

REGULAR MEETING MINUTES

July 7, 2023

Borough of West Wildwood

"Small town Charm on the Back Bay"

AGENDA

NOTICE OF TENTATIVE AGENDA - REGULAR MEETING – JULY 7, 2023

7:00PM – 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. 2022-165 ADOPTED ON DECEMBER 27, 2022. 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 AND BOROUGH WEBSITE.

ROLL CALL:

ADDITIONS/DELETIONS OF AGENDA ITEMS:

OLD BUSINESS

APPROVAL OF MINUTES:

Regular Meeting – June 2, 2023

Workshop Meeting – June 21, 2023

ORDINANCES:

ORDINANCE 612 (2023): Second Reading/Public Hearing – ORDINANCE AMENDING THE LAND USE REGULATIONS OF THE BOROUGH OF WEST WILDWOOD AS TO STREETS AND SIDEWALKS

RESOLUTIONS:

2023-062 - A RESOLUTION ACKNOWLEDGING THE CURRENT ROSTER OF ACTIVE FIREFIGHTERS AND LADIES' AUXILIARY MEMBERS OF THE WEST WILDWOOD VOLUNTEER FIRE COMPANY

2023-063 – A RESOLUTION IN SUPPORT OF LEGISLATION S-3906 PROVIDING "GIVE IT BACK" PROPERTY TAX RELIEF TO EVERY NEW JERSEY TOWN AND COUNTY

2023-064 – CHAPTER 159 – INSERTION OF UEZ ASSISTANCE FUND – BIKE RACKS – TRASH RECEPTACLES

2023-065 – CHAPTER 159 – INSERTION OF UEZ ASSISTANCE FUND – CORRIDOR PARKING IMPROVEMENTS

Borough of West Wildwood

"Small town Charm on the Back Bay"

2023-066 – AUTHORIZING CHANGE ORDER NO. 2 – FINAL FOR FY2019 SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT ADA RAMP FOR THE WEST WILDWOOD POLICE DEPARTMENT

2023-067 – AUTHORIZING THE EXECUTION OF A CONTRACT RENEWING MEMBERSHIP IN THE ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND

2023-068 – RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WEST WILDWOOD CALLING FOR AN IMMEDIATE MORATORIUM ON OFFSHORE DEVELOPMENT PENDING A THROUGH INVESTIGATION INTO THE UNPRECEDENTED DEATHS OF WHALES

APPROVAL TO PAY BILLS

REPORTS FROM COMMISSIONERS

OPEN TO THE FLOOR FOR PUBLIC COMMENT

ADJOURNMENT

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

ADDITIONAL AGENDA ITEM(S)

NOTICE OF TENTATIVE AGENDA - REGULAR MEETING – JULY 7, 2023

7:00PM – ACTION MEETING

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

ORDINANCES:

**ORDINANCE 613(2023) – Second Reading- Public Hearing – AN ORDINANCE
AMENDING ORDINANCE NO. 540(2015) TITLED “AN ORDINANCE AMENDING
ORDINANCE NO. 326 TITLED ORDINANCE TO ESTABLISH GENERAL TRAFFIC
REGULATIONS WITHIN THE BOROUGH OF WEST WILDWOOD IN CONFORMANCE
WITH TITLE 39 OF THE REVISED STATUTES OF NEW JERSEY AND THE MANUAL
OF UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS”**

BOROUGH OF WEST WILDWOOD
BOARD OF COMMISSIONERS
REGULAR MEETING
JULY 7, 2022
7:00pm – ACTION MEETING

MINUTES:

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

ROLL CALL: Present

Comm. Banning
Comm. Segrest
Mayor Ksiazek
Solicitor Lyons
Deputy Clerk Carl O'Hala
Administrator/Clerk Donna L. Frederick

ADDITIONS/DELETIONS OF AGENDA ITEMS:

Clerk announced an oversight on the agenda which should have included Ordinance 613(2023).

APPROVAL OF MINUTES:

Clerk call for a motion to adopt the minutes of the previous meeting as presented
Regular Meeting – June 2, 2023
Workshop meeting minutes from June 21, 2023 will be presented at the regular meeting in August.
Motion by Comm. Banning; Second by Comm. Segrest.
Roll Call Vote: Comm. Banning, yes; Comm. Segrest, yes; Mayor Ksiazek, yes.
Motion Carried

ORDINANCES:

Clerk read the following Ordinances:

ORDINANCE 612 (2023): Second Reading/Public Hearing – ORDINANCE AMENDING THE LAND USE REGULATIONS OF THE BOROUGH OF WEST WILDWOOD AS TO STREETS AND SIDEWALKS

Clerk announced the Planning Board has reviewed this ordinance and provided resolution 2023-05 stating in part that this ordinance is consistent with the borough master plan.
Mayor opened the meeting to the floor for public comment on Ordinance 612(2023). Hearing none,
Mayor closed the public hearing. Clerk called for a motion to adopt Ordinance 612(2023)
Motion by Comm. Banning; Second by Comm. Segrest.
Roll Call Vote: Comm. Banning, yes; Comm. Segrest, yes; Mayor Ksiazek, yes.
Ordinance 612(2023) Adopted

ORDINANCE 613(2023) – Second Reading – Public Hearing – AN ORDINANCE AMENDING ORDINANCE NO. 540(2015) TITLED “AN ORDINANCE AMENDING ORDINANCE NO. 326 TITLED ORDINANCE TO ESTABLISH GENERAL TRAFFIC REGULATIONS WITHIN THE BOROUGH OF WEST WILDWOOD IN CONFORMANCE WITH TITLE 39 OF THE REVISED

Motion by Comm. Banning; Second by Comm. Segrest.
Roll Call Vote: Comm. Banning, yes; Comm. Segrest, yes; Mayor Ksiazek, yes.
Resolution Adopted.

2023-068 – RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WEST WILDWOOD CALLING FOR AN IMMEDIATE MORATORIUM ON OFFSHORE DEVELOPMENT PENDING A THOROUGH INVESTIGATION INTO THE UNPRECEDENTED DEATHS OF WHALES

Clerk asked for a motion to adopt resolution.
Motion by Comm. Banning; Second by Comm. Segrest.
Roll Call Vote: Comm. Banning, yes; Comm. Segrest, yes; Mayor Ksiazek, yes.
Resolution Adopted.

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

Motion by Comm. Banning; Second by Comm. Segrest.
Roll Call Vote: Comm. Banning, yes; Comm. Segrest, yes; Mayor Ksiazek, yes.
Motion Carried

Reports from Commissioners:

Mayor reported public works activities for the month of June 2023.

Commissioner Segrest stated the finance report was not prepared due to the power outage.

Comm. Banning gave the police activity report for June 2023 (copy attached), and also reminded the public to lock up bikes.

Mayor opened the meeting for public comment.

JOAN MAZZERELLA, commented that the 4th of July parade was awesome.

BEN MAZZERELLA, asked if it could be posted on the sign that bikes need lights on at night.
Comm. Banning stated bicyclists are supposed to obey the same laws of motor vehicles title 39 and will talk to the Chief about putting it on the sign.

BILL MARTIN, asked about the height of the new bulkhead, and asked if they lowered it.
Administrator stated it was too high and was lowered approximately 14 inches. Mayor stated it is now at the proper elevation of 8.5 feet.

SUSAN CZWALINA asked about improvements to the playground. Mayor stated it will be further discussed at the workshop meeting. Comm. Segrest stated further discussion and costs will be needed so that a capital bond could be introduced for projects to be ready for spring construction.

Hearing no more public comment, Mayor closed the meeting to the floor.
Clerk asked for a motion to adjourn.

Motion to Adjourn:

Motion by Mayor Ksiazek; Second by Comm. Segrest.

Roll Call Vote: Comm. Banning, yes; Comm. Segrest, yes; Mayor Ksiazek, yes.
Motion Carried

Respectfully submitted




Donna L. Frederick, RMC
Municipal Clerk

This is a generalization of the Regular meeting on JULY 7, 2023, and not a verbatim transcript.
THESE MINUTES WERE APPROVED AT THE AUGUST 4, 2023, REGULAR COMMISSION MEETING



MAYOR MATTHEW J. KSIAZEK



COMMISSIONER JOHN J. BANNING



COMMISSIONER JOSEPH D. SEGREST

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

ORDINANCE NO. 612 (2023)

**ORDINANCE AMENDING THE LAND USE REGULATIONS OF THE BOROUGH OF
WEST WILDWOOD AS TO STREETS AND SIDEWALKS**

WHEREAS, the Mayor and Borough Commissioners of the Borough of West Wildwood wish to revise the “Land Use Regulations,” as to Streets and Sidewalks.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Commissioners of the Borough of West Wildwood, in the County of Cape May, New Jersey, the Governing Body of the Borough of West Wildwood, as follows:

Section 1.

ARTICLE I - Street Encroachments and Openings

§ __-1. Title.

This ordinance may be known and cited as the “West Wildwood Borough Street Encroachment and Openings Ordinance.”

§ __-2. Obstruction and encroachment of streets prohibited; permit required.

No person shall place or maintain any obstruction, encroachment or encumbrance in, over or upon any road, street, avenue, highway or right-of-way of the Borough of West Wildwood, nor shall any such person use or attempt to use, for any private purpose, any part of any road, street, avenue, highway or right-of-way without first having obtained a permit therefor as hereinafter provided.

§ __-3. Excavation and opening; permit required.

- A. No person shall disturb the surface, tunnel under, cut, break into, or make any opening or excavation of any kind in any road, street, avenue, highway or right-of-way of the Borough of West Wildwood without first having obtained a permit therefor as hereinafter provided.
- B. No permit shall be issued for a period of five (5) years where a pavement has been reconstructed or a period of three (3) years where a pavement has been resurfaced, unless there is a need shown as a result of an emergency or hardship. An emergency or hardship application shall be made to the Board of Commissioners by letter request to the Borough Clerk, demonstrating the emergency or hardship. Where an emergency or hardship is demonstrated, the Board of Commissioners shall have the authority to authorize the

granting of a permit by resolution. Any permit granted shall require the necessary fees, escrows and the reconstruction or resurfacing of the pavement from the curb line to the center line.

- C. Unless written permission is obtained from the Director of Public Works, no permittee shall be allowed permission to cut, break into, excavate or open a street for a greater distance than three hundred (300) feet at one time or keep the same open for a period longer than one (1) week. During the entire period, the street is being cut, broken into, excavated or opened by the permittee, there shall be provided by the permittee a space at street level of at least twelve (12) feet in width for the purposes of allowing vehicles free and unimpeded use of the same.
- D. In no event shall a permit be valid for a period of time in excess of ninety (90) days after its issuance without the written approval of the Director of Public Works.
- E. All cuts, breaks, excavations and openings shall conform in size to the application on which the permit is based and shall be performed in neat, even, and rectangular sections. All excavations are to be protected in accordance with applicable local, State, and Federal requirements.
- F. If in the opinion of the Director of Public Works, any cut, excavation, or opening would be dangerous if left exposed, the permittee shall erect a suitable barrier or railing around the same in such manner as to prevent danger to pedestrians or vehicles and place upon such barrier or railing and upon any building materials and appliances suitable and sufficient warning lights during the period of darkness. In any event, suitable and sufficient warning lights shall be maintained by the permittee during periods of darkness in the vicinity of the cut, excavation, or opening. The barriers and lighting shall conform to the Department of Transportation Manual of Uniform Traffic Control Devices and any amendments. In addition to the permittee placing his name and telephone number where he can be reached at all times on the barriers, the permittee shall also notify the Director of Public Works and local municipal authority of the condition of the unfinished excavation and furnish the above with his name and telephone number where he can be reached at all times.

§ __-4. Application; contents.

- A. Each application for a permit shall be made in writing, on forms provided, to the Borough Clerk and shall be accompanied by an application fee of thirty dollars (\$30) *deposit*. Each application shall be in duplicate and shall contain the following information:
 - 1. Names, addresses and telephone numbers of the applicant, the contractor or person doing the work and the person for whom the work is being performed; also an emergency telephone number of the contractor.
 - 2. State of the purpose and location of the proposed obstruction, encroachment, encumbrance, tunneling, cutting, breaking, excavation or opening, setting forth the

name of the road, street, avenue, highway or right-of-way, and the portion thereof to be utilized and affected.

3. Description of the nature, kind and character of each proposed obstruction, encroachment, encumbrance, tunneling, cutting, breaking, excavation or opening.
 4. Statement of the estimated period of time during which the same shall be maintained, setting forth the date when the proposed activity will commence and terminate.
 5. Statement of the nature of the surface of the road, street, avenue, highway or right-of-way to be affected.
 6. Such other information as may be reasonably required to fulfill the requirements of this ordinance.
- B. Each copy of the application shall be accompanied by a scaled plan or detailed sketch showing the precise location and size of the proposed obstruction, encroachment, encumbrance, tunneling, cutting, breaking, excavation or opening and the areas of the road, street, avenue, highway or right-of-way to be affected by the same.

§ __-5. Processing of application; issuance of permit.

- A. Upon receipt of the completed application, accompanying documentation, and application fee, the Borough Clerk shall transmit the duplicate copy of the application to the Director of Public Works, or his designee, who shall review the application, consulting with the Borough Engineer or other directors if necessary, to consider and verify its contents, thereafter, the Director of Public Works shall indicate his approval or disapproval thereof, in writing, to the Borough Clerk, together with any terms, conditions or recommendations with respect to the application. The Director of Public Works shall also establish and indicate the required amount of deposit to be paid to the Borough Clerk before issuance of a permit in accordance with the schedule set forth in § __-6 of this Ordinance.
- B. Upon approval of the application and payment of the stipulated deposit, the Borough Clerk shall issue the permit, subject to the terms of this Ordinance and such reasonable terms and conditions as may be established in the interest of public safety, health, and welfare. Each application shall be approved if the application and plans conform to the requirements of this Ordinance and provide for the work to be performed in accordance with the New Jersey State Highway Specifications, this Ordinance, and any other applicable State or municipal law, ordinance or regulation, and if the work does not otherwise create any condition detrimental to the public health, safety, and welfare.

§ __-6. Deposit; performance bond.

- A. Prior to the issuance of a permit hereunder, the applicant shall deposit with the Borough Clerk a sum, in cash, to be determined in accordance with the following schedule:

Charge Additional Charge for 10 per square foot square feet in excess of 10. Type of Road or less square feet

Earth \$100.00 \$2.00

Blacktop 150.00 3.00

Reinforced Concrete 200.00 \$5.00

Concrete Side- Walk 100.00 \$3.00

Other concrete 100.00 \$4.00

Topsoil and seep (each square foot) \$2.00

- B. Said sum shall be deposited to assure the proper repairs, reconstruction or restoration of the roads, streets, avenues, highways or right-of-way, and, after final approval of said repairs or reconstruction, shall be returned to the applicant, less any additional charges against the same as hereinafter provided.
- C. In lieu of said cash deposit, a public utility company may post and maintain with the Borough Clerk a performance bond in the minimum amount of five thousand dollars (\$5,000). Said bond shall be conditioned upon the proper repair, reconstruction and restoration of any and all roads, streets, avenues, highways or rights-of-way which are the subject of any and all applications of said utility. The form and sufficiency of such bond shall be subject to the approval of the Borough Attorney. The posting of such bond, however, shall not exempt such applicant from making an application for each and every obstruction, encroachment, encumbrance, tunneling, cutting, breaking, excavation or opening or from complying with the provisions of this ordinance.

§ __-6A. Deposits, fees and guarantees.

- A. If the application and plan conform to the requirements of this article, and the work to be performed is in accordance with the current New Jersey State Highway Specifications, and is approved by the Borough Engineer and/or Director of Public Works, the Borough Clerk shall issue the permit upon receipt of the following:
 - 1. Administration fee: \$75 per application;
 - 2. Engineer review fee: \$500 per application;
 - 3. Performance and Maintenance guaranty: as set forth in Subsection B below;
 - 4. Inspection fee: as set forth in Subsection C below.

B. Performance and maintenance guaranty. Prior to the issuance of a permit, the applicant shall deposit a performance and maintenance guaranty as follows:

1. Amount. The amount of the guaranty required will be determined by the Borough Engineer and or Director of Public Works and will be set forth on the latest permit application form at the time of the application submission.
 - a) For any excavation less than or equal to 36square feet in surface area, the performance guaranty shall be \$1,500, regardless of its location within the right-of-way.
 - b) For any excavation greater than 36 square feet, the amount shall be computed by the Borough Engineer based on the costs for the Borough to make the repairs at the wage rates promulgated by the State.
 - c) An annual blanket bond in the amount of \$20,000 may be posted to avoid the inconvenience and expense of obtaining individual bonds for each permit requested.
2. Form. The form of the guaranty shall be subject to the review and approval of the Borough Attorney and shall be issued by an institution authorized to transact business in the State of New Jersey.
3. Maintenance. The guaranty shall encompass a maintenance guaranty once the permanent restoration has been completed and accepted by the Borough. Upon completion of final and permanent restoration and acceptance by the Borough, the performance guaranty will be returned subject to a maintenance guaranty of 50% of the performance guaranty amount being posted. The maintenance guaranty shall remain in effect for a two (2) year period of time. The guaranty shall be released to the permit holder upon satisfactory completion of all restoration and repairs during the two (2) year maintenance. The maintenance period shall commence after final inspection of the work performed under the permit and the acceptance of the work by the Borough.
4. Utilities. For all utilities under the jurisdiction of the Board of Public Utilities, a blanket corporate bond acceptable to the Borough Attorney in the amount of \$25,000 may be deposited with the Borough in full force and effect in lieu of a separate bond for each required permit as surety for the performance and maintenance period. The maintenance period shall be for a period of two (2) years and shall commence after the final inspection of the work perforated under the permit ad the acceptance of the work by the Borough.

C. Inspection fees. Prior to the issuance of a permit, the applicant shall make a deposit for inspections fees in an amount to be determined by the Borough Engineer and/or Director of Public Works.

1. The amount shall be calculated at five percent (5%) of the total site improvement cost, including excavation and restoration or based on the number of hours spent by the Borough Engineer and/or Director of Public Works to inspect the work covered under the permit, computed at his/her hourly rate, whichever is greater.
2. In no case shall the amount of inspection escrow be less than five hundred dollars (\$500). This minimum amount shall be paid on a lump-sum basis.
3. Inspection escrows greater than \$500 will be paid on a time-and-material basis, and any remaining escrow shall be returned to the applicant.

§ __-7. Temporary Repairs and Restoration.

- A. Upon such notice to the Director of Public Works, or his designee as he may prescribe, and under his inspection, the contractor or permittee securing the permit thereunder, immediately and no longer than five (5) days after completing the work necessitating the obstruction, encroachment, encumbrance, tunneling, cutting, breaking, excavation or opening, shall refill, properly stamp, compact and restore the same with a temporary cover consisting of gravel not less than eight (8) inches in depth and then with two (2) inches of cold patch (except in the case of earth or gravel roads). All fill or backfill must be approved and/or specified by the Director of Public Works or his designee. No clay soil shall be permitted for use as backfill and any unsuitable excavated soils shall be replaced in backfilling with gravel. Thereafter, and not less than sixty (60) days from completion of the temporary cover, the contractor approved by the Director of Public Works or his designee shall make final and permanent repair, reconstruction or restoration.
- B. After final and permanent repairs, reconstruction or restoration is made, the contractor or permittee shall notify the Director of Public Works or his designee of the same, whereupon the Director of Public Works or his designee shall make the inspection. Thereafter, if at the end of a period of four (4) months from the completion of the final and permanent repairs, reconstruction or restoration, no defects in the contractor's or permittee's work appear, upon request of the applicant and final approval by the Director of Public Works or his designee, the cash deposit may be returned to the applicant.

§ __-7A. "Temporary Paving."

The permittee shall immediately, after completing the work, refill, properly tamp and restore the excavation or opening with a temporary paving cover as follows: ten (10) inches of compacted gravel (Type 5A) in all areas and two (2) inches of approved bituminous temporary patch material (cold patch) in paved cartways. The temporary paving cover shall be left in place and maintained by the applicant for a minimum of ninety (90) days and a maximum of one hundred twenty (120) days, after which the temporary paving cover and required portion of compacted gravel shall be removed and replaced with the final paving required by the Director of Public Works. Improvements to the temporary paving that are deemed necessary due to settlement prior to approval for final paving, shall reset the minimum number of days for temporary paving to be maintained by the permittee to sixty (60) days from the date of repair.

§__-7B. "Final Restoration Requirement."

Final paving is to comply with the requirements in the New Jersey Department of Transportation (NJDOT) Standard Specifications for Road and Bridge Construction 2007, as amended by the latest addendum of the NJDOT, herein referred to as NJDOT Standard Specifications. A lesser specification may be allowed after review by the Director of Public Works.

A. Surface Restoration:

1. No permittee shall commence final restoration until the Director of Public Works has determined that settlement of the subsurface is complete and the area properly prepared for restoration.
2. For service connections and trenches perpendicular to the roadway: The street surface shall be permanently restored twelve (12) inches beyond the excavation on all sides by milling the surface surrounding the excavation to a depth of two (2) inches to extend the surface course restoration. The permanent restoration shall consist of a minimum of six (6) inches of dense graded aggregate, four (4) inches of bituminous stabilized base course and two (2) inches of FABC-1 surface course applied with appropriate tack coat to the adjacent pavement surface or a pavement cross section consistent to the existing pavement section.
3. For all other openings within the right-of-way:
 - a) The permanent restoration shall consist of a minimum of six (6) inches of dense graded aggregate, four (4) inches of bituminous stabilized base course and two (2) inches of FABC-1 surface course.
 - b) The surface restoration shall extend the whole width of the travel lane disturbed by the excavation.
 - c) For road openings down the center of the cartway, surface restoration shall extend across the full width of the paved road (both travel lanes).
4. The permittee is responsible for the full restoration of the roadway surface, including re-striping, installation of raised pavement markings, speed humps and signage.
5. Any concrete sidewalks disturbed, damaged or disrupted during the excavation or trench opening shall be replaced with concrete sidewalk conforming to all applicable standards of the Borough of West Wildwood. In the case of exposed aggregate or other decorative sidewalk, the contractor shall duplicate as close as possible the existing condition.
6. Where concrete curbing and/or gutters are disturbed, damaged or removed, curbing and gutters of the exact configuration as the existing shall be constructed. Concrete

shall be Portland cement concrete, air-entrained, conforming to the NJDOT Standard Specifications for Class B concrete, and shall have a minimum compressive strength of 4,000 pounds per square inch after twenty-eight (28) days.

7. All top soiled, seeded or otherwise unpaved areas disturbed in the course of the work shall be top soiled with a minimum thickness of not less than four (4) inches of loam-type topsoil. Fertilizer, lime and other soil conditioners needed to promote the proper growth of grass shall be incorporated and thoroughly worked into the topsoil. Seed or sod of species suitable for growth in the location and environment and conforming to the requirements of the NJDOT Standard Specifications shall be placed in all unpaved areas.
8. All gravel shoulder areas disturbed during excavation or trench opening shall be restored and graded to provide and maintain the proper flow of drainage and to provide adequate lateral support of the abutting pavement structure. The gravel material shall be soil aggregate, Type I-6, conforming to the requirements of NJDOT Standard Specifications Section 901. The soil aggregate or gravel shall be a minimum thickness of not less than eight (8) inches compacted thickness.
9. All concrete drive aprons disturbed during the course of excavation or trench opening shall be replaced in accordance with all applicable standards for concrete drive aprons, as set for in the West Wildwood Borough ordinances, and shall be constructed of Portland cement concrete, air-entrained, Class B concrete, having a twenty-eight (28) day compressive strength of 4,000 pounds per square inch and a minimum concrete thickness of six (6) inches.
10. In the event of the failure to restore the street opening properly within a reasonable time after the opening has been made or to maintain the restored street properly for a period of one (1) year from the date of the aforesaid certificate of proper restoration, the Borough may, upon two (2) weeks' notice to the person receiving the permit, undertake the restoration or maintenance work and have recourse to deposit for compensation.

§ __-8. Defects; correction of work; default.

- A. If, at the end of or during the said four-month period, any settlement occurs or any defects appear, the Director of Public Works or his designee shall notify the contractor or permittee, by ordinary mail at the address given on the application, to correct the condition within ten (10) working days of the notice and complete a new temporary cover after which the final repairs, reconstruction or restoration shall again be made as hereinabove provided. An additional application of twenty dollars (\$20) shall be charged or deducted from any cash sums placed on deposit by the applicant for such additional inspections.
- B. In the event that the contractor or permittee shall fail to proceed to correct the conditions as required within the time stipulated and there are cash moneys on deposit, then the

Borough may make said corrections and all finds on deposit shall, without further notice, be credited to the general revenues of the Borough to defray the cost of work required to be performed by the Borough, or if there is a bond posted, said bond shall be declared in default and appropriate action shall be taken thereon by the Borough.

§ __-9. Restrictions.

Each obstruction, encroachment, encumbrance, tunneling, cutting, breaking, excavation or opening shall be the subject of a separate application and, unless written approval is obtained from the Director of Public Works or his designee, no person shall be permitted to obstruct, excavate, tunnel, cut, break or open a road, street, avenue, highway or right-of-way for a greater distance than three hundred (300) feet at one time or keep the same opened for a longer period than one (1) week. In no event shall a permit hereunder be valid for a period of time in excess of sixty (60) days after its issuance without the written approval of the Director of Public Works or his designee.

§ __-10. Statement of compliance required.

No permit shall be issued to an applicant unless the applicant shall have presented satisfactory proof to the Borough Clerk in the form of a written statement either:

- A. That said applicant has complied with the requirements of N.J.S.A. 2A:170-69.4 in first ascertaining, in the manner prescribed in said statute, whether any pipe distributing or transmitting manufactured, mixed or natural gas or synthetic natural gas, liquefied natural gas or propane gas is within two hundred (200) feet of the location of the place of an excavation, tunneling, cutting, breaking or opening; or
- B. That said applicant is exempted from compliance therewith under the provisions of said statute.

§ __-10.1. Insurance.

No permit shall be issued until the applicant has furnished the Clerk with satisfactory proof that he is insured against injury to persons and damage to property caused by any act or omission of the applicant, his agents, employees or subcontractors done in the course of the work to be performed under the permit. The insurance shall cover all hazards likely to arise in connection with the work including, but not limited to, collapse and explosion, and shall also insure against liability arising from completed operations. The limits of the policy of insurance shall be one hundred thousand dollars (\$100,000) for injuries to one (1) person in the same accident; and three hundred thousand dollars (\$300,000) for more than one (1) person in the same accident; and an aggregate of one hundred thousand dollars (\$100,000) for property damage for a single accident.

§ __-10.2. Conformity of performance with application.

All obstructions, encroachments, encumbrances, tunneling, breaks, excavations and openings shall conform in size to the application on which the permit is based and shall be performed in neat, even and rectangular sections. Any deviation from the application shall be documented and submitted to the Director of Public Works or his designee within ten (10) days of the occurrence of the deviation for his review and approval. All excavations to a depth of six (6) feet or more and other such excavations as may be designated by the Director of Public Works or his designee shall be shored and braced to support the walls of the trench for the protection of workmen and to prevent the unintentional widening of the trench.

§ __-10.3 Protective measures required.

- A. The applicant and contractor shall conform to all Occupational Safety and Health Administration requirements. It shall be the duty and responsibility of the contractor and permittee hereunder engaging in the activity for which a permit is required to place and maintain barriers and warning devices necessary for the safety of the general public. Barriers, warning signs, lights, etc., shall conform to the requirements of the Director of Public Works, the Police Chief, and the Borough Engineer. Warning lights shall be utilized to indicate any hazard to traffic and pedestrians from sunset of each day to sunrise of the next day and shall be visible at a reasonable distance for safety. All earth, dirt, building materials, appliances and equipment, which may constitute a hazard or danger to safety, shall be lighted.
- B. The contractor or permittee shall also take appropriate measures to assure that during the performance of the work or activities for which a permit is issued, traffic conditions as near normal as possible shall be maintained at all times so as to minimize inconvenience to the occupants of adjoining properties and to the general public.
- C. All materials excavated from trenches and piled adjacent to the trench or in any road, street, etc., shall be piled and maintained in such a manner as not to endanger those working in the trench, pedestrians, traffic, users of the roads and streets, and so that as little inconvenience as possible is caused to those using the roads, streets, and sidewalks, and adjoining property owners.
- D. As the work or activity for which a permit was issued progresses, all roads, streets, avenues, highways, rights-of-way and surrounding areas shall be thoroughly cleared of all rubbish, excess earth, rock, materials and other debris. All cleanup operations at the location shall be accomplished at the expense of the contractor or permittee and shall be completed to the satisfaction of the Director of Public Works or his designee. Upon the failure to properly clean up within twenty-four (24) hours after notice from the Director of Public Works or his designee, the Director of Public Works may clean up and the cost therefor may be charged against the contractor or permittee or deducted from any sums deposited.

- E. The applicant and contractor shall be fully responsible for any and all damage or injury to person or property occasioned in any manner by reason of the obstruction, encroachment, encumbrance, tunneling, cutting, breaking, excavation or opening and the work performed incidental thereto.

§ __-10.4. Emergencies.

In cases of emergency involving underground gas, water, sewer, telephone or electrical facility or other emergency determined with approval, by the Department of Public Works Director or the Borough Engineer, where immediate repair is necessary to prevent loss or damage to streets or property or discontinuance of service or for the preservation of life and property, it shall not be necessary to obtain a permit before commencing such repair. In no event shall such emergency procedure, however, exempt said person from any other provision of this ordinance.

§ __-10.5. Exceptions.

- A. In an appropriate case of an application of a public utility for the installation, removal, replacement or maintenance of utility poles in the right-of-way where the cartway will not be disturbed, damaged or substantially affected and where said activities will not create, constitute or result in a hazard or conditions detrimental to the public health, safety and welfare, the Borough Clerk, with the approval of the Director of Public Works or his designee, may waive compliance by the said utility with such of the terms of this ordinance as may be deemed inappropriate to the accomplishment of the intent and purposes of the ordinance.
- B. The Borough Clerk, with the approval of the Director of Public Works or his designee, may waive compliance with the terms of this ordinance in the case of an application by a federal, state, county or municipal governmental body, department, agency or authority.

§ __-10.6. Inspection; rules and regulations.

The Director of Public Works or his designee shall make such inspections as are reasonably necessary in the enforcement of this ordinance and the said Director shall have authority to promulgate and cause to be enforced such rules and regulations as may be reasonably necessary to enforce and carry out the intent of this ordinance.

§ __-10.7. Violations and penalties.

Any person violating any provision of this ordinance shall, upon conviction thereof, be subject to a fine not exceeding five hundred dollars (\$500) or imprisonment in the county jail for a term not exceeding ninety (90) days, or both, in the discretion of a court of competent jurisdiction. Each and every day that such violation shall continue shall be a further and separate offense under the terms of this ordinance, subject to the penalties herein prescribed.

Any person who violates any provisions of this article shall, upon conviction, be subject to a fine not exceeding \$1,250, imprisonment for a term not exceeding ninety (90) days or a period of

community service not exceeding ninety (90) days and a prohibition on obtaining additional permits for a period of three (3) years.

§ __-10.8. Definitions.

The following words shall for the purpose of this article be defined and interpreted to have the following meanings:

APPLICANT. Any person who makes an application for a permit.

BOROUGH. The Borough of West Wildwood in the County of Cape May.

CLERK. The Clerk of the Borough of West Wildwood, in the County of Cape May.

EMERGENCY. Any unforeseen circumstances or occurrence which constitutes an immediate danger to any person or property.

ENGINEER. The person duly appointed as the Borough Engineer for the Borough of West Wildwood, in the County of Case May.

OPENING. Any excavation or penetration in the surface of any street that may be made by digging into, breaking into or otherwise opening or disturbing the surface of any street.

PERMIT. An authorization in writing issued by the Clerk to an applicant authorizing the applicant to make an opening in a street.

PERMITTEE. Any person to whom a permit has been issued pursuant to an application as provided for in this article.

PERSON. Any natural person, partnership, firm, association, utility, corporation, authority created pursuant to statute, or other entity or municipal entity. The word "person" when used in connection with any provision of this Article prescribing a penalty, shall as applied to associations and partnerships, mean the members or partners thereof and as applied to corporations shall mean the officers of the corporations.

STREET. Any public street, public easement, public right-of-way, public highway or public road accepted or maintained by the Borough of West Wildwood, in the County of Cape May, or over which the Borough may have acquired jurisdiction by agreement.

DIRECTOR OF PUBLIC WORKS. The person duly appointed Director of Public Works or any person authorized to act as his or her representative.

§ __-10.9. Severability.

If any provision of this Ordinance or the application of such provision to any person or circumstance shall be held invalid, the remainder of this ordinance or the application of such

provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

§ __-10.10. Repealer.

Ordinance Nos. 153 and 154, as amended (§ __-1 through __-10 of Article I of Ch. __ of the Code of the Borough of West Wildwood), are hereby repealed, and all other ordinances or parts of ordinances inconsistent with the terms hereof be and the same are hereby repealed to the extent, however, of such inconsistency only.

§ __-10.11. When effective.

This ordinance shall take effect immediately.

ARTICLE II – SIDEWALKS: USE BY AUTOMOBILES AND OTHER VEHICLES

§ __-11. Use of vehicles on sidewalks.

It shall be unlawful for any person or persons to run an automobile or other motor vehicle on a paved or otherwise improved sidewalk in the said Borough.

§ __-12. Operating bicycles on sidewalks unlawful.

It shall be unlawful for any person or persons to ride a bicycle on a paved or otherwise improved sidewalk in any village or built-up section within the said Borough.

§ __-13. Repealer; effective date.

All inconsistent provisions are hereby repealed, and this ordinance shall take effect on _____.

ARTICLE III – SIDEWALKS: REMOVAL OF GRASS, WEEDS, SNOW AND ICE

§ __-14. A. Responsibility for Repairs

- A. Whenever the pavement or surface of any public sidewalk or portion thereof upon or along a public street or highway in the Borough shall be found to be broken, disintegrated, uneven or otherwise defective to such an extent that it would be likely to cause a pedestrian to trip or fall in passing along the same, it shall be the responsibility of the abutting property owner to make the necessary repair and/or reconstruction of the sidewalk or portion thereof.

- B. Removal of Snow and Ice.

1. Whenever the pavement or surface of any public sidewalk or portion thereof upon or along a public street or highway in the Borough shall be found to be covered by ice or two (2) inches or more of snow, it shall be the responsibility of the abutting landowner or occupant to remove said ice or snow within twelve hours of daylight after the same shall fall or be formed thereon.
2. Whenever the pavement or surface of any public sidewalk or portion thereof upon or along a public street or highway in the Borough shall be found to be covered with grass, weeds, and impediments therefrom, it shall be the responsibility of the abutting landowner or occupant to remove said grass, weeds or impediment within three (3) days after notice to remove same has been provided the Borough Official.

§__-15. Inconsistency.

All ordinances and provisions thereof inconsistent with the provisions of this Ordinance shall be and are hereby repealed to the extent of such inconsistency.

§__-16. Severability.

If any section, subsection or part, clause or phrase of this Ordinance shall be deemed invalid by judgment of any court of competent jurisdiction, such section, subsection, part, clause or phrase shall be deemed to be severable from the remainder of the ordinance.

§__-17. When effective.

This Ordinance shall take effect immediately after final passage and publication as required by law.

Section 2. All ordinances or parts of ordinances deemed to be inconsistent with this ordinance are hereby repealed.

Section 3. This ordinance shall become effectively immediately upon final adoption and publication in accordance with the laws of the State of New Jersey

COMMISSIONERS:


MAYOR MATTHEW J. KSIAZEK



COMMISSIONER JOHN J. BANNING


COMMISSIONER JOSEPH D. SEGREST

First Reading/Introduction: 2023 05-05
Publication: 2023 05-11

	Motion	Second	Yes	No	Abstain	Absent
Mayor Matthew J. Ksiazek			X			
Commissioner John J. Banning	X		X			
Commissioner Joseph D. Segrest		X	X			

I, Donna L. Frederick, RMC, Municipal Clerk of the Borough of West Wildwood, Cape May County, do hereby certify the forgoing to be a true and correct copy of an ordinance introduced and passed on the first reading at the May 5, 2023, Regular Meeting and will be considered for final passage after a public hearing to be held on July 7, 2023, at 7:00pm prevailing time.


Donna L. Frederick, RMC
Municipal Clerk

COMMISSIONERS:


MAYOR MATTHEW J. KSIAZEK

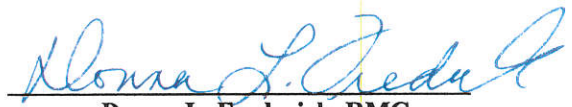

COMMISSIONER JOHN J. BANNING


COMMISSIONER JOSEPH D. SEGREST

Second Reading/Public Hearing: 2023 07-07
Publication: 2023 07-13

	Motion	Second	Yes	No	Abstain	Absent
Mayor Matthew J. Ksiazek			X			
Commissioner John J. Banning	X		X			
Commissioner Joseph D. Segrest		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 an Ordinance finally adopted by the Board of Commissioners of the Borough of West Wildwood, New Jersey after a public hearing held on July 7, 2023, at 7:00pm prevailing time.


Donna L. Frederick, RMC
Municipal Clerk

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

ORDINANCE NO. 613(2023)

**AN ORDINANCE AMENDING ORDINANCE NO. 326 TITLED
“ORDINANCE TO ESTABLISH GENERAL TRAFFIC REGULATIONS
WITHIN THE BOROUGH OF WEST WILDWOOD IN CONFORMANCE
WITH TITLE 39 OF THE REVISED
STATUTES OF NEW JERSEY AND THE MANUAL OF
UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS”**

WHEREAS, the Borough of West Wildwood maintains municipal roadways and traffic control devices; and

WHEREAS, the Borough desires to document the approved locations of those traffic control devices:

NOW THEREFOR BE IT RESOLVED by the Governing Body of the Borough of West Wildwood that a schedule of stop intersections be added as follows:

The intersection described in Schedule IX, Stop Intersections, attached to and made part of this chapter, are hereby designated as stop intersections. Stop signs shall be provided therein.

In accordance with the provisions of Section 5.2, the following described intersections are hereby designated as Stop Intersections:

STOP SIGN ON	DIRECTION OF TRAVEL	AT THE INTERSECTION OF
Venice Avenue	Southwest	Maple Avenue
Avenue R	Northeast	Pine Avenue
Lake Rd.	West	R Avenue

COMMISSIONERS:



MAYOR MATTHEW J. KSIAZEK



COMMISSIONER JOHN J. BANNING



COMMISSIONER JOSEPH D. SEGREST

First Reading/Introduction: 2023 06-02
 Publication: 2023 06-08

	Motion	Second	Yes	No	Abstain	Absent
Mayor Matthew J. Ksiazek			X			
Commissioner John J. Banning	X		X			
Commissioner Joseph D. Segrest		X	X			

I, Donna L. Frederick, RMC, Municipal Clerk of the Borough of West Wildwood, Cape May County, do hereby certify the forgoing to be a true and correct copy of an ordinance introduced and passed on the first reading at the June 2, 2023, Regular Meeting and will be considered for final passage after a public hearing to be held on July 7, 2023, at 7:00pm prevailing time.


 Donna L. Frederick, RMC
 Municipal Cler

COMMISSIONERS:


 MAYOR MATTHEW J. KSIAZEK



 COMMISSIONER JOHN J. BANNING


 COMMISSIONER JOSEPH D. SEGREST

Second Reading/Public Hearing: 2023 07-07
 Publication: 2023 07-13

	Motion	Second	Yes	No	Abstain	Absent
Mayor Matthew J. Ksiazek			X			
Commissioner John J. Banning	X		X			
Commissioner Joseph D. Segrest		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 an Ordinance finally adopted by the Board of Commissioners of the Borough of West Wildwood, New Jersey after a public hearing held on July 7, 2023, at 7:00pm prevailing time.


 Donna L. Frederick, RMC
 Municipal Clerk

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

RESOLUTION 2023-062

**A RESOLUTION ACKNOWLEDGING THE CURRENT ROSTER
OF ACTIVE FIREFIGHTERS AND LADIES AUXILIARY MEMBERS
OF THE WEST WILDWOOD VOLUNTEER FIRE COMPANY**

WHEREAS, it has been determined by JIF Consultant J. Byrne Agency, the Borough of West Wildwood should maintain a current roster of all the active members of the West Wildwood Volunteer Fire Company, including the Ladies Auxiliary and any Junior Firefighters; and

WHEREAS, the Chief of the West Wildwood Volunteer Fire Company and the President of the Ladies Auxiliary annually provide a list to the Municipal Clerk; and

WHEREAS, the Board of Commissioners deem it is in the best interest of all concerned to maintain this roster on file with the Municipal Clerk.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners, of the Borough of West Wildwood, County of Cape May, New Jersey, that the Borough acknowledges those members provided by the Chief of the West Wildwood Volunteer Fire Company and the President of the Ladies Auxiliary, and thank them for their selfless volunteer service on behalf of all of the residents.

BE IT FURTHER RESOLVED that the clerk is authorized to provide a copy of this Resolution to the Chief of the West Wildwood Volunteer Fire Company; the President of the Ladies Auxiliary, JIF Consultant (J. Byrne Agency) and attach a copy of the roster to this Resolution.

	Motion	Second	Yes	No	Abstain	Absent
Mayor Matthew J. Ksiazek			X			
Commissioner John J. Banning	X		X			
Commissioner Joseph D. Segrest		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 **Regular Meeting** held on **July 7, 2023**.



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

WEST WILDWOOD FIRE COMPANY MEMBERS – 2023 ROSTER

GARY C. ADEYLOTTE

TIMOTHY G. BROADBENT

WILLIAM J. CRIPPS

DAVID J. DANIELS

CHRISTOPHER D. DAVIS

ROBERT W. FELTWELL – FIRE POLICE

JOEL HATCH

NICHOLAS J. HERMAN, JR.

CORNELIUS J. MAXWELL

RONALD G. McGOWAN, JR.

ANDREW M. McNEILL

DAVID NOVSAK

STEVEN NOVSAK

CARL O'HALA – FIRE POLICE

AMANDA WOEHR

LEON WOODRUFF, JR.

WEST WILDWOOD FIRE COMPANY LADIES AUXILIARY MEMBERS – 2023

KATHLEEN BABEL

GINNY CANTWELL

CHERYLE CONTI

RITA DURST

GINGER FELTWELL

DONNA FREDERICK

MARY GOLDEN

BECKY HERMAN

DONNA HOWARD

CHRISSY MULHOLLAND

LORI PERLOFF

RUTH PETERS

MAUREEN SMITH

ELAINE SZYMOWLAK

DOT TOMLIN

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

RESOLUTION 2023-063

**IN SUPPORT OF LEGISLATION S-3906,
PROVIDING "GIVE IT BACK" PROPERTY TAX RELIEF
TO EVERY NEW JERSEY TOWN AND COUNTY**

WHEREAS, S-3906 was recently introduced in the New Jersey State Senate, that would provide \$4.32 billion of "Give it Back" property tax relief to every town and county in New Jersey; and

WHEREAS, under the plan, the Borough of West Wildwood would receive \$174,399 to be used to reduce local debt and property taxes, or to pave roads, build parks, or advance capital project otherwise funded with debt; and

WHEREAS, the governing body of the Borough of West Wildwood supports this plan and the allocation of funds as proposed.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Commissioners of the Borough of West Wildwood, County of Cape May, State of New Jersey, authorizes the support and approval of Legislation S-3906.

BE IT FURTHER RESOLVED that a copy of this Resolution is forwarded to Senator Michael L. Testa, Jr., Senate President Nicholas Scutari, Assembly Speaker Craig Coughlin, Assemblymen Antwan McClellan and Erik Simonsen, and Governor Murphy.

	Motion	Second	Yes	No	Abstain	Absent
Mayor Matthew J. Ksiazek	X		X			
Commissioner John J. Banning			X			
Commissioner Joseph D. Segrest		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 **Regular Meeting** held on **July 7, 2023**.


Donna L. Frederick, RMC
Municipal Clerk

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

RESOLUTION 2023-064

**CHAPTER 159 – INSERTION OF UEZ ASSISTANCE FUND
FOR BIKE RACKS AND TRASH RECEPTACLES**

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 \$12,262.00 from the UEZ Assistance Fund and wishes to amend its 2023 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 2023 in the sum of \$12,626.00 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:

UEZ Assistance Fund \$12,626.00

BE IT FURTHER RESOLVED that a like sum of \$12,626.00

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:

2022 UEZ Assistance Fund

	Motion	Second	Yes	No	Abstain	Absent
Mayor Matthew J. Ksiazek			X			
Commissioner John J. Banning	X		X			
Commissioner Joseph D. Segrest		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 **Regular Meeting** held on **July 7, 2023**.



Donna L. Frederick, RMC
Municipal Clerk

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

RESOLUTION 2023-065

**CHAPTER 159 – INSERTION OF UEZ ASSISTANCE FUND
CORRIDOR PARKING**

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 \$89,292.00 from the UEZ Assistance Fund and wishes to amend its 2023 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 2023 in the sum of.....\$89,292.00 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:

UEZ Assistance Fund \$89,292.00

BE IT FURTHER RESOLVED that a like sum of \$89,292.00 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:
2022 UEZ Assistance Fund

	Motion	Second	Yes	No	Abstain	Absent
Mayor Matthew J. Ksiazek			X			
Commissioner John J. Banning	X		X			
Commissioner Joseph D. Segrest		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 **Regular Meeting** held on **July 7, 2023**.

A handwritten signature in cursive script, reading "Donna L. Frederick", written in black ink.

Donna L. Frederick, RMC
Municipal Clerk

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

RESOLUTION 2023-066

**AUTHORIZING CHANGE ORDER NO. 2 - FINAL FOR
FY2019 SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT
ADA RAMP FOR THE WEST WILDWOOD POLICE DEPARTMENT**

WHEREAS, the Board of Commissioners, of the Borough of West Wildwood, County of Cape May, State of New Jersey awarded a contract to **R.A. WALTERS AND SON** for the project “**FY2019 SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT ADA RAMP FOR THE WEST WILDWOOD POLICE STATION**”, and;

WHEREAS the Board of Commissioners of the Borough of West Wildwood, County of Cape May, State of New Jersey previously approved **Change Order No. 1 - FINAL** in the decreased amount of **\$8,250.00**, to an amended total contract value of **\$168,700.00** pursuant to Resolution 2023-015 and;

WHEREAS, **R.A. WALTERS AND SON** has submitted **Change Order No. 2 – FINAL** due to unforeseen conditions through Remington & Vernick Engineers, which **increases** the amended price of the contract by **\$11,250.00**, to an amended total of **\$179,950.00** and;

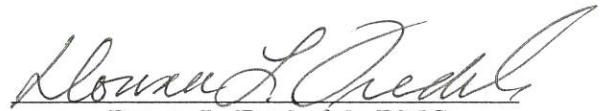
WHEREAS, the Chief Financial Officer of the Borough of West Wildwood has certified that there are sufficient funds to execute said Change Order:

Original Contract Amount:	\$ 176,950.00
Previously Amended Contract Amount:	\$ 168,700.00
Amended Contract Amount This Change Order:	\$ 179,950.00
Total Contract Change (Amount):	\$ 3,000.00
Total Contract Change (Percent):	1.70 %

BE IT RESOLVED, by the Board of Commissioners of the Borough of West Wildwood, County of Cape May, State of New Jersey that **Change Order No. 2 - FINAL**, as submitted by **R.A. WALTERS AND SON**, Through Remington & Vernick Engineers, is hereby approved in the increased amount of **\$11,250.00**, to an amended total of **\$179,950.00**.

	Motion	Second	Yes	No	Abstain	Absent
Mayor Matthew J. Ksiazek			X			
Commissioner John J. Banning	X		X			
Commissioner Joseph D. Segrest		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, 2023**.


Donna L. Frederick, RMC
Municipal Clerk

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

RESOLUTION 2023-067

**RESOLUTION 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, 2024 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 certification 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 have uniquely 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 Matthew J. Ksiazek			X			
Commissioner John J. Banning	X		X			
Commissioner Joseph D. Segrest		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 **Regular Meeting** held on **July 7, 2023**.

A handwritten signature in cursive script, reading "Donna L. Frederick", written in black ink.

Donna L. Frederick, RMC
Municipal Clerk

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

RESOLUTION 2023-068

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE
BOROUGH OF WEST WILDWOOD CALLING FOR AN IMMEDIATE
MORATORIUM ON OFFSHORE DEVELOPMENT PENDING A
THOROUGH INVESTIGATION INTO THE UNPRECEDENTED DEATHS
OF WHALES**

WHEREAS, the Board of Commissioners of the Borough of West Wildwood is calling for immediate suspension of all offshore development activity until a comprehensive, thorough investigation is held by federal and state agencies that confidently concludes these activities are not a contributing factor to recent whale deaths; and

WHEREAS, the West Wildwood community is heartbroken over the latest whale and dolphin to wash ashore; and

WHEREAS, West Wildwood supports clean energy programs, but seeks to first fully understand the cause of these tragic deaths and what can be done to prevent future losses; and

WHEREAS, the Board of Commissioners of the Borough of West Wildwood is of the opinion that all offshore seismic activity should be suspended pending further research as to the potential impact such activity has on whales and other marine life; and

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Borough of West Wildwood state they affirmatively support the position of opposition to moving forward with projects pending further research of the disclosed impacts of such projects on the environment and fishing industry.

BE IT FURTHER RESOLVED, that the Board of Commissioners of the Borough of West Wildwood shall share its expression by forwarding a copy of this Resolution to all members of the United States House of Representatives and United States Senate representing the Borough of West Wildwood and representing the State of New Jersey.

BE IT FURTHER RESOLVED, that Board of Commissioners of the Borough of West Wildwood shall also share this Resolution with the Members of the New Jersey State Senate and the New Jersey General Assembly.

BE IT FURTHER RESOLVED, that Board of Commissioners of the Borough of West Wildwood shall also share this Resolution with the Governor of the State of New Jersey.

BE IT FURTHER RESOLVED, that Board of Commissioners of the Borough of West Wildwood shall also share this Resolution with the Cape May County Board of Commissioners.

	Motion	Second	Yes	No	Abstain	Absent
Mayor Matthew J. Ksiazek			X			
Commissioner John J. Banning	X		X			
Commissioner Joseph D. Segrest		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 **Regular Meeting** held on **July 7, 2023**.



Donna L. Frederick, RMC
Municipal Clerk