

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

July 5, 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.

Due to technical issues, the meeting was streamed a few minutes later. The Mayor thanked the Deputy Clerk for her assistance.

Mr. Franco motioned, Mr. Schiff seconded that Ordinance No. 1403 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. 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 a public hearing now be held on Ordinance No. 1403.

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. 1403 now be closed.

Vote: Schiff - Franco – Cabrera – YES

Mr. Franco motions, Mr. Schiff seconds that Ordinance No. 1403 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. 1404 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. 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 a public hearing now be held on Ordinance No. 1404.

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. 1404 now be closed.

Vote: Schiff - Franco – Cabrera – YES

Mr. Franco motions, Mr. Schiff seconds that Ordinance No. 1404 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. 1405

**AN ORDINANCE VACATING A PORTION OF SYRACUSE AVENUE
SITUATE TO THE NORTH OF BAYVIEW DRIVE, AS SHOWN ON
PAGE 6 OF THE TAX MAP OF THE BOROUGH OF WILDWOOD CREST
(abutting Block 138, Lot 2, Block 139, Lots 3,4 & 5)**

Mr. Franco motioned and Mr. Schiff seconded that Ordinance No. 1405 be passed on first reading, advertised according to law, be brought up for second and final reading and public hearing on July 19, 2023 at 5:00 p.m.

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 23-196

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF
WILDWOOD CREST AUTHORIZING A CONTRACT AWARD FOR AN AMATEUR
SAND SCULPTING CONTEST**

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest has determined that there exists the need for the “Extraordinary Unspecifiable Services” of a sand sculpting contest professional to assist the municipality with an amateur sand sculpting contest to be held on Friday, July 7, 2023 on the beach in Wildwood Crest; and

WHEREAS, obtaining quotes for said services would be impractical and not possible due to the limited vendors providing services of this nature; and

WHEREAS, the Local Public Contracts Law provides for the entering into of a contract for Extraordinary Unspecified Services pursuant to R.S.40A:11-5(1)(a)(ii), without advertising for competitive bidding; and

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

1. The services require peculiar ability and skill, and demand a high degree of specialized knowledge or expertise;
2. The services are such that their relative worth must be judged by subjective considerations that are not susceptible of valuation by competitive bidding;
3. The individual or entity who will provide these services has demonstrated competence and particular expertise in the services required;
4. 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, the Borough has determined that Can You Dig It Sand Tools/Matt Long dba Days at the Beach is qualified to perform the said work and it is desired to enter a contract with them for said services pursuant to law, and to provide for the advertising of a notice pursuant to law; and

WHEREAS, Can You Dig It Sand Tools/Matt Long dba Days at the Beach has completed and submitted a Business Entity Disclosure Certification which certifies that Can You Dig It Sand Tools/Matt Long dba Days at the Beach will not make any reportable contributions pursuant to N.J.S.A. 19:44A-1 commencing July 6, 2023 to any political committee or candidate through the term of this contract; and

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

Account Number(s) _____ Amount _____ Signature _____

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

1. The above recital paragraphs are incorporated herein as if set forth at length.
2. Can You Dig It Sand Tools/Matt Long dba Days at the Beach is hereby retained to assist with an amateur sand sculpting contest to be held on Friday, July 7, 2023 on the beach in Wildwood Crest as an Extraordinary Unspecified Service. The said services to be received shall be “as directed” by the Borough of Wildwood Crest.
3. The Mayor and Borough Clerk are hereby authorized and directed to enter into a contract with Can You Dig It Sand Tools/Matt Long dba Days at the Beach for specialized services, which contract shall provide for fees not to exceed \$10,100.00, contingent upon certification from the Chief Financial Officer as to the availability of funds.
4. This contract is awarded without competitive bidding as an extraordinary unspecified service in accordance with the provisions of the Local Public Contracts Law aforesaid, and in accordance with the provisions of N.J.S.A. 19:44A-1, and shall be in a form approved by the Borough.
5. The Business Disclosure Entity Certification and the Determination of Value shall be placed on file with this Resolution.
6. That a Notice of Award shall be published in *The Herald of Cape May County* as required by law within ten (10) days of passage of this Resolution, which notice shall state that this Resolution and the contract are on file and available for public inspection in the office of the Borough Clerk.

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. 23-197

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST CANCELING ERRONEOUS 2023 SEWER RENTS IN THE AMOUNT OF \$124.00 FOR PROPERTY LOCATED AT 130 WEST LAVENDER ROAD

WHEREAS, it has been determined by the Tax Collector of the Borough of Wildwood Crest, that a sewer account has been billed erroneous sewer rents for 2023; and

WHEREAS, sewer account 437-0, at 130 West Lavender Road had no water meter installed for the year 2022, the sewer rents levied in 2023 should be canceled; and

WHEREAS, the Tax Collector of the Borough of Wildwood Crest has determined the said erroneous sewer rents should be canceled accordingly as indicated below:

Block / Lot Sewer ID#	Name	Amount
18/40 437-0	Tom Clancy Development Group LLC 130 West Lavender Road 2023 Sewer Rents	\$124.00

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 authorize the Tax Collector of the Borough of Wildwood Crest to cancel said sewer amounts for 2023.

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. 23-198

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING RELEASE OF ESCROW FUNDS FOR PERMIT #SO22-0501 IN THE AMOUNT OF \$637.50

WHEREAS, the Wildwood Crest Construction Official has received written approval from the Borough Engineer, DeBlasio & Associates, on May 24, 2023 to refund escrow to Garden State General Construction, Inc. for Street Opening Permit #SO22-0501, Block 57/Lot 26; and

WHEREAS, the Wildwood Crest Construction Official has confirmed that all Borough Engineer billings related to Street Opening Application #SO22-0501 are complete; and

WHEREAS, Garden State General Construction, Inc., 8 Clermont Drive, Clermont, New Jersey 08210 made an escrow payment to the Borough of Wildwood Crest of \$1,000.00 on April 29, 2022 for Street Opening Permit for location 106/108 E. Fern Road, Block 57/ Lot 26 and has requested return of the unused escrow balance; and

WHEREAS, the escrow used totaled \$362.50 and the Borough of Wildwood Crest Construction Official is recommending the return of the unused escrow fee of **\$637.50**.

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 \$637.50 to Garden State General Construction, Inc., 8 Clermont Drive, Clermont, New Jersey 08210 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 \$637.50 to Garden State General Construction, Inc., 8 Clermont Drive, Clermont, New Jersey 08210.

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. 23-199

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING RELEASE OF ESCROW FUNDS FOR PERMIT #SO22-0502 IN THE AMOUNT OF \$592.50

WHEREAS, the Wildwood Crest Construction Official has received written approval from the Borough Engineer, DeBlasio & Associates, on May 24, 2023 to refund escrow to Garden State General Construction, Inc. for Street Opening Permit #SO22-0502, Block 31/Lot 11; and

WHEREAS, the Wildwood Crest Construction Official has confirmed that all Borough Engineer billings related to Street Opening Application #SO22-0502 are complete; and

WHEREAS, Garden State General Construction, Inc., 8 Clermont Drive, Clermont, New Jersey 08210 made an escrow payment to the Borough of Wildwood Crest of \$1,000.00 on April 29, 2022 for Street Opening Permit for location 115 E. Cardinal Road, Block 31/ Lot 11 and has requested return of the unused escrow balance; and

WHEREAS, the escrow used totaled \$407.50 and the Borough of Wildwood Crest Construction Official is recommending the return of the unused escrow fee of **\$592.50**.

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 \$592.50 to Garden State General Construction, Inc., 8 Clermont Drive, Clermont, New Jersey 08210 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 \$592.50 to Garden State General Construction, Inc., 8 Clermont Drive, Clermont, New Jersey 08210.

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. 23-200

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING RELEASE OF ESCROW FUNDS FOR PERMIT #SO22-0505 IN THE AMOUNT OF \$592.50

WHEREAS, the Wildwood Crest Construction Official has received written approval from the Borough Engineer, DeBlasio & Associates, on May 24, 2023 to refund escrow to Garden State General Construction, Inc. for Street Opening Permit #SO22-0505, Block 98.01/Lot 15; and

WHEREAS, the Wildwood Crest Construction Official has confirmed that all Borough Engineer billings related to Street Opening Application #SO22-0505 are complete; and

WHEREAS, Garden State General Construction, Inc., 8 Clermont Drive, Clermont, New Jersey 08210 made an escrow payment to the Borough of Wildwood Crest of \$1,000.00 on May 16, 2022 for Street Opening Permit for location 7603 Seaview Avenue, Block 98.01/ Lot 15 and has requested return of the unused escrow balance; and

WHEREAS, the escrow used totaled \$407.50 and the Borough of Wildwood Crest Construction Official is recommending the return of the unused escrow fee of **\$592.50**.

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 \$592.50 to Garden State General Construction, Inc., 8 Clermont Drive, Clermont, New Jersey 08210 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 \$592.50 to Garden State General Construction, Inc., 8 Clermont Drive, Clermont, New Jersey 08210.

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: N/A

PUBLIC COMMENTARY:

Jerry Seber (sp?) volunteers for US Term Limits and asked for signatures to petition Congress. He indicated that currently there is not a balance of power and they want to remedy it. As this was for individual signatures and not on behalf of the borough, the governing body said they would discuss the issue further after the meeting.

Steve Tarnowski, thanked the governing body for identifying the flood issue at Lake & Cresse and for finding the funding and following through.

NEW BUSINESS:

N/A

OLD BUSINESS:

- Traffic Calming – Waiting on a proposal.
- Code Enforcement Personnel- There is an Ad running.
- Back Beach Excavation: On hold.
- Dredging: No movement.
- NJ Avenue infrastructure pre-county: On hold.
- PW roof: Specs are ready and funding is now in place.
- Bayside outfalls and capacity / bulkhead repairs / replacement: Ready to go.
- Arts Pavilion Exterior – with CMCOS: Unofficially, the borough will be receiving over a million for exterior of Crest Arts Pavilion.
- Washington / Seaview – beach outfalls and capacity: Presentation forthcoming.
- Update Landscaping and add lighting in Business district -NJ- No Movement.
- Lightning Detection System: Commissioner Schiff indicated they may go in a different direction and will advise.

PUBLIC COMMENTARY:

Commissioner Comments-

Commissioner Schiff – Congratulations to Jon Weigand on his retirement from the police department and congratulations to Lieutenant Hebert and Sergeant Sawyer. He was humbled to be a part of the day. Also, a friendly reminder that lifeguard races will take place on Friday at 6:30 p.m.

Commissioner Franco – Kudos to Love Blue, Inc. This non-profit has picked up over 10,000 pounds of trash since its inception since 2019.

Mayor Cabrera – Happy Fourth to all! The weather was fantastic. Friendly reminder that bikes must ride on the right side. Lastly, he thanked all the staff.

Last round of Public Commentary:

Joe Viscomi, inquired about the lightning detection system and the possible new direction.

Commissioner Schiff indicated that he wanted to explore other options. Mr. Viscomi brought up some concerns such as clearing the beach and the lightning doesn't come and liability issues.

Lastly, he brought up the aluminum lifeguard stands.

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 9:52 a.m.

Dated: July 19, 2023

Patricia A. Feketics, Borough Clerk

