

Note: Complete Meeting Appears
On Borough of Wildwood Crest Facebook page by date
And 2020-13 on disc

July 22, 2020

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

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

Gould - Thompson - Cabrera - YES

Mr. Cabrera read the following statement: In compliance with the Open Public Meeting Act, Chapter 231, P.L. 1975, the notice requirements have been satisfied as to the time, place and date of holding said meeting by posting notice on the bulletin board in the Borough Hall and by e-mailing and same to the Gazette-Leader, Herald of Cape May County and The Press on October 23, 2019.

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

Mr. Cabrera noted that this meeting was now partially open to the public in accordance with Executive Order No. 156. He thanked those for tuning in via the Borough's Facebook page and on YouTube. 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 and facebook live. When the public portion opens up, you will be able to provide your name and comment. A response will be given right away.

For the record, there is a maximum number (24) of people allowed in the courtroom and there were a total of 14 people in attendance at the start of the meeting.

Mayor Cabrera asked for two commendation letters to be read to two officers: Sgt. M. Christopher Webb and Cpl. William Gianakolopoulos. While waiting for the officers, the Mayor noted that Ordinance No. 1330 (Sanitary Sewer) would be tabled until the August 5th, 2020 meeting.

THE CLERK READS THE ORDINANCE BY TITLE:

ORDINANCE NO. 1332

**ORDINANCE REPEALING AND REPLACING SECTION
79-7 HANDICAPPED PARKING OF CHAPTER 79
VEHICLES AND TRAFFIC OF THE CODE OF THE
BOROUGH OF WILDWOOD CREST**

Mrs. Gould motions, Mr. Thompson seconds that Ordinance No. 1332 be passed on first reading, advertised according to law, be brought up for second and final reading and public hearing on August 5, 2020.

Vote: Gould - Thompson - Cabrera - YES

Commissioner Thompson welcomed both Sgt. M. Christopher Webb and Cpl. William Gianakopolous to the front and he read the following:

LETTER OF COMMENDATION- CHRISTOPHER WEBB, POLICE DEPARTMENT

Dear Christopher:

On Monday, July 6, 2020, at approximately 1 :00 AM, you and Cpl. William Gianakopoulos were dispatched to 223 West Buttercup Road for a reported structure fire. Upon arrival, you observed flames and smoke coming from the roof of the residence. You both immediately made entry into the residence where you located and safely evacuated several occupants. After evacuating those members, you were advised that two more adults were still in the upstairs

bedroom. Both of you quickly re-entered the building and proceeded upstairs, where you were met by large flames on the second floor but quickly located the other two occupants and assisted them out of the residence. Yet again, you again entered the residence to locate the family dog and were able to bring it out to safety.

Additionally, on July 6th, 2020, at approximately 5:00 AM, you and Cpl. William Gianakopoulos responded to a report of a male subject, possibly armed with a knife, following a female on Seaview Avenue. You located the male subject hiding behind a vehicle and then immediately detained the subject two knives in his possession.

Your actions of the day are indicative of the Wildwood Crest Police Department's professionalism and dedication to ensure the ultimate well-being of our citizens and visitors.

Thank you for your exceptional service to the community. You have made all of us in Wildwood Crest tremendously proud.

Best regards,

| | | |
|-------------|--------------|----------------|
| Don Cabrera | Joyce Gould | David Thompson |
| Mayor | Deputy Mayor | Commissioner |

LETTER OF COMMENDATION- WILLIAM GIANAKOPOULOS, POLICE DEPARTMENT

Dear William:

On Monday, July 6, 2020, at approximately 1 :00 AM, you and Sgt. Christopher Webb were dispatched to 223 West Buttercup Road for a reported structure fire. Upon arrival, you observed flames and smoke coming from the roof of the residence. You both immediately made entry into the residence where you located and safely evacuated several occupants. After evacuating those members, you were advised that two more adults were still in the upstairs bedroom. Both of you quickly re-entered the building and proceeded upstairs, where you were met by large flames on the second floor but quickly located the other two occupants and assisted them out of the residence. Yet again, you again entered the residence to locate the family dog and were able to bring it out to safety.

Additionally, on July 6th, 2020, at approximately 5:00 AM, you and Sgt. Christopher Webb responded to a report of a male subject, possibly armed with a knife, following a female on Seaview Avenue. You located the male subject hiding behind a vehicle and then immediately detained the subject with two knives in his possession.

Your actions of the day are indicative of the Wildwood Crest Police Department's professionalism and dedication to ensure the ultimate well-being of our citizens and visitors.

Thank you for your exceptional service to the community. You have made all of us in Wildwood Crest tremendously proud.

Best regards,

| | | |
|-------------|--------------|----------------|
| Don Cabrera | Joyce Gould | David Thompson |
| Mayor | Deputy Mayor | Commissioner |

THE CLERK READS THE ORDINANCE BY TITLE:

ORDINANCE NO. 1333

**ORDINANCE AMENDING CHAPTER 53 – POLICE DEPARTMENT –
SECTION 53-4 – COMPOSITION – OF THE CODE OF THE BOROUGH OF
WILDWOOD CREST**

Mrs. Gould motions, Mr. Thompson seconds that Ordinance No. 1333 be passed on first reading, advertised according to law, be brought up for second and final reading and public hearing on August 5, 2020.

Vote: Gould - Thompson – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 2020-227

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST APPROVING AND AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE BOROUGH OF WILDWOOD CREST AND PBA LOCAL 59 POLICEMAN’S BENEVOLENT ASSOCIATION FOR THE PERIOD JANUARY 1, 2020 THROUGH DECEMBER 31, 2023

WHEREAS, the Borough of Wildwood Crest (the Borough) and PBA Local 59, Policeman’s Benevolent Association (the PBA) engaged in collective bargaining negotiations to replace the current Agreement which expired on December 31, 2019; and

WHEREAS, the parties have determined that the Agreement between the parties shall be memorialized in the final contract covering the period January 1, 2020 through December 31, 2023.

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:

1. Statements of the preamble hereto are incorporated herein by this reference.
2. The proposed Agreement between the Borough of Wildwood Crest and PBA Local 59 Policeman’s Benevolent Association covering the period January 1, 2020 through December 31, 2023 (a copy of which is on file in the Office of the Borough Clerk) is approved and the Mayor and the Borough Clerk be hereby authorized, directed and empowered to execute said Agreement on behalf of the Borough of Wildwood Crest subject to such final editing as may be approved by Borough labor counsel.
3. The Borough Clerk is further authorized, directed and empowered to seal said Agreement with the seal of the Borough of Wildwood Crest.

Dated: July 22, 2020

Don Cabrera, Mayor

Joyce Gould, Commissioner

David Thompson, Commissioner

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. 2020-228

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING AN INCREASE IN THE BID THRESHOLD PURSUANT TO N.J.S.A. 40A: 11-3 (c)

WHEREAS, the recent changes to the Local Public Contracts Law have given local contracting units the ability to increase their bid thresholds up to \$44,000.00 effective July 1, 2020; and

WHEREAS, N.J.S.A. 40A:11-3(a) and N.J.S.A. 40A-9(b), permit an increase in the bid threshold if a Qualified Purchasing Agent is appointed as well as grant the authorization to negotiate and award such contracts below the established bid threshold; and

WHEREAS, N.J.A.C. 5:34-5 et seq. establishes the criteria for a Qualified Purchasing Agent; and

WHEREAS, James Craft possesses the designation of Qualified Purchasing Agent as issued by the Director of the Division of Local Government Services in accordance with N.J.A.C. 5:34-5 et seq.; and

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest desires to to increase the bid and quotation thresholds as adjusted on July 1, 2020 by Governor Philip D. Murphy pursuant to Local Public Finance Notice # 2020-14 dated June 24, 2020.

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 increases its bid threshold to \$44,000.00.

BE IT FURTHER RESOLVED, that in accordance with N.J.A.C. 5:34-5.4, the Borough Clerk of the Borough of Wildwood Crest is hereby authorized and directed to forward a certified copy of this Resolution and a copy of James Craft's certification to the Director of Local Government Services.

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. 2020-229

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING AWARD PROFESSIONAL SERVICES CONTRACT TO THE LOMAX GROUP FOR SPECIALIZED ENGINEERING AND ENVIRONMENTAL CONSULTING SERVICES

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest has determined that there exists the need for specialized engineering and environmental consultation services to be provided to the Borough for the preparation of the Wildwood Crest Dune Management Services for Study A: Cresse Avenue to Rambler Road (adjacent to bike path) and Study B: Rambler Road to Jefferson Avenue (adjacent to bulkhead); and

WHEREAS, the Borough Clerk received a proposal from The Lomax Consulting Group and that proposal was forwarded to a review committee consisting of the Borough Administrator, Constance Mahon, Borough Clerk, Patricia Feketics, Chief Financial Officer, Francine Springer, and Borough Solicitor Ronald J. Gelzun; and

WHEREAS, the Review Committee has reviewed the proposal submitted by The Lomax Consulting Group and based upon the review criteria, has recommended that the proposal of The Lomax Consulting Group best meets the Borough's needs and that The Lomax Consulting Group has the professional credentials and abilities to perform the services required of the subject contract; and

WHEREAS, under the Local Public Contracts Law, N.J.S.A. 40A:11-1, et. seq., the subject contract would be a contract for professional services because:

1. Professional services of the type herein sought are of such a nature as to require a high degree of trust and confidence in the individual providing the service and may require the creation of a confidential or fiduciary relationship between that individual and the Borough;
2. The services required are highly specialized or technical in nature;
3. The services require peculiar ability and skill, and demand a high degree of specialized knowledge or expertise;
4. The services are such that their relative worth must be judged by subjective considerations that are not susceptible of valuation by competitive bidding;
5. The individual or entity who will provide these services has demonstrated competence and particular expertise in the services required;
6. The individual or entity who will perform these services is held to and fully adheres to the strict ethical standards that govern the involved profession;
7. The services include advise to and consultation with the municipality that require both knowledge and judgment on the part of the individual or entity providing services, as well as the confidence of the municipal officials, such that competitive bidding is not feasible or practical;
8. The services to be provided are such that their nature, scope and duration are not capable of precise measurement, but rather require a flexibility and discretion that render competitive bidding impractical and inefficient; and

WHEREAS, this contract is awarded without competitive bidding in accordance with the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1, et. seq. as an authorized exception to the public bidding as a Professional Services Contract; and

WHEREAS, the Commissioners of the Borough of Wildwood Crest concur with the Review Committee's recommendation to award the contract to The Lomax Consulting Group; and

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

Account Number(s) _____ Amount _____ Signature _____

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

1. The above recital paragraphs are incorporated herein as if set forth at length.
2. That the contract for the Environmental Consulting Services -Wildwood Crest Dune Management Services for Study A: Cresse Avenue to Rambler Road (adjacent to bike path) and Study B: Rambler Road to Jefferson Avenue (adjacent to bulkhead) be awarded to The Lomax Consulting Group.
3. The award of this contract is contingent upon compliance with the New Jersey Pay to Play Law as set forth in N.J.S.A. 19:44A-1; production of the Business Entity Disclosure Certificate, Affirmative Action Compliance Notice, New Jersey Certificate of Employee Information Report, New Jersey Business Registration Certificate and proof of insurance as required in the contract and certification from the Chief Financial Officer as to the availability of funds.
4. That the Mayor and Borough Clerk are hereby authorized and empowered to enter into a professional services contract effective immediately and not to extend beyond one (1) calendar year, with The Lomax Consulting Group, who shall be compensated pursuant to attached Proposal which is incorporated herein, at the billable rates set forth therein not to exceed \$23,395.00.
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. 2020-230
**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE
BOROUGH OF WILDWOOD CREST AUTHORIZING REFUND OF
BEACH BOX RENTAL FEE TO TERRI CAMPBELL IN THE AMOUNT
OF \$400**

WHEREAS, on June 29, 2020, Terri Campbell requested a refund for Beach Box 143 for the 2020 season for rental of seasonal beach box; and

WHEREAS, on June 29, 2020, Terri Campbell indicated the box is located too far and due to medical conditions, she is unable to use it at its present location.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and 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 a refund in the amount of \$400.00 to Terri Campbell.

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. 2020-231
**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE
BOROUGH OF WILDWOOD CREST AUTHORIZING APPROVAL OF
CHANGE ORDER NUMBER 1 – BOROUGH ENGINEER WORK ORDER
FOR PACIFIC AVENUE & VARIOUS STREETS CAPITAL
IMPROVEMENTS PROGRAM – ADDITIONAL SERVICES- CREST
MEMORIAL SCHOOL DRAINAGE IMPROVEMENTS AT THE NTE SUM
OF \$7,000.00**

WHEREAS, a work order was approved for the Borough Engineer, Marc DeBlasio of DeBlasio & Associates for the contract known as PACIFIC AVENUE & VARIOUS STREETS CAPITAL IMPROVEMENTS PROGRAM via Resolution No. 2020-126 on March 25, 2020 for **\$315,000.00**; and

WHEREAS, on July 1, 2020, the Borough of Wildwood Crest entered into a Shared Services Agreement with Wildwood Crest School District pertaining to the drainage work for the School District's Washington Street Field via Resolution No. 2020-222; and

WHEREAS, the School District is owner of property utilized as an athletic field which borders on Washington Avenue in the Borough of Wildwood Crest on which the School district desires to make improvements to drainage infrastructure on the field and to connect to the Borough's storm water drainage infrastructure; and

WHEREAS, the Borough and the School District 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 engineering, design and inspection services provided by the Borough Engineer Marc DeBlasio and DeBlasio & Associates, P.C. (the "Borough Engineer") as well as administrative services from each Party to complete the Drainage Work in the most economically efficient, prudent and fiscally sound manner; and

WHEREAS, upon recommendation from Marc DeBlasio of DeBlasio & Associates (the Borough Engineer), the Board of Commissioners of the Borough of Wildwood Crest desire to authorize **Change Order Number 1 – CREST MEMORIAL SCHOOL DRAINAGE IMPROVEMENTS** which will include Engineering and Construction Phase Costs of \$7,000.00; 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, County of Cape May and State of New Jersey, that said **CHANGE ORDER NUMBER 1- PACIFIC AVENUE & VARIOUS STREETS CAPITAL IMPROVEMENTS PROGRAM – ADDITIONAL SERVICES –CREST MEMORIAL SCHOOL DRAINAGE IMPROVEMENTS** increasing the amended contract amount by \$7,000.00 and revising the contract price to \$322,000.00 is hereby approved.

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

1. That the above recital paragraphs are incorporated herein by reference as if set forth at length.
2. That the Mayor and Borough Clerk of the Borough of Wildwood Crest are hereby authorized and directed to execute and attest said change order documents on behalf of the Borough of Wildwood Crest.

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. 2020-232

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING RESCINDING RESOLUTION NO. 2020-131

WHEREAS, the Board of Commissioners approved Resolution No. 2020-131 refunding special events permit application fee to Sharon Miller for the North American Power Kite Association Kite Buggy Bash event scheduled for April 6-12, 2020, that was cancelled due to unforeseen circumstances; and

WHEREAS, the North American Power Kite Association has requested to reschedule the event to October 12-18, 2020.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, New Jersey, that Resolution No. 2020-131 be rescinded.

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. 2020-233

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING REFUND OF MERCANTILE LICENSE AND TOURISM FEES TO EILEEN M. AND CHARLES G. MCCARTY

WHEREAS, on April 29, 2020, Eileen M. and Charles G. McCarty, 16 Rabbit Run, Cape May, NJ 08204, paid mercantile license and tourism fees totaling \$265 via check #126 for a short-term rental; and

WHEREAS, on June 13, 2020 a year-round lease agreement was entered into for the period June 15, 2020 to June 15, 2021; and

WHEREAS, on June 23, 2020, Eileen M. and Charles G. McCarty requested a refund of the license fees paid for a short-term rental.

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 be and is hereby authorized and directed to issue a refund of mercantile license and tourism fees in the amount \$265 made payable to Eileen M. and Charles G. McCarty.

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. 2020-234

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING AMENDMENT TO THE 2020 MUNICIPAL BUDGET TO ACCOUNT FOR ADDITIONAL FUNDING FOR THE FY2020 CARES ACT PROVIDER RELIEF FUND 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 \$ 4,703.51 from the United States Department of Health and Human Services for the FY20 Cares Act Provider Relief Fund Grant, and desires to amend its 2020 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 2020 in the sum of \$ 4,703.51

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:

Cares Act Provider Relief Fund Grant FY20 \$..... 4,703.51

BE IT FURTHER RESOLVED that a like sum of \$.....4,703.51

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:

Cares Act Provider Relief Fund Grant FY20

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.

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. 2020-235

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING REFUND OF 2020 MERCANTILE LICENSE AND TOURISM FEES, WHICH TOTAL \$1,080.00

WHEREAS, mercantile license and tourism fees were paid for the 2020 rental season by certain property owners; and

WHEREAS, due to various circumstances, owners who paid the mercantile license and tourism fees are not renting their properties in 2020, and desire refunds which total \$1,080.00, as annexed to the resolution.

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 be and is hereby authorized and directed to issue refunds of mercantile license and tourism fees in the total amount of \$1,080.00.

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

Vote: Gould - Thompson - Cabrera - YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 2020-236

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST IDENTIFYING SMALL CITIES FAIR HOUSING OFFICER

WHEREAS, the Borough of Wildwood Crest is applying for a Fiscal Year 2021 Small Cities Community Development Block Grant in an amount not to exceed \$400,000 from the New Jersey Department of Community Affairs for financial assistance for removal of mobility barriers at various street ends to comply with the Americans with Disabilities Act (ADA); and

WHEREAS, the Borough of Wildwood Crest must make efforts to affirmatively further fair housing; and

WHEREAS, the Borough of Wildwood Crest has reviewed various actions that would be acceptable to the New Jersey State Department of Community Affairs and the U.S. Department of Housing and Urban Development; and

WHEREAS, the Borough of Wildwood Crest has made assurances in the grant agreement that;

1. It will comply with the Housing and Community Development Act of 1974, as amended, and regulations issues thereto; and
2. It will comply with the Civil Rights Act of 1964, and the regulations issued pursuant thereto; and
3. It will comply with the Fair Housing Act of 1968 and will affirmatively further fair housing; and
4. It will comply with the Age Discrimination Act of 1975 and with the Rehabilitation Act of 1973.

NOW, THEREFORE, BE IT RESOLVED, that the Municipal Clerk shall be designated as the Small Cities Program Fair Housing Compliance Officer for the Borough of Wildwood Crest; and

BE IT FURTHER RESOLVED, that the Fair Housing Officer shall contact the US HUD Regional Office of Housing and Equal Opportunity and the NJ Division on Civil Rights, inform those agencies of his/her appointment as Fair Housing Officer and request Fair Housing Information; and

BE IT FURTHER RESOLVED, that the Fair Housing Officer shall provide fair housing advisory services and assistance and referral advice to persons requesting such assistance from the Borough of Wildwood Crest; and

BE IT FURTHER RESOLVED, that the Borough of Wildwood Crest will publish in the local newspaper of record and post at the Borough Municipal Building a public notice announcing the appointment of the Fair Housing Officer and the availability of local fair housing advisory services.

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. 2020-237

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST APPROVING PUBLIC FACILITIES GRANT MANAGEMENT PLAN

WHEREAS, the Borough of Wildwood Crest will apply for \$400,000 in Fiscal Year 2021 CDBG funds for removal of mobility barriers at various street ends in order to comply with the Americans with Disabilities Act (ADA); and

WHEREAS, the New Jersey Department of Community Affairs requires Wildwood Crest Borough to prepare a Grant Management Plan to define project staffing and project activities; and

WHEREAS, the New Jersey Department of Community Affairs requires Wildwood Crest Borough to officially adopt its Grant Management Plan; and

WHEREAS, the Borough has prepared a Grant Management Plan for its Fiscal Year 2021 Public Facilities project.

NOW, THEREFORE BE IT RESOLVED, that the Borough Commissioners of the Borough of Wildwood Crest adopts the Grant Management Plan prepared by Blauer Associates for the Fiscal Year 2021 Public Facilities project.

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. 2020-238

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST ADOPTING A STATE MODEL CITIZEN PARTICIPATION PLAN FOR DCA SMALL CITIES PROGRAM

WHEREAS, the Borough of Wildwood Crest is an applicant for a Department of Community Affairs Fiscal Year 2021 Small Cities Community Development Project for an amount not to exceed \$400,000 for removal of mobility barriers at various street ends in order to comply with the Americans with Disabilities Act (ADA) and will enter into a grant agreement for said grant if approved; and

WHEREAS, that grant agreement will require the Borough of Wildwood Crest to comply with all federal regulations with respect to citizen participation; and

WHEREAS, the Borough of Wildwood Crest has reviewed the State Model Citizen Participation Plan prepared for Small Cities CDBG grantees.

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. The State Model Citizen Participation Plan developed by the New Jersey Department of Community Affairs, Small Cities CDBG is adopted by the Borough of Wildwood Crest; and
2. The Borough of Wildwood Crest will follow all regulations set forth in that document throughout the term of the grant agreement cited above.

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. 2020-239

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING GRANT APPLICATION SUBMISSION

WHEREAS, the Borough of Wildwood Crest desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for an amount not to exceed \$400,000 for removal of mobility barriers at various street ends in order to comply with the Americans with Disabilities Act (ADA) and will enter into a grant agreement for said grant if approved.

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 application for such a grant.
2. The Borough of Wildwood Crest recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Borough of Wildwood Crest and the New Jersey Department of Community Affairs.
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) | (SIGNATURE) |
| Don Cabrera | Patricia A. Feketics |
| _____ | _____ |
| (TYPED NAME) | (TYPED NAME) |
| Mayor | Municipal Clerk |
| _____ | _____ |
| (TITLE) | (TITLE) |

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

Vote: Gould - Thompson - Cabrera - YES

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

Vote: Gould - Thompson - Cabrera - YES

REPORTS: Mrs. Gould motioned and Mr. Thompson seconded that all reports received from the Court Administrator, Chief Financial Officer, Tax Collector, Captain of Police, Supervisor for the Recreation Department, Emergency Services Coordinator for the EMS and WC Volunteer Fire Co. #1 Chief for the month ending June 30, 2020 be accepted as presented.

Vote: Gould - Thompson - Cabrera - YES

MINUTES: Mrs. Gould motioned and Mr. Thompson seconded that all from the regularly scheduled Commission Meetings dated June 17, 2020 and July 1, 2020 be approved as presented.

Vote: Gould - Thompson - Cabrera - YES

ADMINISTRATOR'S REPORT:

BEACH AND PARK SIGNAGE

Seashore signs will be installing the two new park signs at Sunrise Park and 1 at Sunset Park on Monday (weather permitting.) Street beach signs for South of Rambler as well as the large beach rules signs have been delivered to Public Works and are ready for installation.

COVID-19 CLOSINGS AND CANCELLATIONS

As of today, the County has reported a total of 1 active community cases in Cape May County right now with 1 active case in Wildwood Crest. Cape Regional continues to provide rapid result testing and has been very busy with most of the testing being provided to out of town patients.

Most Borough Buildings are open to the public during normal business hours and all services provided to the public have continued uninterrupted. Crest Pier and the pool are currently closed to the public and most recreation events and venues remain closed at this time. The pool is now open while we complete our ADA bathroom improvements. Renovations should be complete within the next 2 weeks.

Due to restrictions on the number of attendees at events it will not be possible to hold the remaining scheduled summer concerts. I am sad to report that all concerts in Centennial Park have been cancelled for the remainder of the season.

NEW JERSEY AVENUE BUSINESS DISTRICT

We have tentatively scheduled the 2nd stakeholder meeting for Wednesday, September 23rd from 6:30 pm to 8:00 pm. I am currently awaiting word from some key attendees/presenters to make this date and time firm. We are hoping to hold this meeting at the Doo Wop Café in an outdoor venue so that we can accommodate everyone and properly social distance. More to come on this.

2021 DCA SMALL CITIES GRANT APPLICATION

DCA Small Cities Grant Applications for up to \$400,000 will be due by September 18th. We are actively working on this application for ADA Accessible Street End Improvements at Various Streets/Beaches with our grant writer-Marc Blauer and will have our application in our time. We authorized application tonight and will be holding a required public hearing. We have been successful in obtaining these grants each year since 2018 and I am hopeful we will be successful again this year. To provide an update: we received \$354,545.45 in 2019 to improve and create ADA accessible restrooms at the pool and Old Library. We are almost finished with pool upgrades but have yet to start on creating new bathrooms at the Old Library Building. We will be asking for a 1-year extension on that portion of the project due to the COVID crisis. We also received the full grant award of \$400,000 for the 2020 Small Cities ADA grant funding to make ADA improvements to the Scoop Taylor Playground. We will working on that project in 2021 and have 2 years from the grant award to complete it.

CAPE MAY COUNTY OPEN SPACE- SUNRISE PARK

Plans have been approved and construction is expected to commence in September. We had originally planned to construct these park improvements early this summer but postponed due to the COVID crisis. The playground equipment vendor and contractor are ready to install the new surface and playground equipment in September. To remind everyone, this project includes landscaping improvements, a foot wash station, exercise stations, a splash park and additional playground. Most of the funding for this project will be provided by the Cape May County Open Space program.

ENGINEER'S REPORT:

Grant Applications

1. Fiscal Year 2021 NJDOT Municipal Aid Program
 - The NJDOT has announced they are receiving applications for Fiscal Year 2021 for the following State Aid Programs: Municipal Aid, Transit Village, Bikeways and Safe Streets to Transit. The deadline for grant application submissions is July 1, 2020.
 - The Borough has selected Stanton Road from the Beach to New Jersey Avenue as their Roadway Application.

- The application was successfully completed and submitted to the State on May 8, 2020.
2. FEMA Flood Mitigation Assistance (FMA)
 - The Borough is proposing to construct one (1) bayside storm sewer pump station, install bay outfall SCADA control valves and associated storm sewer improvements in the north west section of the Borough.
 - Our office provided a revised report to Triad Associates on December 20, 2019 to address comments received by FEMA.
 - The application has been reviewed by the NJ Office of Emergency Management and has been recommended to be sent to FEMA for consideration. A decision on the application is anticipated in June 2020.

Capital Projects

1. NJDEP CAFRA Permit-Beach Programming and Improvements
 - On April 14th, the Borough received the NJDEP CAFRA permit for the Crest Fishing Pier Expansion and Sunrise Park Improvements.
 - The remaining components from the original application will be submitted later as a “Phase 2” application.
 - Our office will be submitting a proposal the week of July 20th to complete the necessary dune survey to compliment the dune delineation proposal provided by Lomax Consulting Group.
2. Sunrise Park Improvements
 - Cape May County approved a grant for Sunrise Park in the amount of \$283,625.00.
 - These park improvements were permitted thru a NJDEP CAFRA permit on April 14th.
 - We have completed the final design of the park and are currently obtaining a quote from the contractor working on the Borough’s 2019 Road Improvement Program. Construction is scheduled to start in Fall 2020.
3. Pacific Avenue Storm Sewer Improvements and Borough Street Improvements
 - The bid was awarded to Asphalt Paving Systems in the amount of \$5,767,600.00.
 - The contractor has completed all the work on Farragut Road and Miami Avenue.
 - Utility work on Pacific Avenue is complete from Rambler Road to Farragut Road. The contractor has demobilized for the summer and will return to finish the work in the fall.
 - All work on St. Louis Avenue has been completed except for the final surface course paving. Final surface course paving is scheduled for the last week of August 2020.
 - The improvements for the Crest Memorial School parking lots have been completed except for the striping. The parking lot striping is scheduled for July 23rd.
4. 2019 Road Improvement Program - Crocus Road, Denver, Stockton and Trenton Avenues
 - The contract was awarded to Asphalt Paving Systems, Inc in the amount of \$2,144,400.00.
 - The contractor has completed all the work in the contract and we are in the process of contract closeout.
 - The Borough has requested a cost from the contractor to complete the Sunrise Park site improvements for a potential change order.
5. FY2019 NJDCA Small Cities Program-Old Library and Joseph Von Savage Pool
 - The State has notified the Borough that \$354,545.00 in grant funding has been allocated for ADA improvements at the Old Library Building and Joseph Von Savage Pool.
 - The contractor has completed the new flooring in the locker rooms.
 - The contractor has completed the electrical and tile work in the bathroom.
6. New Jersey Avenue Sanitary Sewer Replacement
 - Our office provided a proposal to the Borough on September 13, 2019 to complete the proposed improvements.
7. Reconstruction of Beach Avenue and Stanton Road
 - The Borough was notified that a grant in the amount of \$155,000.00 was allocated for the reconstruction of Beach Avenue from Crocus Road to Forget-Me-Not Road.
 - Our office has completed the Stanton Road survey and has started the base mapping. The survey and base mapping has been completed.
8. FY2020 NJDCA Small Cities Grant Application-Scoop Taylor Park
 - The Borough was notified that a grant in the amount of \$400,000.00 was allocated for improvements at Scoop Taylor Park.
 - Our office provided a proposal to the Borough on August 20, 2019 to complete the proposed improvements.

General Engineering Projects

1. Sanitary Sewer Regulations, Ordinance and Standards
 - The objectives of the new sanitary sewer ordinance is to provide a new process for sanitary sewer permits, inspections and construction standards.

- Our office has completed and transmitted the draft ordinance for Borough review the week of July 13, 2020 and recently completed final coordination with Borough officials.

CORRESPONDENCE:

The Mayor indicated that he and Captain Lloyd met with several residents near the Washington Avenue playground and park regarding dogs running loose. They discussed the possibility of the following:

- Creating a rule and regulation of NO dogs in any parks where children and persons recreate.
- Removal of the fencing (not posts) on the north side to discourage free running of dogs.
- Park hours from sunrise to sunset

The governing body indicated they would be on board and would like to pass a resolution at the next meeting along with signage. They also discussed additional recreational structure or reconfiguration opportunity that would not interfere with the approved storm debris storage area and perhaps a potential dog park near Heather Road beach pier in 2021.

PUBLIC COMMENTS:

The Mayor opened the floor first to callers.

In person:

Dave McWilliams, 8107 New Jersey Avenue, inquired about Ordinance No. 1332 and handicapped parking. Commissioner Thompson indicated they are redoing requirements and a form will be due each January to ensure they stay current. After that, he inquired about the newly authorized PBA agreement and if he could see the terms and he was told that he could contact the office of the Clerk for a copy.

Via telephone:

Chris Calderbank, 124 W. Denver Road, inquired about dogs on the beach and a circulating petition that support dogs on the beach. The Mayor added he has received the petition and noted there is also those that do not want to allow dogs on the beach. For now, they agreed to leave it as is and he encouraged open dialogue regarding the topic.

Via Facebook:

Sam Costa, 212 E. Heather Road, inquired about the location of proposed dog park if it were on north or south side of pier. The Mayor indicated it is still a concept and it would be on the north side of the pier.

NEW BUSINESS:

Beach Walkways- The Mayor indicated the Borough gets many requests to add to the walkways since the beaches continue to grow. He added that the current walkways were built in house in the mid 2000's and they are showing signs of wear. The Borough is going to do a trial basis of a new material on five streets: Miami Avenue, Columbine Road, Buttercup Road, St. Louis Avenue, and Rambler Road. There will be a press release forthcoming.

OLD BUSINESS:

-Bulkhead Ordinance / Lot Grading – no movement.

-Flood Mitigation Efforts – No movement.

-Old Library- On going discussions and hopefully re-address last meeting in October.

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

Street Opening Ordinance – Wildwood Water Utility – No movement. Public works continues to be in contact with Wildwood Water.

Beach Bumpout- Lomax Consulting was awarded a professional services contract for dune markouts for CAFRA permits.

Dogs on beach- discussed at length earlier.

PUBLIC COMMENTARY:

Dave McWilliams, 8107 New Jersey Avenue, inquired about the future of the walkways with the impending dune from USACE and the Mayor added that dune will happen, but there is not a definitive date and there is a six year warranty on the product that the Borough is testing. The Administrator indicated she reached out to the DEP to let them know they were going to be trying the product so they are in the know.

Dennis Travascio, 112 E. Louisville Avenue, expressed discontent with the enforcement of construction sites and silt fences. Captain Lloyd indicated that there is a warning given at first and then summons. Commissioner Thompson added that Code Enforcement does shut down construction sites. The Commissioners agreed that there needs to be some flexibility at this time during COVID and noted Mr. Travascio’s concerns.

Via Facebook:

Patricia Norbeck, 501 E. Stanton Road, noted that there is a curb (no ADA access) on her street end near the beach. The Mayor added they are addressing the street ends south of Rambler Road for this reason to give more space, showers, bike racks, etc.

After hearing nothing further from the public,

Mrs. Gould read the following resolution by title:
RESOLUTION NO. 2020-240

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING EXECUTIVE/CLOSED SESSION IN ACCORDANCE WITH THE PROVISIONS OF THE OPEN PUBLIC MEETINGS ACT, SPECIFICALLY N.J.S.A. 10:4-12(B)

WHEREAS, the Open Public Meetings Act (N.J.S.A. 10:4-6 et. seq.) requires all meetings of the Board of Commissioners of the Borough of Wildwood Crest to be held in public, except that N.J.S.A. 10:4-12(b) sets forth nine (9) types of matters that may lawfully be discussed in “Executive or Closed Session,” i.e., without the public being permitted to attend; and

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest has determined that one (1) issue(s) is/are permitted by N.J.S.A. 10:4-12(b) to be discussed without the public in attendance to be discussed during the Executive or Closed Session to be held on **Wednesday, July 22, 2020** at **5:30 P.M.**; and

WHEREAS, the nine (9) exceptions to public meetings set forth in N.J.S.A. 10:4-12(b) are listed below, and next to each exception is a box within which the number of issues to be privately discussed that fall within that exception shall be written, and after each exception is a space where additional information that will disclose as much information about the discussion as possible without undermining the purpose of the exception shall be written:

_____ **“(1) Any matter which, by express provision of Federal law, State statute or rule of court shall be rendered confidential or excluded from public discussion.”** The legal citation to the provision(s) at issue is: _____ and the nature of the matter, described as specifically as possible without undermining the need for confidentiality is _____

_____ **“(2) Any matter in which the release of information would impair a right to receive funds from the state or federal government.”** The nature of the matter, described as specifically as possible without undermining the need for confidentiality is _____

_____ **“(3) Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual’s personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the**

individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.” The nature of the matter, described as specifically as possible without undermining the need for confidentiality is _____

_____ **“(4) Any collective bargaining agreement, or the terms and conditions of which are proposed for inclusion in any collective bargaining agreement, including the negotiation of terms and conditions with employees or representatives of employees of the public body.”** The collective bargaining contract(s) discussed are between the Borough and _____

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

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

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

_____ **“(8) Any matter involving the employment, appointment, termination of employment, terms and conditions or employment, evaluation of the performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees whose rights could be adversely affected request, in writing, that such matter or matters be discussed at a public meeting.”** Subject to the balancing of the public’s interest and the employee’s privacy rights under *South Jersey Publishing Co. v. New Jersey Expressway Authority*, 124 N.J. 478, the employee(s) and nature of the discussion, described as specifically as possible without undermining the need for confidentiality are _____.

_____ **“(9) Any deliberation of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act or omission for which the responding party bears responsibility.”** The nature of the matter, described as specifically as possible without undermining the need for confidentiality is _____

WHEREAS, the Board of Commissioners shall reconvene the public meeting at the conclusion of the authorized closed or executive session, which may or may not include formal action as a result of the discussion(s) held.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, assembled in public session on the date of the meeting of the governing body set forth herein above, that a closed session shall be held for the discussion of matters relating to the specific items designated above involving the Borough of Wildwood Crest. The governing body shall convene a closed session discussion immediately upon passage of this resolution and it is anticipated that the deliberations conducted in closed session shall be disclosed to the public upon conclusion of the matter and/or after determination of the Board of Commissioners that the public interest will no longer be served by such confidentiality and that the meeting will return to open session at the conclusion of the discussion and formal action may be taken if/as authorized.

BE IT FURTHER RESOLVED that the Municipal Clerk, at the present public meeting, shall read aloud enough of this resolution so that members of the public in attendance can understand, as precisely as possible, the nature of the matters that will be privately discussed.

BE IT FURTHER RESOLVED that the Municipal Clerk, on the next business day following this meeting, shall furnish a copy of this resolution to any member of the public who requests one at the fees authorized by N.J.S.A. 47:1A-1, et. seq.

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

Vote: Gould - Thompson - Cabrera - YES

The commissioners took a five minute break before going in to Closed Session. The time was 6:32 p.m.

After coming back to Open Session, and there being no members from the public present, Mrs. Gould motioned, seconded by Mr. Thompson that the meeting be adjourned. All were in favor. The time was 8:59 p.m.

For the record, the meeting started with 14 people in attendance and ended with 14 people in attendance prior to closed session. Two members from the public entered the meeting.

Dated: August 19, 2020

Patricia A. Feketics, Borough Clerk

