

# REGULAR MEETING

*FEB. 5, 2020*

# *Borough of West Wildwood*

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*"Small town Charm on the Back Bay"*

## **AGENDA**

**NOTICE OF TENTATIVE AGENDA - REGULAR MEETING – FEBRUARY 5, 2020  
5:00PM – ACTION MEETING**

**This is a proposed agenda which is subject to change by Commissioners without further notice.**

### **CALL TO ORDER**

### **PLEDGE OF ALLEGIANCE**

### **OPEN PUBLIC MEETINGS ACT ANNOUNCEMENT**

THIS REGULAR MEETING WAS CALLED PURSUANT TO THE PROVISIONS OF THE OPEN PUBLIC MEETING LAW. NOTICE OF THIS MEETING HAS BEEN ESTABLISHED IN AN ANNUAL MEETING NOTICE RESOLUTION NO. 2020-013 ADOPTED ON JANUARY 8, 2020. NOTICE OF THIS MEETING WAS SENT TO THE ATLANTIC CITY PRESS AND THE CAPE MAY COUNTY HERALD ELECTRONICALLY AND POSTED CONTINUOUSLY ON THE OFFICIAL CLERKS BULLETIN BOARD.

### **ROLL CALL:**

### **ADDITIONS/DELETIONS OF LATE AGENDA ITEMS:**

### **OLD BUSINESS**

### **APPROVAL OF MINUTES:**

Closed Session Minutes – December 2, 2019 (to be released only when litigation matters have concluded)  
Regular Meeting – December 4, 2020  
Workshop Meeting – December 31, 2019

### **ORDINANCES:**

### **RESOLUTIONS:**

**2020-022 – AUTHORIZING THE APPOINTMENT OF A PROFESSIONAL SERVICES CONTRACT FOR A GENERAL HEARING OFFICER (SECARE)**

**2020-023 – REFUND OF TAX PAYMENTS Block 142 Lot 7 (Catherine Steele)**

**2020-024 – REFUND OF TAX PAYMENTS Block 113 Lot 4 (Patricia McDonough-Mitros)**

**2020-025 – A RESOLUTION AUTHORIZING THE BOROUGH OF WEST WILDWOOD POLICE DEPARTMENT TO PARTICIPATE IN THE DEFENSE LOGISTICS AGENCY, LAW ENFORCEMENT SUPPORT OFFICE, 1033 PROGRAM TO ENABLE THE WEST WILDWOOD POLICE DEPARTMENT TO REQUEST AND ACQUIRE EXCESS DEPARTMENT OF DEFENSE EQUIPMENT**

# *Borough of West Wildwood*

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*"Small town Charm on the Back Bay"*

**2020-026 – AUTHORIZING THE AWARDING OF A CONTRACT FOR INFORMATION TECHNOLOGY SUPPORT SERVICES**

**2020-027 – AUTHORIZING THE AWARDING OF A CONTRACT FOR PROFESSIONAL SERVICES FOR PLANNING SERVICES REQUIRED FOR AFFORDABLE HOUSING COMPLIANCE**

**APPROVAL TO PAY BILLS**

**REPORTS FROM COMMISSIONERS**

**OPEN TO THE FLOOR FOR PUBLIC COMMENT**

**ADJOURNMENT**

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

# *Borough of West Wildwood*

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*"Small town Charm on the Back Bay"*

## **AGENDA**

**NOTICE OF TENTATIVE AGENDA - REGULAR MEETING – FEBRUARY 5, 2020  
5:00PM – ACTION MEETING**

**This is a proposed agenda which is subject to change by Commissioners without further notice.**

### **ADDITIONS/DELETIONS OF LATE AGENDA ITEMS:**

### **RESOLUTIONS:**

**2020-028 - RESOLUTION OF THE BOROUGH OF WEST WILDWOOD, COUNTY OF CAPE MAY, STATE OF NEW JERSEY, AUTHORIZING THE BOROUGH OF WEST WILDWOOD TO SUBMIT AN ELIGIBILITY DETERMINATION AND FUNDING APPLICATION TO THE UNITED STATES OF AMERICA ACTING THROUGH RURAL UTILITIES SERVICE, DEPARTMENT OF AGRICULTURE FOR SEWER IMPROVEMENTS ON POPLAR AVENUE FROM ARION TO G AVENUES AND ON G AVENUE FROM GLENWOOD TO POPLAR AVENUES**

**2020-029 – AUTHORIZING A CLOSED (EXECUTIVE) SESSION MEETING FOR MATTERS OF ACTIVE LITIGATION REGARDING COAH – FAIR SHARE HOUSE CENTER**

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

BOROUGH OF WEST WILDWOOD  
BOARD OF COMMISSIONERS  
**REGULAR MEETING**  
February 5, 2020  
5:00pm – ACTION MEETING

**MINUTES:**

Mayor Fox called the meeting to order, led the Pledge of Allegiance and read the OPMA statement

**ROLL CALL: Present**

Comm. Golden  
Comm. Korobellis  
Mayor Fox  
Solicitor Bittner  
Deputy Clerk Carl O'Hala  
Municipal Clerk Donna L. Frederick

**APPROVAL OF MINUTES:**

Closed Session Minutes – December 2, 2019 (to be released only when litigation matters have concluded)  
Regular Meeting – December 4, 2020  
Workshop Meeting – December 31, 2019  
Motion by Comm. Golden, yes; Second Comm. Korobellis  
Roll Call Vote: Comm. Golden, yes; Comm. Korobellis, yes; Mayor Fox, yes.  
Motion Carried

**RESOLUTIONS: CLERK READ BY NUMBER & TITLE**

**2020-022 – AUTHORIZING THE APPOINTMENT OF A PROFESSIONAL SERVICES CONTRACT FOR A GENERAL HEARING OFFICER (SECARE)**

Clerk asked for a motion to adopt resolution  
Motion by Comm. Golden; Second by Comm. Korobellis.  
Roll Call Vote: Comm. Golden, yes; Comm. Korobellis, yes; Mayor Fox, yes.  
Resolution Adopted.

**2020-023 – REFUND OF TAX PAYMENTS Block 142 Lot 7 (Catherine Steele)**

Clerk asked for a motion to adopt resolution  
Motion by Comm. Golden; Second by Comm. Korobellis.  
Roll Call Vote: Comm. Golden, yes; Comm. Korobellis, yes; Mayor Fox, yes.  
Resolution Adopted.

**2020-024 – REFUND OF TAX PAYMENTS Block 113 Lot 4 (Patricia McDonough-Mitros)**

Clerk asked for a motion to adopt resolution  
Motion by Comm. Golden; Second by Comm. Korobellis.  
Roll Call Vote: Comm. Golden, yes; Comm. Korobellis, yes; Mayor Fox, yes.  
Resolution Adopted.

**2020-025 – A RESOLUTION AUTHORIZING THE BOROUGH OF WEST WILDWOOD POLICE DEPARTMENT TO PARTICIPATE IN THE DEFENSE LOGISTICS AGENCY, LAW ENFORCEMENT SUPPORT OFFICE, 1033 PROGRAM TO ENABLE THE WEST WILDWOOD POLICE DEPARTMENT TO REQUEST AND ACQUIRE EXCESS DEPARTMENT OF DEFENSE EQUIPMENT**

Clerk asked for a motion to adopt resolution

Motion by Comm. Golden; Second by Comm. Korobellis.

Roll Call Vote: Comm. Golden, yes; Comm. Korobellis, yes; Mayor Fox, yes.

Resolution Adopted.

**2020-026 – AUTHORIZING THE AWARDED OF A CONTRACT FOR INFORMATION TECHNOLOGY SUPPORT SERVICES**

Clerk asked for a motion to adopt resolution

Motion by Comm. Golden; Second by Comm. Korobellis.

Roll Call Vote: Comm. Golden, yes; Comm. Korobellis, yes; Mayor Fox, yes.

Resolution Adopted.

**2020-027 – AUTHORIZING THE AWARDED OF A CONTRACT FOR PROFESSIONAL SERVICES FOR PLANNING SERVICES REQUIRED FOR AFFORDABLE HOUSING COMPLIANCE**

Mayor explained the cost of \$19,500 and will be in contact with Bond Counsel to do a bond, therefore this resolution was tabled. Clerk called for a motion to table Resolution 2020-027

Motion by Comm. Golden; Second by Comm. Korobellis.

Roll Call Vote: Comm. Golden, yes; Comm. Korobellis, yes; Mayor Fox, yes.

Resolution Tabled.

**ADDITIONS/DELETIONS OF LATE AGENDA ITEMS:  
RESOLUTIONS:**

**2020-028 - RESOLUTION OF THE BOROUGH OF WEST WILDWOOD, COUNTY OF CAPE MAY, STATE OF NEW JERSEY, AUTHORIZING THE BOROUGH OF WEST WILDWOOD TO SUBMIT AN ELIGIBILITY DETERMINATION AND FUNDING APPLICATION TO THE UNITED STATES OF AMERICA ACTING THROUGH RURAL UTILITIES SERVICE, DEPARTMENT OF AGRICULTURE FOR SEWER IMPROVEMENTS ON POPLAR AVENUE FROM ARION TO G AVENUES AND ON G AVENUE FROM GLENWOOD TO POPLAR AVENUES**

Clerk asked for a motion to adopt resolution

Motion by Comm. Golden; Second by Comm. Korobellis.

Roll Call Vote: Comm. Golden, yes; Comm. Korobellis, yes; Mayor Fox, yes.

Resolution Adopted.

**2020-029 – AUTHORIZING A CLOSED (EXECUTIVE) SESSION MEETING FOR MATTERS OF ACTIVE LITIGATION REGARDING COAH – FAIR SHARE HOUSE CENTER**

Clerk will present and call for a vote on Resolution 2020-029 after the public comment portion of the meeting.

**Clerk asked for a motion for the APPROVAL TO PAY BILLS WHEN PROPERLY SIGNED AND ENDORSED: (list attached)**

Motion by Comm. Golden, yes; Second Comm. Korobellis

Roll Call Vote: Comm. Golden, yes; Comm. Korobellis, yes; Mayor Fox, yes.  
Motion Carried

Prior to the opening of the meeting Comm. Golden clarified a comment made at a previous meeting where a statement was made that a candidates vehicle was tampered with, and stated he checked with the Police Department and there were no reports of tire slashing, only an open gas cap.

Mayor asked to wave reports from Commissioners, in order to allow for an explanation of the proposed sewer bond project from the Borough Engineer, along with the Borough Auditor and CFO.

Engineer James Oris, of Remington & Vernick, introduced himself providing his personal background of over twenty-five years of extensive professional engineering experience dealing with infrastructure projects. He gave a brief historical overview of the borough from its' inception and presented a graphic showing the proposed area to be reconstructed. Mr. Oris gave a detailed explanation of the sanitary sewer system, stating is in the water table and the lines have developed sags allowing for joints to leak, causing a spike in the flow of affluent leaving the borough. He explained the borough received a \$30,000 search grant to video a portion of Maple Avenue which is representative of the lines throughout the borough. Mr. Oris explained that Poplar Avenue (from Arion to J Avenue) has received a DOT grant of \$156,000 which will help off-set some costs. Mr. Oris also informed the public about the USDA Rural Development Program Funding that the borough will be applying for which if successful will provide fifty percent in grant monies and financing over a forty year loan term, and believes the improvements will last in excess of the forty year loan. Mr. Oris is very confident that the borough will receive the funding/grant from the USDA. He also mentioned the DOT grant of \$160,000 for G Avenue, from Poplar to Glenwood Avenues, and the two DOT grants do not need any down payment monies. Mr. Oris plans to raise Poplar Avenue to make it more resilient to flooding events, to reduce the cost at the pumping station, and explained the USDA program funding covers costs related to the sanitary sewer system, not the storm water system. Mayor Fox asked the public if they had any questions for the Engineer.

JOE KLINE, 750 W. Poplar Avenue, asked if more sewer lines could be done. Engineer explained they investigated that idea, but that would result in patched pavement roads and the idea is to raise the road too to make it more passable and it will reduce the frequency of flooding. Mayor opened the meeting to floor for public comment. Mr. Kline commented that it is impacting one percent and stated the road being done is where Comm. Golden, Carl, Donna and the Mayor's wife live. Mayor Fox disagree and stated it has nothing to do with who lives on that streets. Mr. Oris stated to replace the sanitary sewer you are disturbing more than half of the road; it makes sense to pave the whole road. Mayor Fox stated that the commissioners have been talking about this for years, and if the USDA component comes through a lot of the costs will be covered and half may be grant monies.

CHARLES CHEPAK, 507 W. Poplar Avenue, asked if the sags could be taken out not replaced. Engineer stated if there is not proper bedding and if you slip line them the pipes settle and joints crack.

MARYELLEN ZAJAC, 753 W. Poplar Avenue, commented she was told the island was three feet lower than what it should have been and asked if the whole island should be done. Engineer

stated elevations are looked at and roads are raised every time to help make the town more resilient.

MARYANN WELSH, 741 W. Poplar Avenue, asked if any other alternate was discussed other than new. Engineer explained there are basically two options, lining and replacement, but if the bedding settled replacement is best. Ms. Welsh asked about a long-term plan. Both Mayor Fox and Engineer Oris stated this is part A of the plan and with the grant money there is no down payment on that portion. Ms. Welsh asked the age of the sewer and asked if we are still paying for it. Engineer stated it was over thirty years. Mayor yes regarding sewer payment.

FRED SCHWEIKERT, 521 W. Maple Avenue, asked how old the pipes in the borough are. Deputy Clerk stated the replacement of the sewer lines started in the late 1980's and continued under a new administration in 1996 most of the cost was in grants and low interest loans.

NANCY DOHERTY, 215 R Avenue, asked if the project will be bid and questioned if another engineer could do the project. Engineer Oris he assisted TRIAD with the search grant and made the proposal to the borough and they have knowledge of the borough.

SUSAN CZWALINA, 547 W. Maple Avenue, questioned the percentage of the grant at fifty percent, and asked if the borough will know if we get the grant; asked how much the whole state received from USDA. Engineer Oris stated that TRIAD has experience with the Rural Development process, it is not guaranteed but very few applications have been submitted. Mayor Fox stated the state gets two million dollars from the USDA, and believed if the borough gets the application in, we may get at least half of that money. Engineer explained that if the borough is successful and gets \$1.6 million dollars as much as 50% to 75% can be grant money. Ms. Czwalina stated she is not following, if the borough bonds \$1.75 million dollars and is hoping to get one million in grant from USDA. Auditor explained that is correct which would leave approximately \$800,000 for the borough to pay.

HELEN RAO, 741 W. Poplar Avenue, asked what happens if the borough does not get the USDA money. Mayor stated then only the DOT roadway grants will be completed and is very confident that the borough will get the funding.

JOHN BANNAN, 720 W. Glenwood Avenue, commented to take care of the worst lines first. Engineer explained to video the entire island is cost prohibited, so Maple Avenue was the sample street and based on the flow data and the age of the pipes there have been evaluations since 2003 through flow observations.

BOB WHITEHOUSE, 6 Neptune Avenue, questioned if evaluations were done starting in 2003 why it is just getting started now after 17 years. Engineer explained that it is driven by available funding and several streets have already been done.

JOE KLINE, 750 W. Poplar Avenue, stated he lives on Poplar and since Maple had the video done, why not apply for grants on Maple. Mayor stated the commissioners leave that up to the engineers, it depends on the size of the project, length of the street and D.O.T. has limited funds,



and the grants do not need any down payment, with possible USDA funding it will be a minimal impact to the taxpayers.

SUSAN CZWALINA, 547 W. Maple Avenue, asked if the county owns the pipes on Glenwood Avenue. Engineer will check.

MARYANN WELSH, 741 W. Poplar Avenue, questioned the timing of the grant and if a decision will be known by the end of April or beginning of May.

DOROTHY DALTON, 741 W. Poplar Avenue, questioned if the sewers that were put in over thirty years ago incorrectly, what will be done to ensure this situation does not happen again. Engineer stated that additional dirt and new construction techniques will help. Ms. Dalton asked if the engineer would oversee the installation and if the lines will be in good shape for the life of the 40-year bond. Engineer stated yes.

MARYELLEN ZAJAC, 753 W. Poplar Avenue, commented that material should be better.

MATT KSIAZEK, 538 W. Magnolia Avenue, questioned if all the funding is just for sanitary sewer. Engineer stated sanitary sewer plus resurfacing of the streets.

Mayor Fox thanked Engineer James Oris for his time, and asked Auditor Scott Barron to explain the funding aspect of the project.

Auditor Barron explained the bond ordinance that was introduced for \$1.75 million dollars is needed to have cash on hand, since the project is reimbursable, so temporary financing (short term notes ) is needed to pay the bills and when the grant monies come though the portion of the bond would be paid off, leaving approximately \$797,000 for the borough to pay over forty years through a low interest loan. The D.O.T. grants need no down payment; the USDA funding is generally 50% grant and 50% loan with a payback over 40 years. The average impact for 847 billable sewer users flat fee would be approximately \$36.50 to the average user which would become part of the sewer budget. Mayor stated there would be no impact of the sewer this year 2020. CFO Elaine Crowley stated any interest USDA will pay; it is a reimbursable project.

CHARLES CHEPAK, 507 W. Poplar Avenue, asked what the interest rate is. Auditor stated USDA rate is 2.25%.

MARYANN WELSH, 741 W. Poplar Avenue, asked if there is any benefit to wait. Mayor stated if the USDA funding does not come though the project will not be done, just the D.O.T. funded projects.

After the questions regarding the bond/sewer project concluded Mayor Fox thanked the borough professionals for there time explaining the process and opened the meeting for public comment. HELEN RAO, 741 W. Poplar Avenue, questioned the costs to date for the hearing officer; conflict resolution attorney costs to date and if she could have that information for the next meeting.

SUSAN CZWALINA, 547 W. Maple Avenue, questioned the properties involved with the living shoreline project. Deputy Clerk Carl O'Hala stated he conferred with the attorney who is handling the case for eminent domain. Mayor stated they are in the 700 block of 26<sup>th</sup> St. Comm. Golden stated it is marshland. Ms. Czwalina questioned that \$80,000 was spent of the project and asked how it was paid. Mayor stated it came out of a bond that was already in place for 26<sup>th</sup> St. Comm. Golden explained the proposed plan for the living shoreline. Ms. Czwalina asked if the plan could be brought out again and questioned the mayor regarding funding and it may have to stop moving forward. Mayor Fox stated that funding takes time.

MARYELLEN ZAJAC, 753 W. Poplar Avenue, asked how far the 26<sup>th</sup> project goes. Comm. Golden stated he believe it goes to the end of the peninsula and informed everyone that the concept drawing is available to see in the office.

JIM BANNON, 721 W. Glenwood Avenue, asked about the Mawhinney case. Mayor stated medication is coming up in the next few weeks.

MARYANN WELSH, 741 W. Poplar Avenue asked for examples of other municipalities with full-time solicitors. Mayor stated he does not have the desire to see what other towns do. Ms. Welsh commented the solicitor makes \$60,000 plus benefits and questioned what the total is for eligible PERS. Mayor stated total is around \$75,000, plus PERS.

MARYELLEN ZAJAC, 753 W. Poplar Avenue, asked why the borough needs a someone full-time. Mayor stated she has done things so far, since Chris Ridings left, is better than an administrator, and was a good choice. Ms. Zajac asked what Chris did. Mayor stated overseeing that department heads are doing there jobs efficiently. Ms. Zajac asked what the difference is between Chris and Mary. Mayor stated Mary will handle policies regarding JIF; handle litigation matters to make sure they are moving forward properly, and things will be accomplished now.

JOE KLINE, 750 W. Poplar Avenue, commented if the current administration lose the next election and Mary is a full-time employee, you cannot pick your own solicitor. Mayor stated he has no desire to answer. Mr. Kline asked why not a 1099, commented that the next people are strapped because she is an employee, stating he has nothing against Mary. Mayor stated Mark Karavan did a good job but could have been doing things better.

KATE SAMSON, 205 O Avenue, stated it is the time of this, looses the job in Wildwood, and the borough needs a full-time attorney. Unfortunately for Mary that is what it looks like, we were paying less money, now full time, with benefits, you loose objectivity from a contracted attorney. Mayor stated other people say it is a benefit.

HELEN RAO, 741 W. Poplar Avenue, asked if there is any update on the Mayor's ethics charges and if a hearing is scheduled. Mayor stated no and commented reading an activity report is ridiculous and he cannot wait for that day, stating he did them all, and does not believe he did anything wrong, and no hearing has been scheduled. Ms. Rao questioned the solicitor regarding legal matters that she is handling in coordination with other attorney's such as the conflict counsel; Mawhinney case and eminent domain; if there are any others and if the solicitor has a projected timeframe for matters to be resolved. Solicitor Bittner stated that the COAH/Fair

housing matter is near resolution, there is not timeline set between attorney's, and the employee matter cannot be discussed, there are no other matters.

MARYELLEN ZAJAK, 753 W. Poplar Avenue, questioned if it was about the Brady letter. Solicitor stated she is not free to discuss employee matters.

SUSAN CZWALINA, 547 W. Maple Avenue, asked if the Planning Board minutes could be posted on the website and asked to get a copy of the master plan. Mayor stated it is on hold waiting on the completion of the COAH matter. Ms. Czwalina asked Comm. Korobellis if there is an estimate for the budget. Mayor state she will be meeting with auditors. Ms. Czwalina questioned the solicitor if there were any new litigation matters. Solicitor Bittner stated not that she is aware of.

NANCY DOHERTY, 215 R Avenue, stated to have North Wildwood or Wildwood take over the sewer.

NOREEN HICKMAN, 214 N Avenue, commented about the state discussing combining all the Wildwood's fire departments together. Mayor stated there was talk about the fire official handling all towns.

CHARLES CHEPAK, 507 W. Poplar Avenue, asked if our fire department rolls on fires and do, we pay for any fire service. Mayor stated our department does, and we do not pay.

JOE KLINE, 750 W. Poplar Avenue, thank the commissioners for bringing in the Auditors and the Engineers and suggested to do that in the future, he is in favor of infrastructure repairs and stated the two commissioners voted to approve the \$1.75 million dollars and couldn't answer questions. Comm. Golden stated the purpose was to move it thought and he apologized for not having everything, he did not want to quote numbers.

JOHN BANNING, 711 W. Poplar Avenue, said thanks for brining in the engineer and explaining things. Mr. Banning had issue with Comm. Golden bringing up the issue of a candidate's tires being slashed. Comm. Golden stated it was presented at a meeting that a candidate running for office had a vehicle vandalized, and he checked with the Police Chief to clarify, only one incident was reported. Mr. Banning stated there was an issue with his gas cap and tires and felt like Comm. Golden was discrediting the matter. Comm. Golden stated it was not his intension to discredit anyone. Mr. Banning stated a few months back he brough up hiring, with only one application and questioned that best practices should be followed in these situations. Mr. Banning asked is the Police Department is certified, and questioned the attorney hiring, asking how many candidates were interviewed, and stated this is the second time best practices for hiring has been brough up.

KATE SAMSON, 205 O Avenue, stated she saw a spout-off about candidates cars that were vandalized and it was the first time she saw John and she brought it up at the last meeting because it is important to let people know, and Nancy said it happened to her as well. Comm. Golden stated he is not doubting that something could have happened, but it was not reported to the police, only one incident was reported and confirmed with the chief.

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

**RESOLUTION NO. 2020-022**

**AUTHORIZING THE AWARDING OF A NON-FAIR AND OPEN CONTRACT  
FOR THE PROFESSIONAL SERVICES OF GENERAL HEARING OFFICER**

**WHEREAS**, the Board of Commissioners of the Borough of West Wildwood has a need to acquire Professional Services of a General Hearing Officer; and

**WHEREAS**, Steven Secare, Esq., of the Law Firm Secare & Hensel having offices located at 16 Madison Avenue, Toms River, New Jersey, is qualified to serve as General Hearing Officer for the Borough of West Wildwood; and

**WHEREAS**, Steven Secare, has completed and submitted a Business Entity Disclosure Certification which certifies that Steven Secare., has not made any reportable contributions to a political or candidate committee in the name of West Wildwood Borough Commissioners within the previous year and that this Contract will prohibit Steven Secare, Esquire and the Law Firm of Secare & Hensel, from making any reportable contributions for the term of this Contract.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Borough of West Wildwood, Cape May County, New Jersey that the Mayor and/or Deputy Mayor be and is hereby authorized to execute a Contract Agreement for Professional Services with Steven Secare, Esq., to serve as General Hearing Officer for the Borough of West Wildwood; and

**BE IT FURTHER RESOLVED** that the term of appointment shall commence on February 1, 2020 and expire on December 31, 2020; and

**BE IT FURTHER RESOLVED** that this contract is awarded without competitive bidding as a "Professional Service" under the provisions of the Local Public Contracts Law because N.J.S.A. 40A:11-5, which provides inter alia, that no local unit shall be required to advertise for bids for services rendered or performed by a person authorized by law to practice a recognized professional and whose practice is regulated by law, or 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

**BE IT FURTHER RESOLVED** that a copy of this Resolution shall be published by the Municipal Clerk in accordance with the requirements of Law; and

**BE IT FURTHER RESOLVED** that a Certificate of Availability of Funds from the Chief Financial Officer is attached hereto.

	<b>Motion</b>	<b>Second</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
<b>Mayor Christopher J. Fox</b>			X			
<b>Commissioner Scott W. Golden</b>	X		X			
<b>Commissioner Amy Korobellis</b>		X	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 **February 5, 2020**.



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

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

**RESOLUTION 2020-023**

**AUTHORIZING THE REFUND OF OVERPAYMENT OF PROPERTY TAX  
AND UTILITY PAYMENTS**

**WHEREAS**, the property owners listed below tendered excess utility and real estate tax payments to the Borough of West Wildwood Utility and Tax Collector as indicated below; and

**WHEREAS**, the excess utility and tax payments need to be refunded.

**NOW, THEREFORE BE IT RESOLVED** by the Board of Commissioners of the Borough of West Wildwood, Cape May County, New Jersey that the Acting Chief Financial Officer is hereby authorized to make the following payments in the amount indicated; as follows:

<b>OWNER</b>	<b>BLOCK</b>	<b>LOT</b>	<b>AMOUNT</b>	<b>TAX/SEWER</b>
STEELE, CATHERINE	142	7	\$221.90	TAX

Refund to:

**Steele, Catherine  
608 W Maple Ave  
West Wildwood, NJ 08260**

	<b>Motion</b>	<b>Second</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
<b>Mayor Christopher J. Fox</b>			X			
<b>Commissioner Scott W. Golden</b>	X		X			
<b>Commissioner</b>		X	X			

I, **Donna Frederick, 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 **February 5, 2020**.



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

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

**RESOLUTION 2020-024**

**AUTHORIZING THE REFUND OF OVERPAYMENT OF PROPERTY TAX  
AND UTILITY PAYMENTS**

**WHEREAS**, the property owners listed below tendered excess utility and real estate tax payments to the Borough of West Wildwood Utility and Tax Collector as indicated below; and

**WHEREAS**, the excess utility and tax payments need to be refunded.

**NOW, THEREFORE BE IT RESOLVED** by the Board of Commissioners of the Borough of West Wildwood, Cape May County, New Jersey that the Acting Chief Financial Officer is hereby authorized to make the following payments in the amount indicated; as follows:

<b>OWNER</b>	<b>BLOCK</b>	<b>LOT</b>	<b>AMOUNT</b>	<b>TAX/SEWER</b>
MC DONOUGH-MITROS, PATRICIA D	113	4	\$169.33	TAX

Refund to:

**McDonough-Mitros, Patricia D  
700 W Poplar Ave  
West Wildwood, NJ 08260**

	<b>Motion</b>	<b>Second</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
<b>Mayor Christopher J. Fox</b>			X			
<b>Commissioner Scott W. Golden</b>	X		X			
<b>Commissioner Amy Korobellis</b>		X	X			

I, **Donna Frederick, 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 **February 5, 2020**.



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

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

**RESOLUTION 2020-025**

**A RESOLUTION AUTHORIZING THE BOROUGH OF WEST WILDWOOD POLICE DEPARTMENT  
TO PARTICIPATE IN THE DEFENSE LOGISTICS AGENCY, LAW ENFORCEMENT SUPPORT  
OFFICE, 1033 PROGRAM TO ENABLE THE WEST WILDWOOD POLICE DEPARTMENT TO  
REQUEST AND  
ACQUIRE EXCESS DEPARTMENT OF DEFENSE EQUIPMENT**

**WHEREAS**, the United States Congress authorized the Defense Logistics Agency (DLA) Law Enforcement Support Office (LESO) 1033 Program to make use of excess Department of Defense personal property by making that personal property available to municipal, county and State law enforcement agencies (LEAs); and

**WHEREAS**, DLA rules mandate that all equipment acquired through the 1033 Program remain under the control of the requesting LEA: and

**WHEREAS**, participation in the 1033 Program allows municipal and County LEAs to obtain property they might not otherwise be able to afford in order to enhance community preparedness, response, and resiliency; and

**WHEREAS**, although property is provided through the 1033 Program at no cost to municipal and county LEAs, these entities are responsible for the costs associated with delivery, maintenance, fueling and upkeep of the property, and for specialized training on the operation of any acquired property; and

**WHEREAS**, N.J.S.A. 40A:5-30.2 requires that the governing body of the municipality or county approve, by a majority of the full membership, both enrollment in, and the acquisition of any property through the 1033 Program, and

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing body of the Borough of West Wildwood, County of Cape May, State of New Jersey that the Borough of West Wildwood Police Department is hereby authorized to enroll in the 1033 Program for no more than one-year period, with authorization to participate terminating on December 31 of the current calendar year; and

**NOW THEREFORE BE IT FURTHER RESOLVED**, that the West Wildwood Police Department is hereby authorized to acquire items of non-controlled property designated "DEMIL A" which may include office supplies, office furniture, computers, electronic equipment, generators, field packs, non-military vehicles, clothing, traffic and transit signal systems, exercise equipment, farming and moving equipment, storage devices and containers, tools, medical and first aid equipment and supplies, personal protection equipment and supplies, construction materials, lighting supplies, beds and sleeping mats, wet and cold weather equipment and supplies, respirators, binoculars, and any other supplies or equipment of a non-military nature identified by the LEA, if it shall become available in the period of time for which this resolutions authorizes, based on the needs of the West Wildwood Police Department, without restriction; and

**NOW THEREFORE BE IT FURTHER RESOLVED** that the West Wildwood Police Department is hereby authorized to acquire the following "DEMIL B through Q" property, if it shall become available in the period of time for which this resolution authorizes; and

**BE IT FURTHER RESOLVED** that the "DEMIL B through Q" controlled 3-page property list in its entirety is hereby approved and hereto attached to this resolution.




**BE IT FURTHER RESOLVED** that the West Wildwood Police Department shall provide a quarterly accounting of all property obtained through the 1033 Program which shall be available to the public request.

**BE IT FURTHER RESOLVED** that this resolution shall take effect immediately and shall be valid to authorize requests to acquire “DEMIL A” property and “DEMIL B through Q” property that may be made available through the 1033 Program during the period of time which this resolution authorizes; with Program participation and all property request authorization terminating on December 31<sup>st</sup> of the current calendar year.

	Motion	Second	Yes	No	Abstain	Absent
Mayor Christopher J. Fox			X			
Commissioner Scott W. Golden	X		X			
Commissioner Amy Korobellis		X	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 **February 5, 2020**

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

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

**RESOLUTION 2020-026**

**AUTHORIZING THE AWARDING OF A FAIR AND OPEN CONTRACT FOR INFORMATION  
TECHNOLOGY SUPPORT AND CONSULTING SERVICES TO ACA COMPUTERS**

**WHEREAS**, the Borough of West Wildwood advertised for qualifications and proposals from contractors for Information Technology Support Services; and

**WHEREAS**, the Borough solicited through a "fair and open" process in accordance with N.J.S.A. 40A:11-4.1, *et seq.* and sealed qualifications and proposals were received on January 28, 2020 at 10:00am prevailing time; and

**WHEREAS**, two proposals were submitted to the clerk as follows: ACA Computers, Inc. of Red Bank, NJ and Targeted Technologies, LLC of Toms River, NJ and:

**WHEREAS**, the CFO opened the two proposals in a public forum and read out the costs from both companies;

**WHEREAS**, the Clerk turned over the proposals to the Borough Solicitor to review and summarize the proposals to the Board of Commissioners; and

**WHEREAS**, the Borough Solicitor having reviewed both proposals and issued a report to the Commissioners; and

**WHEREAS**, considering the report from the Solicitor summarizing the proposals and the overall excellent service the Borough has had from ACA Computers in the past, the Board of Commissioners considers the proposal from ACA Computers to be the most advantageous to the Borough, price and other factors considered.

**NOW, THEREFORE BE IT RESOLVED** by the Board of Commissioners of the Borough of West Wildwood, County of Cape May, New Jersey, that the Mayor and/or Deputy Mayor is hereby authorized to execute a contract with ACA Computers, Inc., for Information Technology Support Services for a term commencing February 5, 2020 and ending December 31, 2020.

**BE IT FURTHER RESOLVED** that the award of this contract shall be published as required by law.

Prepared by Solicitor

	Motion	Second	Yes	No	Abstain	Absent
Mayor Christopher J. Fox			X			
Commissioner Scott W. Golden	X		X			
Commissioner Amy Korobellis		X	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 **February 5, 2020**.

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

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

**RESOLUTION 2020-027**

**AUTHORIZING THE AWARDING OF A NON-FAIR AND OPEN CONTRACT  
FOR THE PROFESSIONAL SERVICES OF A PROFESSIONAL PLANNER**

**WHEREAS**, the Board of Commissioners of the Borough of West Wildwood is in the process of negotiating a settlement in *In the Matter of the Application of the Borough of West Wildwood, County of Cape May*, Docket No. CPM-L-130-19, regarding requirements pertaining to affordable housing (hereinafter “the Action”); and

**WHEREAS**, Borough Commissioners have been advised by legal counsel handling the Action that the next necessary step in settling the Action involves the work of a professional planner experienced in affordable housing matters; and

**WHEREAS**, three professional planners with expertise in affordable housing matters were recommended by legal counsel in the Action;

**WHEREAS**, those three planners were contacted with a request for a quote for services; and

**WHEREAS**, the lowest quote of not to exceed \$19,500.00 was received from Kyle & McManus Associates.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Borough of West Wildwood, Cape May County, New Jersey that the Mayor and/or Deputy Mayor be and is hereby authorized to execute a Contract with Kyle & McManus Associates to serve as Professional Planners for the Borough of West Wildwood; and

**BE IT FURTHER RESOLVED** that the term of appointment shall commence on February 5, 2020 and expire on December 31, 2020.

**BE IT FURTHER RESOLVED** that this contract is awarded without competitive bidding as a “Professional Service” under the provisions of the Local Public Contracts Law because N.J.S.A. 40A:11-5, which provides inter alia, that no local unit shall be required to advertise for bids for services rendered or performed by a person authorized by law to practice a recognized professional and whose practice is regulated by law, or 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

**BE IT FURTHER RESOLVED** that a copy of this Resolution shall be published by the Municipal Clerk in accordance with the requirements of Law.

Prepared by Solicitor

	Motion	Second	Yes	No	Abstain	Absent
Mayor Christopher J. Fox						
Commissioner Scott W. Golden						
Commissioner Amy Korobellis						

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 **February 5, 2020**.

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

TABLED

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

**RESOLUTION 2020-028**

**RESOLUTION OF THE BOROUGH OF WEST WILDWOOD, COUNTY OF CAPE MAY, STATE OF  
NEW JERSEY, AUTHORIZING THE BOROUGH OF WEST WILDWOOD TO SUBMIT AN  
ELIGIBILITY DETERMINATION AND FUNDING APPLICATION TO THE UNITED STATES OF  
AMERICA ACTING THROUGH RURAL UTILITIES SERVICE, DEPARTMENT OF AGRICULTURE  
FOR SEWER IMPROVEMENTS ON POPLAR AVENUE FROM ARION TO G AVENUES AND ON G  
AVENUE FROM GLENWOOD TO POPLAR AVENUES**

**WHEREAS**, the Borough of West Wildwood (hereinafter the “Borough”) plans to submit to the United States Department of Agriculture, Rural Utilities Service (hereinafter “Rural Utilities Service”) a request for eligibility determination concerning the Township’s entitlement to participate in Rural Utilities Service’s Water and Environmental Programs (hereinafter the “Program”); and


**WHEREAS**, the Borough wishes to pursue through the Program, funding for sewer improvement on Poplar Avenue from Arion to G Avenues and on G Avenue from Glenwood to Poplar Avenues; and

**WHEREAS**, it is in the best interest of the Borough to actively and diligently pursue this project, for reasons associated with the health, safety, and welfare of the community serviced by the Borough; and moreover, pursue funding with and through Rural Utilities Service, based upon Rural Utilities Service’s determination that the Borough is eligible to participate in Rural Utilities Service’s Program.

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

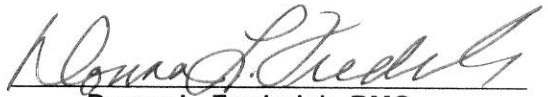
1. All necessary action, including the filing of formal applications, be taken to pursue with Rural Utilities Service actual funding for the proposed sewer project in the Borough of West Wildwood, County of Cape May.
2. The Borough is authorized to accept any and all funding through the United States of America, Acting Through Rural Utilities Service Water and Waste Disposal Program
3. The Borough’s Municipal Clerk shall publish an appropriate notice of intention to file an application with Rural Utilities Service for funding for the proposed project in the Township’s official newspaper within sixty (60) days of the Township’s submission of an application for funding to Rural Utilities Service.
4. The duly authorized representative of the Borough, including the Township’s Engineer, Solicitor, and Auditor, be and are hereby authorized to execute any and all documentation in furtherance of the preparation of the necessary documents to be submitted to USDA/Rural Utilities Service. Further the Mayor of the Borough is hereby authorized to execute the necessary documents in order to receive an eligibility determination and funding from the USDA/Rural Utilities Service.

BOROUGH OF WEST WILDWOOD

By:   
Christopher J. Fox, Mayor

	Motion	Second	Yes	No	Abstain	Absent
Mayor Christopher J. Fox			X			
Commissioner Scott W. Golden	X		X			
Commissioner Amy Korobellis		X	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 **February 5, 2020**.

  
Donna L. Frederick, RMC  
Municipal Clerk

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

**RESOLUTION 2020-029**

**AUTHORIZING A CLOSED (EXECUTIVE) SESSION MEETING FOR MATTERS OF ACTIVE  
LITIGATION REGARDING COAH – FAIR SHARE HOUSING CENTER**

**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 active litigation matters referencing the COAH, Fair Share Housing Center, 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 convene to discuss the aforementioned matters.

	<b>Motion</b>	<b>Second</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
<b>Mayor Christopher J. Fox</b>			X			
<b>Commissioner Scott W. Golden</b>	X		X			
<b>Commissioner Amy Korobellis</b>		X	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 **February 5, 2020**.

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

Mayor stated he will be out of town and the commissioners March meeting will be on Wednesday, March 11, at 5:00pm. Clerk stated the change will be posted and properly advertised.

Hearing no more public comment, the Mayor closed the public portion.

Clerk read the following resolution and asked for a motion to adopt  
**2020-029 – AUTHORIZING A CLOSED (EXECUTIVE) SESSION MEETING FOR MATTERS OF ACTIVE LITIGATION REGARDING COAH – FAIR SHARE HOUSE CENTER**

Motion by Comm. Golden; Second by Comm. Korobellis.

Roll Call Vote: Comm. Golden, yes; Comm. Korobellis, yes; Mayor Fox, yes.

Resolution Adopted.

After the closed session meeting ended, the clerk asked for a motion to reconvene from closed session  
Motion by Comm. Golden, yes, Mayor Fox, yes.

Roll Call Vote: Comm. Golden, yes; Comm. Korobellis, yes; Mayor Fox, yes.

Motion carried.

Clerk asked for a motion to adjourn the regular meeting

**Motion to Adjourn:**

Motion by Comm. Golden, yes, Second by Comm. Korobellis, yes.

Roll Call Vote: Comm. Golden, yes; Comm. Korobellis, yes; Mayor Fox, yes.

Motion carried.

Respectfully submitted



Donna L. Frederick, RMC  
Municipal Clerk

***This is a generalization of the Regular meeting on February 5, 2020 and not a verbatim transcript.***  
**THESE MINUTES WERE APPROVED AT THE MAY 6, 2020 REGULAR COMMISSION MEETING**



MAYOR CHRISTOPHER J. FOX



COMMISSIONER SCOTT W. GOLDEN



COMMISSIONER AMY KOROBELLIS