

SPECIAL MEETING

JANUARY 23, 2020

Borough of West Wildwood

"Small town Charm on the Back Bay"

**BOROUGH OF WEST WILDWOOD
AGENDA
SPECIAL MEETING – JANUARY 23, 2020
9:00am**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

OPEN PUBLIC MEETINGS ACT ANNOUNCEMENT

THIS SPECIAL MEETING WAS CALLED PURSUANT TO THE PROVISIONS OF THE OPEN PUBLIC MEETING LAW. NOTICE OF THIS MEETING WAS SENT TO THE ATLANTIC CITY PRESS AND THE CAPE MAY COUNTY HERALD ELECTRONICALLY AND POSTED ON THE OFFICIAL CLERKS BULLETIN BOARD AND POSTED ON THE BOROUGH WEB-SITE

ROLL CALL:

ORDINANCES:

ORDINANCE 578 (2020) – Second Reading/Public Hearing – BOND ORDINANCE PROVIDING FOR SEWER UTILITY IMPROVEMENTS ON POPLAR AVENUE IN AND BY THE BOROUGH OF WEST WILDWOOD, IN THE COUNTY OF CAPE MAY, NEW JERSEY, APPROPRIATING \$1,750,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$ 1,750,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

Note: Ordinance 578 (2020) was previously published in the Atlantic City Press on January 13, 2020 in accordance to law, stating the date, time and location of the public hearing.

RESOLUTIONS:

2020-020 – AUTHORIZING PAYMENT OF MONTHLY CLAIMS IN ACCORDANCE WITH THE REQUIREMENTS OF THE CONSENT ORDER IN FERENTZ v. BOROUGH OF WEST WILDWOOD FOR THE BALANCE OF THE 2020 CALENDAR YEAR

2020-021 – AWARDING AN ALTERNATE TO FAIR AND OPEN PROFESSIONAL SERVICES CONTRACT TO KYLE & McMANUS ASSOCIATES FOR PLANNING SERVICES REQUIRED FOR AFFORDABLE HOUSING COMPLIANCE FOR A TERM THROUGH DECEMBER 31, 2020 AND A FEE OF \$142.00 PER HOUR, NOT TO EXCEED \$ 7,500.00

2020-022 – RESOLUTION TO ADOPT TEMPORARY CAPITAL BUDGET

OPEN TO THE FLOOR FOR PUBLIC COMMENT

ADJOURNMENT

Borough of West Wildwood

"Small town Charm on the Back Bay"

OFFICIAL ACTION SHALL BE TAKEN

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

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

ORDINANCE 578 (2020)

**BOND ORDINANCE PROVIDING FOR SEWER UTILITY
IMPROVEMENTS ON POPLAR AVENUE IN AND BY THE
BOROUGH OF WEST WILDWOOD, IN THE COUNTY OF
CAPE MAY, NEW JERSEY, APPROPRIATING \$1,750,000
THEREFOR AND AUTHORIZING THE ISSUANCE OF
\$1,750,000 BONDS OR NOTES OF THE BOROUGH TO
FINANCE THE COST THEREOF.**

BE IT ORDAINED BY THE BOROUGH BOARD OF COMMISSIONERS OF THE
BOROUGH OF WEST WILDWOOD, IN THE COUNTY OF CAPE MAY, NEW JERSEY
(not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of West Wildwood, in the County of Cape May, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$1,750,000, including a \$156,000 grant expected to be received from the State of New Jersey Department of Transportation (the "State Grant"). Pursuant to N.J.S.A. 40A:2-11(c), no down payment is provided for the costs of the project herein since the project is being partially funded by the State Grant.

Section 2. In order to finance the cost of the improvement or purpose and in anticipation of receipt of the State Grant, negotiable bonds are hereby authorized to be

issued in the principal amount of \$1,750,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is sanitary sewer, stormwater and related roadwork improvements to Poplar Avenue, including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby

authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 40 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$1,750,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$350,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of the Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to

be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

COMMISSIONERS:



MAYOR CHRISTOPHER J. FOX



COMMISSIONER SCOTT W. GOLDEN



COMMISSIONER AMY KOROBELLIS

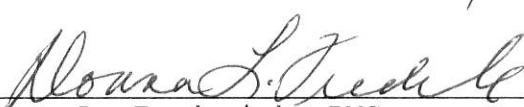
The foregoing Ordinance was introduced and passed at the advertised Regular Meeting of the Board of Commissioners of the Borough of West Wildwood, County of Cape May, New Jersey on the 8th day of January, 2020 and will be considered for final passage after a public hearing at a Special Meeting of said Board of Commissioners at the Municipal Hall, 701 W. Glenwood Avenue, West Wildwood, New Jersey on January 23, 2020 at 9:00am.

FIRST READING:

2020 01-08

PUBLICATION:

2020 01-13



Donna L. Frederick, RMC
Municipal Clerk

COMMISSIONERS :

- ABSENT -

MAYOR CHRISTOPHER J. FOX

[Signature]

COMMISSIONER SCOTT W. GOLDEN

[Signature]

COMMISSIONER AMY KOROBELLIS

SECOND READING:

2020 01-23

PUBLICATION:

2020 01-28

	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, hereby certify that the foregoing Ordinance was introduced and passed at the Regular Meeting of the Board of Commissioners of the Borough of West Wildwood, County of Cape May, New Jersey on January 8, 2020 and was finally adopted after a public hearing at a Special Meeting of said Board of Commissioners at the Municipal Hall, 701 W. Glenwood Avenue, West Wildwood, New Jersey on January 23, 2020 at 9:00am, prevailing time.

[Signature]

Donna L. Frederick, RMC
Municipal Clerk

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

RESOLUTION 2020-020

**AUTHORIZING PAYMENT OF MONTHLY CLAIMS IN ACCORDANCE WITH THE
REQUIREMENTS OF THE CONSENT ORDER IN FERENTZ v. BOROUGH OF WEST
WILDWOOD FOR THE BALANCE OF THE 2020 CALENDAR YEAR**

WHEREAS, a Consent Order was filed in litigation known as *Jacquelyn Ferentz v. Borough of West Wildwood*, Docket Number CPM-L-797-08, on March 20, 2018 (hereinafter “Consent Order”); and,

WHEREAS, the Consent Order requires monthly payments be made by the Borough of West Wildwood to My Rights Lawyers in accordance with an amortization schedule attached to said Consent Order at Exhibit A; and,

WHEREAS, the Consent Order requires monthly payments be made by the Borough of West Wildwood to Jacquelyn Ferentz in accordance with an amortization schedule attached to said Consent Order at Exhibit B; and,

WHEREAS, said monthly payments must be received by the recipients by the 10th of each month in accordance with the Consent Order; and,

WHEREAS, as per N.J.S.A. 40A:5-17, payment of all claims must be approved by the Board of Commissioners; and,

WHEREAS, it has been the practice of the Board of Commissioners to approve the aforesaid monthly payments at the regularly scheduled monthly meetings held the first Wednesday of the month; and,

WHEREAS, the January 2020 Board of Commissioners meeting was delayed due to the New Year’s holiday, causing logistical problems in delivering the payments by the 10th of January; and,

WHEREAS, in general the date of the monthly Board of Commissioner meetings is so close to the 10th of the month that if there is a delay in check issuance for any reason payment by the 10th may become problematic; and,

WHEREAS, any delay in the receipt of the payments required by the Consent Order would subject the Borough to a risk of a claim being made of violation of a court order; and,

WHEREAS, to satisfy the statutory requirement that all claims be approved by the Board of Commissioners while allowing adequate time each month for receipt of Consent Order payments to be received by the 10th of the month it is in the Borough’s interest to pre-approve those monthly payments for the balance of the calendar year; and,

WHEREAS, the auditor for the Borough of West Wildwood has indicated he sees no problem with a resolution authorizing monthly payments of an amount certain on a court-ordered claim for the balance of the calendar year.

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. The Borough of West Wildwood Chief Financial Officer is authorized to make payments in accordance with the amortization schedules attached to the Consent Order in *Jacquelyn Ferentz v. Borough of West Wildwood*, Docket Number CPM-L-797-08, filed March 20, 2018, which is attached hereto, as of the 1st of the month, for February, March, April, May, June, July, August, September, October, November and December of 2020 so as to ensure receipt of such payments by the 10th of the month.
2. No further approval by the Board of Commissioners of payments on this claim shall be required by the Board of Commissioners for such monthly checks to issue in calendar year 2020.

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 **Special Meeting** held on **January 23, 2020**.


 Donna L. Frederick, RMC
 Municipal Clerk

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

RESOLUTION 2020-021

RESOLUTION TO ADOPT TEMPORARY CAPITAL BUDGET

WHEREAS, the Board of Commissioners of the Borough of West Wildwood, County of Cape May desires to constitute the 2020 Temporary Capital Budget by inserting therein

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Borough of West Wildwood, County of Cape of May that the Temporary Capital Budget of the year 2020 is hereby constituted by the adoption of a schedule to read as follows:

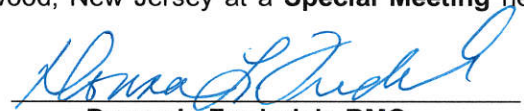
**TEMPORARY
CAPITAL BUDGET OF THE
BOROUGH OF WEST WILDWOOD
COUNTY OF CAPE MAY, NEW JERSEY**
Project Schedule for 2020
Method of Financing

<u>PROJECT</u>	<u>TOTAL COST</u>	<u>CAPITAL IMPROVEMENT FUND</u>	<u>GRANTS IN AID AND OTHER FUNDS</u>	<u>DEBT AUTHORIZED</u>
Sewer Utility Improvements on Poplar Avenue	\$1,750,000	\$0	\$0	\$1,750,000

BE IT FURTHER RESOLVED, that a certified copy of this resolution be filed forthwith in the office of the Director of the Division of Local Government Services within three days after the adoption of this project for 2020 Temporary Capital Budget, to be included in the 2020 Permanent Capital Budget as adopted.

	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 **Special Meeting** held on **January 23, 2020**.


 Donna L. Frederick, RMC
 Municipal Clerk

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

RESOLUTION 2020-021

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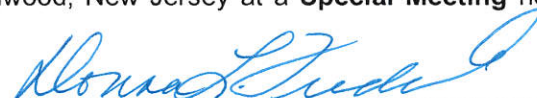
**TEMPORARY
CAPITAL BUDGET OF THE
BOROUGH OF WEST WILDWOOD
COUNTY OF CAPE MAY, NEW JERSEY**
Project Schedule for 2020
Method of Financing

<u>PROJECT</u>	<u>TOTAL COST</u>	<u>CAPITAL IMPROVEMENT FUND</u>	<u>GRANTS IN AID AND OTHER FUNDS</u>	<u>DEBT AUTHORIZED</u>
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	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 **Special Meeting** held on **January 23, 2020**.


 Donna L. Frederick, RMC
 Municipal Clerk