

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

March 6, 2024

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 on October 4, 2023 and The Press on December 13, 2023.

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

The Mayor indicated that the meeting currently had no audio or streaming ability and that it was being addressed.

Mr. Franco motioned and Mr. Schiff seconded that Ordinance No. 1424 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. 1424

**ORDINANCE OF THE BOROUGH OF WILDWOOD CREST
AMENDING AND SUPPLEMENTING CHAPTER 47 PARKING METERS
OF THE CODE OF THE BOROUGH OF WILDWOOD CREST TO
CONSOLIDATE PARKING METER ZONES TO A SINGLE PAID
PARKING ZONE AND TO FURTHER DEFINE AND REGULATE THE
USE OF WEB-BASED PARKING SYSTEMS**

Mr. Franco motioned and Mr. Schiff seconded that a public hearing be held on Ordinance No. 1424.

Vote: Schiff - Franco – Cabrera – YES

After hearing nothing from the public, Mr. Franco motioned and Mr. Schiff seconded that the public hearing be held on Ordinance No. 1424 now be closed.

Vote: Schiff - Franco – Cabrera – YES

Mr. Franco motioned and Mr. Schiff seconded that Ordinance No. 1424 be passed on second reading and advertised according to law.

Vote: Schiff - Franco – Cabrera – YES

Mr. Franco motioned and Mr. Schiff seconded that Ordinance No. 1425 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. 1425

**ORDINANCE OF THE BOROUGH OF WILDWOOD CREST
AMENDING AND SUPPLEMENTING ARTICLE XI OF CHAPTER 79
VEHICLES AND TRAFFIC, OF THE CODE OF THE BOROUGH OF
WILDWOOD CREST TO REGULATE PUBLICLY-ACCESSIBLE
ELECTRIC VEHICLE CHARGING STATIONS**

Mr. Franco motioned and Mr. Schiff seconded that a public hearing be held on Ordinance No. 1425.

Vote: Schiff - Franco – Cabrera – YES

After hearing nothing from the public, Mr. Franco motioned and Mr. Schiff seconded that the public hearing be held on Ordinance No. 1425 now be closed.

Vote: Schiff - Franco – Cabrera – YES

Mr. Franco motioned and Mr. Schiff seconded that Ordinance No. 1425 be passed on second reading and advertised according to law.

Vote: Schiff - Franco – Cabrera – YES

Mr. Franco motioned and Mr. Schiff seconded that Ordinance No. 1426 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. 1426
ORDINANCE TO ESTABLISH CAP BANK FOR
CY2024 PURSUANT TO N.J.S.A. 40A:4-45.14**

Mr. Franco motioned and Mr. Schiff seconded that a public hearing be held on Ordinance No. 1426.

Vote: Schiff - Franco – Cabrera – YES

After hearing nothing from the public, Mr. Franco motioned and Mr. Schiff seconded that the public hearing be held on Ordinance No. 1426 now be closed.

Vote: Schiff - Franco – Cabrera – YES

Mr. Franco motioned and Mr. Schiff seconded that Ordinance No. 1426 be passed on second reading and advertised according to law.

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

**RESOLUTION NO. 24-95
RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF
WILDWOOD CREST OPPOSING THE STATE OF NEW JERSEY'S NEW PROPOSED
SHORE PROTECTION RULE**

WHEREAS, the State of New Jersey is proposing a new shore protection rule that would allow for the State Department of Environmental Protection (DEP) to restrict access to tidal waters and adjacent shorelines to protect threatened and endangered species of wildlife and their critical habitats; and

WHEREAS, while the Borough recognizes and understands the importance of the Department's service to protect critical habitat areas and endangered species throughout the State, the Borough has concern, for reasons including but not limited to public safety and recreational public access, that the DEP's proposed new rule would expand seasonal closures of beaches, tidal waterways, and beach entranceways during the peak tourism season in shore communities in the County; and

WHEREAS, according to the State of New Jersey website, the DEP promotes public access and use of tidal waterways and their shores based on the common law of the Public Trust Doctrine, which provides for public rights to tidal waterways and their shores and further establishes the right of the public to fully utilize these lands and waters for a variety of public activities; and

WHEREAS, in the DEP's stakeholder presentation on September 19, 2023 that outlined the new proposed rule, there is a reference to a series of pictures to serve as examples of "injurious uses" that would trigger the restriction for access; and

WHEREAS, those references to "injurious uses" include pictures of footsteps on the beach, walking along the shoreline, shoreline access by boat, and accessing the beach with an unleashed dog; and

WHEREAS, expanding the DEP's ability to restrict access to the public and municipal public safety departments to our waterways seems to be in conflict with the Public Trust Doctrine on which the State of New Jersey bases all of its public access rules; and

WHEREAS, with Cape May County's #1 industry being tourism and the Borough of Wildwood Crest beach being one of the main attractions for visitors to our Borough, restricting access to our public beaches may

result in an adverse impact on the local economy and consequently a decrease in the hundreds of millions of State tourism tax dollars that Cape May County and its municipalities generate for the State annually; and

WHEREAS, according to the Federal Department of Homeland Security’s Emergency Response Plan, the actions taken in the initial minutes of an emergency are critical; and

WHEREAS, while the Borough does its best to support the needs for emergency water response during the peak summer season, due to the seasonality and coastal geographical location of our area in combination with coastal storms that cause rough water conditions, water rescues and sadly, occasional fatal drownings, are a common occurrence throughout the Cape May County area; and

WHEREAS, if the State is to establish this new rule with no changes, the proposed restriction of access to local and County public safety departments including but not limited to Police Departments, Fire Departments, and Beach Patrols, for the purposes of emergency response, will put life and safety of the general public at risk; and

WHEREAS, historically, new rules issued by the NJDEP have been promulgated pursuant to legislation; and

WHEREAS, in this case, similar to the case with the State’s proposed NJPACT rules, there is no legislation that has authorized NJDEP to require more stringent requirements and restrictions on public lands; and

WHEREAS, Cape May County has requested its Environmental Consultant, Lomax Environmental to analyze the proposed rule and prepare a more detailed report of the detrimental impacts that this proposed new rule may have on Cape May County and its local communities, which is attached to this Resolution for reference as Exhibit A.

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

1. All of the allegations of the preamble are incorporated herein by this reference thereto as though the same were set forth at length.
2. A true copy of this Resolution and Report shall be submitted to the Offices of the State Representatives of Legislative District One, the Governor and DEP Commissioner of the State of New Jersey for their review and consideration in advance of release of the proposed new rule for public comment.
3. The New Jersey Legislature is urged to exercise its legislative oversight authority to review and approve the new proposed shore protection rule prior to adoption that may have significant impacts on coastal communities statewide, so as to ensure the fairness and the maximum public acceptance of those new proposed regulations.

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 24-96

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST CANCELING ERRONEOUS 2024 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 2024.

WHEREAS, sewer account 1386-2, at 7201 Ocean Avenue had no water meter installed for the year 2023, the sewer rents levied in 2024 should be canceled.

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
94.03/1 1386-2	Madison Wildwood Crest RE LLC 7201 Ocean Avenue 2024 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 2024.

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 24-97

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING EXPENDITURE TO RESURFACE TENNIS COURTS CONTRACT UNDER THE SOURCEWELL COOPERATIVE PURCHASING PROGRAM FOR THE PUBLIC WORKS DEPARTMENT

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 Resurfacing of Borough Tennis Courts; and

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

WHEREAS, Nickolaus Construction Inc. (#031022-AST) P.O. Box 2322, Vincentown, NJ 08088 has provided a quote for \$38,500.00; and

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

Account Number(s) C-04-55-138-8C2 Amount \$38,500.00

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 for the Resurfacing of Borough Tennis Courts contract based upon the quote received from Nickolaus Construction Inc. (#031022-AST) in an amount not to exceed \$38,500.00.

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 24-98

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING APPROVAL OF CHANGE ORDER NUMBER 3 – FINAL AND ACCEPTING WORK PERFORMED AND AUTHORIZING RELEASE OF PERFORMANCE BOND AND ACCEPTING MAINTENANCE BOND FOR RECONSTRUCTION OF SYRACUSE AVENUE (FY2022 NJDOT MUNICIPAL AID) DECREASING THE CONTRACT AMOUNT BY \$8,813.89 FOR A REVISED CONTRACT AMOUNT OF \$2,236,722.36

WHEREAS, **Asphalt Paving Systems Inc.**, PO Box 530, Hammonton, New Jersey 08037 was awarded the contract known as RECONSTRUCTION OF SYRACUSE AVENUE (FY 2022 NJDOT MUNICIPAL AID) - via Resolution No. 22-315 on October 26, 2022 for \$2,193,300.00 with the Borough's portion being \$1,873,566.25; and

WHEREAS, the Board of Commissioners authorized Change Order No 1 - RECONSTRUCTION OF SYRACUSE AVENUE (FY 2022 NJDOT MUNICIPAL AID) TO REFLECT ADDITIONAL WORK FROM BAYVIEW DRIVE FROM HOLLYWOOD AVENUE TO SYRACUSE AVENUE with an increase amount of \$340,472.00 all of which is detailed in the attachment to the Change Order and revising the Contract Price to \$2,533,772.00, with the Borough's portion being \$2,214,038.25; and

WHEREAS, Borough Engineer Marc DeBlasio of DeBlasio & Associates has reviewed the request for additional work for Bayview Drive from Hollywood Avenue to Syracuse Avenue and approves Change Order No 2 - RECONSTRUCTION OF SYRACUSE AVENUE (FY 2022 NJDOT MUNICIPAL AID) TO REFLECT ADDITIONAL WORK AT BAYVIEW DRIVE, PRESTON PARK AND INLET REPAIR WITH CONTRACTUAL REDUCTIONS with an increase amount of \$31,498.00 all of which is detailed in the attachment to the Change Order and revising the Contract Price to \$2,245,536.25; and

WHEREAS, upon recommendation from Marc DeBlasio of DeBlasio & Associates (the Borough Engineer), the Board of Commissioners of the Borough of Wildwood Crest wish to authorize Change Order No 3 – RECONSTRUCTION OF SYRACUSE AVENUE (FY 2022 NJDOT MUNICIPAL AID) to reflect As Built Quantity Reductions with a decreased amount of \$8,813.389 all of which is detailed in the attachment to the Change Order and revising the Contract Price to \$2,236,722.36.

WHEREAS, **Asphalt Paving Systems Inc.**, PO Box 530, Hammonton, New Jersey 08037 posted a **Performance Bond No. 0823314** from **Harco National Insurance Company** in the amount of **\$1,873,566.25** ensuring the Borough of Wildwood Crest; and

WHEREAS, the Borough's Engineer, Marc DeBlasio, P.E., P.P., C.M.E., of DeBlasio & Associates, P.C., by letter dated **August 31, 2023** which is incorporated herein, reports to the Borough that **Asphalt Paving Systems**

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 Borough's Engineer recommends that the Borough release the Performance Bond and accept the submitted **Maintenance Bond No. 0823314 from Harco National Insurance Company** in the amount of **\$2,236,722.36**.

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. The Mayor and the Borough Clerk of the Borough of Wildwood Crest are hereby authorized and directed to execute and attest said Change Order #3 FINAL on behalf of the Borough of Wildwood Crest.
3. 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 **RECONSTRUCTION OF SYRACUSE AVENUE (FY 2022 NJDOT MUNICIPAL AID)** are hereby approved and accepted.
4. That the above improvements performed by **Asphalt Paving Systems Inc.**, PO Box 530, Hammonton, New Jersey 08037 are hereby approved and accepted.
5. That the Clerk is hereby authorized to release the performance bond conditioned upon acceptance of the appropriate maintenance bond.

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 24-99

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING AWARD OF PROFESSIONAL SERVICES CONTRACT FOR SPECIAL COUNSEL FOR GENERAL LEGAL SERVICES PERTAINING TO PUBLIC UTILITY LAW AT THE NTE SUM OF \$5,000

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest has determined that there exists the need for a Special Counsel for general legal advice concerning public utility law for the Borough of Wildwood Crest, 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, the Commissioners of the Borough of Wildwood Crest desire to appoint Joseph P. Baumann, Jr., of McManimon Scotland Baumann, LLC, to serve as special counsel to the Borough of Wildwood Crest to

handle all legal work necessary and as may be assigned by the Borough to represent the interests of the Borough of Wildwood Crest.

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 a contract for Special Counsel is awarded to Joseph P. Baumann, Jr., of McManimon Scotland Baumann, LLC.
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 the Mayor and Borough Clerk are hereby authorized and empowered to enter into a contract effective immediately through March 5, 2025, with Joseph P. Baumann, Jr., of McManimon Scotland Baumann, LLC who shall be compensated at the not to exceed sum of \$5,000.00.
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.

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 24-100

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING AWARD OF PROFESSIONAL SERVICES CONTRACT FOR SPECIALIZED LEGAL SERVICES TO CHRISTOPHER ORLANDO 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 **CHRISTOPHER ORLANDO 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 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

CHRISTOPHER ORLANDO AND THE LAW FIRM OF PARKER MCCAY, P.A. has completed and submitted a Business Entity Disclosure Certification which certifies that **CHRISTOPHER ORLANDO 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 5, 2024 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. **CHRISTOPHER ORLANDO 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 5, 2025.

2. The Mayor and Borough Clerk are hereby authorized and empowered to enter into a contract with **CHRISTOPHER ORLANDO 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.

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 24-101

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING APPROVAL OF CHANGE ORDER NO. 1 – SEAVIEW AVENUE INTERSECTION IMPROVEMENTS – TO REFLECT UPS BATTERY BACK UP UPGRADE - AT THE NTE SUM OF \$4,945.00

WHEREAS, Diehl Electric, Inc., 190 B S. 2nd Road, Hammonton, New Jersey 08037 was awarded the contract known as SEAVIEW AVENUE INTERSECTION IMPROVEMENTS- via Resolution No. 23-245 on September 6, 2023 for \$647,607.92; and

WHEREAS, Colliers Engineering & Design has reviewed the request for additional work for UPS BATTERY BACK UP UPGRADE and approves Change Order No 1 –**SEAVIEW AVENUE INTERSECTION IMPROVEMENTS** with an increase amount of \$4,945.00 all of which is detailed in the attachment to the Change Order and revising the Contract Price to \$652,552.92; and

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

Account Number: _____ Amount: \$4,945.00 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 1- increasing the total contract amount by \$4,945.00 and revising the contract price to \$652,552.92 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.

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 24-102

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING ADVERTISEMENT OF A NOTICE TO BIDDERS FOR 2024 ROAD RESURFACING PROGRAM

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 Borough Clerk is hereby authorized to advertise a Notice to Bidders in *The Herald of Cape May County* on March 13, 2024.

BE IT FURTHER RESOLVED that the plan and design as set forth in the Specifications on file in the Borough for **2024 ROAD RESURFACING PROGRAM** is hereby approved.

BE IT FURTHER RESOLVED Sealed bids will be received by the Bid Opening Committee in the Commissioner's Meeting Room, Wildwood Crest Borough Hall, on **Wednesday, April 3, 2024 at 10:00 a.m.**, prevailing time, for furnishing the items hereinafter set forth in accordance with the Specifications on file in the Borough Hall. Said items are as follows:

2024 ROAD RESURFACING PROGRAM

Vote: Schiff - Franco – Cabrera – YES

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

Vote: Schiff - Franco – Cabrera – YES

CORRESPONDENCE: N/A

NEW BUSINESS: N/A

-Street Openings Ordinance -

The Mayor indicated that our current ordinance needs to be updated and it is inconsistent with the restoration of the roadway, fee structures need updating, paving limits need to be addressed and the current ordinance is approximately 10 years old. The Engineer added that the ordinance needs to be tightened up and both Stone Harbor and Wildwood will be updating their ordinances to reflect similar changes. He added the process of installing curbs/driveways will be addressed as well as including when a complete permit is needed and infrared paving to name a few changes. The governing body members agreed. If a draft ordinance could be ready shortly, maybe introduction of the ordinance could take place on March 27, 2024.

OLD BUSINESS:

-Lot at Rosemary and Seaview Avenues - The mayor asked the other members of the governing body if they still wanted to move forward with selling the lot. He added that the lot sits there and does not generate taxes and public works will be working to remove the shrubbery and debris and that selling the property is a better value. Mr. Schiff added that if sold, he wanted the money earmarked for something and added that the borough does not need the money at this point. Mr. Franco was fine with selling as well knowing the Borough will not get hit with Capital Gains tax. The Administrator added that the money could be designated in a resolution with multiple purposes and over a number of years if the governing body desired so. The Solicitor recommended doing a sealed bid and having a minimum bid (reserve). The governing body agreed to do some work on numbers.

-Concession agreement hotel zone / beach chairs- On Hold.

-Traffic Calming – Task 1 was authorized previously and there was no movement.

-Back Beach Excavation: On Hold pending USACE.

-Dredging: The Right of Way Team is currently negotiating with a landowner for acquisition of property for a CDF. Permitting efforts have already begun for Phase 2 of this project which will include Wildwood Crest.

-NJ Avenue infrastructure pre-county: The borough needs to do infrastructure prior to the County beginning in 2025-26.

-PW roof: Public works roof is on hold, but the roof will be checked out at the request of Traffic Safety personnel.

-Bayside outfalls and capacity / bulkhead repairs / replacement: Per the Engineer, permits were submitted and hopefully they will get word on the pump station soon.

-Washington / Seaview – beach outfalls and capacity: Waiting on grant application outcome from Mr. Rutala.

PUBLIC COMMENTARY:

Joe Viscomi asked the borough to reconsider selling the lot at Rosemary and Seaview Avenues and to keep the lot vacant for the open space. The mayor added this is in a residential community and it will not be a park. Mr. Viscomi wanted to see the shrubbery removed and to remain an open lot. The Mayor added that it is a business decision. Mr. Viscomi added that leaving the lot vacant could help with flood mitigation as well.

Michael Gericke added that he agreed with leaving the lot vacant since the borough is financially well off. It was noted the lot is deeded for a single family home only and the lot cannot be subdivided.

Commissioner Comments:

Mr. Franco – None.

Mayor Cabrera –

Mr. Schiff –

After hearing nothing further from the public, Mr. Schiff motioned and Mr. Franco seconded that the meeting be adjourned. All were in favor. The time was 9:54 a.m.

Dated: March 27, 2024

Patricia A. Feketics, Borough Clerk

