

Note: Complete Meeting Appears
on CD #28-14 on File in the
Borough Clerk's Office

October 8, 2014
Wildwood Crest, NJ

Prior to the opening of the meeting, Mr. Groom led those present in the Pledge of Allegiance to the Flag.

The meeting of the Board of Commissioners, Borough of Wildwood Crest, Cape May County, New Jersey, was held in the Municipal Court Room at 9:30 a.m. On roll call the following answered to their names:

Gould - Cabrera – Groom – Yes

Mr. Groom read the following statement: In compliance with the Open Public Meeting Act, Chapter 231, P.L. 1975, the notice requirements have been satisfied as to the time, place and date of holding said meeting by posting notice on the bulletin board in the Borough Hall and by mailing same to the Gazette-Leader, Herald of Cape May County and The Press on November 26, 2013.

Mr. Groom next announced the one-way in and the one-way out method of ingress and egress in case of emergency.

THE CLERK READ THE FOLLOWING ORDINANCE BY TITLE ONLY:

ORDINANCE NO. 1197

AN ORDINANCE REPEALING CHAPTER 67, STREET EXCAVATIONS, AND REPLACING CHAPTER 67, STREET EXCAVATIONS AND OPENINGS, OF THE REVISED GENERAL CODE OF THE BOROUGH OF WILDWOOD CREST

Mrs. Gould motioned, seconded by Mr. Cabrera, that Ordinance No. 1197 be passed on first reading, advertised according to law, be brought up for second and final reading and public hearing on Wednesday, October 22, 2014 at 7:00 p.m.

Vote: Gould - Cabrera – Groom – Yes

THE CLERK READ THE FOLLOWING ORDINANCE BY TITLE ONLY:

ORDINANCE NO. 1198

BOND ORDINANCE APPROPRIATING \$995,000, AND AUTHORIZING THE ISSUANCE OF \$947,000 BONDS OR NOTES OF THE BOROUGH, FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF WILDWOOD CREST, IN THE COUNTY OF CAPE MAY, NEW JERSEY.

Mr. Groom motioned, seconded by Mr. Cabrera, that Ordinance No. 1198 be passed on first reading, advertised according to law, be brought up for second and final reading and public hearing on Wednesday, October 22, 2014 at 7:00 p.m.

Vote: Gould - Cabrera – Groom – Yes

THE CLERK READ THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 243-14

WHEREAS, the local capital budget for the year 2014 was adopted on the 26th day of March, 2014; and

WHEREAS, it is desired to amend said adopted capital budget section;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, New Jersey, that the following amendments to the capital budget of 2014 be made:

FROM

**3 YEAR CAPITAL PROGRAM - 2014 to 2016
ANTICIPATED PROJECT SCHEDULE AND FUNDING REQUIREMENTS**

1 PROJECT TITLE	2 PROJECT NUMBER	3 ESTIMATED TOTAL COST	4 Estimated Completion Time	FUNDING AMOUNTS PER BUDGET YEAR					
				5a 2014	5b 2015	5c 2016	5d 2017	5e 2018	5f 2019
Improve Storm Sewer System	2014-1	500,000.00	6 months	500,000.00					
Acquire AWD Police Vehicle	2014-2	38,500.00	3 months	38,500.00					
Acquire All-Terrain Beach Vehicles	2014-3	25,000.00	3 months	25,000.00					
Acquire DPW Vehicle - Street Sweeper	2014-4	257,000.00	5 months	257,000.00					
DPW Vehicle Improvements	2014-5	20,000.00	8 months	20,000.00					
Street Lights / Street Signage	2015-1	10,000.00	2015		10,000.00				
Acquire AWD Police Vehicle	2015-2	38,500.00	2015		38,500.00				
Acquire 4wd Beach Patrol Truck	2015-3	25,000.00	2015		25,000.00				
Improvements to Lifeguard Building	2015-4	50,000.00	2015		50,000.00				
Purchase Parking Meters	2015-5	10,000.00	2015		10,000.00				
Purchase Police All Terrain Vehicle	2015-6	20,000.00	2015		20,000.00				
Purchase DPW Vehicle	2015-7	195,000.00	2015		195,000.00				
Replace Infrastructure on street	2016-1	1,600,000.00	2016			1,600,000.00			
Improvements to current Library Building	2016-2	400,000.00	2016			400,000.00			
Acquire Police vehicle	2016-3	38,500.00	2016			38,500.00			
Acquire Beach Patrol Vehicle	2016-4	25,000.00	2016			25,000.00			
Acquire Public Safety Vehicle	2016-5	175,000.00	2016			175,000.00			
Street Lights / Street Signage	2016-6	10,000.00	2016			10,000.00			
Emergency Sewer Repairs	2014-6	120,000.00	2014	120,000.00					
TOTAL - ALL PROJECTS		3,557,500.00	-	960,500.00	348,500.00	2,248,500.00	-	-	-

TO

**3 YEAR CAPITAL PROGRAM - 2014 to 2016
ANTICIPATED PROJECT SCHEDULE AND FUNDING REQUIREMENTS**

1 PROJECT TITLE	2 PROJECT NUMBER	3 ESTIMATED TOTAL COST	4 Estimated Completion Time	FUNDING AMOUNTS PER BUDGET YEAR					
				5a 2014	5b 2015	5c 2016	5d 2017	5e 2018	5f 2019
Improve Storm Sewer System	2014-1	500,000.00	6 months	500,000.00					
Acquire AWD Police Vehicle	2014-2	38,500.00	3 months	38,500.00					
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DPW Vehicle Improvements	2014-5	20,000.00	8 months	20,000.00					
Street Lights / Street Signage	2015-1	10,000.00	2015		10,000.00				
Acquire AWD Police Vehicle	2015-2	38,500.00	2015		38,500.00				
Acquire 4wd Beach Patrol Truck	2015-3	25,000.00	2015		25,000.00				
Improvements to Lifeguard Building	2015-4	50,000.00	2015		50,000.00				
Purchase Parking Meters	2015-5	10,000.00	2015		10,000.00				
Purchase Police All Terrain Vehicle	2015-6	20,000.00	2015		20,000.00				
Purchase DPW Vehicle	2015-7	195,000.00	2015		195,000.00				
Replace Infrastructure on street	2016-1	1,600,000.00	2016			1,600,000.00			
Improvements to current Library Building	2016-2	400,000.00	2016			400,000.00			
Acquire Police vehicle	2016-3	38,500.00	2016			38,500.00			
Acquire Beach Patrol Vehicle	2016-4	25,000.00	2016			25,000.00			
Acquire Public Safety Vehicle	2016-5	175,000.00	2016			175,000.00			
Street Lights / Street Signage	2016-6	10,000.00	2016			10,000.00			
Emergency Sewer Repairs	2014-6	120,000.00	2014	120,000.00					
Improvements to Roads & Facilities	2014-7	995,000.00	2015	995,000.00					
TOTAL - ALL PROJECTS		4,552,500.00	-	1,955,500.00	348,500.00	2,248,500.00	-	-	-

FROM
3 YEAR CAPITAL PROGRAM - 2014 to 2016

SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS

1 PROJECT TITLE	2 ESTIMATED TOTAL COST	BUDGET APPROPRIATIONS		4 Capital Improvement Fund	5 Capital Surplus	6 Grants - in - Aid and Other Funds	BONDS AND NOTES			
		3a Current Year 2014	3b Future Years				7a General	7b Self Liquidating	7c Assessment	7d School
Improve Storm Sewer System	500,000.00				100,000.00	400,000.00				
Acquire AWD Police Vehicle	38,500.00			38,500.00						
Acquire All-Terrain Beach Vehicles	25,000.00			25,000.00						
Acquire DPW Vehicle - Street Sweeper	257,000.00			257,000.00						
DPW Vehicle Improvements	20,000.00			20,000.00						
Street Lights / Street Signage	10,000.00			10,000.00						
Acquire AWD Police Vehicle	38,500.00			38,500.00						
Acquire 4wd Beach Patrol Truck	25,000.00			25,000.00						
Improvements to Lifeguard Building	50,000.00			50,000.00						
Purchase Parking Meters	10,000.00			10,000.00						
Purchase Police All Terrain Vehicle	20,000.00			20,000.00						
Purchase DPW Vehicle	195,000.00			195,000.00						
Replace Infrastructure on street	1,600,000.00						1,600,000.00			
Improvements to current Library Building	400,000.00						400,000.00			
Acquire Police vehicle	38,500.00			38,500.00						
Acquire Beach Patrol Vehicle	25,000.00			25,000.00						
Acquire Public Safety Vehicle	175,000.00			175,000.00						
Street Lights / Street Signage	10,000.00			10,000.00						
Emergency Sewer Repairs	120,000.00	120,000.00								
TOTAL - ALL PROJECTS	3,557,500.00	120,000.00	-	937,500.00	100,000.00	400,000.00	2,000,000.00	-	-	-

TO
3 YEAR CAPITAL PROGRAM - 2014 to 2016
SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS

1 PROJECT TITLE	2 ESTIMATED TOTAL COST	BUDGET APPROPRIATIONS		4 Capital Improvement Fund	5 Capital Surplus	6 Grants - in - Aid and Other Funds	BONDS AND NOTES			
		3a Current Year 2014	3b Future Years				7a General	7b Self Liquidating	7c Assessment	7d School
Improve Storm Sewer System	500,000.00				100,000.00	400,000.00				
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Acquire Beach Patrol Vehicle	25,000.00			25,000.00						
Acquire Public Safety Vehicle	175,000.00			175,000.00						
Street Lights / Street Signage	10,000.00			10,000.00						
Emergency Sewer Repairs	120,000.00	120,000.00								
Improvements to Roads & Facilities	995,000.00			48,000.00			947,000.00			
TOTAL - ALL PROJECTS	4,552,500.00	120,000.00	-	985,500.00	100,000.00	400,000.00	2,947,000.00	-	-	-

Mrs. Gould motioned, seconded by Mr. Cabrera, that the foregoing resolution be adopted.

Vote: Gould - Cabrera – Groom – Yes

THE CLERK READ THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 244-14

Approval to Submit a Grant Application and Execute a Grant Contract With the New Jersey Department of Transportation for the Reconstruction of Pacific Avenue and for Improvements to the Beach Front Bike Path

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May and State of New Jersey, formally approves the grant application for the above stated projects; and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to submit an electronic grant application identified as No. 00531 to the New Jersey Department of Transportation on behalf of the Borough of Wildwood Crest; and

BE IT FURTHER RESOLVED that the Mayor and borough Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Wildwood Crest and that their signatures constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the above resolution.

ATTEST and AFFIX SEAL _____
Janelle M. Holzmer, Borough Clerk Carl H. Groom, Mayor

Mrs. Gould motioned, seconded by Mr. Cabrera, that the foregoing resolution be adopted.

Vote: Gould - Cabrera – Groom – Yes

THE CLERK READ THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 245-14

Authorizing Acceptance of the CY2014 Best Practices Inventory and Authorizing the Appropriate Borough Officials to Execute Same

WHEREAS, the State of New Jersey requires municipalities to, on an annual basis, to complete a Best Practices Inventory to encourage municipalities to implement practices to promote financial accountability and transparency; and

WHEREAS, the Borough of Wildwood Crest has completed the CY2014 Best Practices Inventory, and it is the desire of the governing body to accept the CY2014 Best Practices Inventory as presented;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, State of New Jersey, that the CY2014 Best Practices Inventory be and the same is hereby accepted as presented; and

BE IT FURTHER RESOLVED that the appropriate Borough Officials are hereby authorized and instructed to execute said CY2014 Best Practices Inventory on behalf of the Borough of Wildwood Crest, and to file it with the State of New Jersey, Division of Local Government Services.

Mrs. Gould motioned, seconded by Mr. Cabrera, that the foregoing resolution be adopted.

Vote: Gould - Cabrera – Groom – Yes

THE CLERK READ THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 246-14

WHEREAS, bids have been received in response to advertisement of Notice to Bidders published in *The Herald* issue of August 27, 2014, for the following item:

2014-2016 Concrete Repair/Replacement Contract; and

WHEREAS, **S. Batata Construction, Inc., 238 Ernston Road, Suite 1R, Parlin, New Jersey 08859**, submitted the low bid in the amount of **Sixteen Thousand Seven Hundred Seventy Five Dollars and No Cents (\$16,775.00)**; and

WHEREAS, the Solicitor has reviewed the bids submitted and thereby provided a legal opinion recommending that the contract be awarded to the "lowest responsible bidder," **S. Batata Construction, Inc., 238 Ernston Road, Suite 1R, Parlin, New Jersey 08859**, for the bid amount of **Sixteen Thousand Seven Hundred Seventy Five Dollars and No Cents (\$16,775.00)**, to perform all required work in connection with the project described above; that said award is further conditioned upon technical review by Ralph Petrella, Jr., Borough Engineer, as to

compliance with the bid specifications, and upon receipt of certification of available funds by the Chief Financial Officer of the Borough of Wildwood Crest; and

WHEREAS, the legal opinion provided does specifically recommend that the contract be awarded to the above "lowest responsible bidder," and is finally conditioned upon compliance with the Notice to Bidders, Specifications, Bid Proposal Form and all other related bid/contract documents appertaining to this award which are made a part hereof by reference as if fully set forth; and

WHEREAS, Ralph Petrella, Jr., Borough Engineer, has reviewed the total and complete bids submitted in conjunction with the specifications and all other requirements appertaining thereto and has certified that the compliance has been met and that a contract be awarded to **S. Batata Construction, Inc., 238 Ernston Road, Suite 1R, Parlin, New Jersey 08859**, for the total bid amount of **Sixteen Thousand Seven Hundred Seventy Five Dollars and No Cents (\$16,775.00)**.

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

1. That the allegations of the preamble hereto are incorporated hereby in reference as if fully set forth.
2. That a contract be awarded to the successful bidder, **S. Batata Construction, Inc., 238 Ernston Road, Suite 1R, Parlin, New Jersey 08859**, for the total and complete project bid of **Sixteen Thousand Seven Hundred Seventy Five Dollars and No Cents (\$16,775.00)**; and is subject to certification below as to the availability of funds by the Chief Financial Officer.
3. That the Mayor and Borough Clerk of the Borough of Wildwood Crest be and they are hereby authorized and directed to execute and attest said contract on behalf of the Borough of Wildwood Crest subject to the certification of the Borough of Wildwood Crest as to necessary funds as available by the Chief Financial Officer of the Borough.

Mrs. Gould motioned, seconded by Mr. Cabrera, that the foregoing resolution be adopted.

Vote: Gould - Cabrera – Groom – Yes

THE CLERK READ THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 247-14

WHEREAS, on August 25, 2014 Marjorie L. Nicholls, owner of the property located at 5711 Seaview Ave., a/k/a blk. 16.02, lot 7.02, made application to the Zoning Board of Adjustment and at that time paid the required fee of \$1000.00 which was deposited on that date; and

WHEREAS, on September 18, 2014 a completeness review committee consisting of Zoning Official Patrick Malia, Board Engineer Ralph Petrella and Land Use Secretary Deborah Rogers met to determine if the application had standing to be placed on the Zoning Board agenda for the meeting scheduled for October 21; and

WHEREAS, at that meeting it was determined by the committee and confirmed by Board Solicitor Dorothy Incarvito-Garrabrant that the proposed work on the property located at 5711 Seaview Ave., a/k/a blk. 16.02, lot 7.02 does not require variance relief and, therefore, the application fee should be refunded.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, New Jersey, that the Chief Financial Officer be and is hereby authorized and directed to issue a refund of application fee in the amount \$1000.00 to Marjorie L. Nicholls, 55 Bell Dr., Westfield, NJ 07090.

Mrs. Gould motioned, seconded by Mr. Cabrera, that the foregoing resolution be adopted.

Vote: Gould - Cabrera – Groom – Yes

THE CLERK READ THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 248-14

WHEREAS, on September 15, 2014, CARMEN STALLWORTH-CLARK & ROBERT CLARK, JR, 7178 N. Uber St., Philadelphia, PA 19138, applied for a Special Events Permit for the purpose of a WEDDING VOW RENEWAL CEREMONY to be held on May 30, 2015 (rain date May 31, 2015), from 3:00 p.m. to 5:00 p.m., at the SUNRISE PARK GAZEBO; and

WHEREAS, CARMEN STALLWORTH-CLARK & ROBERT CLARK, JR, 7178 N. Uber St., Philadelphia, PA 19138, have supplied all documentation required under Ordinance No. 936, including the requisite Certificate of Insurance, and have further pledged to comply with all applicable rules and regulations pertaining to the conduct of said Special Event; and

WHEREAS, the application has been reviewed by the Board of Commissioners, upon verification by appropriate members of staff as to completeness of the application, scheduling compatibility, etc.;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, New Jersey that the Borough Clerk be and she is hereby authorized and directed to issue a Special Events Permit to CARMEN STALLWORTH-CLARK & ROBERT CLARK, JR, 7178 N. Uber St., Philadelphia, PA 19138 for the purpose of a

WEDDING VOW RENEWAL CEREMONY to be held on May 30, 2015 (rain date May 31, 2015), from 3:00 p.m. to 5:00 p.m., at the SUNRISE PARK GAZEBO.

Mrs. Gould motioned, seconded by Mr. Cabrera, that the foregoing resolution be adopted.

Vote: Gould - Cabrera – Groom – Yes

THE CLERK READ THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 249-14

Opposing S2368 and Legislative Measure S-648 Blocking the Beach Fees in Shore Municipalities Accepting Certain Government Provided Funding

WHEREAS, the Mayor and Governing Body of the Borough of Wildwood Crest are categorically opposed to S2368 (“An act concerning requirements for accepting governmental assistance to replenish storm damaged beaches and amending P.L. 1955, c. 49”) and respectfully requests that S2368 be immediately removed from consideration by the esteemed body of the New Jersey State Senate, and;

WHEREAS, the introduction of revised measure with the same intent is currently pending before the Legislature is a measure (S-648) that would “block” beach fees in shore municipalities accepting certain government-provided beach replenishment funding. Shore municipalities that accept federal or state aid to replenish beaches damaged by storms would also be required to provide free rest room access for beachgoers from Memorial Day weekend through Labor Day weekend, and;

WHEREAS, to make up for the loss of revenue from the beach fee prohibition, this legislation would call upon the Legislature to annually appropriate 2 percent of the taxable receipts collected under the sales and use tax in shore municipalities back to those shore municipalities. As explained in its statement, the purpose of S-648 is twofold: “(i) open beaches that are supported by public funding to the public; and (ii) to supplant shore municipalities beach revenue streams with sales and use tax revenue attributable to shore related commerce, and;

WHEREAS, while S-648 doesn’t outright impose a state takeover of our beaches, it would undercut municipalities and place the state in firm control of funding beach maintenance. Aside from the complications generally involved by asserting state control over anything, there’s another gaping pitfall in the legislation that can’t be simply dismissed or even understated. As provided under New Jersey’s Constitution, the state budget supersedes statutory law with respect to funding services and programs. So whenever the 2 percent sales tax collection provision required under S-648 becomes an obstacle in preparing the state budget, that funding would be a ripe target for being cut or dedicated for other-than intended uses to close budget holes, and;

WHEREAS, there is precedence for this whereby in a shrewd and politically calculated maneuver, the state decided to raid the Shore Protection Fund for millions of dollars to provide funding for state parks as part of the fiscal year 2009 state budget deliberations. Regrettably, protecting our coastline seemed a lesser priority. If anything, the widespread devastation caused by Sandy violently demonstrated the critical importance of beach replenishment, and;

WHEREAS, S-648 sets the stage for beach replenishment funding to become a political football every year during the budget process which would be irresponsible and, ultimately, self-defeating, including from an economic standpoint. New Jersey’s pristine beaches play an integral role in the state’s tourism industry as attractive travel destinations and, as such, generate significant revenue that far exceeds the amount collected in beach fees, and;

WHEREAS, there are numerous other instances where federal or state funding is received for capital projects throughout the State of New Jersey and a user fee is collected, such as NJ Transit, the Garden State Parkway and the State Park system including Island Beach State Park (an un-replenished beach) to meet operational costs, and;

WHEREAS, S-648 thus singles out shore municipalities for a special, unique “tax” creating an unequal class of citizens in contradiction to the precepts of both our State and Federal constitutions, so;

BE IT RESOLVED, that the Mayor and governing Body of the Borough of Wildwood Crest, in the County of Cape May, State of New Jersey find that they are categorically opposed to S2368 and respectfully respect that S-648 be immediately removed from consideration by the esteemed body of the New Jersey State Senate, and;

BE IT FURTHER RESOLVED, that the Mayor and Governing Body of the Borough of Wildwood Crest, in the County of Cape May, State of New Jersey support the efforts and the initiatives of the 9th Legislative District and all other shore municipalities in the collective effort to have S-648 removed from consideration, and;

THEREFORE, BE IT FURTHER RESOLVED, that a copy of this resolution be immediately transmitted to the Honorable Chris Christie, Governor; the Honorable Stephen Sweeney, NJ State Senate President, 9th New Jersey State Legislative Districts, the Cape May County Board of Chosen Freeholders, the municipalities of Cape May County and each municipality in Monmouth, Ocean and Atlantic Counties which border on the Atlantic Ocean and

collect beach fees for the purpose of funding the operational costs of maintaining a municipal beach.

Mr. Cabrera motioned, seconded by Mr. Groom, that the foregoing resolution be adopted.

Vote: Gould - Cabrera – Groom – Yes

Mrs. Gould motioned, seconded by Mr. Cabrera, that all bills properly authorized, as submitted, be paid.

Vote: Gould - Cabrera – Groom – Yes

The Mayor opened up the floor for public commentary. Commissioner Gould indicated that a correspondence was received from the Hydrofest Association regarding dates for next year and she would like to know if we receive a financial accounting of where the Borough's money goes. The Mayor indicated that the TDC and GWTIDA give them money. The CFO indicated that something is attached to the Purchase Order that was submitted. It was determined to put a Resolution for the next Commission meeting to approve the dates for 2015.

After no further commentary for the public, the Mayor opened with discussions. The Army Corps Beach Plan is status quo and will stay on the list. The second topic was Memorial Benches and the Mayor indicated more time was needed for this. The Borough Work Hours will remain on the agenda with respect to Saturday hours. Commissioner Cabrera also indicated that one Saturday Commission meeting during the months of June, July and August at 9:30 a.m. The Commissioners indicated the offices that collect money (Tax, Mercantile, Registrar, Fire Prevention, Construction, and Zoning) would be the ones to work on Saturday. Commissioner Cabrera indicated that if the employee worked on weekend, they could take that time off during the week and he proposed this to take place May through August. The Commissioners decided to discuss further at another time. The Emergency Generators is still moving forward. The topic of Sunset Lake Storm Damage may be eligible for repairs to fix the damage. There may be a grant available to fix the new damage that the state will not fix. Lastly, the Safety Coordinator's Report was reviewed.

With regards to Old Business, there is nothing new to report.

The Mayor then opened the floor once again for public commentary. After hearing nothing from the public,

THE CLERK READ THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 250-14

Authorizing Executive/Closed Session in accordance with the provisions of the Open Public Meetings Act, specifically N.J.S.A. 10:4-12(b)

WHEREAS, the Open Public Meetings Act (N.J.S.A. 10:4-6 et. seq.) requires all meetings of the Board of Commissioners of the Borough of Wildwood Crest to be held in public, except that N.J.S.A. 10:4-12(b) sets forth nine (9) types of matters that may lawfully be discussed in "Executive or Closed Session," i.e., without the public being permitted to attend; and

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest has determined that two (2) issue(s) is/are permitted by N.J.S.A. 10:4-12(b) to be discussed without the public in attendance to be discussed during the Executive or Closed Session to be held on **Wednesday, October 8, 2014** at 9:30 A.M.; and

WHEREAS, the nine (9) exceptions to public meetings set forth in N.J.S.A. 10:4-12(b) are listed below, and next to each exception is a box within which the number of issues to be privately discussed that fall within that exception shall be written, and after each exception is a space where additional information that will disclose as much information about the discussion as possible without undermining the purpose of the exception shall be written:

_____ **"(1) Any matter which, by express provision of Federal law, State statute or rule of court shall be rendered confidential or excluded from public discussion."** The legal citation to the provision(s) at issue is: _____ and the nature of the matter, described as specifically as possible without undermining the need for confidentiality is _____

_____ **"(2) Any matter in which the release of information would impair a right to receive funds from the state or federal government."** The nature of the matter, described as specifically as possible without undermining the need for confidentiality is _____

_____ **"(3) Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection,**

rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly." The nature of the matter, described as specifically as possible without undermining the need for confidentiality is

"(4) Any collective bargaining agreement, or the terms and conditions of which are proposed for inclusion in any collective bargaining agreement, including the negotiation of terms and conditions with employees or representatives of employees of the public body." The collective bargaining contract(s) discussed are between the Borough and

"(5) Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed." The nature of the matter, described as specifically as possible without undermining the need for confidentiality is

"(6) Any tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection. Any investigations of violations or possible violations of the law." The nature of the matter, described as specifically as possible without undermining the need for confidentiality is

"(7) Any pending or anticipated litigation or contract negotiation in which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer." The parties to and docket numbers of each item of litigation and/or the parties to each contract discussed are **Borough of Wildwood Crest and various companies who have submitted proposals for marketing/branding** and the nature of the discussion, described as specifically as possible without undermining the need for confidentiality is **contract negotiations/discussions**

"(8) Any matter involving the employment, appointment, termination of employment, terms and conditions or employment, evaluation of the performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees whose rights could be adversely affected request, in writing, that such matter or matters be discussed at a public meeting." Subject to the balancing of the public's interest and the employee's privacy rights under *South Jersey Publishing Co. v. New Jersey Expressway Authority*, 124 N.J. 478, the employee(s) and nature of the discussion, described as specifically as possible without undermining the need for confidentiality are **personnel matters, specifically with regard to administrative personnel**

"(9) Any deliberation of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act or omission for which the responding party bears responsibility." The nature of the matter, described as specifically as possible without undermining the need for confidentiality is

WHEREAS, the Board of Commissioners shall reconvene the public meeting at the conclusion of the authorized closed or executive session, which may or may not include formal action as a result of the discussion(s) held.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, assembled in public session on the date of the meeting of the governing body set forth herein above, that a closed session shall be held for the discussion of matters relating to the specific items designated above involving the Borough of Wildwood Crest. The governing body shall convene a closed session discussion immediately upon passage of this resolution and it is anticipated that the deliberations conducted in closed session shall be disclosed to the public upon conclusion of the matter and/or after determination of the Board of Commissioners that the public interest will no longer be served by such confidentiality and that the meeting will return to open session at the conclusion of the discussion and formal action may be taken if/as authorized.

BE IT FURTHER RESOLVED that the Municipal Clerk, at the present public meeting, shall read aloud enough of this resolution so that members of the public in attendance can understand, as precisely as possible, the nature of the matters that will be privately discussed.

BE IT FURTHER RESOLVED that the Municipal Clerk, on the next business day following this meeting, shall furnish a copy of this resolution to any member of the public who requests one at the fees authorized by N.J.S.A. 47:1A-1, et. seq.

Mrs. Gould motioned, seconded by Mr. Cabrera, that the foregoing Resolution be adopted.
Vote: Gould - Cabrera – Groom – Yes

Upon returning from Closed Session,

THE CLERK READ THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 251-14

WHEREAS, on May 21, 2014, the Borough of Wildwood Crest entered into an employment contract for Borough Administrator with Thomas Henshaw, and

WHEREAS, on October 2, 2014, a letter of termination of the employment contract was submitted by Thomas Henshaw to the Board of Commissioners of the Borough of Wildwood Crest.

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, that the termination letter as submitted be effective immediately and is hereby accepted by the Board of Commissioners and the immediate termination provisions of the employment contract shall be applicable.

Mrs. Gould motioned, seconded by Mr. Cabrera, that the foregoing Resolution be adopted.

With nothing further to discuss, Mrs. Gould motioned, seconded by Mr. Cabrera, that the meeting be adjourned at 12:26 p.m.

Vote: Gould - Cabrera – Groom – Yes

Dated: October 22, 2014

Janelle M. Holzmer, Borough Clerk

