

**BOROUGH OF WEST WILDWOOD
COUNTY OF CAPE MAY
NEW JERSEY**

RESOLUTION 2014-089

**RESOLUTION APPROVING AND AUTHORIZING THE USE OF STATE APPROVED
VENDOR FOR USE OF PROCUREMENT CARD**

WHEREAS the Borough of West Wildwood, pursuant to N.J.S.A.40A:11-12a and N.J.A.C.5:34-7.29(c), may by resolution and without advertising for bids, purchase any 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 West Wildwood has the need to purchase goods or services utilizing State contracts; and,

WHEREAS N.J.S.A.40A:5-16 authorized the utilization of Procurement Cards (hereinafter "P-Cards") for the purchase of goods and services for limited transactions; and,

WHEREAS the Borough of West Wildwood desires to participate in the use of Procurement Cards; and,

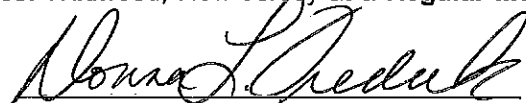
WHEREAS the Borough of West Wildwood intends to enter in to a contract with State Contract number T-1654 Vendor #84675 FIA Card Services, NA, A Bank of America Company, 750 Walnut Avenue, Cranford, NJ for services of State Procurement Card for a term of October 1, 2014 to October 1, 2016 ; and,

BE IT RESOLVED by the Board of Commissioners of the Borough of West Wildwood, County of Cape May, State of New Jersey that the Mayor is hereby authorized to execute a contract with Bank of America; and,

NOW, THEREFORE, BE IT RESOLVED that if required, by state law, Notice of this award shall be published in the appropriate edition of the Atlantic City Press.

	Motion	Second	Yes	No	Abstain	Absent
Mayor Christopher J. Fox		X	X			
Commissioner Scott W. Golden	X		X			
Commissioner Cornelius J. Maxwell						X

I, **Donna L. Frederick, RMC, Municipal Clerk** for the Borough of West Wildwood in the County of Cape May and State of New Jersey, do hereby certify that the foregoing is a correct and true copy of a Resolution adopted by the Board of Commissioners of the Borough of West Wildwood, New Jersey at a **Regular Meeting** held on **September 5, 2014**.



**Donna L. Frederick, RMC
Municipal Clerk**

**BOROUGH OF WEST WILDWOOD
COUNTY OF CAPE MAY
NEW JERSEY**

RESOLUTION 2014-090

**A RESOLUTION IN SUPPORT OF A NEW FEDERAL TRANSPORTATION
PROGRAM**

WHEREAS, transportation is fundamental to the vitality and strength of the Borough of West Wildwood and the State of New Jersey, its people, businesses and neighborhoods, its economy and public safety; and

WHEREAS, the transportation infrastructure is underfunded and in many ways inadequate to facilitate economic growth, businesses' distribution needs, downtown revitalization, and future population trends; and

WHEREAS, public transportation continues to gain riders yet suffers from a shortfall in funding; and,

WHEREAS, public transportation and other alternatives help alleviate traffic, minimize pollution and accommodate under served and environmentally aware residents; and

WHEREAS, road, highway, transit and bridge improvements have traditionally enjoyed bipartisan support in Congress; and

WHEREAS, federal transportation programs expire on September 30, 2014 and federal funding may run out before that time; and,

WHEREAS, the federal tax on gasoline has not been raised since 1993; and,

WHEREAS, the US Department of Transportation has warned states that funding for projects will cease; and

NOW, THEREFORE, BE IT RESOLVED in order to improve the economy and quality of life in the Borough of West Wildwood and to better ensure the safety of our citizens, it is hereby resolved and enacted by the Governing Body of the Borough of West Wildwood does hereby endorse and support efforts to pass a bipartisan, long term funding program for transportation; and,

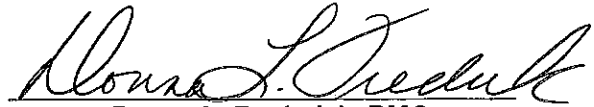
BE IT FURTHER RESOLVED, that Congress move quickly on a long-term program for highway, bridge, and transit that provides local officials a voice in selecting the projects that encourage economic vitality, strengthen neighborhoods and public safety, and

BE IT FURTHER RESOLVED, that uncertainty in funding will cause projects to be delayed, result in the loss of economic activity and hurt business mobility and threaten economies, and

BE IT FINALLY RESOLVED, that copies of this Resolution be forwarded to Senators Robert Menendez and Cory Booker and our Congressman Frank A. LoBiondo, to Governor Chris Christie and New Jersey’s Acting Commissioner of the Department of Transportation Joseph Bertoni and to the New Jersey League of Municipalities.

	Motion	Second	Yes	No	Abstain	Absent
Mayor Christopher J. Fox		X	X			
Commissioner Scott W. Golden	X		X			
Commissioner Cornelius J. Maxwell						X

I, **Donna L. Frederick, RMC, Municipal Clerk** for the Borough of West Wildwood in the County of Cape May and State of New Jersey, do hereby certify that the foregoing is a correct and true copy of a Resolution adopted by the Board of Commissioners of the Borough of West Wildwood, New Jersey at a **Regular Meeting** held on **September 5, 2014**.


Donna L. Frederick, RMC
Municipal Clerk

**BOROUGH OF WEST WILDWOOD
COUNTY OF CAPE MAY
NEW JERSEY**

RESOLUTION 2014-091

**RESOLUTION IN SUPPORT OF S-444 & A-1779, WHICH WILL AMENDS
THE NJ SPILL ACT AND PROVIDE TAXPAYER PROTECTON**

WHEREAS, in 2005 the State of New Jersey (“State”) and the New Jersey Department of Environmental Protection (“NJDEP”) commenced a civil litigation against a series of corporations that the NJDEP determined to be responsible for contamination of specific areas of the Passaic River, entitled New Jersey Department of Environmental Protection v. Occidental Chemical Corporation, et al, bearing Docket No. ESX-L-9868-05, in the Superior Court of New Jersey, Law Division, Essex County (the “Litigation”); and

WHEREAS, the Litigation was expanded by the corporate defendants to include multiple municipal entities and municipal utilities and sewer entities as third party defendants (“Municipal Entities”) under the theory that said Municipal Entities contributed to the contamination of the Passaic River via the discharge of wastewater directly or indirectly through wastewater treatment facilities; and

WHEREAS, in all a total of 71 municipalities, 6 municipal wastewater and 9 State entities were named as third party defendants and brought into the Litigation; and

WHEREAS, despite the fact that the New Jersey Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 (the “Act”), specifically excludes wastewater stating “. . .sewage and sewage sludge shall not be considered as hazardous substances. . .” for purposes of the Act, the Municipal Entities were not permitted to be dismissed from the Litigation; and

WHEREAS, the Municipal Entities engaged in settlement negotiations with the State with the intent of developing a resolution of the Litigation such that the Municipal Entities could be released from the process through the entry of a Consent Judgment; and

WHEREAS, pursuant to the terms of the Consent Judgment, each of the Municipal Entities was required to pay, and did pay, to the State, either as a cash payment or as a deduction in property tax relief funding, an amount equal to \$95,000 on or before March 23, 2013; and

WHEREAS, S-444 and A-1779 have been introduced and will amend the New Jersey Spill Compensation and Control Act to specifically state that any domestic, commercial, or industrial wastewater, sewage, or sewage sludge expelled or released from a public sewer system or a public sewage treatment plant, are exceptions from the Spill Act;

WHEREAS, S-444 and A-1779 clarify the intent of the Legislature and will assure that taxpayers will not be held liable in similar circumstances going forward;

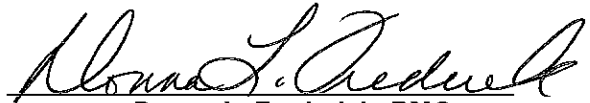
NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of West Wildwood, County of Cape May, New Jersey, that it supports S-444 and A-1779 as means to clarify the

intent of the State Legislature and provide that taxpayers will not be held liable in such circumstances going forward; and

BE IT FURTHER RESOLVED, that a copy of this resolution be transmitted to New Jersey Governor Chris Christie, New Jersey Senate President Stephen M. Sweeney, Speaker of the New Jersey General Assembly Vincent Prieto, and the New Jersey State League of Municipalities.

	Motion	Second	Yes	No	Abstain	Absent
Mayor Christopher J. Fox		X	X			
Commissioner Scott W. Golden	X		X			
Commissioner Cornelius J. Maxwell						X

I, **Donna L. Frederick, RMC, Municipal Clerk** for the Borough of West Wildwood in the County of Cape May and State of New Jersey, do hereby certify that the foregoing is a correct and true copy of a Resolution adopted by the Board of Commissioners of the Borough of West Wildwood, New Jersey at a **Regular Meeting** held on **September 5, 2014**.



**Donna L. Frederick, RMC
Municipal Clerk**

**BOROUGH OF WEST WILDWOOD
COUNTY OF CAPE MAY
NEW JERSEY**

RESOLUTION 2014-092

**AUTHORIZING AN APPLICATION TO OBTAIN A ZONING CODE ENFORCEMENT
GRANT FROM THE N.J. DEPARTMENT OF COMMUNITY AFFAIRS**

WHEREAS, the Governing Body of the Borough of West Wildwood, County of Cape May, New Jersey, desires to apply for and obtain a Zoning Code Enforcement Grant from the New Jersey Department of Community Affairs (DCA); and

WHEREAS, the Borough of West Wildwood intends to apply for a Zoning Code Enforcement Grant for one or more of the activities listed below to assist in our Superstorm Sandy recovery efforts:

1. Extend the hours of existing municipal staff
2. Hire additional technical and administrative staff
3. Procure experts if needed for application hearings
4. Pay for additional office space

NOW, THEREFORE BE IT RESOLVED, that the Governing Body of the Borough of West Wildwood, County of Cape May, State of New Jersey, does hereby authorize the application for the above grant; and

BE IT FURTHER RESOLVED that the Borough of West Wildwood has experienced a reduction in property assessments, in accordance with N.J.S.A. 54:4-35.1, on 100 or more properties or has seen a 10 percent increase in zoning application filings since November 1, 2012 that can be ascribed to Superstorm Sandy; and

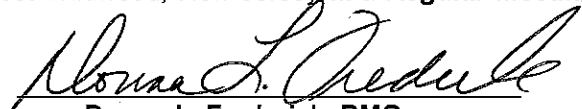
BE IT FURTHER RESOLVED that the Borough of West Wildwood authorizes the execution of the grant agreement in the amount offered and approved by DCA and further authorizes the expenditure of funds pursuant to the terms of the grant agreement entered into by the Borough of West Wildwood and DCA; and

BE IT FURTHER RESOLVED that the Borough of West Wildwood agrees to comply with all CDBG-DR regulations, Zoning Code Enforcement Grant Program procedures and also accepts that the proposed use(s) of CDBG-DR funds are not reimbursable by FEMA, SBA or other federal agencies; and

BE IT FURTHER RESOLVED the persons whose names appear below (and any successors and assigns) are authorized to sign the grant agreement or any other document in connection therewith.

	Motion	Second	Yes	No	Abstain	Absent
Mayor Christopher J. Fox		X	X			
Commissioner Scott W. Golden	X		X			
Commissioner Cornelius J. Maxwell						X

I, **Donna L. Frederick, RMC, Municipal Clerk** for the Borough of West Wildwood in the County of Cape May and State of New Jersey, do hereby certify that the foregoing is a correct and true copy of a Resolution adopted by the Board of Commissioners of the Borough of West Wildwood, New Jersey at a **Regular Meeting** held on **September 5, 2014**.



Donna L. Frederick, RMC
Municipal Clerk

**BOROUGH OF WEST WILDWOOD
COUNTY OF CAPE MAY
NEW JERSEY**

RESOLUTION 2014-093

**AUTHORIZING THE SOLICITING OF FORMAL BID PROPOSALS FOR THE
COLLECTION AND DISPOSAL OF SOLID WASTE AND RECYCLABLE MATERIALS**

WHEREAS, the current solid waste disposal and collection of recyclable materials contract with Earth Tech Contracting, Inc., ends on December 31, 2014; and

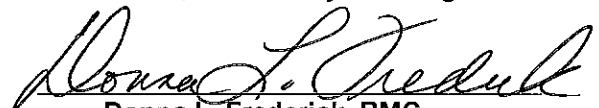
WHEREAS, it is necessary to solicit formal bid proposals for the collection and disposal of solid waste and recyclable materials; and

WHEREAS, bid specification packages will be available to qualified contractors at the time of legal publication and may be picked up at the Borough Clerk's Office or downloaded from the Borough's website at www.boroughofwestwildwood.org.

NOW, THEREFORE BE IT RESOLVED, that the Governing Body of the Borough of West Wildwood, County of Cape May, State of New Jersey does hereby authorize the clerk to advertise for the solicitation of formal bid proposals for the collection and disposal of solid waste and recyclable materials.

	Motion	Second	Yes	No	Abstain	Absent
Mayor Christopher J. Fox		X	X			
Commissioner Scott W. Golden	X		X			
Commissioner Cornelius J. Maxwell						X

I, **Donna L. Frederick, RMC, Municipal Clerk** for the Borough of West Wildwood in the County of Cape May and State of New Jersey, do hereby certify that the foregoing is a correct and true copy of a Resolution adopted by the Board of Commissioners of the Borough of West Wildwood, New Jersey at a **Regular Meeting** held on **September 5, 2014**.


Donna L. Frederick, RMC
Municipal Clerk

RESOLUTION NO. 2014-094

BOROUGH OF WEST WILDWOOD

**A RESOLUTION ACCEPTING THE BOROUGH CLERK'S REPORT DATED
SEPTEMBER 2, 2014 CONCERNING THE SEWER ORDINANCE PETITION, FILED
ON AUGUST 18, 2014 AND DECLARING THAT NO FURTHER ACTION SHALL BE
TAKEN**

WHEREAS, the New Jersey Appellate Division has specifically held that Ordinances adopted pursuant to N.J.S.A. 40A:4-45.15a are effective upon final passage and therefore not subject to a remonstrance by petition; and

WHEREAS, the Borough is acting within its statutory authority and is authorized to charge and collect rents, rates, fees or other charges for direct or indirect connection with, or the use or services of, the sewerage system pursuant to N.J.S.A. 40:14D-22 and N.J.S.A. 40:14A-8; and

WHEREAS, the twenty (20) day statutory time period has long passed since Ordinance #528 (the current Ordinance which pertains to the rates for sewer service) was adopted by the Borough of West Wildwood on December 16, 2013; and

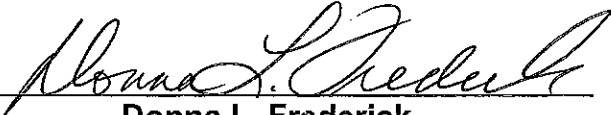
WHEREAS, the Superior Court of New Jersey, Law Division, Atlantic County Docket #CPM-L-6-13, by way of Memorandum of Opinion filed by the Honorable Julio L. Mendez, A.J.S.C. on May 10, 2013, found that the Borough was not required to repeal Ordinance #515 (the predecessor to Ordinance #528 referenced above) or submit that Ordinance to the voters of the Borough of West Wildwood for a referendum since the Ordinance involved the collection of sewer fees to pay current expenses associated with the sewer utility and did not involve the incurring of indebtedness or improvements;

NOW, THEREFORE, BE IT RESOLVED, the referral and report from the Borough Clerk regarding the petition seeking repeal or referenda of all ordinances that relate to sewer rental fees is accepted; and

BE IT FURTHER RESOLVED, no action shall be taken by the Board of Commissioners on said petition.

	Motion	Second	Yes	No	Abstain	Absent
Mayor Christopher J. Fox		X	X			
Commissioner Scott W. Golden	X		X			
Commissioner Cornelius J. Maxwell						X

I, **Donna L. Frederick, RMC, Municipal Clerk** for the Borough of West Wildwood in the County of Cape May and State of New Jersey, do hereby certify that the foregoing is a correct and true copy of a Resolution adopted by the Board of Commissioners of the Borough of West Wildwood, New Jersey at a **Regular Meeting** held on **September 5, 2014**.



Donna L. Frederick
Municipal Clerk

BOROUGH OF WEST WILDWOOD
COUNTY OF CAPE MAY
STATE OF NEW JERSEY

RESOLUTION 2014-095

**AUTHORIZING A CLOSED (EXECUTIVE) SESSION OF
THE BOARD OF COMMISSIONERS**

WHEREAS, in accordance with the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-12(b), it is permissible by resolution for the Governing Body to enter into a Closed (Executive) Session in order to discuss matters falling within one or more of the permitted nine exemptions; and

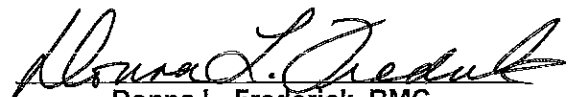
WHEREAS, the Borough anticipates discussion of litigation matters, which constitutes one of the permitted exemptions; and

WHEREAS, the minutes of this meeting shall remain confidential until after such time as Legal Counsel determines that the need of confidentiality no longer exists and provided that the matter(s) discussed can be legally disclosed.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of West Wildwood, Cape May County, New Jersey that a Closed (Executive) Session of the Governing Body shall be convened to discuss the aforementioned matters.

	Motion	Second	Yes	No	Abstain	Absent
Mayor Christopher J. Fox						X
Commissioner Scott W. Golden		X				
Commissioner Cornelius J. Maxwell	X					

I, **Donna L. Frederick, RMC, Municipal Clerk** for the Borough of West Wildwood in the County of Cape May and State of New Jersey, do hereby certify that the foregoing is a correct and true copy of a Resolution adopted by the Board of Commissioners of the Borough of West Wildwood, New Jersey at a **Special Meeting** held on **September 23, 2014**.


Donna L. Frederick, RMC
Municipal Clerk

**BOROUGH OF WEST WILDWOOD
COUNTY OF CAPE MAY
NEW JERSEY**

RESOLUTION 2014-096

**AUTHORIZING SPECIAL COUNSEL LOUIS M. BARBONE TO INITIATE A CLAIM
AGAINST MEL/JIF**

WHEREAS, the Borough of West Wildwood is seeking to initiate a claim against MEL/JIF for its bad-faith denial of insurance coverage in the defense of Jacquelyn Ferentz v Herbert C. Frederick and the Borough of West Wildwood, Docket No. CPM-L-797-08; and

NOW, THEREFORE BE IT RESOLVED that the Governing Body of the Borough of West Wildwood, County of Cape May, State of New Jersey do hereby authorize Special Counsel Louis M. Barbone to review, research and take the necessary measures to initiate such action.

BE IT FURTHER RESOLVED that the Governing Body hereby awards a professional service contract to Mr. Barbone for such purpose, with the same terms as his existing Special Counsel Contract.

BE IT FURTHER RESOLVED that Mr. Barbone is authorized to handle any other legal matters deemed necessary in his capacity of Special Counsel for the Borough of West Wildwood for a term ending September 23, 2015.

BE IT FURTHER RESOLVED that this appointment be published as provided by law.

	Motion	Second	Yes	No	Abstain	Absent
Mayor Christopher J. Fox						X
Commissioner Scott W. Golden		X				
Commissioner Cornelius J. Maxwell	X					

I, **Donna L. Frederick, RMC, Municipal Clerk** for the Borough of West Wildwood in the County of Cape May and State of New Jersey, do hereby certify that the foregoing is a correct and true copy of a Resolution adopted by the Board of Commissioners of the Borough of West Wildwood, New Jersey at a **Special Meeting** held on **September 23, 2014**.


Donna L. Frederick, RMC
Municipal Clerk