

Note: Complete Meeting Appears
on 05-17 on file in
Borough Clerk's Office

February 22, 2017
Wildwood Crest, NJ

Prior to the opening of the meeting, Mr. Groon 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 5:30 p.m. On roll call the following answered to their names:

Gould – Cabrera – Groon YES

Mr. Groon 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 e-mailing and same to the Gazette-Leader, Herald of Cape May County and The Press on December 1, 2016.

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

THE CLERK READS THE FOLLOWING ORDINANCE BY TITLE:
ORDINANCE NO. 1252

AN ORDINANCE CREATING CHAPTER 87 OF THE CODE OF THE BOROUGH OF WILDWOOD CREST – ADOPTION, ENFORCEMENT AND AUTHORIZED USES OF THE BOROUGH OF WILDWOOD CREST'S OFFICIAL SEAL AND OTHER INTELLECTUAL PROPERTY

Mrs. Gould motions, Mr. Cabrera seconds that Ordinance No. 1252 be passed on first reading, advertised according to law, be brought up for second and final reading and public hearing on March 8, 2017 at 9:30 a.m.

Vote: Gould - Cabrera - Groon – Yes

THE CLERK READS THE FOLLOWING ORDINANCE BY TITLE:
ORDINANCE NO. 1253

ORDINANCE TO ESTABLISH CAP BANK FOR
CY2017 PURSUANT TO N.J.S.A. 40A:4-45.14

Mrs. Gould motions, Mr. Cabrera seconds that Ordinance No. 1253 be passed on first reading, advertised according to law, be brought up for second and final reading and public hearing on March 8, 2017 at 9:30 a.m.

Vote: Gould - Cabrera - Groon – Yes

THE CLERK READS THE FOLLOWING RESOLUTION TITLE AND IN FULL:
RESOLUTION NO. 912-17

SUBJECT: LOCAL BUDGET OF THE BOROUGH OF WILDWOOD CREST, COUNTY OF CAPE MAY, NEW JERSEY, FOR THE FISCAL YEAR 2017

BE IT RESOLVED that the following statements of revenue and appropriations shall constitute the local budget for the year 2017.

BE IT FURTHER RESOLVED that said budget be published in *The Cape May County Herald* issue of March 1, 2017.

NOTICE is hereby given that the budget and tax resolution were approved by the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, New Jersey on February 22, 2017.

A hearing on the budget and tax resolution will be held on Wednesday, MARCH 29, 2017 AT 5:30P.M., Municipal Court Room, Borough Hall, 6101 Pacific Avenue, Wildwood Crest, New Jersey, at which time and place objections to said budget and tax resolution for the year 2017 may be presented by taxpayers and other interested persons.

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. 913-17
Authorizing Sale of Surplus Property No Longer Needed
For Public Use on an Online Auction Website**

WHEREAS, the Borough of Wildwood Crest is the owner of certain surplus property no longer needed for public use; and

WHEREAS, the Borough Commissioners are desirous of selling said surplus property in an “as is” condition without express or implied warranties.

NOW, THEREFORE, BE IT RESOLVED, by the Borough of the Borough of Wildwood Crest as follows:

1. The sale of surplus property shall be conducted through GovDeals pursuant to State Contract A83453/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals are available online at govdeals.com and also available from the Borough Clerk.
2. The sale will be conducted online between March 1, 2017 and March 15, 2017 and the address of the auction site is govdeals.com
3. The sale is being conducted pursuant to LFN2008-9.
4. The list of surplus property to be sold by auction is included in Schedule “A” attached to this resolution.
5. The surplus property as identified shall be sold in an “as in” condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.
6. All bidders will be required to pre-register with GovDeals at govdeals.com and the successful bidder.
7. The Borough of Wildwood Crest reserves the right to accept or reject any bid submitted.

**Schedule A
MARCH 2017 ON-LINE AUCTION**

Public Works

1. 1999 Dodge Ram 1500 Pick Up Truck – VIN. 1B7HC16X3X5260850 – Worn - Runs, 75,641 miles
2. 1996 Dodge Ram 3500 – Flat Bed Truck w/Snow Plow - VIN. 1B6MF365XT5615320 – Worn, Runs 35,678 miles
3. 2002 Great Dane Super Sulfer S2 Stand Up Lawn Mower - #445295 – Worn – Runs, 1293 Hours with extra tires
4. 2004 Ford Crown Victoria 4 Door Sedan – VIN. 2FAMP71W74X154129 – Worn – Runs, 131,514 miles
5. 2004 Polaris UTV 4-Wheel Drive ATV – VIN. 4XARDSUA43D434329 – Worn – Runs, 2561 Hours

Police

1. 2001 Ford Crown Victoria, 4 DR – VIN 2FAFP71W31X168239 – Poor/Junk, Not in running condition
2. 2001 Ford Crown Victoria, 4DR – VIN 2FAFP71W11X168238 – Poor/Junk, Not in running condition
3. Abandoned - 2003 Infinity G35, 2 DR – VIN – JNKCV54E23M220012 – 127420 miles, Poor condition, has minor damage and was in running condition at the time of tow.
4. Abandoned - 1998 Jeep GRC, 4DR – VIN 1J4GZ48S3WC187883 – 175000 miles, Bad condition, damaged, running condition at time of tow

Bicycles

As a lot:

45 Bicycles – Various conditions from fair to poor

Computers

As a lot: 7 TOTAL

1. One (1) HP Laser Jet P4015n – Working condition
2. Two (2) HP Core2 Duo computers w/ Windows Vista business license – Serial # 2UA0160YCK & 2UA 94803RW – Model # 6000 Pro SFF – No hard drive and no memory, but has DVD burner
3. One (1) HP Core2 Duo computer with Windows XP Pro License – Serial # 2UA7170M6Z – Model # dc7700CMT – No hard Drive – 2 GB of DDR2 Memory – DVD Reader
4. One (1) Cooler Master Computer – Serial # 062310A – NO HARD DRIVE
5. One (1) Dell Optiplex GX520 Computer – Serial # 0T7570 – NO HARD DRIVE
6. One (1) Gateway Computer – Serial # 0040488133 – NO HARD DRIVE

Printers

As a lot: 4 TOTAL

1. One (1) HP Workgroup B/W laser printer with additional paper tray and network port – Powers “on”- Serial # CNBXB01965 – Model # Laserjet 4250tn
2. One (1) Brother Multifunction B/W Laser Printer w/ USB connection- Working Condition –

No Network Connection - Serial # U62062L0N747240 – Model # MFC-7340

3. One (1) Lex Mark Printer – Poor Condition- Serial # 000626
4. One (1) HP Printer – Poor Condition – Serial #C8192A

Fax Machine

1. One (1) Brother Fax Machine- Working Condition – Serial # U564060F1J457170 – Model # Intellifax 4750 – Fax output has scan lines

Monitors

As a lot: 10 TOTAL

1. Two (2) HP 17” LCD screens with VGA connection – Working Condition – Serial # 3CQ93701XQ & 3CQ9370W4N – Model # L1710 - VGA video cord included
2. One (1) Acer 23” Monitor – Serial # SNID – 14805858642 - Works
3. One (1) Acer 23” Monitor – Serial # SNID – 14805858542- Works
4. One (1) Acer 23” Monitor – Serial # SNID – 14805859042 – Works
5. One (1) Acer 23” Monitor – Serial # SNID – 14805859142 – Works
6. One (1) Sylvania 20” Monitor – Serial # J33749830
7. One (1) Dell 20” Monitor – Serial # MX07R4774832336B0AKP
8. One (1) Sharp 20” Monitor – Serial # 806903166
9. One (1) Acer 17” Monitor – Serial # ETL140819761408D1F4216

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. 914-17

BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, New Jersey, that the Wildwood Crest Administrator is hereby authorized to submit a grant application in an amount not to exceed \$3,000 to the State of New Jersey, Department of Environmental Protection, State Forestry Service, with 100% in-kind match on behalf of the Borough of Wildwood Crest, for a grant to support local governments in the development of a Community Forestry Management Plan, which guides communities in establishing and maintaining healthy, safe and sustainable urban and community forests.

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. 915-17

WHEREAS, on February 9, 2017, SANDMAN SCHOOL, 838 Seashore Rd., Cape May, NJ 08204, applied for a Special Events Permit for the purpose of a SIXTH GRADE BEACH DAY to be held on JUNE 7, 2017, with a rain date of June 8, 2017, from 7:30 A.M.. to 1:30 P.M., on the BEACH AT RAMBLER RD; and

WHEREAS, SANDMAN SCHOOL, 838 Seashore Rd., Cape May, NJ 08204, has supplied all documentation required under Ordinance No. 936, 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 SANDMAN SCHOOL, 838 Seashore Rd., Cape May, NJ 08204 for the purpose of a SIXTH GRADE BEACH DAY to be held on JUNE 7, 2017, with a rain date of June 8, 2017, from 7:30 A.M.. to 1:30 P.M., on the BEACH AT RAMBLER RD.

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

Vote: Gould - Cabrera - Groon – Yes

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

Vote: Gould - Cabrera - Groon – Yes

Mrs. Gould motioned, seconded by Mr. Cabrera, that all reports received from the Court Administrator, CFO, Tax Collector, and the Chief of Police for the month ending January 31, 2017 be accepted as presented.

Vote: Gould - Cabrera - Groom – Yes

Mrs. Gould motioned, seconded by Mr. Cabrera, that all minutes from the Regularly scheduled Meetings of January 25th and February 8th, 2017, the Closed Session Minutes dated January 25, 2017 as well as the Special Meeting Minutes of February 17, 2017 be approved as presented.

Vote: Gould - Cabrera - Groom – Yes

The Mayor opened the floor for public commentary. Doreen Corino, 225 E. Charleston Avenue, wanted to thank the Wildwood Crest Rescue Department on the record for a recent emergency where they were extremely professional and very much appreciated.

Dave Thompson, 106 W. Fern Road, inquired about the status of the street repairs. The Borough Administrator informed Mr. Thompson that it is scheduled to be completed by end of May.

Vince Nardini, 222 E. Hollywood Avenue, inquired about additional work to Pacific Avenue. The Borough Administrator indicated that the Borough recently advertised a Notice to Bidders for the remainder of the work and it is a 90 day contract that should be completed by the end of June. Mr. Nardini then inquired about the striping of Pacific Avenue and the Mayor indicated that it would be one lane each direction with a turning lane.

After hearing nothing further from the public, the Mayor opened with New Business. The Mayor asked the Governing Body to start a conversation about Sunset Lake with regard to a Kayak Launch. He pointed out that it currently needs work and improvements. He asked the Board to think about having a new one at a similar location or to invest in the current one. The Mayor then indicated there was a suggestion to have a viewing platform. The Administrator also added that the County Open Space funding may be possible to supplement the project. Mr. Cabrera inquired if an event took place on the water and access to steps were needed would it be possible and suggested that the engineer be consulted.

There being no further new business to discuss, the Mayor opened the Old Business. The Mayor indicated that the Borough had a meeting with the School and they are back in the discussion stage and looking for more information from the Engineer.

With regard to the Beach Dune, the Borough is waiting for a response from the Army Corps.

The Mayor once again opened the Public Comment portion with regard to New or Old Business. Hearing nothing from the public,

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 916-17

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, February 22, 2017** at 5:30 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 _____

_____ 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: Ongoing Litigation with respect to Rivera v. Wildwood Crest OPRA case – Action may taken

_____ **“(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 having no one present, Mrs. Gould motioned, seconded by Mr. Cabrera, that the meeting be adjourned. All were in favor and the time was 5:58 p.m.

Dated: March 29, 2017

Patricia A. Feketics, Borough Clerk

