### **RESOLUTION 2017-061**

## CHAPTER 159 – INSERTION OF CLEAN COMMUNITIES GRANT FOR 2017

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by any public or private funding source and the amount thereof shall not have been determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount; and

WHEREAS, the Borough of West Wildwood is in receipt of \$4,000.00 from the Solid Waste Administration FY 2017 Clean Communities Grant, and wishes to amend its 2017 Municipal Budget to include this amount of revenue.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Borough of West Wildwood, County of Cape May, New Jersey, does hereby request the Director of the Division of Local Government services to approve the insertion of an item of revenue in the municipal budget of the Borough of West Wildwood for the year 2017 in the sum of \$4,000.00

which is now available as a revenue from:

Miscellaneous Revenues

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of the Division of Local Government Services - Public and Private Revenues Offset with Appropriations: Clean Communities Grant

an Communities Grant \$4,000.00

BE IT FURTHER RESOLVED that a like sum of

\$4,000.0.0

be and the same is hereby appropriated under the caption of:

GENERAL APPROPRIATIONS

(a) Operations Excluded from 5% Caps
Public and Private Programs Offset by Revenues:
2017 Clean Communities Grant

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

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 July 7, 2017.

### RESOLUTION 2017-062

### ASSESSMENT OF GRASS CUTTING COSTS

WHEREAS, Ordinance 434 of the Borough of West Wildwood authorizes the assessment of costs to properties associated with the elimination of certain growths, grass, materials, and/or debris as determined by the Supervisor of the Public Works Department; and

WHEREAS, said Supervisor has certified to the Governing Body a list of properties to be assessed with the associated costs.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of West Wildwood, County of Cape May, New Jersey that the following assessments and liens are hereby assigned to the listed properties

Block	Lot	Lot Property Address			
122	3	648 W. Maple Ave	\$ 600.00		
122	7	634 W. Maple Ave.	\$ 292.50		

BE IT FURTHER RESOLVED that the Municipal Assessor and Tax Collector take the appropriate action in assigning such charges as liens to be added to and become a part of the taxes next to be assessed and levied upon said lands; and

**BE IT FURTHER RESOLVED** that the associated assessments and liens shall bear the same interest at the same rate as taxes and shall be collected and enforced by the same Municipal Officers and in the same manner as taxes; and

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution shall be forwarded to both the Municipal Tax Assessor and Municipal Tax Collector upon its adoption

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

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 July 7, 2017.

### RESOLUTION 2017-063

# AUTHORIZING WESTERN PEST SERVICES TO CONDUCT PEST SERVICES FOR 735 W. POPLAR AVENUE

WHEREAS, the Borough of West Wildwood Code Enforcement Official conducted an inspection at 735 W. Poplar Avenue; Block 105, Lot 13, on May 22, 2017.

WHEREAS, the inspection revealed rat and rodent infestation; and

WHEREAS, all reasonable means of notification and efforts taken by the Borough Code Official for compliance were exhausted necessitating action by the Borough, due to the health, welfare and safety of the residents.

WHEREAS, the Borough contracted with Western Pest Services to conduct pest services for the aforementioned property and invoiced the Borough of West Wildwood for said services in the amount of \$ 650.00.

**NOW, THEREFORE BE IT RESOLVED** that the Board of Commissioners of the Borough of West Wildwood, County of Cape May, New Jersey hereby authorize the aforementioned contract with Western Pest Services in the amount of \$ 650.00.

**BE IT FURTHER RESOLVED**, that a certification of availability of funds is hereby attached to this Resolution.

	Motion	Second	Yes	No	Abstain	Absent
Mayor Christopher J. Fox						Х
Commissioner Scott W. Golden		Х	Χ			
Commissioner Cornelius J. Maxwell	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 July 7, 2017.

### CERTIFICATION OF AVAILABILITY OF FUNDS

As required by NJSA 40A:4-57, NJAC 5:30-14.5 and any other applicable requirement, I Elaine Crowley, Chief Financial Officer of the Borough of West Wildwood, NJ have ascertained that there are available sufficient uncommitted appropriations to award a contract to:

TO: WESTERN PEST SERVICES

FOR: EXTERMINATION SERVICES TO 735 W. POPLAR AVE

IN THE AMOUNT OF: \$650.00

Funds for Certification are therefore being made available and certified against the appropriation and/or Ordinance entitled:

AMOUNT: \$650.00

ACCOUNT(S) 7-01-20-100-030

TOTAL AMOUNT OF CONTACT: \$650.00

Amount Certified by this Certification: \$650.00

TEMPORARY BUDGET CERTIFICATION @ 25%

X PERMANENT BUDGET CERTIFICATION @ 100%

CONTINGENCY CERTIFICATION: UPON ADOPTION OF FINAL BUDGET.

Date: July 3, 2017

Chief Financial Officer: flame fouly

Resolution # 2017-063

### RESOLUTION 2017-064

# A RESOLUTION AUTHORIZING THE BOROUGH OF WEST WILDWOOD TO DESIGNATE HANDICAP PARKING

WHEREAS, the Borough of West Wildwood Police Department has received a handicapped parking application; and

WHEREAS, the West Wildwood Police Department has reviewed the documentation provided by said applicant and has determined that the applicant have met the requirements necessary to qualify for the handicap parking designation; and

**WHEREAS**, the West Wildwood Police Department performed a sight inspection of the location provided by the applicant and have approved the application of said applicant.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Borough of West Wildwood, County of Cape May, New Jersey do hereby authorize handicap parking designation at the following location:

1. 734 W. Poplar Avenue, Eleanor Esser-Cuddy

**AND BE IT FURTHER RESOLVED,** that a certified copy of this resolution be forwarded to the West Wildwood Police Department and The West Wildwood Public Works Department in order to facilitate the enforcement and installation of proper signage.

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

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 July 7, 2017.

### RESOLUTION 2017-067

# AUTHORIZING TRIAD ASSOCIATES TO PREPARE AND PROCESS NJDCA SMALL CITIES PUBLIC FACILITIES PROGRAM GRANT APPLICATION SFY2018 FOR ADA RAMP IMPROVEMENTS TO THE POLICE BUILDING, MUNICIPAL BUILDING AND BULKHEAD

WHEREAS, the Borough of West Wildwood has received a proposal from TRIAD Associates to prepare and process a NJDCA Small Cities Public Facilities Program Grant Application SFY2018 for ADA Ramp Improvements to the Police Building, Municipal Building and Bulkhead; and

WHEREAS, the Board of Commissioners deem it in the best interest of the Borough to execute an agreement with TRIAD Associates in the amount of \$14,200.00 to file the Small Cities Grant Application.

**NOW, THEREFORE BE IT RESOLVED** that the Board of Commissioners of the Borough of West Wildwood, County of Cape May, New Jersey, hereby authorize the Mayor and/or Deputy Mayor to execute an agreement with TRIAD Associates to prepare and process the aforementioned application.

**BE IT FURTHER RESOLVED,** that a Certification of Availability of Funds be attached to this Resolution.

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

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 July 7, 2017.

### CERTIFICATION OF AVAILABILITY OF FUNDS

As required by NJSA 40A:4-57, NJAC 5:30-14.5 and any other applicable requirement, I Elaine Crowley, Chief Financial Officer of the Borough of West Wildwood, NJ have ascertained that there are available sufficient uncommitted appropriations to award a contract to:

TO: TRIAD ASSOCIATES

FOR: APPLICATION FOR SMALL CITIES GRANT

IN THE AMOUNT OF: \$14,200.00

Funds for Certification are therefore being made available and certified against the appropriation and/or Ordinance entitled:

AMOUNT: \$14,200.00

ACCOUNT(S) C-04-55-916-200

TOTAL AMOUNT OF CONTACT: \$14,200.00

Amount Certified by this Certification: \$14,200.00

TEMPORARY BUDGET CERTIFICATION @ 25%

X PERMANENT BUDGET CERTIFICATION @ 100%

CONTINGENCY CERTIFICATION: UPON ADOPTION OF FINAL BUDGET.

2 7 2

Date: July 3, 2017

Chief Financial Officer: Slave Casulty

Resolution # 2017-067

### **RESOLUTION 2017-068**

# AUTHORIZING THE REMOVAL OF HANDICAP PARKING SPACES THAT ARE NO LONGER NEEDED AT CERTAIN LOCATIONS

WHEREAS, the Borough established handicap zones through Ordinance No. 471, establishing regulations; and

WHEREAS, Section 3C of Ordinance No. 471 allows for the addition or deletion of said handicap parking spaces without the need to amend Ordinance No. 471.

**NOW, THEREFORE BE IT RESOLVED** by the Board of Commissioners of the Borough of West Wildwood, County of Cape May, New Jersey, that the handicap spaces be deleted from the following locations:

39 Venice Avenue525 W. Maple Avenue737 W. Glenwood Avenue

**BE IT FURTHER RESOLVED,** that a copy of this resolution be forwarded to the West Wildwood Public Works Department, and the West Wildwood Police Department.

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

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 July 7dfred33, 2017.

### **RESOLUTION 2017-069**

## APPOINTING A LOCAL HOUSING INSPECTOR

WHEREAS, the Borough of West Wildwood has requested and received authorization to conduct the State mandated inspections of hotels and multiple dwellings within its jurisdiction on behalf of the Bureau of Housing Inspection; and

WHEREAS, this authorization is based upon the requirement that these inspections and their related activities be conducted in strict accordance with the Conditions of Authorization provided by the State of New Jersey, Department of Community Affairs; and

**WHEREAS**, Lewis M. Ostrander is qualified to perform inspections and related activities as the Borough Housing Inspector.

**NOW, THEREFORE BE IT RESOLVED** by the Board of Commissioners of the Borough of West Wildwood, County of Cape May, New Jersey, that Lewis M. Ostrander is hereby appointed as the Borough Housing Inspector for a term commencing July 1, 2017 to December 31, 2017.

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

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 July 7, 2017.

#### **RESOLUTION 2017-070**

### **ADOPTION OF CY2016 AUDIT**

- WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and
- WHEREAS, the Annual Report of Audit for the year 2016 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and
- WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New to prescribe reports pertaining to the local fiscal affairs; and
- WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Findings and Questioned Costs" or "Findings and Recommendations; and
- WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Findings and Questioned Costs" or "Findings and Recommendations", as evidenced by the group affidavit form of the governing body attached hereto; and
- WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and
- WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and
- WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the governing body to the penalty provisions of R.S. 52:27BB-52 to wit:
  - R.S. 52:27BB-52 A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars
  - (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his/her office."
- **NOW, THEREFORE BE IT RESOLVED**, that the Governing Body of the Borough of West Wildwood, hereby states that it has complied with <u>N.J.A.C</u>. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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

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 July 7, 2017.

### RESOLUTION 2017-071

# AUTHORIZING THE FILING OF AN APPLICATION TO THE USDA FOR A 2017 FORD F450 UTILITY DUMP TRUCK

WHEREAS, the USDA Rural Development has certain grants/loans available to government agencies; and

WHEREAS, the Borough of West Wildwood Public Works Department desires to make an application to the USDA for the purchase of a 2017 Ford F450 utility dump truck; and

WHEREAS, the Board of Commissioners deem it in the best interest of the Borough to submit said application on behalf of the Public Works Department; and

**WHEREAS**, the Borough of West Wildwood acknowledges a loan sum not to exceed \$ 44,476.00; and a grant sum not to exceed \$ 33,357.00.

WHEREAS, the Governing Body shall take all actions necessary and appropriate for the execution of such application as may be required; and

WHEREAS, USDA Standard Form 424 (Rev. 9-2003), Resolution of Members or Stockholders shall be executed and attached hereto.

**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 Clerk are hereby authorized to file the necessary application forms to the USDA.

BE IT FURTHER RESOLVED, that a copy of this Resolution be attached to said application.

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

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 August 4, 2017.

### **RESOLUTION 2017-072**

# AUTHORIZING THE APPROVAL OF A MEDIATION SETTLEMENT AGREEMENT

WHEREAS, the Borough of West Wildwood created a right-of-way easement sometime in 1998 by Ordinance; and

WHEREAS, the engineering firm of Remington, Vernick and Walberg prepared a new survey sometime in December of 2016 showing the area of the erection of the concrete wall and the area of the proposed lot lines for the easement that was created in 1998; and

WHEREAS, sometime in 2016, it was determined that the wall was not constructed in the proper place and litigation ensued; and

WHEREAS, the above matter was mediated in the offices of Retired Judge Michael A. Donio on July 14, 2017 and both parties involved have reached an agreement, the terms and conditions are hereby appended to this resolution; and

**NOW, THEREFORE BE IT RESOLVED** by the Board of Commissioners of the Borough of West Wildwood, County of Cape May, New Jersey, that Borough Administrator Chris Ridings is hereby authorized to execute the settlement terms of the aforementioned agreement on behalf of the Borough of West Wildwood.

**BE IT FURTHER RESOLVED,** the Board of Commissioners of the Borough of West Wildwood authorizes the CFO to pay half of the mediation costs, the sum of \$ 1,820.00 to Michael A. Donio Legal Services, 620 South White Horse Pike, Sail Lake, Suite B, Hammonton, NJ 08037.

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

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 August 4, 2017.

#### RESOLUTION 2017-073

# APPROVING THE SUBMISSION OF AN APPLICATION BY THE WEST WILDWOOD POLICE DEPARTMENT TO THE LAW ENFORCEMENT SUPPORT OFFICE (LESO) 1033 PROGRAM FOR THE ACQUISITION OF A TRUCK/UTILITY CARGO TROOP CARRIER 1 1/4 TON

WHEREAS, in the National Defense Authorization Act for Fiscal Years 1990 and 1991, Congress authorized the transfer of excess DOD personal property to federal and state agencies for use in counter-drug activities. Congress later passed the National Defense Authorization Act for Fiscal Year 1997; this act allows all law enforcement agencies to acquire property for bona fide law enforcement purposes that assist in their arrest and apprehension mission; and

WHEREAS, the program came under the Defense Logistics Agency's (DLA) jurisdiction in October 1995. The Law Enforcement Support Office (LESO), located at DLA Disposition Services Headquarters in Battle Creek, Michigan, oversees the program; and

WHEREAS, the Borough of West Wildwood Police Department is a participating agency in the 1033 Program; and

WHEREAS, the West Wildwood Police Department desires to submit a request to the 1033 Program to acquire a truck/utility cargo troop carrier 1 ¼ ton, to be utilized to assist with emergency transporting of personnel and equipment during an emergent event and to assist the residents of the Borough of West Wildwood during evacuations and/or high water rescue operations as a result of natural disasters or extreme weather events.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Borough of West Wildwood, County of Cape May, New Jersey hereby approves the submission by the West Wildwood Police Department for the acquisition of the aforementioned controlled equipment;

**BE IT FURTHER RESOLVED,** that a certified copy of this resolution shall be forwarded to the West Wildwood Police Department, to be incorporated with the LESO 1033 Program application.

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

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 August 4, 2017.

#### RESOLUTION 2017-074

# AUTHORIZING THE EXTENSION OF THE GRACE PERIOD FOR THE AUGUST 2017 TAX QUARTER

WHEREAS, Chapter 72, Public Laws of 1992 requires a minimum of twenty-five (25) days to pay the August 2017 tax quarter from the date the Tax Collector certifies the mailing of the tax bills; and

WHEREAS, Terence Graff, Certified Tax Collector the Borough of West Wildwood has advised the Commissioners that all tax bills including those marked advice only will be mailed on or before August 3, 2017.

**NOW, THEREFORE, BE IT RESOLVED** that the governing body of the Borough of West Wildwood authorizes the grace period to be extended until August 28, 2017.

**BE IT FURTHER RESOLVED**, this Resolution applies only to the tax quarter due August 1, 2017. Interest will revert from August 1, 2017 for any property tax not paid by August 28, 2017. All subsequent quarterly tax installments will be due and payable as stated on the tax bill.

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

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 August 4, 2017.

### **RESOLUTION 2017-075**

# AUTHORIZING THE EXECUTION OF A CONTRACT RENEWING MEMBERSHIP IN THE ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND

WHEREAS, the Borough of West Wildwood (hereinafter the "MUNICIPALITY") is a member of the Atlantic County Municipal Joint Insurance Fund (hereinafter the "FUND"); and

WHEREAS, the MUNICIPALITY'S membership terminates as of January 1, 2018 unless earlier renewed by a Contract between the MUNICIPALITY and the FUND; and

WHEREAS, N.J.S.A. 40A:11-5 (1) (m) provides that a Contract which exceeds the bid threshold may be negotiated and awarded by the governing body without public advertising for bids and bidding therefor, if the subject matter is for the purchase of insurance coverage and consultant services, provided that the award is in accordance with the requirements for extraordinary unspecifiable services; and

WHEREAS, N.J.S.A. 40A:11-6.1(b) provides that the MUNICIPALITY shall make a documented effort to secure competitive quotations; however, a Contract may be awarded upon a determination, in writing, that the solicitation of competitive quotations is impracticable; and

WHEREAS, in accordance with N.J.A.C. 5:34-2.3, a designated official of the MUNICIPALITY, has filed a certificate with the governing body describing in detail, as set forth below in this Resolution, why this Contract meets the provisions of the statutes and the regulations and why the solicitation of competitive quotations is impracticable; and

WHEREAS, it has been determined that the purchase of insurance coverage and insurance consultant services by the MUNICIPALITY requires a unique knowledge and understanding of the municipal exposures and risks associated with the operation of a municipal entity, and many insurance professionals are not qualified to assess these risks and exposures based upon their inherent complexity; and

WHEREAS, insurance coverage for municipal entities can vary greatly in the type, limits, and exceptions to coverage, and therefore particularized expertise in determining and obtaining the appropriate coverage is required to protect the MUNICIPALITY; and

WHEREAS, it is the goal of the MUNICIPALITY to obtain a single integrated program to provide all types of insurance coverage with a plan to limit the MUNICIPALITIES exposure; and

WHEREAS, the FUND has provided comprehensive insurance coverage to member municipalities since 1987; and

WHEREAS, since 1987, the Fund has continually refined all of the types of coverage that it provides to its members so that it offers comprehensive insurance coverage and limits to all members that is unique and cannot be purchased from a single entity in the commercial insurance market; and

WHEREAS, the FUND has also developed and made available to its members Safety, Risk Management and Litigation Management programs that address the specific exposures and risks associated with municipal entities; and

WHEREAS, the FUND provides the MUNICIPALITY with Fund Administration, Claims Review, Claims Processing, Claims Administration, Actuarial and Legal services; and

WHEREAS, the FUND is one of the most financially sound Municipal Joint Insurance Funds in New Jersey, and the FUND operates with strong fiscal controls, member oversight, and meets all of the requirements promulgated by the New Jersey Department of Community Affairs and the Department of Banking and Insurance; and

WHEREAS, as an existing member of the FUND, the MUNICIPALITY would be renewing its membership in an organization with experienced and dedicated FUND Professionals who provide specialized services to the members; and

WHEREAS, the membership of the FUND includes many neighboring municipalities that uniquely have similar exposures to the MUNICIPALITY, and with whom the MUNICIPALITY has existing inter-local arrangements; and

WHEREAS, all of the aforementioned factors categorize the award of this Contract as an "extraordinary, unspecifiable service" that cannot be duplicated, accounted for, accurately detailed, or described in a manner that truly depicts the value of the MUNICIPALITY'S membership in the FUND; and

WHEREAS, for all of the aforementioned reasons, it is impracticable for the MUNICIPALITY to seek competitive quotations for a Contract to provide the procurement of insurance coverage and consultant services; and

**WHEREAS,** the FUND has been organized pursuant to N.J.S.A. 40A:10-36 et seq., and as such is an agency of the municipalities that created it; and

WHEREAS, N.J.S.A. 40A:11-5(2) also provides that a Contract which exceeds the bid threshold may be negotiated and awarded by the governing body without public advertising for bids and bidding therefor, if the Contract is entered into with a municipality or any board, body, officer, agency or authority thereof; and

**WHEREAS**, the FUND meets the definition of an agency as set forth in N.J.S.A. 40A:11-5(2); and

WHEREAS, for all of the aforementioned reasons, the MUNICIPALITY desires to enter into a Contract to renew its membership with the FUND for a period of three (3) years, for insurance coverage and consultant services, as an exception to the public bidding requirements of the Local Public Contracts Law.

**NOW THEREFORE, BE IT RESOLVED** by the governing body of the MUNICIPALITY as follows:

- 1. The MUNICIPALITY agrees to renew its membership in the FUND and to be subject to the Bylaws, Rules and Regulations, coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the FUND.
- 2. The Mayor and Clerk of the MUNICIPALITY shall be and hereby are authorized to execute the "Contract to Renew Membership" annexed hereto and made a part hereof and to deliver same to the FUND evidencing the MUNICIPALITY'S renewal of its membership.

- 3. In accordance with N.J.A.C. 5:34-2.3, the certificate of a designated official of the MUNICIPALITY, which details why the solicitation of competitive quotations is impracticable, is attached hereto and made a part of this Resolution.
- 4. The Clerk of the MUNICIPALITY is authorized and directed to place a notice of the adoption of this Resolution and the award of this Contract in the official newspaper of the MUNICIPALITY.

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

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 **August 4, 2017**.

### RESOLUTION 2017-076

# APPROVAL OF CHANGE ORDER NUMBER 1 FOR THE RECONSTRUCTION OF AVENUE S, MUELLER AVENUE, AVENUE P AND PINE AVENUE

WHEREAS, the Board of Commissioners of the Borough of West Wildwood awarded a contract to Charles Marandino, LLC in the amount of \$ 402,335.93; and

WHEREAS, the Borough Engineer, Remington & Vernick, has prepared Change Order Number 1, attached hereto, which will result in a decrease of \$ 2,900.00 to the original contract amount resulting in the reduction of the contract amount to \$399,435.93.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Borough of West Wildwood, County of Cape May, New Jersey, hereby accepts the recommendation of and agrees to the approval of Change Order Number 1 for the reconstruction of Avenue S, Mueller Avenue, Avenue P and Pine Avenue, and

**BE IT FURTHER RESOLVED** that the Mayor is hereby authorized to execute Change Order Number 1 for the, Avenue S, Mueller Avenue, Avenue P and Pine Avenue Project, all in accordance Change Order Number 1 as prepared by the Borough Engineer, and

**BE IT FURTHER RESOLVED** that four (4) certified copies of this Resolution shall be presented to the Borough Engineer for forwarding to the New Jersey Department of Transportation to accompany the State's form of Change Order as approved.

	Motion	Second	Yes	No	Abstain	Absent
Mayor Christopher J. Fox			Χ		10	
Commissioner Scott W. Golden		X	X			
Commissioner Cornelius J. Maxwell	X		Χ			

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 August 4, 2017.

# BOROUGH OF WEST WILDWOOD CAPE MAY COUNTY NEW JERSEY

### **RESOLUTION 2017-077**

# A RESOLUTION URGING THE STATE LEGISLATURE TO ADOPT COMMON SENSE AFFORDABLE HOUSING RULES

WHEREAS the first Mt. Laurel case in 1975 and the second in 1983, resulted in rulings that required all New Jersey municipalities to take affirmative actions toward providing their "fair share" of the regions need for affordable housing for low and moderate income people; and

WHEREAS the New Jersey legislature adopted the Fair Housing act in 1985, which created the Council on Affordable Housing, to assess the statewide need for affordable housing, to allocate that need on a municipal fair share basis, and to review and approve municipal housing plans aimed at implementing the local fair share obligation; and

**WHEREAS** the Municipal Land Use Law was amended to require a Housing Element as a mandatory element of each Municipal Master Plan, Section 52:20 7D – 310; and

WHEREAS, subsequently COAH adopted its third round regulations on December 20, 2004, which required municipalities to petition for third round substantive certification, in order to remain under their jurisdiction; and

WHEREAS on January 25, 2007 the Appellate Division issued a decision on the third round regulations, which required COAH to revise its third round rules and precluded COAH from issuing third round substantive certifications until the new rules were adopted; and

WHEREAS on May 6, 2008, COAH adopted new third round rules, effective on June 2, 2008, followed by publication in the New Jersey Register as required, which ultimately resulted in the filing of amended third round certifications due on or before December 31, 2008, and

WHEREAS for the period from October 8, 2010 through October 2014, COAH failed to meet the deadline set by the Supreme Court for establishing new third round certification guidelines, and subsequently, the Supreme Court on March 10, 2015 ordered that, with the exhaustion of all administrative remedies, the courts shall resume their role of evaluating municipal compliance with Mount Laurel obligations; the effective date of the order was June 8, 2015; municipalities that were under administrative review were permitted to file declaratory judgment actions with the court by July 8, 2015; and

WHEREAS Municipalities, without State guidance on fair share housing obligations and due to insufficient time, did not have the ability to conduct its own fair share housing studies, therefore, Municipalities, had no choice but to accept the research done by the Fair Share Housing Center, since they would all be subject to "Builders Remedy Lawsuits" and subsequently, it is costing municipalities thousands of taxpayer dollars, to negotiate terms acceptable to the courts and the intervenors; and

WHEREAS the failure of the Governor and Legislature of the State of New Jersey to adopt affordable housing rules is a major detriment to the long-term development of all Municipalities in this State whereby a Municipality cannot plan for future growth without the threat of "builders remedy lawsuits"; and

WHEREAS Municipalities have spent millions of dollars complying with state regulations only to see that money being wasted due to the constant changes promulgated by a State Agency; and

WHEREAS Municipalities are anxious to provide housing to all citizens, however the inability of the State of New Jersey to pass common sense affordable housing regulations, has cost this State 18 years of inactivity, during which little affordable housing was created; and

WHEREAS tens of thousands of homeowners lost their homes during the great recession of 2008 and with the lack of affordable housing policies has led to empty homes in every municipality, that were returned to lenders; and

WHEREAS common sense affordable housing policy could have turned these empty homes into affordable housing for the many who need it, without imposing additional growth on municipalities; and

WHEREAS common sense affordable housing policies would call for affordable housing to be concentrated in areas where there is already supporting infrastructure, existing transportation routes, mass transit, and employment opportunities; and

WHEREAS requiring all 565 municipalities to create housing in locations that do not have infrastructure, transportation, or employment, violates the principles of smart growth, in accordance with the New Jersey State Development and Redevelopment Plan, and common sense.

NOW THEREFORE BE IT RESOLVED, that the Governing Body of the Borough of West Wildwood, County of Cape May, New Jersey calls upon the Governor and Legislature of the State of New Jersey to pass common sense affordable housing rules that directs affordable housing to those locations with existing infrastructure, existing transportation networks, existing mass transit, and employment opportunities; and

**BE IT FURTHER RESOLVED**, the Borough recognizes the value of preserving green space, open areas, and the quality of life in New Jersey as discussed in the New Jersey State Plan and in the principles of smart growth. These regulations should apply equally to all municipalities in the State of New Jersey and to give each town an opportunity to comply with clear and concise regulations that spell out precisely each town's role; and

**BE IT FURTHER RESOLVED,** that a copy of this Resolution be forwarded to the Governor and Lieutenant Governor of the State of New Jersey, the Senate President, Assembly Speaker, Senator Jeff Van Drew, Assemblymen Bob Andrezejczak and Bruce Land, to all Cape May County Municipal Clerks and the League of Municipalities.

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

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 August 4, 2017.

### RESOLUTION 2017-078

# AUTHORIZING A CLOSED (EXECUTIVE) SESSION OF THE BOARD OF COMMISSIONERS FOR MATTERS OF PENDING LITIGATION

**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 convene to discuss the aforementioned matters.

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

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 August 4, 2017.

### RESOLUTION 2017-079

# AUTHORIZING A CLOSED (EXECUTIVE) SESSION OF THE BOARD OF COMMISSIONERS FOR MATTERS OF PENDING LITIGATION

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 convene to discuss the aforementioned matters.

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

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 Reconvened Recessed regular meeting (Friday, August 4, 2017) held on Tuesday, August 8, 2017 at 8:30am.

### **RESOLUTION 2017-080**

RESOLUTION **OF** THE **BOROUGH** OF WEST WILDWOOD, IN THE COUNTY OF CAPE MAY, NEW JERSEY, **PROVIDING FOR** AN **EMERGENCY** APPROPRIATION IN THE AMOUNT OF \$1,999,300 PURSUANT TO THE PROVISIONS OF N.J.S.A. 40A:4-46 TO PROVIDE THE FUNDING OF A LITIGATION **JUDGMENT** 

WHEREAS, an emergency has arisen requiring the appropriation of funds of the Borough of West Wildwood, in the County of Cape May, New Jersey (the "Borough"), in the amount of \$1,999,300 to provide for a judgment in the matter <u>Jacquelyn Ferentz v. Mayor Herbert Frederick and the Borough of West Wildwood</u>, Superior Court of New Jersey Law Division, Docket No: CPM-L-797-08, and the costs and expenses associated therewith (collectively, the "Judgment"); and

WHEREAS, adequate provision was not made in the 2017 budget of the Borough for the aforesaid purposes, and N.J.S.A. 40A:4-46 provides authorization for the undertaking of emergency appropriations for the purpose mentioned above; and

WHEREAS, the Borough intends to finance such improvement by a refunding bond ordinance; and

WHEREAS, the total amount of emergency appropriations created, including the appropriation to be created by this resolution, is \$1,999,300, and 3% of the total current and utility operating appropriations in the budget for CY 2017 is \$80,473.43; and

WHEREAS, the foregoing emergency appropriation, together with prior emergency appropriations, exceeds 3% of the total operating appropriations (including utility operation appropriations) in the budget for CY 2017.

NOW THEREFORE, BE IT RESOLVED 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. In accordance with N.J.S.A. 40A:4-49, petition shall be made to the Director of the Division of Local Government Services for permission to exceed the statutory limitation of 3 percent for the creation of one or more appropriations for the purposes set forth in the preamble in accordance with this Resolution.

- Section 2. Pursuant to N.J.S.A. 40A:4-46, an emergency appropriation is hereby made in the amount of \$1,999,300 providing for the Judgment.
- Section 3. Said emergency appropriation is anticipated to be provided in full pursuant to a refunding bond ordinance entitled, "REFUNDING BOND ORDINANCE PROVIDING FOR THE FUNDING OF A LITIGATION JUDGMENT IN AND BY THE BOROUGH OF WEST WILDWOOD, IN THE COUNTY OF CAPE MAY, NEW JERSEY, APPROPRIATING \$1,999,300 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,999,300 REFUNDING BONDS OR NOTES OF THE BOROUGH FOR FINANCING THE COST THEREOF" to be introduced and finally adopted hereafter.
- Section 4. An emergency note not in excess of \$1,999,300 is hereby authorized to be issued pursuant to N.J.S.A. 40A:4-51.
- Section 5. The Borough Board of Commissioners hereby determines that the expenditures authorized in Section 2 hereof will meet a pressing need for public expenditure to protect and promote the public health, safety, morale or welfare of the residents of the Borough.
- Section 6. The emergency note authorized herein, if issued, shall be executed by the Mayor and the Chief Financial Officer of the Borough and attested by the Borough Clerk.
- Section 7. The Chief Financial Officer of the Borough is hereby delegated the authority to sell and award the note, if any, and such note, if issued, may be renewed from time to time by the Chief Financial Officer provided that any such renewals shall be payable on or before December 31, 2018.
- Section 8. Two certified copies of this resolution shall be filed with the Director of the Division of Local Government Services.
  - Section 9. This resolution shall take effect immediately.

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

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 **Workshop Meeting** held on **August 28, 2017**.

### CERTIFICATION OF CHIEF FINANCIAL OFFICER

Purpose of emergency appropriation: To provide for the funding of a judgment in the matter Jacquelyn Ferentz v. Mayor Herbert Frederick and the Borough of West Wildwood, Superior Court of New Jersey Law Division, Docket No: CPM-L-797-08, and the costs and expenses associated therewith

# Date(s) of occurrence:

Have any contracts been awarded or purchase orders placed in connection with this emergency appropriation? NO

IN WITNESS WHEREOF, I have hereunto set my hand as of this 28 that day of August 2017.

Elaine Crowley

Chief Financial Officer

Borough of West Wildwood

### **RESOLUTION 2017-080A**

# AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE CITY OF WILDWOOD REGARDING LAW ENFORCEMENT EVENT SUPPORT

**WHEREAS**, the City of Wildwood is hosting Roar to the Shore on September 7, 2017 to September 10, 2017 which will attract a number of attendees ("event"); and

WHEREAS, to ensure appropriate law enforcement services are provided for the event without a decrease in police services elsewhere in the City it is considered necessary and appropriate to engage the law enforcement services of the Borough of West Wildwood Police Department; and

WHEREAS, the Borough of West Wildwood, has requested a Shared Services Agreement to document the temporary assignment of law enforcement personnel and loaning of certain equipment to the City of Wildwood; and

WHEREAS, the terms and conditions of the attached Shared Services Agreement are appropriate and agreed to by the Board of Commissioners.

NOW, THEREFORE BE IT RESOLVED AS FOLLOWS: The Board of Commissioners of the Borough of West Wildwood, County of Cape May, New Jersey, hereby approves and adopts the attached Shared Services Agreement with the City of Wildwood regarding law enforcement event support and authorizes and directs the Deputy Mayor Maxwell to execute same.

**BE IT FURTHER RESOLVED,** this Resolution and copy attached Shared Services Agreement shall remain on file in the Clerk's Office and available for public inspection

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

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 1, 2017.

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

# RESOLUTION 2017-081 CITIZEN PARTICIPATION PLAN FY2018

WHEREAS, the Borough of West Wildwood is applying for FY2018 Small Cities Grants from the Public Facilities Fund with the New Jersey Department of Community Affairs; and

WHEREAS, a Grant Agreement requires the Borough of West Wildwood to comply with all federal regulations with respect to citizen participation; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and the Commissioners of the Borough of West Wildwood ,County of Cape May, State of New Jersey, that:

The Citizen Participation Plan FY2018 developed by the New Jersey Department of Community Affairs, Small Cities CDBG Program, is adopted by the Borough of West Wildwood; and

The Borough of West Wildwood will follow all regulations set forth in that document throughout the term of the Grant Agreement cited above.

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

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 1, 2017