

Note: Due to technical difficulties, Partial Meeting Appears
On Borough of Wildwood Crest Facebook page and You tube by date and
The meeting was audio recorded.

August 3, 2022

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 October 13, 2021.

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

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 22-253

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING EXPENDITURE TO PURCHASE LED LIGHTING FOR LITTLE LEAGUE FIELD UNDER SOURCEWELL COOPERATIVE PURCHASING PROGRAM

WHEREAS, pursuant to N.J.S.A 40A:11-12A and N.J.A.C. 5:34-7.29(c), the Borough may, by resolution and without advertising for bids, purchase goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, the Borough of Wildwood Crest is in need of LED Lighting *for Little League Field*; and

WHEREAS, the procurement of goods and services through a cooperative purchasing program is considered to be an open and fair process under the New Jersey Pay-To-Play Law N.J.S.A 19:44A-20.4 et seq.; and

WHEREAS, Musco Sports Lighting (Sourcewell Contract # 071619-MSL) 100 1st Avenue West P.O. Box 808, Oskaloosa IA 52577 has provided a quote dated June 30, 2022 for \$91,334.00; and

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

Account Number(s) C-04-55-137-0D3 Amount \$ 91,334.00 Signature _____

NOW THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Borough of Wildwood Crest, in the County of Cape May, that the Borough is authorized to fund the expenditure to purchase LED Lighting for Little League Field based upon the price quote on June 30, 2022 from Musco Sports Lighting. (Sourcewell Contract # 071619-MSL) in an amount not to exceed \$91,334.00.

BE IT FURTHER RESOLVED, by the Board of Commissioners of the Borough of Wildwood Crest, in the County of Cape May, that the Borough is authorized to fund the expenditure to purchase LED Lighting for Little League Field based upon the price quote on June 30, 2022 from Musco Sports Lighting (Sourcewell Contract # 071619-MSL) in an amount not to exceed \$91,334.00.

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

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 22-254

RESOLUTION PROVIDING FOR THE COMBINATION OF CERTAIN ISSUES OF BONDS OF THE BOROUGH OF WILDWOOD CREST, IN THE COUNTY OF CAPE MAY, NEW JERSEY, INTO A SINGLE ISSUE OF GENERAL BONDS AGGREGATING \$10,000,000 IN PRINCIPAL AMOUNT.

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

Section 1. Pursuant to the provisions of Section 40A:2-26 of the Local Bond Law of New Jersey, particularly paragraph (f) thereof and in lieu of the sale of more than one issue of bonds as provided for in said Local Bond Law, the several issues of bonds of this local unit described in Section 2 hereof, authorized pursuant to bond ordinances of the local unit heretofore adopted, shall be combined into a single and combined issue of bonds in the principal amount of \$10,000,000.

Section 2. The principal amount of the bonds of the several issues of bonds to be combined into a single issue as above provided, the bond ordinance authorizing each of said several issues described by reference to its title and date of adoption, and the period or average period of usefulness determined in each of said bond ordinances are respectively as follows:

<u>Principal Amount of Bonds</u>	<u>Title of Ordinance and Date of Adoption</u>	<u>Period or Average Period of Usefulness (in Years)</u>
\$4,550,000 bonds	“Bond ordinance providing for the improvement of the storm water drainage and sanitary sewerage systems in and by the Borough of Wildwood Crest, in the County of Cape May, New Jersey, appropriating \$6,000,000 therefor and authorizing the issuance of \$5,700,000 bonds or notes of the Borough for financing such appropriation”, finally adopted on December 11, 2019 (#1318)	40
\$4,880,000 bonds	“Bond ordinance appropriating \$5,300,000, and authorizing the issuance of \$5,035,000 bonds or notes of the Borough, for various improvements or purposes authorized to be undertaken by the Borough of Wildwood Crest, in the County of Cape May, New Jersey”, finally adopted on December 29, 2020 (#1341)	12.73
\$570,000 bonds	“Bond ordinance providing for the improvement of the municipal building located at 6301 Ocean Avenue in and by the Borough of Wildwood Crest, in the County of Cape May, New Jersey, appropriating \$1,600,000 therefor and authorizing the issuance of \$570,000 bonds or notes of the Borough for financing such appropriation”, finally adopted on February 24, 2021 (#1345)	15

Section 3. The following matters are hereby determined with respect to said combined issue of bonds:

- (a) The average period of usefulness, taking into consideration the respective amounts of obligations authorized to be issued pursuant to each of said bond ordinances, respectively, is twenty-five (25) years.
- (b) The bonds of said combined issue shall be designated “General Bonds of 2022” and shall mature within the said average period of usefulness hereinabove determined.
- (c) The bonds of said combined issue shall be sold and issued in accordance with the provisions of said Local Bond Law applicable to the sale and issue of a single issue of bonds.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

- (a) None of the bonds of the several issues of bonds described in Section 2 hereof has been heretofore sold or issued and the several bond ordinances described in Section 2 hereof have not heretofore been

rescinded and now remain in full force and effect as authorizations for the amount of bonds set forth opposite the title of the several bond ordinances described in said Section 2 hereof.

(b) No bonds are authorized by any of the bond ordinances described in Section 2 hereof, except bonds in the amount set opposite the title of said bond ordinances in Section 2 hereof and except \$13,062 (#1318) and \$4,111 (#1341).

(c) The several purposes for the financing of which the bonds described in Section 2 hereof have been authorized to be issued pursuant to the respective bond ordinances described in Section 2 hereof are purposes for which bonds of this local unit may lawfully be issued pursuant to said Local Bond Law and are not purposes for which a deduction may be taken in any annual or supplemental debt statement of the local unit.

Section 5. This resolution shall take effect immediately.

The foregoing resolution was adopted by the following vote:

AYES: SCHIFF – FRANCO – CABRERA
NOES: NONE

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

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 22-255

RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF \$10,000,000 GENERAL BONDS OF 2022 OF THE BOROUGH OF WILDWOOD CREST, IN THE COUNTY OF CAPE MAY, NEW JERSEY, AND PROVIDING FOR THEIR SALE.

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

Section 1. Terms of Bonds. The \$10,000,000 General Bonds of 2022 (the “Bonds”) of The Borough of Wildwood Crest, in the County of Cape May, New Jersey (the “Borough”), referred to and described in the resolution adopted pursuant to the Local Bond Law of the State of New Jersey, by the Board of Commissioners of the Borough on August 3, 2022, entitled “Resolution providing for the combination of certain issues of bonds of the Borough of Wildwood Crest, in the County of Cape May, New Jersey, into a single issue of General Bonds aggregating \$10,000,000 in principal amount” and authorized by certain bond ordinances of the Borough therein described, shall be dated the date of delivery thereof, shall bear interest payable semi-annually on March 15 and September 15 in each year, commencing March 15, 2023, expressed in a multiple of 1/100th of 1% or a multiple of 1/8 of 1%, shall mature in the principal amount of \$435,000 on September 15, 2023, \$870,000 on September 15 in each of the years 2024 to 2033, both inclusive and \$865,000 on September 15, 2034, and shall each bear a distinctive number to distinguish it from all other General Bonds of said issue.

Book-Entry-Only Bonds. The Bonds shall be issued by means of a book-entry system with no physical distribution of bond certificates made to the public. The Bonds shall be issued in registered form and bond certificates for each maturity will be issued to The Depository Trust Company, New York, New York (“DTC”), registered in the name of its nominee Cede & Co., and immobilized in its custody. A book-entry system will be employed, evidencing ownership of the Bonds in principal amount of \$5,000 or any \$1,000 increment in excess

thereof, with transfers of ownership affected on the records of DTC and its participants pursuant to rules and procedures adopted by DTC and its participants. The successful bidder, as a condition to the delivery of the Bonds, will be required to deposit the bond certificates with DTC, registered in the name of Cede & Co. So long as Cede & Co. is the registered owner of the Bonds, principal and redemption price, if any, of and interest on the Bonds will be payable by the Borough or its agent to DTC or its nominee as registered owner of the Bonds. The Bonds shall be executed in the name of the Borough by the manual or facsimile signatures of its Mayor and its Chief Financial Officer, under the seal of the Borough affixed, imprinted or otherwise reproduced thereon and attested by the manual signature of its Borough Clerk.

Redemption. (A) The Bonds maturing prior to September 15, 2030 are not subject to redemption prior to maturity at the option of the Borough. The Bonds maturing on or after September 15, 2030 are subject to redemption prior to maturity at the option of the Borough upon notice as described below in whole or in part, in any order of maturity and by lot within a maturity if less than all the Bonds of such maturity are to be redeemed, on any date on or after September 15, 2029, at a redemption price equal to 100% of the principal amount thereof, together with interest accrued, if any, to the date fixed for redemption.

(B) Notice of redemption shall be given by first-class mail, postage prepaid, to the registered owners of the Bonds or portions thereof to be redeemed, not less than thirty (30) days nor more than sixty (60) days prior to the redemption date, but such mailing shall not be a condition precedent to such redemption and failure so to mail any such notice shall not affect the validity of any proceedings for the redemption of Bonds. If notice of redemption shall have been given as aforesaid, the Bonds or portions thereof specified in said notice shall become due and payable at the redemption price on the redemption date therein designated and if, on the redemption date, moneys for payment of the redemption price of all the Bonds to be redeemed, together with interest to the redemption date, shall be available for such payment on said date, then from and after the redemption date interest on such Bonds shall cease to accrue and become payable. Less than all of a Bond in a denomination in excess of \$5,000 may be so redeemed, and in such case, upon the surrender of such Bond, there shall be issued to the registered owner thereof, without charge therefor, for the unredeemed balance of the principal amount of such Bond, Bonds of like designation, maturity and interest rate in any of the authorized denominations.

Form of Bonds. The Bonds shall be in substantially the following form with such changes and modifications as may be required, necessary, convenient or desirable for delivery thereof:

**UNITED STATES OF AMERICA
STATE OF NEW JERSEY
COUNTY OF CAPE MAY**

BOROUGH OF WILDWOOD CREST

GENERAL BOND OF 2022

Number: R – G - ____
Registered Owner: Cede & Co
Principal Amount: \$ _____
Dated Date: September 29, 2022
Interest Rate: _____ %
Maturity Date: September 15, ____
CUSIP Number: 9618138

The **BOROUGH OF WILDWOOD CREST** (the “Borough”), a municipal corporation of the State of New Jersey, situate in the County of Cape May, hereby acknowledges itself indebted and for value received promises to pay to the above-stated Registered Owner or registered assigns, the above-stated Principal Amount on the above-stated Maturity Date upon presentation and surrender of this bond, and to pay to the registered owner hereof interest on such sum, from the date of this bond until it matures or is redeemed, at the above-stated Interest Rate per annum payable semi-annually on March 15 and September 15 in each year, commencing March 15, 2023. Principal or redemption price, if any, of this bond will be paid in lawful money of the United States of America at the office of the Chief Financial Officer, Municipal Building, 6101 Pacific Avenue, Wildwood Crest, New Jersey. Interest on this bond will be payable by check or draft mailed to the registered owner hereof whose name appears on the registration books of the Borough on March 1 and September 1 next preceding each interest payment date.

This bond is transferable only upon the books of the Borough kept for that purpose at the office of the Chief Financial Officer, Municipal Building, 6101 Pacific Avenue, Wildwood Crest, New Jersey (the “Transfer Agent”), by the registered owner hereof in person or by his attorney duly authorized in writing, upon surrender hereof together with a written instrument of transfer satisfactory to the Transfer Agent duly executed by the registered owner or such duly authorized attorney, and thereupon the Borough shall issue in the name of the transferee a new bond or bonds of the same aggregate principal amount and series, designation, maturity and interest rate as the surrendered bond. The Borough, the Transfer Agent and any paying agent of the Borough may treat and consider the person in whose name this bond is registered as the holder and absolute owner hereof for the purpose of receiving payment of, or on account of, the principal and interest due hereon and for all other purposes whatsoever.

This bond is one of an authorized issue of bonds and is issued pursuant to the Local Bond Law of the State of New Jersey, and as provided by resolution of the Board of Commissioners of the Borough, entitled: “Resolution providing for the combination of certain issues of bonds of the Borough of Wildwood Crest, in the County of Cape May, New Jersey, into a single issue of General Bonds aggregating \$10,000,000 in principal amount”, adopted on August 3, 2022 and the bond ordinances referred to therein.

The bonds maturing prior to September 15, 2030, are not subject to redemption prior to maturity at the option of the Borough. The bonds maturing on or after September 15, 2030, are subject to redemption prior to maturity at the option of the Borough upon notice as described below in whole or in part, in any order of maturity and by lot within a maturity if less than all the bonds of such maturity are to be redeemed, on any date on or after September 15, 2029, at a redemption price equal to 100% of the principal amount thereof, together with interest accrued, if any, to the date fixed for redemption.

Notice of redemption shall be given by first-class mail, postage prepaid, to the registered owners of the bonds or portions thereof to be redeemed, not less than thirty (30) days nor more than sixty (60) days prior to the redemption date, but such mailing shall not be a condition precedent to such redemption and failure so to mail any such notice shall not affect the validity of any proceedings for the redemption of bonds. If notice of redemption shall have been given as aforesaid, the bonds or portions thereof specified in said notice shall become due and payable at the redemption price on the redemption date therein designated and if, on the redemption date, moneys for payment of the redemption price of all the bonds to be redeemed, together with interest to the redemption date, shall be available for such payment on said date, then from and after the redemption date interest on such bonds shall cease to accrue and become payable. Less than all of a bond in a denomination in excess of \$5,000 may be so redeemed, and in such case, upon the surrender of such bond, there shall be issued to the registered owner thereof, without charge therefor, for the unredeemed balance of the principal amount of such bond, bonds of like series, designation, maturity and interest rate in any of the authorized denominations.

The full faith and credit of the Borough are hereby irrevocably pledged for the punctual payment of the principal or redemption price, if any, and interest on this bond according to its terms.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State of New Jersey to exist, to have happened or to have been performed precedent to or in the issuance of this bond exist, have happened and have been performed, and that the issue of bonds of which this is one does not exceed any limitation imposed thereon by said Constitution or statutes.

IN WITNESS WHEREOF, the **BOROUGH OF WILDWOOD CREST** has caused this bond to be executed in its name by the manual or facsimile signatures of its Mayor and its Chief Financial Officer, and its corporate seal to be affixed, imprinted or reproduced hereon, and this bond and said seal to be attested by the manual signature of its Borough Clerk and this bond to be dated the above-stated Dated Date.

BOROUGH OF WILDWOOD CREST

(SEAL)

By _____
Mayor

ATTEST:

Borough Clerk

Chief Financial Officer

The following abbreviations, when used in the inscription on the face of this Bond, shall be construed as though they were written out in full according to applicable laws or regulations (additional abbreviations may also be used though not in the following list):

TEN COM – as tenants in common
TEN ENT – as tenants by the entireties
JT TEN – as joint tenants with right of survivorship and not as tenants in common

UNIF GIFT MIN ACT

 Custodian
 (Cust) _____ (Minor)

 under Uniform Gifts to Minors Act

 State

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto

PLEASE INSERT SOCIAL SECURITY OR OTHER IDENTIFYING NUMBER OF ASSIGNEE (FOR COMPUTER RECORD ONLY)

(Please Print or Typewrite Name and Address of Transferee)

the within Bond, and all rights thereunder, and hereby irrevocably constitutes and appoints _____ Attorney, to transfer the within Bond on the books kept for the registration thereof, with full power of substitution in the premises.

Dated: _____

NOTICE: The signature to this assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatever.

Sale of Bonds and Publication of Notice. The Bonds shall be sold upon electric bids submitted on either Grant Street Group’s MuniAuction website or the PARITY® Electronic Bid System of i-Deal LLC (as shall be determined by the Chief Financial Officer of the Borough after consultation with the Borough auditor and bond

counsel) on September 8, 2022 until 11:00 o'clock A.M. (or such other date or time as shall be determined by the Chief Financial Officer of the Borough after consultation with the Borough auditor and bond counsel) and the Borough Clerk is hereby authorized and directed to (a) cause a notice of such sale to be published at least once, the first publication to be at least seven days prior to said sale in the "*Cape May County Herald*", a newspaper published in the County of Cape May, and circulating in the municipality, and (b) cause a summary of the notice of sale to be published at least once, the first publication to be at least seven days prior to said sale in "*The Bond Buyer*", a financial newspaper published and circulating in the City of New York, New York.

Forms of Notices. Said notice of sale and said summary of notice of sale shall be in substantially the following forms, respectively, with such changes and modifications as may be approved by the Chief Financial Officer of the Borough after consultation with the Borough auditor and bond counsel:

NOTICE OF SALE

THE BOROUGH OF WILDWOOD CREST, IN THE COUNTY OF CAPE MAY, NEW JERSEY

\$10,000,000* GENERAL BONDS OF 2022

ELECTRONIC BIDS will be received by the Chief Financial Officer of the Borough of Wildwood Crest, in the County of Cape May, New Jersey (the "Borough"), via the PARITY® Electronic Bid System ("Parity®") of i-Deal LLC ("i-Deal") on **Thursday, September 8, 2022**, until 11:00 a.m., local time at which time they will be publicly announced, for the purchase of \$10,000,000* General Bonds of 2022 (the "Bonds") of the Borough due on September 15 as follows*:

\$435,000 in 2023, \$870,000 in each of the years 2024 to 2033, both inclusive,
and \$865,000 in 2034.

Payment Dates. The Bonds will be dated the date of delivery thereof and will bear interest at the rate or rates per annum specified by the successful bidder therefor in accordance with this Notice of Sale payable on March 15 and September 15 in each year until maturity or earlier redemption, commencing March 15, 2023. The record dates for the payment of principal of and interest on the Bonds will be the March 1 and September 1 next preceding each such payment date.

Book-Entry Only. The Bonds will be issued in book-entry form only, initially in the name of Cede & Co., as nominee of The Depository Trust Company ("DTC"). Purchasers will not receive certificates representing their interests in the Bonds. Individual purchases will be in the principal amount of \$5,000 or integral multiples of \$1,000 in excess thereof. Payments of principal or redemption price, if any, and interest will be made by the Borough or its agent to DTC for subsequent disbursement to DTC participants to then be remitted to the beneficial owners of the Bonds.

Optional Redemption. The Bonds maturing prior to September 15, 2030, are not subject to redemption prior to their stated maturities. The Bonds maturing on or after September 15, 2030, are subject to redemption prior to their stated maturities at the option of the Borough upon mailed notice, as described in the resolution of the Borough authorizing the Bonds, in whole or in part, in any order of maturity and by lot within a maturity if less than all the Bonds of such maturity are to be redeemed, on any date on or after September 15, 2029, at a redemption price equal to one hundred percent (100%) of the principal amount thereof, together with interest accrued, if any, to the date fixed for redemption.

Bank Qualification. The Bonds **will not** be designated as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

Interest Rate and Price Parameters. Each bid must specify in a multiple of 1/8th or 1/20th of 1% the rate or rates of interest which the Bonds are to bear. Not more than one rate of interest may be specified for the Bonds of the same maturity. There is no limitation on the number of rates of interest that may be specified. The difference between the highest and the lowest rates of interest specified shall not exceed 2%. No bid shall be considered that offers to pay an amount less than the principal amount of the Bonds offered for sale (i.e., \$10,000,000). Any bid premium must not exceed 7% of the principal amount of the Bonds offered for sale (i.e., \$700,000). The Borough may, and expects to, after the receipt of bids, adjust the maturity schedule of the Bonds, as set forth in more detail below.

Adjustment of Maturity Schedule. The Borough may, and expects to, after the receipt of bids, adjust the maturity schedule of the Bonds, provided however, that (i) no maturity schedule adjustment shall exceed 10% upward or downward of the principal for any maturity as specified herein, (ii) the aggregate adjustment to the maturity schedule shall not exceed 10% upward or downward of the aggregate principal amount of the Bonds offered for sale and (iii) the aggregate principal amount of the Bonds, as adjusted, will not exceed \$10,000,000. The dollar amount bid by the successful bidder shall be adjusted to reflect any adjustments in the aggregate principal amount of the Bonds to be issued. The adjusted bid price will reflect changes in the dollar amount of the underwriter's discount and the original issue premium or discount, but will not change the per bond underwriter's discount, as calculated from the original bid, and the initial public offering prices required to be delivered to the Borough.

Basis of Award. The Bonds will be awarded to the bidder on whose bid the total loan may be made at the lowest true interest cost. Such true interest cost shall be computed, as to each bid, by determining the interest rate, compounded semi-annually, necessary to discount the debt service payments to the date of the Bonds and to the price bid. If two (2) or more bidders offer the same lowest true interest cost, then the Bonds will be awarded to one (1) of such bidders selected by lot from among all such bidders. The right is reserved to reject any and all bids and, to the extent permitted by law, to waive any irregularity or informality in any bid.

Good Faith Deposit. Each bidder is required to deposit a certified or cashier's or treasurer's check drawn upon a bank or trust company payable to the order of the Borough of Wildwood Crest, in the County of Cape May, New Jersey, for \$200,000 (the "Deposit Amount"). In lieu of the foregoing, a bidder may deliver the Deposit Amount via a wire transfer of immediately available funds to the Borough. Wiring instructions may be obtained by contacting the Borough's Municipal Advisor, Phoenix Advisors, LLC (the "Municipal Advisor") at bmorris@muniadvisors.com or 609-291-0130. Such check or wire transfer must be received by the Chief Financial

* Preliminary, subject to change.

Officer of the Borough at or before 11:00 a.m., eastern time, on the bid date at the Municipal Building, 6101 Pacific Avenue, Wildwood Crest, New Jersey, 08260. No interest on the Deposit Amount will accrue to the successful bidder. The Deposit Amount will be applied in part payment for the Bonds or to secure the Borough from any loss resulting from the failure of the successful bidder to comply with the terms of its bid.

Award and Closing. Award of the Bonds to the successful bidder, or rejection of all bids, is expected to be made promptly after receipt of the bids, but a bidder may not withdraw its bid until after 2:00 p.m., eastern time, of the day of such bid-receipt and then only if such award has not been made prior to the withdrawal. The Bonds will be delivered and shall be paid for in immediately available funds on or about September 29, 2022, at such place in Newark, New Jersey, and on such business day and at such hour, as the undersigned shall fix on five (5) business days' notice to the successful bidder, or at such other place and time as may be agreed upon with the successful bidder.

PARITY. Each bid must be submitted via PARITY®. No bidder will see any other bidder's bid, nor will any bidder see the status of its bid relative to other bids (e.g., whether its bid is a leading bid). To the extent any instructions or directions set forth on PARITY® conflict with this Notice of Sale, the terms of this Notice of Sale shall control. For further information about PARITY®, potential bidders may contact PARITY® at i-Deal at (212) 404-8102. The Borough may, but is not obligated to, acknowledge its acceptance in writing of any bid submitted electronically via PARITY®. The bidder further agrees that:

(1) If a bid submitted electronically via PARITY® is accepted by the Borough, the terms of this Notice of Sale and the information that is electronically transmitted via PARITY® shall form a contract, and the successful bidder shall be bound by the terms of such contract.

(2) PARITY® is not an agent of the Borough, and the Borough shall have no liability whatsoever based on any bidder's use of PARITY®, including but not limited to any failure by PARITY® to correctly or timely transmit information provided by the Borough or information provided by the bidder.

(3) The Borough may choose to discontinue use of electronic bidding via PARITY® by issuing a notification to such effect via TM3 News Services, or by other available means, no later than 3:00 p.m., eastern time, on the last business date prior to the bid date.

(4) Once the bids are communicated electronically via PARITY® to the Borough, each bid shall be deemed to be an irrevocable offer to purchase the Bonds on the terms provided in this Notice of Sale.

(5) Each bidder shall be solely responsible to make necessary arrangements to access PARITY® for purposes of submitting its bid in a timely manner and in compliance with the requirements of this Notice of Sale. Neither the Borough nor i-Deal shall have any duty or obligation to provide or assure to any bidder, and neither the Borough nor i-Deal shall be responsible for the proper operation of, or have any liability for any delays or interruptions of, or any damages caused by, PARITY®. The Borough is using PARITY® as a communication mechanism, and not as the Borough's agent, to conduct the electronic bidding for the Bonds. By using PARITY®, each bidder agrees to hold the Borough harmless for any harm or damages caused to such bidder in connection with its use of PARITY® for bidding on the Bonds.

Change in Federal Tax Law. The successful bidder may at its option refuse to accept the Bonds if prior to their delivery any income tax law of the United States of America shall provide that the interest thereon is taxable, or shall be taxable at a future date, for federal income tax purposes, and in such case the Deposit Amount paid by it will be returned and the successful bidder will be relieved of its contractual obligations arising from the acceptance of its bid.

Bond Insurance Option. If the Bonds qualify for issuance of any policy of municipal bond insurance or commitment therefor at the option of a bidder, any purchase of such insurance or commitment therefor shall be at the sole option and expense of the bidder and any increased costs of issuance of the Bonds resulting by reason of such insurance, unless otherwise paid, shall be paid by such bidder. Any failure of the Bonds to be so insured or of any such policy of insurance to be issued shall not in any way relieve the successful bidder of its contractual obligations arising from the acceptance of its bid for the purchase of the Bonds.

Establishment of Issue Price (10% Test or Hold-the-Offering-Price Rule May Apply if Competitive Sale Requirements are Not Satisfied – Bidder Option). The successful bidder shall assist the Borough in establishing the issue price of the Bonds and shall execute and deliver to the Borough at closing an "issue price" or similar certificate setting forth the reasonably expected initial offering price to the public or the sales price or prices of the Bonds, together with the supporting pricing wires or equivalent communications, with such modifications as may be appropriate or necessary, in the reasonable judgment of the successful bidder, the Borough and bond counsel to the Borough. The form of such certificate is available from bond counsel to the Borough.

The Borough intends that the provisions of Treasury Regulation Section 1.148-1(f)(3)(i) (defining "competitive sale" for purposes of establishing the issue price of the Bonds) will apply to the initial sale of the Bonds (the "competitive sale requirements") because: (1) the Borough shall disseminate this Notice of Sale to potential underwriters in a manner that is reasonably designed to reach potential underwriters, (2) all bidders shall have an equal opportunity to bid, (3) the Borough may receive bids from at least three underwriters of municipal bonds who have established industry reputations for underwriting new issuances of municipal bonds and (4) the

Borough anticipates awarding the sale of the Bonds to the bidder who submits a firm offer to purchase the Bonds at the highest price (or lowest interest cost), as set forth in this Notice of Sale.

Any bid submitted pursuant to this Notice of Sale shall be considered a firm offer for the purchase of the Bonds, as specified in the bid. Unless a bidder is purchasing the Bonds for its own account and not with a view to distribution or resale to the public, a bidder by submitting its bid represents that it is an underwriter of municipal bonds that has an established industry reputation for underwriting new issuances of municipal bonds.

In the event that the competitive sale requirements are not satisfied, the Borough shall so advise the successful bidder. In such event, unless the successful bidder is purchasing the Bonds for its own account and not with a view to distribution or resale to the public, the successful bidder shall elect to treat (i) the first price at which 10% of a maturity of the Bonds (the "10% test") is sold to the public as the issue price of that maturity and/or (ii) the initial offering price to the public as of the sale date of any maturity of the Bonds as the issue price of that maturity (the "hold-the-offering-price rule"), in each case applied on a maturity-by-maturity basis. The successful bidder shall advise the Borough if any maturity of the Bonds does not satisfy the 10% test as of the date and time of the award of the Bonds. The successful bidder shall promptly advise the Borough which of such maturities of the Bonds shall be subject to the 10% test or shall be subject to the hold-the-offering-price rule. Bids will not be subject to cancellation in the event that the competitive sale requirements are not satisfied. Bidders should prepare their bids on the assumption that some or all of the maturities of the Bonds will be subject to either the 10% test or the hold-the-offering-price rule in order to establish the issue price of the Bonds.

By submitting a bid, the successful bidder shall (i) confirm that the underwriters have offered or will offer the Bonds to the public on or before the date of award at the offering price or prices (the "initial offering price"), or at the corresponding yield or yields, set forth in the bid submitted by the successful bidder and (ii) agree, on behalf of the underwriters participating in the purchase of the Bonds, that the underwriters will neither offer nor sell unsold Bonds of any maturity to which the hold-the-offering-price rule shall apply to any person at a price that is higher than the initial offering price to the public during the period starting on the sale date and ending on the earlier of the following: (1) the close of the fifth (5th) business day after the sale date or (2) the date on which the underwriters have sold at least 10% of that maturity of the Bonds to the public at a price that is no higher than the initial offering price to the public. The winning bidder will advise the Borough promptly after the close of the fifth (5th) business day after the sale date whether it has sold 10% of that maturity of the Bonds to the public at a price that is no higher than the initial offering price to the public.

If the competitive sale requirements are not satisfied and the successful bidder has elected the 10% test to apply to any maturity of the Bonds, then until the 10% test has been satisfied as to each such maturity of the Bonds, the successful bidder agrees to promptly report to the Borough the prices at which the unsold Bonds of that maturity have been sold to the public. That reporting obligation shall continue, whether or not the closing date has occurred, until either (i) all Bonds of that maturity have been sold or (ii) the 10% test has been satisfied as to the Bonds of that maturity, provided that, the successful bidder's reporting obligation after the closing date may be at reasonable periodic intervals or otherwise upon request of the Borough or bond counsel to the Borough.

The Borough acknowledges that, in making the representations set forth above, the successful bidder will rely on (i) the agreement of each underwriter to comply with the requirements for establishing issue price of the Bonds, including, but not limited to, its agreement to comply with the hold-the-offering-price rule, if applicable to the Bonds, as set forth in an agreement among underwriters and the related pricing wires, (ii) in the event a selling group has been created in connection with the initial sale of the Bonds to the public, the agreement of each dealer who is a member of the selling group to comply with the requirements for establishing issue price of the Bonds, including, but not limited to, its agreement to comply with the hold-the-offering-price rule, if applicable to the Bonds, as set forth in a selling group agreement and the related pricing wires and (iii) in the event that an underwriter or dealer who is a member of the selling group is a party to a third-party distribution agreement that was employed in connection with the initial sale of the Bonds to the public, the agreement of each broker-dealer that is a party to such agreement to comply with the requirements for establishing issue price of the Bonds, including, but not limited to, its agreement to comply with the hold-the-offering-price rule, if applicable to the Bonds, as set forth in the third-party distribution agreement and the related pricing wires. The Borough further acknowledges that each underwriter shall be solely liable for its failure to comply with its agreement regarding the requirements for establishing issue price of the Bonds, including, but not limited to, its agreement to comply with the hold-the-offering-price rule, if applicable to the Bonds, and that no underwriter shall be liable for the failure of any other underwriter, or of any dealer who is a member of a selling group, or of any broker-dealer that is a party to a third-party distribution agreement to comply with its corresponding agreement to comply with the requirements for establishing issue price of the Bonds, including, but not limited to, its agreement to comply with the hold-the-offering-price rule, if applicable to the Bonds.

By submitting a bid, each bidder confirms that: (i) any agreement among underwriters, any selling group agreement and each third-party distribution agreement (to which the bidder is a party) relating to the initial sale of the Bonds to the public, together with the related pricing wires, contains or will contain language obligating each underwriter, each dealer who is a member of the selling group, and each broker-dealer that is a party to such third-party distribution agreement, as applicable: (A)(1) to report the prices at which it sells to the public the unsold Bonds of each maturity allocated to it, whether or not the closing date has occurred, until either all Bonds of that maturity allocated to it have been sold or it is notified by the successful bidder that the 10% test has been satisfied as to the Bonds of that maturity, provided that, the reporting obligation after the closing date may be at reasonable periodic intervals or otherwise upon request of the successful bidder and (2) to comply with the hold-the-offering-price rule, if applicable, if and for so long as directed by the successful bidder and as set forth in the related pricing wires, (B) to promptly notify the successful bidder of any sales of Bonds that, to its knowledge, are made to a purchaser who is a related party to an underwriter participating in the initial sale of the Bonds to the public (each

such term being used as defined below) and (C) to acknowledge that, unless otherwise advised by the underwriter, dealer or broker-dealer, the successful bidder shall assume that each order submitted by the underwriter, dealer or broker-dealer is a sale to the public and (ii) any agreement among underwriters or selling group agreement relating to the initial sale of the Bonds to the public, together with the related pricing wires, contains or will contain language obligating each underwriter or dealer that is a party to a third-party distribution agreement to be employed in connection with the initial sale of the Bonds to the public to require each broker-dealer that is a party to such third-party distribution agreement to (A) report the prices at which it sells to the public the unsold Bonds of each maturity allotted to it, whether or not the closing date has occurred, until either all Bonds of that maturity allocated to it have been sold or it is notified by the successful bidder or such underwriter that the 10% test has been satisfied as to the Bonds of that maturity, provided that, the reporting obligation after the closing date may be at reasonable periodic intervals or otherwise upon request of the successful bidder or such underwriter and (B) comply with the hold-the-offering-price rule, if applicable, if and for so long as directed by the successful bidder or the underwriter and as set forth in the related pricing wires.

Sales of any Bonds to any person that is a related party to an underwriter participating in the initial sale of the Bonds to the public (each such term being used as defined below) shall not constitute sales to the public for purposes of this Notice of Sale. Further, for purposes of this Notice of Sale: (i) “public” means any person other than an underwriter or a related party, (ii) “underwriter” means (A) the successful bidder, (B) any person that agrees pursuant to a written contract with the successful bidder to form an underwriting syndicate to participate in the initial sale of the Bonds to the public and (C) any person that agrees pursuant to a written contract directly or indirectly with a person described in clause (B) to participate in the initial sale of the Bonds to the public (including a member of a selling group or a party to a third-party distribution agreement participating in the initial sale of the Bonds to the public), (iii) “related party” means any entity if an underwriter and such entity are subject, directly or indirectly, to (I) more than 50% common ownership of the voting power or the total value of their stock, if both entities are corporations (including direct ownership by one corporation of another), (II) more than 50% common ownership of their capital interests or profits interests, if both entities are partnerships (including direct ownership by one partnership of another) or (III) more than 50% common ownership of the value of the outstanding stock of the corporation or the capital interests or profit interests of the partnership, as applicable, if one entity is a corporation and the other entity is a partnership (including direct ownership of the applicable stock or interests by one entity of the other) and (iv) “sale date” means the date that the Bonds are awarded by the Borough to the successful bidder.

CUSIP Numbers. The Borough’s Municipal Advisor will apply for CUSIP identification numbers with respect to the Bonds, but neither the failure to print such number on any Bond nor any error with respect thereto shall constitute cause for the failure or refusal of the successful bidder to accept delivery of and pay for the Bonds. The CUSIP Service Bureau charge for the assignment of CUSIP numbers on the Bonds shall be the responsibility of and shall be paid for by the successful bidder.

Initial and Continuing Disclosure. A preliminary official statement (the “Preliminary Official Statement”) relating to the Bonds is available at www.munihub.com and the Preliminary Official Statement is deemed final as of its date by the Borough for purposes and within the meaning of Rule 15c2-12 of the Securities and Exchange Commission. A final official statement (the “Official Statement”) will be delivered to the successful bidder within seven (7) business days of the award of the Bonds. In order to assist bidders in complying with said Rule 15c2-12, the Borough will undertake to provide certain continuing disclosure as further described in the Preliminary Official Statement.

Legal Opinion and Closing Documents. The successful bidder will be furnished, without cost, with the approving opinion of the law firm of Hawkins Delafield & Wood LLP, bond counsel to the Borough, to the effect that the Bonds are valid and legally binding obligations of the Borough and, unless paid from other sources, are payable from ad valorem taxes levied upon all the taxable property therein without limitation as to rate or amount. The obligations under this Notice of Sale to deliver or accept the Bonds pursuant to this Notice of Sale shall be conditioned on the availability to the successful bidder and delivery at the time of delivery of the Bonds of the said approving opinion and of certificates in form and tenor satisfactory to said law firm evidencing the proper execution and delivery of the Bonds and receipt of payment therefor and including a statement, dated as of the date of such delivery, to the effect that, except as may be disclosed in the Official Statement, there is no litigation pending or (to the knowledge of the signer or signers thereof) threatened relating to the Bonds.

Postponement and Adjustments. The Borough reserves the right to postpone, from time to time, the date and time established for receipt of bids and the right to adjust the maturity schedule for the Bonds. Any such postponement or adjustment will be published on TM3 News Services, or by other available means, not less than twenty-four (24) hours prior to the sale. If any date fixed for the receipt of bids and the sale of the Bonds is postponed, an alternative sale date will be announced via TM3 News Services, or by other available means, at least forty-eight (48) hours prior to such alternative sale date.

Availability of Information. Printed copies of the Preliminary Official Statement, this Notice of Sale and additional information regarding the sale, may be obtained from Hawkins Delafield & Wood LLP, bond counsel to the Borough, One Gateway Center, Newark, New Jersey 07102-5311 (Telephone: 973-642-8584) or the Borough’s Municipal Advisor, Bryan Morris, 625 Farnsworth Avenue, Bordentown, New Jersey 08505 (Telephone: 609-291-0130).

PATRICIA A. FEKETICS
Borough Clerk

Dated: August 24, 2022

SUMMARY OF NOTICE OF SALE

**THE BOROUGH OF WILDWOOD CREST,
IN THE COUNTY OF CAPE MAY, NEW JERSEY**

\$10,000,000* GENERAL BONDS OF 2022

ELECTRONIC BIDS for the above-described bonds (the “Bonds”) will be received by the Chief Financial Officer of the Borough of Wildwood Crest, in the County of Cape May, New Jersey (the “Borough”), via the PARITY® Electronic Bid System of i-Deal LLC on **Thursday, September 8, 2022**, until 11:00 a.m., eastern time. As described in the full Notice of Sale, a good faith check or a wire transfer must be received by the Chief Financial Officer of the Borough prior to or simultaneously with the submission of a bid. The Bonds shall mature on September 15 as follows*:

\$435,000 in 2023, \$870,000 in each of the years 2024 to 2033, both inclusive,
and \$865,000 in 2034.

The Bonds will be dated the date of delivery thereof and will bear interest payable on March 15 and September 15 in each year until maturity or earlier redemption, commencing March 15, 2023, at the rate or rates per annum specified, in multiples of 1/8 or 1/20 of 1%, by the successful bidder in accordance with the full Notice of Sale. The Bonds will be issued in book-entry form only and will not be designated as “qualified tax-exempt obligations” for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended. The Bonds are subject to redemption in accordance with the full Notice of Sale.

Copies of the full Notice of Sale and the Preliminary Official Statement are available at www.munihub.com and may also be obtained by contacting Hawkins Delafield & Wood LLP, bond counsel to the Borough, One Gateway Center, Newark, New Jersey 07102-5311 (Telephone: 973-642-8584) or the Borough’s Municipal Advisor, Phoenix Advisors, LLC, Bryan Morris, 625 Farnsworth Avenue, Bordentown, New Jersey 08505 (Telephone: 609-291-0130).

PATRICIA A. FEKETICS
Borough Clerk

Dated: August 24, 2022

* Preliminary, subject to change.

Additional Matters Contained in Bonds. The Chief Financial Officer is hereby authorized and, if necessary or advisable in the opinion of Hawkins Delafield & Wood LLP, directed (a) to cause the applicable CUSIP numbers (if any) assigned for each of said bonds by the CUSIP Service Bureau of Standard & Poor's Corporation of New York, New York, to be printed on the Bonds, and (b) to cause, in the event that the Bonds shall qualify for issuance of any policy of municipal bond insurance, at the option of the purchaser thereof, such legend or reference (if any) of such insurance to be printed (at the expense of such purchaser) on the Bonds in such form as shall be satisfactory to Hawkins Delafield & Wood LLP.

Delivery of Related Documents. Upon the date of issue of the Bonds, being the date of delivery of the Bonds to the successful bidder and the payment of the purchase price thereof in accordance with the contract of sale, the Chief Financial Officer is hereby authorized and directed, as of the date of issue, to deliver to said bidder (a) an arbitrage and use of proceeds certificate with respect to the Bonds in such form as shall be satisfactory to Hawkins Delafield & Wood LLP under and for the purposes of Section 148 of the Internal Revenue Code of 1986, as amended to said date of issue (the "Code"), (b) an undertaking to provide continuing disclosure in order to assist said bidder in complying with Rule 15c2-12 of the Securities and Exchange Commission ("Rule 15c2-12") in a form satisfactory to Hawkins Delafield & Wood LLP and (c) such other documents as may be useful, necessary, convenient or desirable in connection with the issuance of the Bonds.

Delegation of Power to Award Bonds. The Board of Commissioners of the Borough, as the governing body thereof, does by this resolution designate the Chief Financial Officer of the Borough, or such other Borough official as may be deemed appropriate (the "Chief Financial Officer"), to sell and award the Bonds in accordance with the advertised terms of public sale. The Chief Financial Officer or other Borough official making such sale shall report in writing to this governing body at its next meeting thereafter as to the principal amount, interest rate and maturities of the Bonds sold, the price obtained and the name of the purchaser. The Chief Financial Officer or other Borough official is hereby further authorized and directed to do and accomplish all matters and things necessary or desirable to accomplish the sale of the Bonds including, after consultation with the Borough auditor and bond counsel, (a) adjusting the maturity schedule of the Bonds and (b) postponing and rescheduling from time to time the sale of the Bonds in accordance with the provisions set forth in the notice of sale and as provided by law.

Reserved.

Preliminary Official Statement. All action taken to date by the officials, employees and agents of the Borough with respect to the issuance of the Bonds, including the preparation of a Preliminary Official Statement with respect thereto be and the same hereby are approved, ratified, adopted and confirmed and the Chief Financial Officer of the Borough is hereby authorized to deliver said Preliminary Official Statement for its use in the sale, resale and distribution of the Bonds. The Chief Financial Officer of the Borough or such other Borough official as may be appropriate is hereby authorized and directed to deem said Preliminary Official Statement final as of its date for purposes and within the meaning of Rule 15c2-12.

Final Official Statement. The execution, delivery and dissemination of a final Official Statement in substantially the same form as said Preliminary Official Statement with such changes, insertions and omissions as may be approved by the Chief Financial Officer of the Borough with respect to the issuance of the Bonds by and on

behalf of the Borough, is hereby authorized, and the Chief Financial Officer of the Borough or such other Borough official as may be deemed appropriate is hereby authorized and directed to execute the same in the name and on behalf of the Board of Commissioners and is further authorized to deliver said final Official Statement in executed form for its use in the sale, resale and distribution of the Bonds. The execution of said final Official Statement by the Chief Financial Officer of the Borough or such other Borough official as may be deemed appropriate shall be conclusive evidence of any approval required hereby.

Actions to be Taken on Behalf of the Borough. The Borough Administrator, the Chief Financial Officer of the Borough and the Borough Clerk are hereby authorized to do all matters necessary, useful, convenient or desirable to accomplish the sale and delivery of the Bonds, including without limitation matters relating to the provision of electronic bids for the Bonds and the obtaining of a credit rating for the Bonds.

Prior Action. All action heretofore taken by Borough officials and professionals relating to the sale of the Bonds is hereby ratified, confirmed, adopted and approved.

Effective Date. This resolution shall take effect immediately.

The foregoing resolution was adopted by the following vote:

AYES: SCHIFF – FRANCO – CABRERA

NOES: NONE

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

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 22-256

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING AWARD OF PROFESSIONAL SERVICES CONTRACT WITH JAMES RUTALA ASSOCIATES, LLC FOR PLANNING AND GRANT CONSULTANT SERVICES TO ASSIST THE BOROUGH FOR FMA-2020-007 WASHINGTON AVENUE FLOOD MITIGATION PROJECT SCOPING AT THE NTE SUM OF \$4,500

WHEREAS, there exists the need for “Professional Services” for Professional Planning Services to for FMA-2020-007 Washington Avenue Flood Mitigation Project Scoping, 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, 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 to 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, James Rutala Associates, LLC is experienced and capable of providing the necessary planning consultant services needed by the Borough of Wildwood Crest and has submitted all required documents:

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 Mayor and Borough Clerk are hereby authorized and empowered to execute the attached agreement effective immediately through August 2, 2023, James Rutala Associates, LLC, who shall be compensated pursuant to attached proposal dated July 13, 2022, but in no case shall the compensation exceed Four Thousand Five Hundred (\$4,500.00) Dollars.
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; a copy of these documents shall be kept on file in the office of the Borough Clerk.
4. 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, Mr. Franco seconds that the foregoing resolution be adopted.

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 22-257

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST CANCELING ERRONEOUS SEWER RENTS IN THE AMOUNT OF \$502.85 FOR PROPERTY LOCATED AT 6104 PACIFIC AVENUE

WHEREAS, it has been discovered that the meter readings for the properties at 6102 Pacific Avenue, sewer utility account number 3863-0, and 6104 Pacific Avenue, sewer utility account number 3864-0, were switched from the third quarter reading of 2019 through the second quarter reading of 2022. This errant reading resulted in account 3864-0 being billed less than the amount that was consumed from the 2020 sewer billing through 2022 sewer billing; and

WHEREAS, sewer account 3864-0, at 6104 Pacific Avenue had water usage certified to the Borough of Wildwood Crest from Wildwood Water Utility that resulted in a sewer bill \$502.85 less than what should have been billed to that account.

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 6104 Pacific Avenue.

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

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 22-258

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING APPROVAL OF CHANGE ORDER NO. 3 – NJDCA SMALL CITIES PROGRAM – BEACH STREET END PUBLIC ACCESS IMPROVEMENTS – PHASE 1B- TO REFLECT ADDITIONAL CREST ARTS PAVILION WORK AND TESTING AT LIFEGUARD HEADQUARTERS - AT THE NTE SUM OF \$59,701.28

WHEREAS, Fred M. Schiavone Construction, Inc., PO Box 416, Malaga, New Jersey 08328 was awarded the contract known as NJDCA SMALL CITIES PROGRAM – BEACH STREET END PUBLIC ACCESS IMPROVEMENTS – PHASE 1B -via Resolution No. 22-146 on March 23, 2022 for \$1,037,288.50; and

WHEREAS, the Board of Commissioners authorized Change Order No 1 - NJDCA SMALL CITIES PROGRAM – BEACH STREET END PUBLIC ACCESS IMPROVEMENTS – PHASE 1B TO REFLECT ADDITIONAL WORK FOR HEATHER ROAD FISHING PIER via Resolution No. 22-214 on May 25, 2022 with an increase amount of \$57,876.62 all of which is detailed in the attachment to the Change Order and revising the Contract Price to \$1,095,165.12; and

WHEREAS, the Board of Commissioners authorized Change Order No 2 - NJDCA SMALL CITIES PROGRAM – BEACH STREET END PUBLIC ACCESS IMPROVEMENTS – PHASE 1B TO REFLECT ADDITIONAL CURBING AND REINFORCING WASHINGTON AVENUE BEACH STREET END via Resolution No. 22-225 on June 22, 2022 with an increase amount of \$5,775.02 all of which is detailed in the attachment to the Change Order and revising the Contract Price to \$1,100,940.14; and

WHEREAS, Borough Engineer Marc DeBlasio of DeBlasio & Associates has reviewed the request for additional curb and reinforcing at Washington Avenue Beach Street End and approves Change Order No 3 - NJDCA SMALL CITIES PROGRAM – BEACH STREET END PUBLIC ACCESS IMPROVEMENTS – PHASE 1B TO REFLECT ADDITIONAL CREST ARTS PAVILION WORK AND TESTING AT LIFEGUARD HEADQUARTERS with an increase amount of \$59,701.28 all of which is detailed in the attachment to the Change Order and revising the Contract Price to \$1,160,641.42; and

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

Account Number: _____ Amount: \$59,701.28 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, as follows:

1. That the above recital paragraphs are incorporated herein by reference as if set forth at length.
2. That said Change Order Number 3- increasing the total contract amount by \$59,701.28 and revising the contract price to \$1,160,641.42 is hereby approved.
3. 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.

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

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 22-259

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING RELEASE OF ESCROW FUNDS FOR PERMIT #SO21-0501 IN THE AMOUNT OF \$142.50

WHEREAS, the Wildwood Crest Construction Official has received written approval from the Borough Engineer, DeBlasio & Associates, on May 10, 2022 to refund escrow to Mitchell Nichols Enterprises, Inc. for Street Opening Permit #SO21-0501, Block 95.01/Lot 7; and

WHEREAS, the Wildwood Crest Construction Official has confirmed that all Borough Engineer billings related to Street Opening Application #SO21-0501 are complete; and

WHEREAS, Mitchell Nichols Enterprises, Inc., 23 King Street, Rio Grande, NJ 08242 made an escrow payment to the Borough of Wildwood Crest of \$1,000.00 on May 5, 2021 for Street Opening Permit for location 305 E. Stockton Road, Block 95.01/Lot 7 and has requested return of the unused escrow balance; and

WHEREAS, the escrow used totaled \$857.50 and the Borough of Wildwood Crest Construction Official is recommending the return of the unused escrow fee of \$142.50.

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 \$142.50 to Mitchell Nichols Enterprises, Inc., 23 King Street, Rio Grande, NJ 08242 be and hereby is approved.

BE IT FURTHER RESOLVED that the Chief Financial Officer is hereby authorized to return the balance of the unused escrow account in the amount of \$142.50 to Mitchell Nichols Enterprises, Inc., 23 King Street, Rio Grande, NJ 08242.

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

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 22-260

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING RELEASE OF ESCROW FUNDS FOR PERMIT #SO21-0502 IN THE AMOUNT OF \$727.50

WHEREAS, the Wildwood Crest Construction Official has received written approval from the Borough Engineer, DeBlasio & Associates, on May 10, 2022 to refund escrow to Mitchell Nichols Enterprises, Inc. for Street Opening Permit #SO21-0502, Block 98.02/Lot 9; and

WHEREAS, the Wildwood Crest Construction Official has confirmed that all Borough Engineer billings related to Street Opening Application #SO21-0502 are complete; and

WHEREAS, Mitchell Nichols Enterprises, Inc., 23 King Street, Rio Grande, NJ 08242 made an escrow payment to the Borough of Wildwood Crest of \$1,000.00 on May 20, 2021 for Street Opening Permit for location 411 East Atlanta Avenue, Block 98.02/Lot 9 and has requested return of the unused escrow balance; and

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

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

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

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

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 22-261

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING REGISTRATION RENEWAL OF THE COOPERATIVE PRICING SYSTEM (25CMACP) BETWEEN THE COUNTY OF CAPE MAY (LEAD AGENCY) AND THE BOROUGH OF WILDWOOD CREST (PARTICIPATING AGENCY)

WHEREAS, pursuant to N.J.S.A. 40A: 11-1 *et seq.* two or more contracting units may enter into a Cooperative Pricing Agreement for the provision of goods and services; and

WHEREAS, the County of Cape May, acting as the “Lead Agency” has participated in this program over many years, providing cost savings and collaborative opportunities for the County and the member local units; and

WHEREAS, the registration renewal occurs every five years with the State of New Jersey, Division of Local Government Services.

NOW, THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Wildwood Crest that the Mayor and Borough Clerk be, and hereby authorizes the Registration Renewal of the Cooperative Pricing System, 25CMaCP, between the County of Cape May as “Lead Agency” and the Borough of Wildwood Crest, as a participating agency.

BE IT FURTHER RESOLVED, pursuant to the provisions of N.J.S.A. 40:A11-11(5), the Director of the board of Chosen Freeholders is hereby authorized to enter into a Cooperative Pricing Agreement with the “Lead Agency”. Said “Lead Agency” shall be responsible for complying with the provisions of the revised statues of the State of New Jersey.

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

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 22-262

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING MEMBER PARTICIPATION IN A COOPERATIVE PRICING SYSTEM FOR ROCK SALT

WHEREAS, N.J.S.A. 40A: 11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the County of Cape May, hereinafter referred to as the “Lead Agency” has offered voluntary participation in Cooperative Pricing System 25CMACP for the purchase of goods and services; and

WHEREAS, on August 3, 2022 the Governing Body of the Borough of Wildwood Crest, County of Cape May, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision of Rock Salt.

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. Member Participation in a Cooperative Pricing System for Rock Salt is hereby authorized.
2. This Resolution shall be known and may be cited as the Cooperative Pricing Resolution of the County of Cape May for Rock Salt.
3. Pursuant to the provisions of (*N.J.S.A. 40A:11-1 et seq.*), the Chief Financial Officer is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.
4. The Lead Agency shall be responsible for complying with the provisions of the *Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.)* and all other provisions of the revised statutes of the State of New Jersey.
5. This resolution shall take effect immediately upon passage.

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

Vote: Schiff - Franco – Cabrera – YES

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

Vote: Schiff - Franco – Cabrera – YES

CORRESPONDENCE: N/A

PUBLIC COMMENTARY:

Gail Kelly (via telephone) 201 East Columbine Road voiced several concerns regarding the shed located on Columbine Road and the Mayor added that the Governing Body is going into Closed Session at the end of this meeting and there was no comment.

DISCUSSION:

NEW BUSINESS:

OLD BUSINESS –

-Historian: No movement.

-Back Beach Excavation: No movement.

-Office Moves: No movement.

-Flood Mitigation Projects: No movement.

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

-Dredging: No movement.

-Beach Patrol Building: No movement.

-CAFRA Permit: No movement.

PUBLIC COMMENTARY: N/A

Commissioner Comments:

Commissioner Franco: Comm. Franco expressed condolences to the family of Jack Buchanan, a former Wildwood Crest employee who served four decades and was a mentor.

Commissioner Schiff : Comm. Schiff suggested naming a basketball court after Jack and the idea is favorable, but research must be done as that is already named Scoop Taylor. Furthermore, Commissioner Schiff thanked all who participated in National Night Out, to include Police, Fire, EMS, SWAT, Parks & Recreation, and Public Works.

Mayor Cabrera – The Mayor echoed the thoughts about Jack Buchanan and National Night Out. He indicated that there is a 5k Beach run this Saturday and a Food Truck Event on Sunday. He added that they are half way through their first year together and it has been a pleasure.

Hearing nothing further from the public,

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 22-263

**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) FOR ANTICIPATED LITIGATION
FOR TWO SEPARATE ISSUES**

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

Vote: Schiff - Franco – Cabrera – YES

After leaving Closed Session and returning to Open Session and hearing nothing from the public, Mr. Schiff motioned and Mr. Franco seconded that the meeting be adjourned. All were in favor. The time was 10:38 a.m.

Dated: August 24, 2022

Patricia A. Feketics, Borough Clerk

