

Note: Complete Meeting Appears
on 17-16 on file in
Borough Clerk's Office

August 10, 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 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 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 1243 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. 1243

**AN ORDINANCE AUGMENTING AND AMENDING
CHAPTER 67, STREET EXCAVATIONS AND OPENINGS, OF
THE CODE OF THE BOROUGH OF WILDWOOD CREST,
AMENDING ORDINANCE NO. 1197 ADOPTED ON
NOVEMBER 5, 2014**

Mrs. Gould motioned, seconded by Mr. Cabrera, that a public hearing now be held on Ordinance No. 1243.

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. 1243 now be closed.

Vote: Gould - Cabrera – Groom – Yes

Mrs. Gould motioned, seconded by Mr. Cabrera, that Ordinance No. 1243 be passed on second and final reading and advertised according to law.

Vote: Gould - Cabrera – Groom – Yes

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 748-16

**A RESOLUTION CLARIFYING THE SHARED SERVICES AGREEMENT
BETWEEN THE BOROUGH OF WEST WILDWOOD AND THE
BOROUGH OF WILDWOOD CREST FOR DPW EQUIPMENT
AND SERVICES**

WHEREAS, on February 10, 2016 at the Regular Meeting of the Borough of Wildwood Crest the Commissioners adopted Resolution 627-16 authorizing a Shared Services Agreement with the Borough of West Wildwood to help with emergency clean-up efforts after the wrath of Winter Storm Jonas, this agreement deemed to commence as of January 25, 2016; and

WHEREAS, it was imperative to render immediate assistance to the Borough of West Wildwood in order to maintain the health, safety and welfare of the residents and visitors; and

WHEREAS, the costs for such services was unable to be determined until clean-up operations were completed; and

WHEREAS, it has been estimated that the cost incurred to the Borough for personnel and equipment is approximately \$ 42,641.91, a copy of which is affixed to this resolution; and

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest provided immediate assistance to the Borough of West Wildwood during this emergency situation; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, State of New Jersey, hereby submit the costs estimates to the Borough of West Wildwood; and

BE IT FURTHER RESOLVED that a copy of this resolution be attached to the original Shared Services Agreement; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Borough of West Wildwood and the Department of Homeland Security Federal Emergency Management Agency.

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. 749-16

RESOLUTION SUPPORTING IMPLEMENTATION OF STATE FUNDING FOR PRESERVATION AND STEWARDSHIP OF OPEN SPACE, PARKS, FARMLAND AND HISTORIC SITES IN NEW JERSEY

WHEREAS, New Jersey voters approved in 2014 to support a long-term sustainable funding source for preservation and stewardship of open space, parks farmland and historic sites in New Jersey; and

WHEREAS, the Green Acres Program has helped to preserve over 650,000 acres of land and supported more than 1,100 park development projects over the past 50 years; the State Agriculture Development Committee has preserved 200,000 acres of farmland over the past 30 years; and the Historic Trust has preserved 477 historic sites over the past 45 years; and

WHEREAS, funds from the voter referendum are not being allocated to fund these programs in a long-term sustainable fashion; and

WHEREAS, the County of Cape May has been a direct beneficiary of, and partner to, these critical state preservation programs; and

WHEREAS, substantial unmet needs remain for additional land and water protection, park development, and farmland and historical preservation, for the health and welfare of our communities and residents; and

WHEREAS, it is imperative that implementation of this dedicated source of funding be established in order to:

- sustain open space, farmland, and historic preservation programs
- improve and ensure proper stewardship of parks, preserved lands, and historic sites
- provide equitable access to quality parks and recreation in urban, suburban, and rural areas
- match and leverage county, local, and private funds for these purposes
- protect drinking water supplies, water quality, and alleviate costly flood damages
- preserve fish and wildlife habitat and provide public access for hunting and fishing
- revitalize cities and towns and the historic elements that provide character to a community
- protect our quality of life and economic prosperity.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Borough of Wildwood Crest hereby supports implementation of the long-term, dedicated source of state funding for these purposes.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be served upon Governor Chris Christie, President of the Senate, Cape May County Legislative Delegation, All NJ Boards of Chosen Freeholders, Municipal Clerks.

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. 750-16

**Authorizing Retention Via Professional Services Agreement
Of An Attorney for Branding Proprietary Rights**

WHEREAS, there exists the need for “Professional Services” of a BOROUGH ATTORNEY, to be retained by the Borough for the performance of branding proprietary rights and related duties

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

1. The Chief Financial Officer shall be and is hereby authorized to make payments of Unpaid Wages pursuant to the United States Department of Labor's recent review.
2. The Mayor, on behalf of all Commissioners, shall be and is hereby authorized to sign in agreement of paying its obligations.

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. 752-16

A RESOLUTION AUTHORIZING THE CFO TO MAKE ALL PAYMENTS PREVIOUSLY AUTHORIZED UNDER PRIOR RESOLUTIONS TO HATCH MOTT MACDONALD TO MOTT MACDONALD AND TO UTILIZE THE NEW FEDERAL ID NUMBER AS PROVIDED TO THE CFO BY MOTT MACDONALD BY LETTER DATED JULY 26, 2016

WHEREAS, the Borough of Wildwood Crest awarded a Professional Services Contract to Hatch Mott MacDonald via Resolution No. 593-16 on January 6, 2016 for Coastal Engineer Services at the not to exceed amount of \$9,500; and

WHEREAS, the Borough of Wildwood Crest awarded a Professional Services Contract to Hatch Mott MacDonald via Resolution No. 646-16 on March 9, 2016 for preparation of NJDEP Application for Beach and Dune Maintenance and Beach Improvements the not to exceed amount of \$20,000; and

WHEREAS, the Borough of Wildwood Crest awarded a Professional Services Contract to Hatch Mott MacDonald via Resolution No. 685-16 on May 11, 2016 for an increase in the amount of Coastal Engineer Services in conjunction with the Shared Services Agreement for Beach Sand Harvesting at the not to exceed amount of \$30,000; and

WHEREAS, on July 26, 2016, the Borough of Wildwood Crest received a correspondence that Hatch Mott MacDonald would be branding themselves as Mott MacDonald, LLC effective April 26, 2016 and supplied a W-9 to ensure the Borough utilized the new Federal ID number; and

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

1. The CFO is hereby authorized to make all payments previously authorized under prior resolutions to Hatch Mott MacDonald (including but limited to the above referenced resolutions) to MOTT MACDONALD and to utilize the new federal ID number supplied to the Borough on July 26, 2016.

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. 753-16

WHEREAS, on August 4, 2016, the NORTH AMERICAN BLOKART SAILING ASSOCIATION (NABSA), 20 Bear St., Washoe Valley, NV 89704, applied for a Special Events Permit for the purpose of a BEACH LAND SAILING event to be held from OCTOBER 13th through OCTOBER 16, 2016, from 8:00 a.m. until dusk, on the WILDWOOD CREST BEACH; and

WHEREAS, the NORTH AMERICAN BLOKART SAILING ASSOCIATION (NABSA), 20 Bear St., Washoe Valley, NV 89704, 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 NORTH AMERICAN BLOKART SAILING ASSOCIATION (NABSA), 20 Bear St., Washoe Valley, NV 89704 for the purpose of

a BEACH LAND SAILING event to be held from OCTOBER 13th through OCTOBER 16, 2016, from 8:00 a.m. until dusk, on the WILDWOOD CREST BEACH.

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

Vote: Gould - Cabrera – Groom Yes

THE CLERK INDICATED THE RESOLUTION FOR A TOTALLY DISABLED VETERAN MUST BE PULLED AS PER THE TAX ASSESSOR

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

Vote: Gould - Cabrera – Groom Yes

THE CLERK INDICATED THERE WAS NO NEW CORRESPONDENCE.

The Mayor opened to floor for public commentary.

Aileen Kennedy, 122 E. Sweetbriar Road, inquired why Planning Board minutes are not available to be viewed online. The Mayor indicated he would see if that could be accomplished.

Dennis Travascio, 112 E. Louisville Avenue, inquired about the third Resolution regarding a Professional Services Contract. Commissioner Cabrera indicated it was with regard to our new logo and tagline. Commissioner Gould indicated that she would like to see New Jersey included and the Mayor indicated he had no interest in that.

Aileen Kennedy, 122 E. Sweetbriar Road, indicated that it was reported there was a traffic study on Pacific Avenue and wanted to know the timeline for results. Capt. McGrath indicated he just sent the accident reports to the County and he didn't know how the County was handling the process.

After no further comments from the public, THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 754-16

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, August 10, 2016** 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

1_____
“(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 is Potential Contract Negotiation for Borough Administrator position.

“(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

The meeting went into recess at 9:40 a.m. to resume at 11:00 a.m. with the Closed Session.

After returning from Closed Session and nothing further to discuss and no members from the public present, Mrs. Gould motioned, seconded by Mr. Cabrera that the meeting be adjourned. All were in favor. The time was 1:46 p.m.

Dated: August 24, 2016

Patricia A. Feketics, Borough Clerk

