

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

March 12, 2025

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 of Atlantic City on October 15, 2024.

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

Mr. Franco motioned and Mr. Schiff seconded that Ordinance No. 1448 be passed on second reading and final passage by title only.

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING ORDINANCE BY TITLE:

ORDINANCE NO. 1448
ORDINANCE TO ESTABLISH CAP BANK FOR
CY2025 PURSUANT TO N.J.S.A. 40A:4-45.14

Mr. Franco motioned and Mr. Schiff seconded that a public hearing now be held on Ordinance No. 1448.

Vote: Schiff - Franco – Cabrera – YES

After hearing nothing from the public, Mr. Franco motioned and Mr. Schiff seconded that public hearing on Ordinance No. 1448 now be closed.

Vote: Schiff - Franco – Cabrera – YES

Mr. Franco motioned and Mr. Schiff seconded that Ordinance No. 1448 be passed on second and final reading and advertised according to law.

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING ORDINANCE BY TITLE:

ORDINANCE NO. 1449
ORDINANCE OF THE BOROUGH OF WILDWOOD CREST
AMENDING AND SUPPLEMENTING ARTICLE I OF CHAPTER 37
GARBAGE, RUBBISH, SOLID WASTE MANAGEMENT OF THE CODE
OF THE BOROUGH OF WILDWOOD CREST REGULATING SECTION
4, CONTAINERS, RECEPTACLES, PLACEMENT FOR COLLECTION

Mr. Franco motioned and Mr. Cabrera seconded that Ordinance No. 1449 be passed on first reading, advertised according to law, be brought up for second and final reading and public hearing on March 26, 2025 at 5:00 pm.

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING ORDINANCE BY TITLE:

ORDINANCE NO. 1450
BOND ORDINANCE APPROPRIATING \$4,500,000, AND
AUTHORIZING THE ISSUANCE OF \$4,275,000 BONDS OR
NOTES OF THE BOROUGH, FOR VARIOUS
IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE
UNDERTAKEN BY THE BOROUGH OF WILDWOOD
CREST, IN THE COUNTY OF CAPE MAY, NEW JERSEY.

Mr. Franco motioned and Mr. Schiff seconded that Ordinance No. 1450 be passed on first reading, advertised according to law, be brought up for second and final reading and public hearing on April 9, 2025 at 9:30 am.

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING ORDINANCE BY TITLE:

ORDINANCE NO. 1451
BOND ORDINANCE PROVIDING FOR THE
IMPROVEMENT OF THE SANITARY SEWERAGE
SYSTEM IN AND BY THE BOROUGH OF WILDWOOD
CREST, IN THE COUNTY OF CAPE MAY, NEW JERSEY,
APPROPRIATING \$4,000,000 THEREFOR AND
AUTHORIZING THE ISSUANCE OF \$4,000,000 BONDS OR
NOTES OF THE BOROUGH FOR FINANCING SUCH
APPROPRIATION.

Mr. Franco motioned and Mr. Schiff seconded that Ordinance No. 1451 be passed on first reading, advertised according to law, be brought up for second and final reading and public hearing on April 9, 2025 at 9:30 am.

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 25-88
RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF
WILDWOOD CREST AUTHORIZING WAIVER OF THE FEE REQUIRED FOR SPECIAL
EVENT APPLICATION BY THE WILDWOOD CREST SCHOOL DISTRICT TO HOST A
GRADUATION CEREMONY AT CENTENNIAL PARK ON JUNE 12, 2025 FROM 5:00-
7:00 PM

WHEREAS, Wildwood Crest School District has requested the use of Centennial Park to host a graduation ceremony at Centennial Park on June 12, 2025 from 5:00-7:00 pm; and

WHEREAS, Wildwood Crest School District has requested the use of Centennial Park to also host portraits on June 8, 2025 at 7:00 pm as well as having practice from June 9th to June 12th from 9:00 a.m. to 12:00 noon with chair set up taking place the morning of June 12, 2025; and

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest has reviewed the request for their upcoming graduation ceremony / practice and in the spirit of supporting our local school district and our community, the Board of Commissioners has agreed to waive the fee required by application.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, New Jersey, that the fee required by application of the Wildwood Crest School District for the graduation ceremony being held on June 12, 2025 from 5:00-7:00 pm at Centennial Park.

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. 25-89
RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF
WILDWOOD CREST AUTHORIZING SPECIAL EVENTS PERMIT TO JLD EVENT
MANAGEMENT AND TIMING, LLC AND CO-SPONSORING THE OFFICIAL
WILDWOOD CREST RUN EVENT TAKING PLACE ON OCTOBER 3-4, 2025 AND
GRANTING A NON-EXCLUSIVE LIMITED LICENSE TO USE SERVICE MARKS

WHEREAS, JLD EVENT MANAGEMENT AND TIMING, LLC applied for a Special Events Permit for the purpose of an OFFICIAL WILDWOOD CREST RUN EVENT to be held on October 3-4, 2025, at Centennial Park, the Bike Path and various streets in the Borough of Wildwood Crest for two days (October 3rd at 5:30 pm to 7:30 pm) and (October 4th at 7:00 am to 11:00 am with a rain date is October 5, 2025); and

WHEREAS, the Borough of Wildwood Crest has determined to Co-Sponsor the official Wildwood Crest Run Event with JLD Event Management and Timing, LLC, with offices located at 1068 Beckley Drive, Williamstown, NJ 08084 along with the Wildwood Crest Tourism Development Commission; and

WHEREAS, JLD EVENT MANAGEMENT AND TIMING, LLC has supplied all documentation required under Ordinance No. 1304, including the requisite Certificate of Insurance, and , JLD EVENT

MANAGEMENT AND TIMING, LLC has further pledged to comply with all applicable rules and regulations pertaining to the conduct of said Special Event; and

WHEREAS, the application has been reviewed by the Board of Commissioners, upon verification by appropriate members of staff as to completeness of the application, scheduling compatibility, etc.; and

WHEREAS, in the spirit of supporting tourism through wellness events for the Wildwoods and the Wildwood Crest Community, the Commissioners have agreed to waive the fees for Police Services, Emergency Medical Services, Recreation Services and Public Works Services to include costs and expenses; and

WHEREAS, the Borough of Wildwood Crest hereby grants JLD EVENT MANAGEMENT AND TIMING, LLC a limited license to use the Service Marks for the following purpose (s) and time period:

1. To use, display, or publish the Service Marks, which use shall include advertising, print media, web site publication, digital and audio publication, or broadcast as chosen by _____ 2025 in connection with the official Wildwood Crest Run Events taking place on October 3-4, 2025.
2. The Service Marks may be used on promotional items such as medals and t-shirts which are given to participants of the event as part of the entrance fee or awards, provided that such Promotional Items with the Service Marks shall not be sold or given to third parties for resale by JLD Event Management and Timing, LLC.
3. To use in connection with the official Wildwood Crest Run Event and shall terminate at the conclusion of the event.
4. All materials and design shall be approved by the Borough of Wildwood Crest in advance.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, New Jersey that the Borough Clerk is hereby authorized and directed to:

1. Issue a Special Events Permit to JLD Event Management and Timing, LLC, with offices located at 1068 Beckley Drive, Williamstown, NJ 08084 for the purpose of the official Wildwood Crest Run Event to be held on October 3-4, 2025, at Centennial Park, the Bike Path and various streets in the Borough of Wildwood Crest and to waive Police Services, Emergency Medical Services, Recreation Services and Public Works Services to include costs and expenses and JLD Event Management and Timing, LLC shall enter a License Agreement with the Borough which shall reflect the terms set forth herein and grant a non-exclusive limited license to JLD Event Management and Timing, LLC for the rights to use the Service Marks that expires at the conclusion of the event.

2. The Borough Clerk and Mayor are hereby authorized execute a License Agreement with JLD Event Management and Timing, LLC which shall reflect the terms set forth herein for the use of Borough of Wildwood Crest Registered Service Marks.

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. 25-90

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING AWARD OF THE LEASE OF A PORTION OF NESBITT CENTER BUILDING PURSUANT TO NJSA 40A: 12-14(a) OF THE LOCAL LANDS AND BUILDING LAW - BOROUGH LEASE AGREEMENT # 2025-001

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest adopted Resolution No. 25-55 on January 22, 2025, which authorized Advertisement of Notice of Sealed Bid Opening for a Lease of a Portion of the Nesbitt Center Building Pursuant to NJSA 40A:12-14(a) of the Local Lands and Building Law; and

WHEREAS, Notice to Bidders was advertised in the *Herald of Cape May County* on January 29, 2025 and February 5, 2025 with sealed public bid opening taking place on Tuesday, February 25, 2025 at 10:00 a.m. for the Lease of a Portion of the Nesbitt Center Building, Borough Lease Agreement # 2025-001 pursuant to NJSA 40A: 12-14 (a) et seq.; and

WHEREAS, Kobie Dogs, LLC was the sole responsive bidder and submitted a total aggregate bid amount of \$33,000.00, over a three (3) year period for a portion of the Nesbitt Center Building with option for exterior vending area from 2025-2027; and

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest has reviewed the recommendations made by the Bid Opening Committee and the Borough Solicitor recommending the award to Kobie Dogs, LLC.

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

1. It is hereby determined to be in the best interest of the Borough of Wildwood Crest to accept the sole bid, and award to Kobie Dogs, LLC for the Lease of a Portion of the Nesbitt Center Building, Borough Lease Agreement # 2025-001 pursuant to NJSA 40A: 12-14 (a) et seq. with option for exterior vending area from 2025-2027.

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

3. That a Notice of Award shall be published in The Herald of Cape May County as required by law within ten (10) days of passage of this Resolution, which notice shall state that this Resolution and the concession agreement are on file and available for public inspection in the office of the Borough Clerk.

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

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 25-91

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST CANCELING ERRONEOUS 2025 SEWER RENTS IN THE AMOUNT OF \$124.00 FOR PROPERTY LOCATED AT 7201 OCEAN AVENUE

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 2025; and

WHEREAS, sewer account 1386-1, at 7201 Ocean Avenue had no water meter installed for the year 2024, the sewer rents levied in 2025 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
94.03/2 1386-1	Madison Wildwood Crest RE LLC 7201 Ocean Avenue 2025 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 2025.

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. 25-92

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST DESIGNATING LOCATIONS FOR PORTABLE VENDING UNITS

WHEREAS, Article III of Chapter 40 of the Code of the Borough of Wildwood Crest entitled Portable Vending Units provides for the designation of locations upon which a portable vending unit may operate; and

WHEREAS, the Board of Commissioners adopted Resolution No. 22-154 on April 13, 2022, which designated locations for Portable Vending Units; and

WHEREAS, the Board of Commissioners determines that the previously designated locations need to be amended to the following two locations:

- Fern Road / Forget Me Not Road at Ocean Avenue;
- Crest Fishing Pier at Heather Road

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

1. This resolution supersedes Resolution No. 22-154 adopted on April 13, 2022.

2. That the location of Fern Road / Forget Me Not Road at Ocean Avenue and at the base of the Crest Fishing Pier at Heather Road, the exact locations to be determined by the Borough, are hereby authorized to be utilized as locations for Portable Vending Units to be operated in accordance with the provision of Article III of Chapter 40 of the Borough Code. The locations shall be subject to further regulation by the Board of Commissioners, including but not limited to a rotation schedule, and no rights are created or granted herein to operate a vending unit in these locations which may be revoked or rescinded by the Borough at its discretion.

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. 25-93

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST GRANTING STREET OPENING PERMIT DUE TO HARDSHIP TO CREATE A DEPRESSED CURB AND INSTALL AN APRON AT 218 EAST SYRACUSE AVENUE

WHEREAS, Chapter 67, Street Excavations, Subsection 67-6, Recently Paved Streets, of the Code of the Borough of Wildwood Crest prohibits excavation of any street for a period of five (5) years after reconstruction, resurfacing, repaving or overlayment; and

WHEREAS, Mr. Christian Ferraro and Mr. John Ranieri are requesting that a licensed contractor open cut a curb (size 10) and install an apron at 218 East Syracuse Avenue, Block: 142, Lot: 31 and guarantee the asphalt will not be disturbed; and

WHEREAS, portions of Syracuse Avenue are currently within the five-year moratorium period until January 1, 2029; and

WHEREAS, the owners of the property located at 218 East Syracuse Avenue have demonstrated a bona fide need for cutting the curb and installing an apron in a correspondence received on February 10, 2025 and requested a hardship waiver of the five-year moratorium; and

WHEREAS, in accordance with Borough Code, the governing body may consider the request and render a decision to issue or deny said application.

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 preamble hereto is repeated herein as if set forth in full.
2. Due to the circumstances set forth herein and the demonstrated bona fide need, permission is hereby granted for the curb cut and installation of an apron at 218 E. Syracuse Avenue for the sole purpose of creating a depressed curb and guaranteeing the asphalt will not be disturbed.
3. Reconstruction and restoration of the roadway and all necessary permit fees and guarantees pursuant to Chapter 67 of the Code of the Borough of Wildwood Crest shall be enforced.
4. The curb be installed using face forming techniques so that the asphalt is not disturbed or excavated.
5. The property owner provides written evidence from the contractor that they acknowledge that the curb be installed using face forming techniques so that the asphalt is not disturbed or excavated.
6. A meeting is held on site with the Borough Engineer and the contractor to ensure that the curb be installed using face forming techniques so that the asphalt is not disturbed or excavated.
7. Acknowledgement from the applicant in writing that if the asphalt is excavated or disturbed, that it is in direct violation of the ordinance and subject to the penalties contained in the ordinance.

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. 25-94

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING AWARD PROFESSIONAL SERVICES CONTRACT TO THE LOMAX CONSULTING GROUP FOR SPECIALIZED ENGINEERING AND ENVIRONMENTAL CONSULTING SERVICES IN CONJUNCTION WITH BEACH PATROL STORAGE YARD DUNE RESTORATION -PART II: DUNE RESTORATION CONSTRUCTION OVERSIGHT AT THE NTE SUM OF \$9,800

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 of Wildwood Crest for the Beach Patrol Storage Yard Dune Restoration (Part 2: Dune Restoration Construction Oversight); and

WHEREAS, the Borough Clerk received a proposal from The Lomax Consulting Group dated November 25, 2024 and that proposal (TLCG FILE # 25-1070) was forwarded to a review committee consisting of the Borough Clerk, Patricia Feketics, Chief Financial Officer, Francine Springer, and Borough Solicitor Ronald J. Gelzunas; and

WHEREAS, the Board of Commissioners adopted Resolution No. 24-342 on December 4, 2024 authorizing Award of Professional Services Contract to the Lomax Consulting Group for Specialized Engineering and Environmental Consulting Services in Conjunction with Beach Patrol Storage Yard Dune Restoration - Part 1 Dune Restoration Design at the NTE sum of \$7,250.00; and

WHEREAS, the Review Committee has reviewed Part II of 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 Specialized Engineering and Environmental Consulting Services in Conjunction with Beach Patrol Storage Yard Dune Restoration - Part II (Dune Restoration Construction Design) 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 for Part II, who shall be compensated pursuant to attached Proposal (TLCG FILE: 25-1070) which is incorporated herein, at the billable rates set forth therein not to exceed \$9,800.00.

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.

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. 25-95

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING A MEMORANDUM OF AGREEMENT BETWEEN THE BOROUGH OF WILDWOOD CREST AND CITY OF NORTH WILDWOOD, CITY OF WILDWOOD AND THE GREATER WILDWOODS TOURISM IMPROVEMENT AND DEVELOPMENT AUTHORITY FOR JITNEY TRANSPORTATION SERVICES

WHEREAS, on March 12, 2024, the Greater Wildwoods Tourism Improvement and Development Authority opened a bid proposal for transportation services for the Wildwoods for 2024; and

WHEREAS, Atlantic City Jitney Association was awarded the contract in 2024 and there was a provision for a renewal and they submitted a proposal in the amount of \$65,200.00; and

WHEREAS, the four Parties: GWTIDA, City of Wildwood, City of North Wildwood and the Borough of Wildwood Crest agree to share the cost of the jitney contract equally with each party being responsible for \$16,300.00; and

WHEREAS, GWTIDA agrees to pay the costs of marketing the service via advertising, social media marketing, rack card brochures, etc.; and

WHEREAS, all three municipalities agree that the responsibility for signage along the jitney route would belong to each municipality.

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 as if set forth as length.
2. The Mayor and Borough Clerk are hereby authorized, instructed, and empowered to execute the Memorandum of Agreement on behalf of the Borough of Wildwood Crest for the period May 22, 2025 through September 14, 2025, said agreement embodies all of the mutual terms, understandings and conditions.
3. This Resolution shall take effect as provided by law.

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. 25-96

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST ACCEPTING WORK PERFORMED AND AUTHORIZING RELEASE OF PERFORMANCE BOND AND ACCEPTING MAINTENANCE BOND FOR THE BEACH STREET END PUBLIC ACCESS IMPROVEMENTS- PHASE 3 - CONTRACT

WHEREAS, the contract for the **BEACH STREET END PUBLIC ACCESS IMPROVEMENTS – PHASE 3** was awarded to South State, Inc., PO Box 68, Bridgeton, New Jersey 08302 via Resolution No. 24-70 on February 7, 2024; and

WHEREAS, South State, Inc., posted a **Performance Bond No.: 107971945** from **Travelers Casualty and Surety Company of America** in the amount of **\$1,771,250.00** ensuring the Borough of Wildwood Crest; and

WHEREAS, the Borough's project engineer, Marc DeBlasio, P.E., P.P., C.M.E. of DeBlasio & Associates, P.C., by letter dated January 20, 2025 which is incorporated herein, reports to the Borough that **South State, Inc.**, has completed the project in substantial conformance with the contract documents including all approved change orders, field modifications and accepted as-built plans; and

WHEREAS, the project engineer further recommends that the Borough release the performance bond and accept the submitted **Maintenance Bond No.: 107971945M** from **Travelers Casualty and Surety Company of America** in the amount of \$1,715,809.21.

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. The above recital paragraphs are incorporated herein as if set forth at length.
2. That the plan and design as set forth in the Specifications prepared by **DeBlasio & Associates, P.C.**, as modified by approved change orders, field modifications and as depicted in the accepted as-built plans for the **BEACH STREET END PUBLIC ACCESS IMPROVEMENTS – PHASE 3** are hereby approved and accepted.
3. That the above improvements performed by **South State, Inc.**, are hereby approved and accepted.
4. That the Clerk is hereby authorized to release the performance bond conditioned upon acceptance of the appropriate maintenance bond.

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. 25-97

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AMENDING GREEN TEAM RESOLUTION NO. 22-364 ADOPTED ON DECEMBER 28, 2022 TO ALLOW FOR A COMPOSITION OF FIVE TO SEVEN (5-7) MEMBERS AND AUTHORIZING RE-APPOINTMENT OF JAMES MCGINTY WITH TERM EXPIRING DECEMBER 31, 2026

WHEREAS, the Board of Commissioners adopted Resolution No. 22-364 on December 28, 2022, which amended the composition to thirteen (13) members to the Wildwood Crest Green Team; and

WHEREAS, the Board of Commissioners desires to amend the Green Team composition to allow for a Five to Seven (5-7) members.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, New Jersey that Green Team shall now consist of Five to Seven (5-7) members and the current roster shall be as follows with expiration terms:

<u>Appointee</u>	<u>Term to Expire</u>
Jeanne Marino	12-31-2025
Cathy Filerino	12-31-2025
David Mears	12-31-2025
Julia Tait	12-31-2026
Douglas Tranter	12-31-2026
James McGinty	12-31-2026

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. 25-98

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST CANCELING ERRONEOUS 2024 AND 2025 SEWER RENTS IN THE AMOUNT OF \$248.00 FOR PROPERTY LOCATED AT 110 WEST WISTERIA 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 2024 and 2025; and

WHEREAS, sewer account 4989-0, at 110 West Wisteria Road had no water meter installed for the year 2023 and 2024, the sewer rents levied in 2024 and 2025 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
44/39/C0110 4989-0	Anderson, Diana and Christopher 110 West Wisteria Road 2024 and 2025 Sewer Rents	\$248.00

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 2024 and 2025.

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. 25-99
RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF
WILDWOOD CREST AUTHORIZING AWARD OF CONTRACT FOR LANDSCAPING
SERVICES – BOROUGH CONTRACT #2025-2**

WHEREAS, a Notice to Bidders was authorized for advertisement by Resolution No. 25-60 on January 22, 2025 for the Borough of Wildwood Crest contract for the LANDSCAPING SERVICES- BOROUGH CONTRACT #2025-2; and

WHEREAS, Notice to Bidders was advertised in the *Herald of Cape May County* on January 29, 2025 with receipt of sealed bids on February 25, 2025 at 10:30 a.m.; and

WHEREAS, two sealed bid proposals were received, opened and reviewed on February 25, 2025 by the Bid Opening Committee who reviewed the bid proposal and determined that A. GUZZO LANDSCAPING, LLC, 111 Pleasant Avenue, Absecon, New Jersey 08201 was the lowest responsive bidder in the amount of \$52,000.00 for the LANDSCAPING SERVICES- BOROUGH CONTRACT #2025-2; and

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest has reviewed the recommendations made by the Bid Opening Committee as well as the bid tabulation and recommendation, and Borough Solicitor recommending the award in a letter dated February 25, 2025 to A. GUZZO LANDSCAPING, LLC, 111 Pleasant Avenue, Absecon, New Jersey 08201; and

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

Account Number(s) _____ Amount \$52,000.00 Signature_____

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. The above recital paragraphs are incorporated herein as if set forth at length.
2. The LANDSCAPING SERVICES- BOROUGH CONTRACT #2025-2 is hereby awarded to A. GUZZO LANDSCAPING, LLC, 111 Pleasant Avenue, Absecon, New Jersey 08201, the lowest responsive bidder.
3. The award of this contract is contingent upon compliance with all terms, conditions and requirements set forth in the Notice to Bidders; Bid Specifications and Information Packet and other Bid Documents and certification from the Chief Financial Officer as to the availability of funds.
4. The Mayor and the Borough Clerk are hereby authorized and empowered to enter into a formal contract with A. GUZZO LANDSCAPING, LLC, 111 Pleasant Avenue, Absecon, New Jersey 08201 in accordance with this Resolution, Notice to Bidders, Bid Specifications and Information Packet and the submitted bid proposal.
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.

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. 25-100

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING BOROUGH ENGINEER WORK ORDER FOR 2025 ROAD RESURFACING PROGRAM - AT THE NTE SUM OF \$20,000

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest desires to authorize issuance of a Work Order to the Borough Engineer, Marc DeBlasio and the Firm of DeBlasio & Associates for the **2025 ROAD RESURFACING PROGRAM** for engineering costs which are more specifically set forth in the attached Proposal from Marc DeBlasio and the Firm of DeBlasio & Associates, dated **March 5, 2025** which is made a part hereof by reference as if fully set forth at the billable rates set forth in the professional services agreement between Marc DeBlasio and Borough not to exceed **\$20,000.00**; and

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

Account Number(s) _____ Amount _____ Signature _____

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

1. The above recital paragraphs are incorporated herein as if set forth at length.
2. The Mayor and Borough Clerk are hereby authorized and empowered to execute the attached Work Order authorizing MARC DEBLASIO and DEBLASIO & ASSOCIATES to perform the professional engineering costs as described in the Proposal which is hereby approved, at the billable rates set forth in the professional services agreement between Marc DeBlasio and Borough not to exceed **\$20,000.00**.

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. 25-101

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST OPPOSING ATLANTIC CITY ELECTRIC'S 17.23% ELECTRICITY RATE INCREASE, CALLING ON AC ELECTRIC TO WITHDRAW THEIR APPLICATION TO THE NJBPU FOR ADDITIONAL 8% INCREASE UP FOR CONSIDERATION IN APRIL, 2025 AND CALLING ON MEMBERS OF THE NJBPU TO RESIGN IMMEDIATELY DUE TO THEIR FAILURE TO UPHOLD THEIR FIDUCIARY DUTY AS BOARD MEMBERS

WHEREAS, many residents throughout the Borough of Wildwood Crest, Cape May County and the greater South Jersey area continue to experience unexplainable increases in their Atlantic City Electric (ACE) utility bills, exacerbating financial distress amid rising costs of living; and

WHEREAS, on October 2, 2024, the Board of Commissioners of the Borough of Wildwood Crest adopted Resolution 24-280 calling for a public hearing and investigation into the unexplainable energy bill increases issued by Atlantic City Electric (ACE); and

WHEREAS, after Congressman Van Drew's office fielded several constituent complaints and compiled extensive data from thousands of residents indicating ACE energy bill increases as high as 400%, on October 8th at a Public Hearing in Mays Landing, Congressman Van Drew called for a federal audit of AC Electric bills; and

WHEREAS, the New Jersey Board of Public Utilities (NJBPU's) BGS auction is an opportunity for electric distribution companies in New Jersey to bid to procure electricity supply for customers, essentially setting the price for the standard electric rates through a competitive bidding process; and

WHEREAS, despite Congressman Van Drew's efforts to find answers to why ratepayers across the Borough of Wildwood Crest, Cape May County and the greater South Jersey area have experienced unexplained increases in their ACE utility bills, this year's BGS audit resulted in ratepayers receiving an additional rate increase of 17.23%, set to go into effect in June of this year; and

WHEREAS, the increased electricity rates will place an undue burden on residents and businesses of the Borough of Wildwood Crest and Cape May County, many of whom are already struggling with inflation, a housing shortage, and other economic challenges like environmental injustice issues promulgated by the State's proposed NJPACT REAL Rules; and

WHEREAS, Atlantic City Electric being a subsidiary of the Exelon Corporation, an IPO with a market cap of over \$43 billion, raises serious concerns about corporate profits being prioritized over the well-being of Borough of Wildwood Crest and Cape May County residents; and

WHEREAS, it is the mission of the NJBPU to protect ratepayers and ensure fair and reasonable utility rates, yet these recent actions appear to be contrary to their mission; and

WHEREAS, it is the responsibility of government officials at all levels to advocate for fair and reasonable utility rates that do not unduly burden taxpayers and residents.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Borough of Wildwood Crest formally expresses the following:

1. The Board of Commissioners of the Borough of Wildwood Crest hereby opposes ACE's approved 17.23% electricity rate increase, and urges the NJBPU, Governor, and State Legislature to do everything within their power to reverse this decision, in the interest of the residents of the Borough of Wildwood Crest, Cape May County, and the greater Southern New Jersey area that encompasses all 550,000 AC Electric customers.
2. The Board of Commissioners of the Borough of Wildwood Crest further calls upon ACE to withdraw their application to the NJBPU for an additional 8% increase that is up for consideration in April, 2025.
3. The Board of Commissioners of the Borough of Wildwood Crest hereby calls upon ACE, Pepco Holdings, and Exelon Corporation to publish their internal audit that resulted from Congressman Van Drew's meeting in December.
4. The Board of Commissioners of the Borough of Wildwood Crest hereby calls on all members of the NJBPU to resign immediately due to their failure to uphold the fiduciary duty to look out for the best interest of the ratepayers.
5. The Board of Commissioners of the Borough of Wildwood Crest hereby authorizes copies of this Resolution be forwarded to the Offices of Congressman Van Drew, Governor of the State of New Jersey, the New Jersey Board of Public Utilities, the Office of New Jersey's Legislative District 1 – Senator Testa, Assemblyman Simonsen, Assemblyman McClellan, all 16 Municipal Clerks of Cape May County, and AC Electric, Pepco Holdings, and Exelon Corporation.

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. 25-102

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING AWARD OF PROPRIETARY PURCHASE OF GOODS OR SERVICES WITH GRANTURK FOR REPAIR OF STREET SWEEPER AT NTE SUM OF \$32,701.56

WHEREAS, there exists the need for the "Proprietary Purchase of Goods and Services" for repair of street sweeper under Specialized Nature and Emergent Situation for Gran Turk to repair a street sweeper that is a product that they are the only one in New Jersey that repairs the brand and as directed by the authorized representatives of the Borough of Wildwood Crest, all as more specifically set forth in the attached Contract which is made a part hereof by reference as if fully set forth; and

WHEREAS, the Contract is awarded without competitive bidding as a "Proprietary Purchase of Goods & Services" under the provisions of the Local Public Contracts Law pursuant to N.J.S.A. 40A:11-2(39), N.J.A.C. 5:34-9.1 which states that no local unit shall be required to advertise for bids for services which are of such a qualitative nature as will not reasonably permit the drawing of specifications or the receipt of competitive bids, all of which classification the aforesaid contract falls within; 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 Proprietary Purchase of Goods & Services because the service requires unique specialized nature and characteristics for repair and abilities that are of a qualitative nature; and

WHEREAS, Gran Turk has completed and submitted a Business Entity Disclosure Certification which certifies that he will not make any reportable contributions pursuant to N.J.S.A. 19:44A-1 to any political committee or candidate through the term of this contract.

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

Account Number(s) _____ Amount \$32,701.56 Signature _____

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. 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.

2. That a copy of the specific items appertaining to the award of this contract shall be published in a Notice of Award in *The Herald of Cape May County* as required by law within ten (10) days of passage of the Resolution authorizing same.

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. 25-103

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING AWARD OF PROFESSIONAL SERVICES CONTRACT FOR SPECIALIZED LEGAL SERVICES TO MARK HEINZELMANN AND THE LAW FIRM OF PARKER MCCAY, P.A. AT THE NTE SUM OF \$5,000

WHEREAS, the Borough of Wildwood Crest requires the professional services of a law firm specializing in a legal issues associated with a dredge project; and

WHEREAS, it is desired to employ a professional, pursuant to law, who is duly trained, experienced and specialized in the area of specialized counsel; and

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

WHEREAS, the Borough has determined that **MARK HEINZELMANN AND THE LAW FIRM OF PARKER MCCAY, P.A.** are qualified to perform said work and it is desired to enter a professional contract with them for said services pursuant to law, and to provide for the advertising of a notice pursuant to law; 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, **MARK HEINZELMANN AND THE LAW FIRM OF PARKER MCCAY, P.A.** has completed and submitted a Business Entity Disclosure Certification which certifies that **MARK HEINZELMANN AND THE LAW FIRM OF PARKER MCCAY, P.A.** will not make any reportable contributions pursuant to N.J.S.A. 19:44A-1 commencing March 12, 2025 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: at NTE \$5,000.00 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. **MARK HEINZELMANN AND THE LAW FIRM OF PARKER MCCAY, P.A.** is hereby retained as Special Counsel to provide specialized professional services for legal issues associated with a dredge project for the period ending March 12, 2026.
2. The Mayor and Borough Clerk are hereby authorized and empowered to enter into a contract with **MARK HEINZELMANN AND THE LAW FIRM OF PARKER MCCAY, P.A.** for specialized professional services in the field of litigation for a term of the period indicated above, which contract shall provide for payment at **not to exceed sum of \$5,000.**
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, 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. 25-104
RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF
WILDWOOD CREST AUTHORIZING THE CHIEF FINANCIAL OFFICER TO PAY THE
PRESCRIBED FLAT RATE PER HOUR TO LAW ENFORCEMENT PURSUANT TO THE
2025 DISTRACTED DRIVING CRACKDOWN GRANT**

WHEREAS, on Friday, February, 28th 2025, the Borough of Wildwood Crest was awarded a grant from the New Jersey Division of Highway Traffic Safety for its 2025 U Drive U Text U Pay Distracted Driving Enforcement Mobilization; and

WHEREAS, the 2025 Distracted Driving Crackdown Grant is a federally funded grant project that consists of an enforcement overtime campaign that runs from April 1-30, 2025; and

WHEREAS, the 2025 Distracted Driving Crackdown Grant will pay for overtime enforcement during the approved crackdown period, with a maximum rate to be reimbursed of \$70.00 per hour; and

WHEREAS, this is a reimbursement grant and as such, participating departments will incur all costs and then submit the necessary documentation to the Division of Highway Traffic Safety for reimbursement; and

WHEREAS, the Borough of Wildwood Crest received notification of award in the amount of \$2,800.00 on February 28th, 2025.

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 pay flat rate of \$70.00 per hour to law enforcement pursuant to the 2025 Distracted Driving Crackdown Grant.

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:

-Brian Schwartz email read into record by the Clerk:

“To whom it may concern:

Although I am unable to attend the morning board meeting on 3/12 due to work obligations, I ask that you please share this as part of the public comment:

I provide my full support for a resolution that withdraws Wildwood Crest from the DEP dune project. The beach markup on Heather Rd confirmed my major concerns about the detrimental effects this project would have on Wildwood Crest beaches. We cannot allow our beautiful beaches to be destroyed. Sand for North Wildwood can be sourced from offshore areas as it was last spring and we already have healthy dunes in Wildwood Crest.”

Brian Schwartz”

“Wellness on the Agenda” Laura Farrall

The Mayor’s Wellness Committee is an advisory board and think tank for the Mayor’s Wellness Campaign. This diverse group represents the demographics of Wildwood Crest. There are 14 members, and we meet quarterly. Our last meeting was held Feb 4 and the next meeting May 6. We have a total of 25 or more projected initiatives for the year. The Wellness monthly calendar of events is featured on wildwoodcrest.org

Crest Memorial Mayor's Wellness Art Contest- This year, children are designing a personal deck of affirmation cards with a gift box under the direction of the art teacher, Linda Ennis. The winners will be chosen in June.

Adult Fitness-A total body strength training fitness program designed for mature adults. This class meets at Crest Pier Recreation 3 x a week. Get fit, make friends and have fun on Monday, Tuesday, and Thursday, at 10 am.

Walking Wednesdays – Free weekly 30-minute choreographed dance fitness program meets weekly at 9-9:30 am. This is a fun filled low impact aerobics program.

Pink T-shirt Sales- In October, shirts were sold to support Breast Cancer Awareness.

Zumba Pink Party- A dance party held to raise awareness and money in the battle against breast cancer.

Latin Pump-This was an adult exercise program featuring dance and light weight sculpting and was held in the evening at Crest Pier through December of 2024.

The Food Exchange- This was an online community forum designed to encourage discussion and information on food, nutrition and healthy living. This was featured on the Mayors Wellness Campaign page - www.facebook.com/wwwcwellness

File of Life Program-This was a free program presented by William Cripps and our EMS team and in partnership with AARP. File of Life is a national program that provides first responders with the information that they need to help provide the best care for individuals in the event of an emergency. Attendees were given a magnet which provides a template to list medical history, pharmaceuticals, and emergency contacts. The file is hung on the refrigerator for easy access. This provides a valuable resource for paramedics to ensure safety in the event of an emergency.

Holiday Food Drive (ongoing) – food and personal care products are collected at Crest Pier Recreation and the CAP Center to support local food pantries.

Wildwood Crest Holiday Lights Walk- The community came together for a walk along Sunset Lake and surrounding neighborhoods to view holiday light displays. This is a festive annual fitness event.

Ongoing and projected 2025 activities-

2025 Wellness Questionnaire- We conducted an anonymous wellness survey. The information gathered helps us to design programming based upon community needs and interests.

We received Walmart Grant funding thanks to NJHCQI and have developed wellness programming for seniors and children.

(NEW) Fit Kids- This weekly class features aerobics, dance fitness and yoga. Dance to the beat of top 40 music. Open to children ages 9-12. Parents must complete a student registration form. There is no fee. Bring water and wear sneakers. The class meets on Tuesdays, from 4:30-5:20 pm, and began on March 4.

(NEW) Wellness Workshop- This is a mindfulness class featuring gentle chair and standing yoga, stretching, balance exercises, movement and synchronized breathwork, sound bath meditation, and journaling. Seniors, Veterans, those with limited physical abilities and all who are interested are welcome. There is no fee. The class meets weekly on Tuesdays, at Crest Pier, from 5:30- 6:20 pm.

Mayor's Wellness Checklist Challenge for Crest Memorial Students- This initiative is for the students, parents and staff at Crest Memorial School and the public. Participants were given a check list of wellness activities to engage in and complete during February and March. All participants will receive a Team Iron Mayor baseball cap.

Lunch & Learn- 2/26 We hosted a lecture in partnership with Cooper Cape Regional Hospital. The Lunch & Learn event was held at the Crest Pier Recreation Center. Dr. Meena Sharma led a talk on integrative medicine. She discussed how stress affects the body and provided useful tips and healing strategies including mindfulness activities and guided meditation.

100 Mile Virtual Race- This is an honor-based community challenge featured on Facebook. Participants walk, run, swim, cycle, or pedal the elliptical during the first 30 days of March. Individual miles are recorded. Winners will be announced.

Champion of Wellness Ceremony- We will be hosting the second annual Champion of Wellness Ceremony for the community. The event includes a ceremony honoring our new wellness champions and a celebratory luncheon. This event will take place at the CAP Center Saturday, March 22 from 11am- 12pm.

An Informal Chat With Shane Moyer- Meet Shane Moyer, a Wildwood Crest Police Officer. He knows from personal experience what it is like to live with diabetes 1. He wants to share his story to offer hope to anyone who might be struggling with the condition. Shane will discuss how he thrives through personal care and health management. Join us for this open format discussion at Wildwood Crest Recreation 5800 Ocean Avenue, Wildwood Crest on Saturday, April 12, 2025, from 11:00 am-12:00 pm.

Mayor's Wellness Walk- Our annual community walk with Mayor Don Cabrera will be held on Saturday, May 17 at 8:30 am. We will meet on the porch of Crest Pier. The first 75 participants will receive a wellness shirt.

Employee Wellness Day- A licensed medical/ sports massage therapist will be made available to employees by appointment only to discuss pain/injury management and receive diagnosis, short tissue mobilization, assisted stretching, and manual therapy to alleviate minor body aches and pains. Employees are invited to participate in a free spin class at Shore Fitness with their co-workers on a Saturday morning. Dates to be announced. Additionally, Shore Fitness has offered reduced membership fees to all Borough employees as an incentive to boost greater wellness.

Health & Environmental Wellness Expo-This health information event will include health professionals, medical screenings, fitness demos, and over 33 wellness vendors. We will be expanding our event this year to include vendors specializing in clean environmental solutions. Representatives will share information on beach cleanup, recycling, mosquito control, solar panels, conservation, organic gardening. This event is set for Wednesday June 11, 10 am-1 pm at Crest Pier Recreation.

We have been selected by NJHCQI to once again hold the title, "New Jersey Healthy Town," for the 5th year in a row.

The mayor congratulated Laura on her hard work along with the Wellness Committee.

DISCUSSION:

NEW BUSINESS: N/A

OLD BUSINESS:

- Bicycle safety – bike path:** The Commissioner of Public Safety indicated will have some directional signage along the bike path pre-season.
- 250th birthday committee-** Volunteers are still being solicited.
- WC Municipal App-** A zoom meeting was held and we are currently reviewing quotes.
- Historical museum - 2025** – On hold.
- Concession agreement hotel zone / beach chairs** – On hold.
- Traffic Calming** – Nothing from the county so far, but the borough will address in the I Bank Bond Ordinance.
- Back Beach Excavation:** Under the current beach maintenance IP, the back beach grading /excavation can be done in house. The Engineer indicated that he needed to survey the beach and stake out the area.
- Dredging:** The DOT is still in the acquisition phase.
- NJ Avenue infrastructure pre-county:** Borough needs to do infrastructure work prior to the county starting in 2026 and we introduced a bond ordinance today so we can begin construction after the summer.
- PW roof:** Wrapping this project up. Can be removed for next agenda.
- Washington / Seaview – beach outfalls and capacity:** Waiting on info on FEMA grant and funding and word from Congressman Jeff Van Drew.
- US ACE / NJ DEP Dune:** The Mayor summarized where the borough currently sits with the project. The borough received a letter from the DEP dated March 11, 2025 regarding the dune project and that they have a firm deadline to hear back from the borough on March 18, 2025. The mayor noted the letter was available at the clerk's office; he also indicated that he asked the engineer to use drone video footage to depict the proposed changes so the public could visualize the potential changes to the beach. The video was played and the mayor commented on it and thanked the engineer for putting together a great video.

COMMENTS FROM AUDIENCE AFTER VIDEO WAS SHOWN:

1. Dave McWilliams: taking sand and the water line moves how much? It was noted that every 100 feet, there is a 1 foot drop. He also wanted to know if the other municipalities were expressing reluctance. The Mayor indicated that the borough sent a letter expressing concerns and the DEP shot down the asks presented. It was his understanding that North Wildwood is for the project; Wildwood appears to be opposed; the privately owned beaches in Lower Township seem to be opposed; and the Township of Lower is neutral.
2. Joyce Gould, former Mayor, former Deputy Mayor noted the homes and beaches are beautiful but expressed concern when the big storm hits. She noted that our tax value for the Crest is \$2,385,210,900.00 and wanted the governing body to think long and hard before committing to opposing the project and she believed it to be a mistake.
3. Joe Viscomi asked if the borough agrees to back out of the project, will they still go through with it? USACE funding will be allocated elsewhere. He said he worried about the effect the changes will have on mother nature and it seems the dunes are constantly being built up. The Mayor added that the DEP wants to eliminate part of our existing dunes and push back the dune system and build up. Mr. Viscomi asked if the current dunes can be built up (with CAFRA permit). The mayor noted that 10-12 years ago, Wildwood Crest allowed sand to be harvested and sent to North Wildwood and it took 4 years for it to be built back up. Lastly, Mr. Viscomi mentioned the video was great, but perhaps you should show the cut to show the 6 feet drop. Mr. Franco posed the question of congressional funding and if there is no funding in four years, it comes back to the taxpayer of Wildwood Crest. Mrs. Gould noted that if the borough doesn't go through with it, there won't be good relations between the DEP and the borough. The mayor said that the borough must do its due diligence to make the best decision. Mr. Schiff noted that the beach is our boardwalk.
4. Carl Schmoyer noted that he is a Wildwood resident and noted the following:
 - When sand was taken 4 years ago from both Wildwood Crest and Wildwood, ponding still occurs on the beaches from Leaming Avenue to Rio Grande Avenue.
 - Borrow Area "C" contradicts what the DEP stands for: they want to destroy a current dune system that was naturally built 25 + years ago and there is a lot of wildlife in those dunes.

-The potential 6ft drop (1 foot for every 100 feet) can potentially have injuries and who can predict what will happen.

The Mayor added there are two aspects to consider: sand transportation to North Wildwood and building a dune (we already have a robust dune in place). He would like to see the problem in North Wildwood addressed and possibly dredge Hereford Inlet instead of taking sand from our beaches. He noted that he is always happy to discuss all options.

-Borough Hall Renovations: The Mayor indicated there is a meeting on Friday with an architect and a structural report would be needed. Mr. Franco asked the Engineer for hard numbers for this project. The Engineer also mentioned they would be looking at the structure behind the police department that was used for storage and evaluate it for either renovating or building new. The exterior of the building at borough hall seems to be coming apart and they would also be looking at the interior. The Engineer indicated that there was a preliminary review of the building (feasibility structural review) done previously and it will be revisited.

PUBLIC COMMENTS: (Five minutes maximum)

Commissioner Comments: NONE

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 25-105

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 three (3) 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, February 5, 2025 at 9:30 A.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 _____

x “(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 vehicle ramming / safety along bike path.

 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 for dune project.

 x “(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 is the Interviews for borough administrator position.

 “(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.

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

Vote: Schiff - Franco – Cabrera – YES

The time was 10:27 a.m. and the meeting adjourned for a few minutes to go into Closed Session.

In between Closed Session I and II, and returning to Open Session, the Clerk noted no one present, and

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 25-106

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING AWARD OF PROFESSIONAL SERVICES CONTRACT FOR SPECIALIZED LEGAL SERVICES TO MARK HEINZELMANN AND THE LAW FIRM OF LOWENSTEIN SANDLER AT THE NTE SUM OF \$25,000

WHEREAS, the Borough of Wildwood Crest requires the professional services of a law firm specializing in a legal issues associated with dune litigation; and

WHEREAS, it is desired to employ a professional, pursuant to law, who is duly trained, experienced and specialized in the area of specialized counsel; and

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

WHEREAS, the Borough has determined that **MARK HEINZELMANN AND THE LAW FIRM OF LOWENSTEIN SANDLER** are qualified to perform said work and it is desired to enter a professional contract with them for said services pursuant to law, and to provide for the advertising of a notice pursuant to law; 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, **MARK HEINZELMANN AND THE LAW FIRM OF LOWENSTEIN SANDLER** has completed and submitted a Business Entity Disclosure Certification which certifies that **MARK HEINZELMANN AND THE LAW FIRM OF LOWENSTEIN SANDLER** will not make any reportable contributions pursuant to N.J.S.A. 19:44A-1 commencing March 12, 2025 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: at NTE \$25,000.00 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:

5. **MARK HEINZELMANN AND THE LAW FIRM OF LOWENSTEIN SANDLER** is hereby retained as Special Counsel to provide specialized professional services for legal issues associated with a dredge project for the period ending March 12, 2026.
6. The Mayor and Borough Clerk are hereby authorized and empowered to enter into a contract with **MARK HEINZELMANN AND THE LAW FIRM OF LOWENSTEIN SANDLER** for specialized professional services in the field of litigation for a term of the period indicated above, which contract shall provide for payment at **not to exceed sum of \$25,000.**
7. 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.
8. 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 meeting returned to Closed Session at 12:02 pm for the Third Closed Session Item: Borough Administrator Interviews.

After returning to Open Session and there being no one present, Mr. Franco motioned and Mr. Schiff seconded that the meeting be adjourned. The time was 3:10 pm.

Dated: March 26, 2025

Patricia A. Feketics, Borough Clerk

