

Note: Complete Meeting Appears
on CD #02-16 on File in the
Borough Clerk's Office

January 20, 2016
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 7:00 p.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 and same to the Gazette-Leader, Herald of Cape May County and The Press on November 4, 2015.

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

Mrs. Gould motioned, seconded by Mr. Cabrera, that Ordinance 1233 be placed on second and final passage by title only.

Vote: Gould - Cabrera – Groom – Yes

THE CLERK READ THE FOLLOWING ORDINANCE BY TITLE ONLY:

ORDINANCE NO. 1233

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 46, OFFICERS AND EMPLOYEES, OF THE CODE OF THE BOROUGH OF WILDWOOD CREST, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY, SECTION 46-5.1 – GROUP INSURANCE – , AND ADDING SECTION 46-5.1 A (i) ESTABLISHING A SELF-INSURANCE FUND FOR THE PURPOSE OF PROVIDING LIFE INSURANCE AS REQUIRED BY CONTRACT TO RETIRED POLICE AND AMENDING ORDINANCE NO. 600, ADOPTED MARCH 19, 1985, ORDINANCE NO. 866, ADOPTED FEBRUARY 23, 2000, ORDINANCE NO. 1082, ADOPTED NOVEMBER 23, 2009, ORDINANCE NO. 1114, ADOPTED NOVEMBER 22, 2010, ORDINANCE NO. 1126, ADOPTED MAY 11, 2011, AND ORDINANCE NO. 1201, ADOPTED ON DECEMBER 23, 2014

Mrs. Gould motioned, seconded by Mr. Cabrera, that a public hearing now be held on Ordinance No. 1233.

Vote: Gould - Cabrera – Groom – Yes

After no comments from the public, Mrs. Gould motioned, seconded by Mr. Cabrera, that the public hearing on Ordinance No. 1233 now be closed.

Vote: Gould - Cabrera – Groom – Yes

Mrs. Gould motioned, seconded by Mr. Cabrera, that Ordinance No. 1233 be passed on second and final reading and advertised according to law.

Vote: Gould - Cabrera – Groom – Yes

THE CLERK READ THE FOLLOWING ORDINANCE BY TITLE ONLY:

ORDINANCE NO. 1234

A CAPITAL ORDINANCE PROVIDING FOR IMPROVEMENTS TO MUNICIPALLY OWNED PROPERTY AND ACQUISITION OF VARIOUS EQUIPMENT AND APPROPRIATING THEREFOR THE AMOUNT OF \$277,000 FROM THE CAPITAL IMPROVEMENT FUND

Mrs. Gould motioned, seconded by Mr. Cabrera, that Ordinance No. 1234 be passed on first reading, advertised according to law, be brought up for second and final reading and public hearing on Wednesday, February 10, 2016 at 9:30 a.m.

Vote: Gould - Cabrera – Groom – Yes

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 615-16

WHEREAS, there exists the need for “Professional Services” for Professional Planning and Architecture Services on an as-needed basis for the Planning Board of the Borough of Wildwood Crest, and,

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) requires that the resolution authorizing the award of contracts for “Professional Services” without competitive bids must be publicly advertised, and

WHEREAS, Scott Taylor, LLA,AICP, PP, LEEP, AP and Vice President of Taylor Design Group, is experienced and capable of providing the necessary planning and architectural services needed by the Planning Board of the Borough of Wildwood Crest.

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

1. That the allegations of the preamble hereto are incorporated herein as if fully set forth.
2. That the Mayor and Borough Clerk be and they are hereby authorized, instructed and empowered to execute the attached agreement effective immediately through December 31, 2016, Scott Taylor, Vice President of Taylor Design Group, who shall be compensated pursuant to attached proposal, but in no case shall the compensation exceed Nine Thousand Five Hundred Dollars.
3. This contract is awarded in accordance with the provisions of N.J.S.A. 40A:11-1 et seq. as an authorized exception to the public bidding as a Professional Services Contract and has not been awarded in accordance with the open and fair process of the New Jersey Pay to Play Law, but all conditions required for the award have been met as set forth in N.J.S.A. 19:44A-1 to permit said award.

4. The award of this contract is contingent upon production of the Business Entity Disclosure Certificate, Affirmative Action Compliance Notice, New Jersey Certificate of Employee Information Report, New Jersey Business Registration Certificate and proof of insurance as required in the contract and certification from the Chief Financial Officer as to the availability of funds.
5. A copy of the specific items pertaining to the award of this contract shall be published in a notice of award in The Herald of Cape May County as required by the law within ten (10) days of this resolution authorizing same.

Alicia A. Belansen, CFO

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

Vote: Gould – Cabrera – Groon – Yes

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 616-16

WHEREAS, there exists the need for “Professional Services” for a Solicitor for the Borough of Wildwood Crest Planning Board, and

WHEREAS, Dotsie Garrabrant, P.C. is authorized to provide such services and was recommended by the Planning Board to be appointed as Solicitor at their meeting held on January 13, 2016, and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) requires that the resolution authorizing the award of contracts for “Professional Services” without competitive bids must be publicly advertised, and

WHEREAS, the Commissioners of the Borough of Wildwood Crest concur with the Planning Board’s recommendation to appoint of Dotsie Garrabrant, P.C. to serve as the Solicitor for the Planning Board for the calendar year of 2016.

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

1. That the allegations of the preamble hereto are incorporated herein as if fully set forth.
2. That the Mayor and Borough Clerk be and they are hereby authorized, instructed and empowered to execute the attached agreement effective immediately through December 31, 2016, with Dotsie Garrabrant P.C. who shall be compensated pursuant to attached contract, not to exceed Nine Thousand Dollars.
3. This contract is awarded in accordance with the provisions of N.J.S.A. 40A:11-1 et seq. as an authorized exception to the public bidding as a Professional Services Contract and has not been awarded in accordance with the open and fair process of the New Jersey Pay to Play Law, but all conditions required for the award have been met as set forth in N.J.S.A. 19:44A-1 to permit said award.
4. The award of this contract is contingent upon production of the Business Entity Disclosure Certificate, Affirmative Action Compliance Notice, New Jersey Certificate of Employee Information Report, New Jersey Business Registration Certificate and proof of insurance as

required in the contract and certification from the Chief Financial Officer as to the availability of funds.

5. A copy of the specific items pertaining to the award of this contract shall be published in a notice of award in The Herald of Cape May County as required by the law within ten (10) days of this resolution authorizing same.

Alicia A. Belansen, CFO

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

Vote: Gould – Cabrera – Groon – Yes

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 617-16

WHEREAS, there exists the need for “Professional Services” for a Solicitor for the Borough of Wildwood Crest Zoning Board, and

WHEREAS, Dotsie Garrabrant, P.C. is authorized to provide such services and was recommended by the Zoning Board to be appointed as Solicitor at their meeting held on January 19, 2016, and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) requires that the resolution authorizing the award of contracts for “Professional Services” without competitive bids must be publicly advertised, and

WHEREAS, the Commissioners of the Borough of Wildwood Crest concur with the Planning Board’s recommendation to appoint of Dotsie Garrabrant, P.C. to serve as the Solicitor for the Zoning Board for the calendar year of 2016.

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

1. That the allegations of the preamble hereto are incorporated herein as if fully set forth.
2. That the Mayor and Borough Clerk be and they are hereby authorized, instructed and empowered to execute the attached agreement effective immediately through December 31, 2016, with Dorothy Incarvito-Garrabrant, Esquire, who shall be compensated pursuant to attached contract, not to exceed Nine Thousand Dollars.
3. This contract is awarded in accordance with the provisions of N.J.S.A. 40A:11-1 et seq. as an authorized exception to the public bidding as a Professional Services Contract and has not been awarded in accordance with the open and fair process of the New Jersey Pay to Play Law, but all conditions required for the award have been met as set forth in N.J.S.A. 19:44A-1 to permit said award.
4. The award of this contract is contingent upon production of the Business Entity Disclosure Certificate, Affirmative Action Compliance Notice, New Jersey Certificate of Employee Information Report, New Jersey Business Registration Certificate and proof of insurance as required in the contract and certification from the Chief Financial Officer as to the availability of funds.
5. A copy of the specific items pertaining to the award of this contract shall be published in a notice of award in The Herald of Cape May County as required by the law within ten (10) days of this resolution authorizing same.

Alicia A. Belansen, CFO

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

Vote: Gould – Cabrera – Groom – Yes

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 618-16

WHEREAS, there exists the need for the “Professional Services” of a **BOROUGH ENGINEER**, to be retained by the Borough for the performance of engineering work and related duties associated therewith as directed by the authorized representatives of the Borough of Wildwood Crest, all as more specifically set forth in the attached Agreement which is made a part hereof by reference as if fully set forth; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:1-11, et. seq.) requires that the Resolution authorizing the award of contracts for “Professional Services” without competitive bids must be publicly advertised; and

WHEREAS, this contract was not awarded through a “fair and open process,” but does meet all of the criteria required by the provisions of N.J.S.A. 19:44A-20.4, et. seq. for said award;

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

1. That the allegations of the preamble hereto are incorporated herein as if fully set forth.
2. That the Commissioner of Revenue & Finance and Borough Clerk be and they are hereby authorized, instructed, and empowered to execute the attached agreement with **RALPH PETRELLA, P.E.**, of the firm of Van Note-Harvey Associates, who shall be compensated by voucher at the agreed upon hourly rates, contingent upon certification below from the Chief Financial Officer as to the availability of funds, and whose rate/fee structure are contained in the aforesaid Agreement and said “Independent Contractor” shall be required to comply with this Resolution, and the attached Agreement. Said Engineer is further required to comply with all other conditions/provisions of law or regulation applicable to a “Professional Services Contractor,” including but not limited to procuring/maintaining sufficient insurance coverages necessary to fully protect the interests of the Borough in each and every instance relative to performance under this contract.
3. That the aforesaid contract is awarded without competitive bidding as a “Professional Service” under the provisions of the Local Public Contracts Law because N.J.S.A. 40A:11-5 states that no local unit shall be required to advertise for bids for services rendered or performed by a person authorized by law to practice a recognized profession and whose practice is regulated by law, or to advertise for bids for services which are of such a qualitative nature as will not reasonably permit the drawing of specifications or the receipt of competitive bids, all of which classification the aforesaid contract falls within.
4. That a copy of the specific items appertaining to the award of this contract shall be published in a Notice of Award in the *Herald of Cape May County* as required by law within ten (10) days of passage of the Resolution authorizing same.

ALICIA BELANSEN, CFO

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

Vote: Gould – Cabrera – Groom – Yes

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 619-16

WHEREAS, there exists the need for “Professional Services” for an Engineer for the Planning Board of the Borough of Wildwood Crest, and

WHEREAS, Van Note Harvey Associates is authorized to provide such services and was recommended for appointment by the Planning Board at their meeting held on January 19, 2016, and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) requires that the resolution authorizing the award of contracts for “Professional Services” without competitive bids must be publicly advertised, and

WHEREAS, the Commissioners of the Borough of Wildwood Crest concur with the Planning Board’s recommendation to appoint Van Note Harvey Associates to serve as the Engineer for the Planning Board for the calendar year of 2016.

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

1. That the allegations of the preamble hereto are incorporated herein as if fully set forth.
2. That the Mayor and Borough Clerk be and they are hereby authorized, instructed and empowered to execute the attached agreement effective immediately through December 31, 2016, with Van Note Harvey Associates, who shall be compensated pursuant to attached contract, not to exceed Two Thousand Five Hundred Dollars.
3. This contract is awarded in accordance with the provisions of N.J.S.A. 40A:11-1 et seq. as an authorized exception to the public bidding as a Professional Services Contract and has not been awarded in accordance with the open and fair process of the New Jersey Pay to Play Law, but all conditions required for the award have been met as set forth in N.J.S.A. 19:44A-1 to permit said award.
4. The award of this contract is contingent upon production of the Business Entity Disclosure Certificate, Affirmative Action Compliance Notice, New Jersey Certificate of Employee Information Report, New Jersey Business Registration Certificate and proof of insurance as required in the contract and certification from the Chief Financial Officer as to the availability of funds.
5. A copy of the specific items pertaining to the award of this contract shall be published in a notice of award in The Herald of Cape May County as required by the law within ten (10) days of this resolution authorizing same.

Alicia A. Belansen, CFO

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

Vote: Gould – Cabrera – Groon – Yes

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 620-16

WHEREAS, there exists the need for “Professional Services” for a Professional Engineer for the Borough of Wildwood Crest Zoning Board, and

WHEREAS, Van Note Harvey Associates is authorized by law to provide such services and was recommended for appointment by the Zoning Board at their meeting held on January 19, 2016,

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) requires that the resolution authorizing the award of contracts for “Professional Services” without competitive bids must be publicly advertised, and

WHEREAS, the Commissioners of the Borough of Wildwood Crest concur with the Zoning Board’s recommendation to appoint Van Note Harvey Associates to serve as the Engineer for the Zoning Board for the calendar year of 2016.

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

1. That the allegations of the preamble hereto are incorporated herein as if fully set forth.
2. That the Mayor and Borough Clerk be and they are hereby authorized, instructed and empowered to execute the attached agreement effective immediately through December 31, 2016, with Van Note Harvey Associates, who shall be compensated pursuant to attached contract, not to exceed Two Thousand Five Hundred Dollars.
3. This contract is awarded in accordance with the provisions of N.J.S.A. 40A:11-1 et seq. as an authorized exception to the public bidding as a Professional Services Contract and has not been awarded in accordance with the open and fair process of the New Jersey Pay to Play Law, but all conditions required for the award have been met as set forth in N.J.S.A. 19:44A-1 to permit said award.
4. The award of this contract is contingent upon production of the Business Entity Disclosure Certificate, Affirmative Action Compliance Notice, New Jersey Certificate of Employee Information Report, New Jersey Business Registration Certificate and proof of insurance as required in the contract and certification from the Chief Financial Officer as to the availability of funds.
5. A copy of the specific items pertaining to the award of this contract shall be published in a notice of award in The Herald of Cape May County as required by the law within ten (10) days of this resolution authorizing same.

Alicia A. Belansen, CFO

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

Vote: Gould – Cabrera – Groon – Yes

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 621-16

WHEREAS, a shelter for housing of stray and lost animals is of urgent necessity for the health, safety and welfare of the residents of the Borough of Wildwood Crest; and

WHEREAS, the County of Cape May has erected and operates a county-wide animal shelter and spay/neuter program; and

WHEREAS, the Borough of Wildwood Crest adopted Resolution No. 824-08, adopted on August 27, 2008, which authorized participation in the Cape May County Animal Shelter Program through calendar year 2015; and

WHEREAS, it is the desire of the Board of Commissioners of the Borough of Wildwood Crest to once again participate in the Cape May County Animal Shelter Program and to commit the requisite funding for same;

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

1. Authorization is hereby provided for the Borough of Wildwood Crest to participate in the county-wide Animal Shelter Program;

2. The Borough of Wildwood Crest does commit the following annual contributions as more specifically set forth in Schedule A attached hereto and made a part hereof as if fully set forth:

2016	\$	12,404.00
2017		12,661.00
2018		12,923.00
2019		13,191.00
2020		13,463.00

3. The Mayor and Borough Clerk be and they are hereby authorized and directed to execute any and all documents on behalf of the Borough of Wildwood Crest to implement participation in this program.

4. The authorization provided herein is contingent upon adequate funding being committed by the governing body for budget years 2016, 2017, 2018, 2019, and 2020.

Alicia A. Belansen, CFO

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

Vote: Gould – Cabrera – Groon – Yes

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 622-16

WHEREAS, the Board of Commissioners adopted Resolution No. 1057-13 on July 10, 2013, which appointed Patricia A. Feketics as Safety Coordinator for the Borough of Wildwood Crest; and

WHEREAS, the Commissioner of Public Works has requested that the role of Safety Coordinator be moved to an administrative employee under Public Works; and

WHEREAS, it is the desire of the Board of Commissioners to appoint a replacement Safety Coordinator;

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, that STEVE SHEARER, Assistant Superintendent of Public Works, be and he is hereby appointed Safety Coordinator for the Borough of Wildwood Crest effective January 20, 2016.

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

Vote: Gould – Cabrera – Groon – Yes

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 623-16

BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, in the County of Cape May, New Jersey, that a "JIF SAFETY CONTRACT" with the ATLANTIC

COUNTY MUNICIPAL JOINT INSURANCE FUND be and the same is hereby authorized and approved for participation in the annual Safety Incentive Program.

BE IT FURTHER RESOLVED that all designated and currently named Department Heads, specifically representing: POLICE, RECREATION, PUBLIC WORKS, AMBULANCE/RESCUE, AND ADMINISTRATION as set forth therein be and the same are likewise authorized, directed, and empowered to execute that portion of the contract which evidences participation in the aforesaid Safety Incentive Program as well as compliance with all requirements appertaining thereto.

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

Vote: Gould – Cabrera – Groom – Yes

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 624-16

WHEREAS, on January 11, 2016, the OCEAN DRIVE RUN CLUB, INC., PO Box 1245, Southeastern, PA 19399, applied for a Special Events Permit for the purpose of a FOOT RACE to be held on MARCH 20, 2016, from 9:30 a.m. to 11:15 a.m. on VARIOUS STREETS and the BIKE PATH in the Borough of Wildwood Crest; and

WHEREAS, the OCEAN DRIVE RUN CLUB, INC., PO Box 1245, Southeastern, PA 19399, has supplied all documentation required under Ordinance No. 936, including the requisite Certificate of Insurance, and has 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 the OCEAN DRIVE RUN CLUB, INC., PO Box 1245, Southeastern, PA 19399 for the purpose of a FOOT RACE to be held on MARCH 20, 2016, from 9:30 a.m. to 11:15 a.m. on VARIOUS STREETS and the BIKE PATH in the Borough of Wildwood Crest.

Mrs. Gould motioned, seconded by Mr. Cabrera, 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

Mrs. Gould motioned, seconded by Mr. Cabrera, that all reports submitted from the Court Administrator, CFO, Tax Collector, and the Wildwood Crest Police Department for the month ending December 31, 2015 be accepted as presented.

Vote: Gould – Cabrera – Groom – Yes

Mrs. Gould motioned, seconded by Mr. Cabrera, that all minutes from the regularly scheduled Commission Meetings dated December 28, 2015 and January 6, 2016, as well as the Closed Session Minutes of the Meeting dated December 28, 2015 be approved as presented.

Vote: Gould – Cabrera – Groom – Yes

The Mayor opened the floor for public commentary.

Teresa Carey, 113 E. Morning Glory Road, indicated she and her husband had concerns over renovating their property and was looking for guidance with regard to FEMA maps and the strict guidelines in place. The Mayor then indicated that a few years back, the Board adopted an ordinance that allowed the Borough's rating to improve to a "6" and that their best bet was to go through the appeal process with the Zoning Board.

Marie Nickerson, 8801 Bayview Drive, inquired about the impending storm and if shelters were in place. The Mayor indicated that the County had a plan in place. The Director of Public Safety indicated that the closest shelter is the Wildwoods Convention Center. Captain McGrath then added that he will have a briefing at 2:00 p.m. on Thursday and will put out a notification with an all call. Commissioner Cabrera reminded the members of the audience to please remember that trucks will be plowing the streets and to park appropriately to allow them access.

After hearing nothing further from the public,

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 625-16

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 ONE (1) issue is 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, January 20, 2016** at 7:00 p.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

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“(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 _____ and the nature of the discussion, described as specifically as possible without undermining the need for confidentiality are Potential Litigation for Crest Pier

“(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

“(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 cop 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 – Groon – Yes

After returning from Closed Session, and opening the floor once again for public commentary and hearing nothing from the public, Mrs. Gould then motioned, seconded by Mr. Cabrera that the meeting be adjourned. All were in favor. The time was 7:37 p.m.

Dated: February 24, 2016

Patricia A. Feketics, Borough Clerk
