, the property was recently purchased and they decided not to rent.

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 the Chief Financial Officer is hereby authorized to execute refund of \$420.00 to Glen D. Kimball, 3413 Warwickshire Road, Furlong, PA 18925.

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. 23-183

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING WAIVING THE FEE REQUIRED BY APPLICATION TO TJ HUNT MEMORIAL FOUNDATION 5K / 1 MILE FOOT RACE ON NOVEMBER 23, 2023 FROM 8:00 -11:00 AM

WHEREAS, TJ Hunt Memorial Foundation has made a Special Events Application to hold 5k run / 1 mile walk with proceeds to benefit the foundation on November 23, 2023 from 8:00-11:00 am; and

WHEREAS, in the spirit of supporting our community and this fun filled family event, the Board of Commissioners have agreed to waive the Special Events Application fees.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, New Jersey, that the fee required by application from the TJ Hunt Memorial Foundation for a 5k / 1 mile footrace November 23, 2023 from 8:00-11:00 am is hereby waived.

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. 23-184

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING AWARD OF THE CREST ARTS PAVILION CAFÉ LEASE WITH PROVISION TO SELL COFFEE ON THE BEACH AT OPEN PUBLIC BIDDING LIVE AUCTION PURSUANT TO NJSA 40A: 12-14(a) OF THE LOCAL LANDS AND BUILDING LAW - BOROUGH LEASE AGREEMENT # 2023-00

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest adopted Resolution No. 23-138 on April 26, 2023, which authorized Advertisement of Notice of Open Public Bidding at Auction for a Lease of the Crest Arts Pavilion Café Pursuant to NJSA 40A:12-14(a) of the Local Lands and Building Law; and

WHEREAS, Notice to Bidders was advertised in the *Herald of Cape May County* on May 3, 2023 and May 10, 2023 with live open public bidding by auction taking place on Thursday, June 1, 2023 at 10:00 a.m. for the Lease of the Crest Arts Pavilion Café, Borough Lease Agreement # 2023-00 pursuant to NJSA 40A: 12-14 (a) et seq.; and

WHEREAS, Beach Brew, USA was the sole responsive bidder and submitted a total aggregate bid amount of \$107,500.00, over a three (3) year period for the Crest Arts Pavilion Café with provision to sell coffee on beach through 2025; and

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest has reviewed the recommendations made by the Bid Opening Committee and the Borough Solicitor recommending the award to Beach Brew, USA.

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. It is hereby determined to be in the best interest of the Borough of Wildwood Crest to accept the sole bid, and award to Beach Brew, USA the lease of the Crest Arts Pavilion Café with provision to sell coffee on the beach calendar years 2023, 2024, and 2025.

2. That Don Cabrera, Mayor of the Borough of Wildwood Crest, and Patricia A. Feketics, Borough Clerk, are hereby authorized, instructed and empowered to execute the concession agreement by and between the Borough of Wildwood Crest and Beach Brew, USA, in accordance with this Resolution, Notice to Bidders, specifications and the submitted bid proposal.

3. 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 concession agreement are on file and available for public inspection in the office of the Borough Clerk.

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. 23-185

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING THE MAYOR TO SIGN THE CERTIFICATION OF THE UPDATED EMERGENCY OPERATION PLAN FOR THE BOROUGH OF WILDWOOD CREST

WHEREAS, in 2021, the Borough of Wildwood Crest submitted the Emergency Operations Plan to the Cape May County Office of Emergency Management and the State of New Jersey Office of Emergency Management; and

WHEREAS, it is necessary to update the Emergency Operations Plan to include current personnel.

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 by this reference.

2. The Mayor, the Emergency Management Coordinator, and other Borough officers are authorized to execute the updated Emergency Operations Plan.

3. The Mayor's signature shall constitute acceptance and adoption of the revised Emergency Operations Plan on behalf of the Borough of Wildwood Crest.

4. 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.

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

CORRESPONDENCE: Lightning Detection System presentation by John Wills from Commercial Recreation Specialists. Some of the key points were that Strike Guard offers detection up to 20 miles away and it offers audible and visual alarms with no false alarms and the cost is the area of \$40,000.00 for one base station and 3 siren stations. The commissioners agreed to revisit and list under Old Business so they have time to review.

PUBLIC COMMENTARY:

Maria Crawford cited an incident where there was an obscene flag flying on the beach and she indicated that it denigrated the US flag. Previously she called the police to see if they could do anything and she was told that there was not an ordinance in place to address this. Therefore, she wants the governing body to enact an ordinance to ban signage to include language both written and /or inferred. The mayor indicated that this would be reviewed, and the details need to be studied and that the Solicitor would need to weigh in with respect to Constitutional rights. Either way, the review period would exceed this summer.

NEW BUSINESS:

N/A

OLD BUSINESS: Nothing New to report. Status quo.

-**Traffic Study**-No movement.

-**Code Enforcement Personnel**- No movement

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

-**Dredging:** The Administrator covered in her report.

-**CAFRA Permit:** Remove.

-**NJ Avenue infrastructure pre-county:** Discussed in Administrator's report.

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

-**Borough hall exterior and addition – office moves:** No movement.

-**Bayside outfalls and capacity / bulkhead repairs / replacement:** No movement.

-**Arts Pavilion Exterior – with CMCOS:** Waiting to get on CMC agenda.

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

-**Update Landscaping and add lighting in Business district -NJ-** Temporary work done and waiting on planters and trash cans.

PUBLIC COMMENTARY:

Kathryn Hughes had several comments:

-**Splash pad and work out area:** She indicated that there was black mold and chipped paint at the splash pad and the pedals on the workout machines were missing and both did not look good. The mayor added that Splash pad is scheduled for pressure washing tomorrow and resurfacing is scheduled for the fall. The pedals on the workout equipment were vandalized...he will follow up with getting replaced or if they are on back order.

-**Lifeguard building renovation:** She wanted to know when this was expected to be finished. The mayor added this is scheduled to be done sometime between December and January. The lifeguards are using the Nesbitt Center and all previous tourism business is now housed at the Crest Arts Pavilion.

-**Port O Potties / bathrooms:** The bathrooms at Rambler Road are open and the port o pottie is no longer on site. Once the bathrooms close, the port o potties will return.

-**Pool roof:** the pool will be closed from August 15-October 15th for renovations.

-More family time for the pool and would like the borough to offer swim classes to children under five.

Commissioner Comments-

Commissioner Schiff – What a great Memorial Day Weekend. Public Works, the Police Department and Beach Patrol did an excellent job. Everything went smoothly thanks to everyone working as a team.

Commissioner Franco – The Creative Arts Pavilion will have its official opening on June 16th at 5:00 pm. Thanks to all the volunteers on our boards...you do a great job. Create in the Crest will take place on June 17th from 9:00 am to 1:00 pm.

Mayor Cabrera – It is Global Running Day...get out there. The Crest Arts Pavilion will have their Grand Opening on June 16th at 5:00 pm. Congratulations to all municipal staff over the Memorial Day weekend. Welcome extended to Beach Brew USA for leasing the café in the Crest Arts Pavilion and for selling coffee on the beach.

Hearing nothing further from the public, Mr. Schiff motioned and Mr. Franco seconded that the meeting be adjourned. All were in favor. The time was 10:12 a.m.

Dated: June 21, 2023

Patricia A. Feketics, Borough Clerk

