

**REGULAR COMMISSION MINUTES OF THE WILDWOOD
COMMISSIONERS IN THE COUNTY OF CAPE MAY, NEW JERSEY**

Wednesday, August 26, 2020
Commissioner's Meeting Room
Time: 6:00 p.m.

MEETING CALLED

Meeting called to order by the Mayor.

NOTE: This meeting was conducted under the restrictions of the COVID-19 virus, as dictated by the Governor's Office. The meeting room was open to the first 14 members of the public, and members of the public were also invited to participate by utilizing the internet application ZOOM.

PLEDGE OF ALLEGIANCE

Commissioner Mikulski leads in the Pledge of Allegiance to the Flag.

ROLL CALL

Deputy City Clerk called the roll and the following Commissioners answered to their names:

Fitzsimons – here, Mikulski – here, Byron - here

OTHERS ATTENDING

Carl Groon, Administrator

Lou Delollis, Solicitor

Steve O'Connor – Administrative Assistant

Christopher D'Amico, Superintendent of Public Works

John Hess, CME

Karen M. Gallagher, Deputy City Clerk

Lisa Brown, Aide to the City Clerk

OPEN PUBLIC MEETING ANNOUNCEMENT

As per N.J.S.A. 10:4-12, the Mayor read the Open Public Meetings Act Announcement.

APPROVAL OF MINUTES:

August 12, 2020 Regular Meeting

MOTION: Fitzsimons SECOND: Mikulski

ROLL CALL: Fitzsimons – Yes, Mikulski – Yes, Byron – Yes

PRESENTATION: Members of the VFW presented former Fire Chief, Dan Spiegel with an award for achieving the VFW National Firefighter Award. This is the first time in 104 years that this award has been given to someone locally. Mayor Byron said it was amazing to have someone from our community receive this stellar recognition.

ORDINANCES:

1173-20 Repealing and Restating Chapter 5, Section 7.1 and 7.2 as to the conditions of Operation for Restaurants Serving Alcoholic Beverages in the Boardwalk Amusement (BA), Boardwalk Amusement 1 (BA-1) and Pier (P) Zoning Districts and establishing conditions for sale and consumption of alcohol in the Beach Zone **(SECOND READING/PUBLIC HEARING/ADOPTION)**

MOTION TO OPEN PUBLIC HEARING

MOTION: Byron SECOND: Mikulski

ROLL CALL: Fitzsimons – Yes, Mikulski – Yes, Byron – Yes

Sean Dougherty, 27 Sandcastle Drive, CMCH, NJ: Mr. Dougherty is the owner/operator of Captain Jacks and Stewarts on the Boardwalk. Mr. Dougherty expressed his opposition in regards to this ordinance limiting the number of liquor licenses permitted on the Boardwalk because it would hinder his future plans and investments. He said he was able to acquire a liquor license to enhance his current business. In order for this investment to be successful, he would need a liquor license. Mr. Dougherty said this summer has been the worst summer he has seen in over 37 years. Stores are closed, crowds have diminished and numbers are down for business owners. Commissioner Fitzsimons said, there must be some sort of demand for him to be able to open an additional business at another location and that he could not possibly use this summer as a defense. Everyone's numbers are flawed this year. Commissioner Fitzsimons assured Mr. Dougherty that she is not trying to tear him down

because she loves his ideas. Mr. Dougherty requested the City to provide him with the tools he needed in order for his business to be successful. He said he has a vested interest here and takes pride in everything he does. Mayor Byron asked how many seats he has at Stewarts. Mr. Dougherty said all together he has 170 seats, counting the seats on the beach. Mayor Byron asked how many seats he had within the four walls of his business. Mr. Dougherty said he has approximately 80. Mayor Byron said the City had to put a temporary stop on the number of liquor licenses on the boardwalk until the City could gain some control over the issues that have been occurring. He said the City representatives struggled a lot with this. They are totally on board with Mr. Dougherty's vision however, they had to take a step back and evaluate everything. Commissioner Mikulski said this revision was done to clean up the boardwalk. This ordinance will be in effect through 2021. Commissioner Mikulski understands Mr. Dougherty's passion but there have been many issues on the boardwalk this summer, much of which the City looked over. Mr. Dougherty said they had to do whatever was necessary in order to survive, and prior to this year his businesses have never had an issue with the City.

There being no further comment, this hearing was closed.

MOTION: Byron SECOND: Mikulski
ROLL CALL: Fitzsimons – Yes, Mikulski – Yes, Byron – Yes

MOTION TO ADOPT
MOTION: Byron SECOND: Mikulski
ROLL CALL: Fitzsimons – Yes, Mikulski – Yes, Byron – Yes

The Mayor announced Ordinance 1173-20 has passed Second Reading

EARLY PUBLIC COMMENT LIMITED TO RESOLUTIONS ONLY:

None.

RESOLUTIONS: Deputy City Clerk read the resolutions listed on the agenda and announced "Resolution E" has been stricken from the agenda.

- 319-8-20 Authorizing refund to The Greater Wildwood Chamber of Commerce for Special Event Permit to hold the Wildwood's Fabulous 50's and Beyond Weekend due to COVID-19 (\$100.00)
- 320-8-20 Authorizing refund to The Greater Wildwood Chamber of Commerce for Special Event Permit to hold the Wildwood's Food and Music Festival due to COVID-19 (\$100.00)
- 321-8-20 Authorizing refund to Morey's Piers for Special Event Permit to hold the Beach Jam (Fall Event) Hayride/Bonfire due to COVID-19 (\$500.00)
- 322-8-20 Authorizing refund to Morey's Piers for Special Event Permit to hold Cape Express Soccer Club MORE Beach Blast Sand Soccer Tournament due to COVID-19 (\$500.00)
- 323-8-20 Authorizing refund to David Stefankiewicz for 2020 Mercantile License due to COVID-19 (\$133.50)
- 324-8-20 Authorizing Change Order No. 1 – Final as submitted by Van Note-Harvey Associates, Inc. on behalf of Perna Finnigan, Inc. pertaining to Reconstruction of East 17th Avenue (between Surf and Ocean Avenue) (decrease amount of \$21,462.83 for a new total of \$106,047.17)
- 325-8-20 Authorizing submitting Grant Application to the New Jersey Department of Community Affairs for the removal of Architectural Barriers to accessibility along a portion of Pacific Avenue
- 326-8-20 Authorizing Grant Management Plan for FY 2021 Small Cities Programs; Public Facilities Fund: Removal of Architectural Barriers to Accessibility along portions of Pacific Avenue
- 327-8-20 Authorizing Citizen Participation Plan; FY 2021 Small Cities Programs Public Facilities Fund: Removal of Architectural Barriers to Accessibility along portion of Pacific Avenue
- 328-8-20 Identifying CDBG Fair Housing Officer 2021; Public Facilities Fund: Reconstruction of a portion of Pacific Avenue
- 329-8-20 Authorizing to commit to competitive contracting procurement process
- 330-8-20 Authorizing purchase of a new 2020 RAO-5 1 Series Street Sweeper with the trade in of old Elgin Broom Badger from Northeast Sweeper & Rentals, Inc. in the amount not to exceed \$147,550.24
- 331-8-20 Authorizing purchase of a MT85 Mini Trach Loader/Attachments from Clark Equipment Company DBA Bobcat Company in the amount not to exceed \$23,555.07
- 332-8-20 Authorizing Professional Service Contract with Van Note-Harvey Associates for Engineering and Inspection Services in connection with the replacement of water services on E. 7th Avenue from Atlantic Avenue to Surf Avenue within North Wildwood in the amount not to exceed \$21,460.00
- 333-8-20 Authorizing return of escrow balance deposit, Deep Oil Co., Inc., 4200 New Jersey Avenue (\$179.32)

- 334-8-20 Authorizing refund for 2020 Mercantile License to Diane L. Banford due to COVID-19 (105-07 E. Maple Avenue - \$202.00)
- 335-8-20 Authorizing refund for 2020 Mercantile License to Diane L. Banford due to COVID-19 (110 E. Glenwood Avenue - \$1,477.00)
- 336-8-20 Authorizing refund for 2020 Mercantile License to Diane L. Banford due to COVID-19 (118 E. Glenwood Avenue - \$391.00)
- 337-8-20 Authorizing Professional Service Contract with CME Associates regarding Boardwalk Improvements in the amount not to exceed \$39,000.00
- 338-8-20 Authorizing a contract with National Time System regarding Time Keeping System for UAW and NON UAW Employees in the amount not to exceed \$11,757.00
- 339-8-20 Authorizing refund for 2020 Mercantile License to Joseph & Diane Nichols due to COVID-19 (\$309.00)
- 340-8-20 Authorizing Mayor to sign Grant Agreement: 2020 Safe and Secure Grant Program 20-0514 (\$90,000.00)
- 341-8-20 Authorizing payment of bills in the amount of \$3,347,907.12 dated August 26, 2020
- 342-8-20 Authorizing filing of all reports and other data contained in this agenda
- 343-8-20 Requesting approval of items of Revenue and Appropriation re: FY2020 Assistance to Firefighters Grant – COVID-19 Supplemental (\$16,460.86)

MOTION: Fitzsimons SECOND: Mikulski

ROLL CALL: Fitzsimons – Yes, Mikulski – Yes, Byron – Yes

REPORTS:

Engineers Report – On file in the Engineer’s office.

John Hess of CME reported they are working on the HVAC System for the recreation center, which is nearly complete and ready to send to the DCA. They also had a meeting for the ADA approval for the police station and will present proposals to the Board. This is part of a grant we already have.

ANNOUNCEMENTS: None.

COMMUNICATIONS: None.

NEW BUSINESS: None.

OLD BUSINESS: None.

PUBLIC COMMENT: During regularly scheduled Board of Commissioners Meeting. Remarks will limit to five (5) minutes per person. The Deputy City Clerk will be keeper of time and advise speaker when time has expired. Each member of the public will be permitted to speak only once per meeting. Criticism of public employees will be directed to the Human Resources Department during work hours only.

NOTE: There were 3 people in attendance via the internet application ZOOM.

Al Brannen, 217 E. Bennett Avenue: Mr. Brannen spoke about a project that recently went before the Planning Board and asked how many units were proposed and if there were any parking spaces reserved for the building. Mayor Byron said there will be 78 units and no additional parking. Mayor Byron said there are some DEP/CAFRA issues right now so this project probably will not begin until 2022. Mayor Byron added that the developer has experience with properties such as this. The residential units will be rented on a seasonal basis. There will be three commercial units on the ground level with two of those businesses operating on a year round basis and will also include a swimming pool. He said the tenants will have a swipe card to enter the rental premises and the entire property will have 24-hour surveillance. Mr. Brannen is concerned that if this project does not go as planned that, the units will be used as low-income housing. Mayor Byron said he would be willing to sign an agreement stating the residential units are to only be operated on a seasonal basis. Mr. Delollis confirmed that a deed restriction could be placed on the project. Mr. Brannen urged the Board to do their homework because once the building is up, it’s up.

Mr. Brannen also expressed his concern with the property located at 3000 Boardwalk. He said the property was a disgrace 30 years ago and the City should have brought the owner to court. He added that the City should have better inspectors and start cleaning up the town.

Tito Arroyo, 148 W. Burk Avenue: Tito was also concerned about the proposed project on Pacific Avenue. He has two businesses on Pacific Avenue and is considering opening a restaurant. He wants to be assured that this building will not turn into low-income housing and asked if there could be an ordinance put in place. Mr. Delollis said the City could also do an ordinance or as previously stated a deed restriction. Commissioner

Fitzsimons said their hope is, this project will spur development but it is going to take time. The goal is not to kill Pacific Avenue and the Board is discussing every aspect from restaurants, to parking to boutiques.

EXEVUTIVE SESSION: None.

ADJOURNED: There being no further business to discuss, this meeting was adjourned at 6:50 pm. Remarks as typed highlighted not verbatim as to subject matter.

MOTION: Fitzsimons

SECOND: Mikulski

ROLL CALL: Fitzsimons – Yes, Mikulski – Yes, Byron – Yes

Krista Fitzsimons, COMMISSIONER

Steve Mikulski, COMMISSIONER

Peter Byron, MAYOR

ATTEST: _____

Karen M. Gallagher, Deputy City Clerk

DATE MINUTES APPROVED: September 9, 2020