

Note: Complete Meeting Appears
on 21-16 on file in
Borough Clerk's Office

October 5, 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 1244 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. 1244

BOND ORDINANCE APPROPRIATING \$2,975,000, AND
AUTHORIZING THE ISSUANCE OF \$2,833,000 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

Mrs. Gould motioned, seconded by Mr. Cabrera, that a public hearing now be held on Ordinance No. 1244.

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. 1244 now be closed.

Vote: Gould - Cabrera – Groom – Yes

Mrs. Gould motioned, seconded by Mr. Cabrera, that Ordinance No. 1244 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. 774-16

Authorizing Acceptance of the CY2016 Best Practices Inventory and Authorizing the Appropriate Borough Officials to Execute Same

WHEREAS, the State of New Jersey requires municipalities, 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 CY2016 Best Practices Inventory, and it is the desire of the governing body to accept the CY2016 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 CY2016 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 CY2016 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.

Vote: Gould - Cabrera – Groom – Yes

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 775-16

WHEREAS, **Evelyn Campbell dba Jersey Girl Smoothies, 103 6th Street, Clifton, NJ 07011**, paid the requisite fee for participation as a vendor for the Seafarers Weekend Celebration on September 24, 2016 in the amount of \$250.00; and

WHEREAS, **Evelyn Campbell dba Jersey Girl Smoothies** has requested a refund of the total fees paid in the amount of \$250.00 due to an injury necessitating her withdrawal from said event.

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 of the Borough of Wildwood Crest be and she is hereby authorized and directed to cause a refund in the amount of \$250.00 to be made to **Evelyn Campbell dba Jersey Girl Smoothies, 103 6th Street, Clifton, NJ 07011** for the reasons more fully set forth above.

Vote: Gould - Cabrera – Groom – Yes

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 776-16

WHEREAS, on April 5, 2016, CARIBBEAN CAB LLC T/A RYAN'S SUNSHINE EXPRESS, ALAN TROST, OWNER/OPERATOR, 309 E. Toledo Ave, Wildwood Crest, NJ 08260, applied for the renewal of a TAXI CAB LICENSE and paid the 2016 mercantile license fee of One Hundred Twelve Dollars and Fifty Cents (\$112.50); and

WHEREAS, upon review of the application and recommendation by the Wildwood Crest Police Department, the Board of Commissioners of the Borough of Wildwood Crest hereby denies issuance of a TAXI CAB LICENSE to CARIBBEAN CAB LLC T/A RYAN'S SUNSHINE EXPRESS, ALAN TROST, OWNER/OPERATOR, 309 E. Toledo Ave, Wildwood Crest, NJ 08260; and

WHEREAS, issuance of a Taxi Cab License has been denied, a refund of the mercantile license fees paid is proper.

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 of the Borough of Wildwood Crest be and she is hereby authorized and directed to cause a refund in the amount of One Hundred Twelve Dollars and Fifty Cents (\$112.50) to be made to CARIBBEAN CAB LLC T/A RYAN'S SUNSHINE EXPRESS, ALAN TROST, OWNER/OPERATOR, 309 E. Toledo Ave, Wildwood Crest, NJ 08260 for the reason set forth hereinabove.

Vote: Gould - Cabrera – Groom – Yes

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 777-16

BE IT RESOLVED BY THE Board of Commissioners of the Borough of Wildwood Crest, in the County of Cape May, New Jersey, that TRICK OR TREAT be and the same shall be observed in the Borough of Wildwood Crest on MONDAY, OCTOBER 31, 2016, BETWEEN THE HOURS OF 5:00 P.M. AND 7:00 P.M.

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

There were no correspondences to address.

The Mayor opened the floor for Public Commentary. Gene Mulligan, 6511 New Jersey Avenue, informed the Board that there is a presentation from the New Jersey Tree Foundation on November 2nd in Plainfield and the topic is Planting the Right tree at the Right Time. The Mayor pointed out there is more to consider with regard to public right of way vs. ownership. Mr. Cabrera the added that years ago there was a grant opportunity to plant trees and now the issue at

hand is the homeowner is now responsible. Mrs. Gould confirmed the grant and stated that cherry and pear trees were planted; not sycamore trees. Mr. Mulligan confirmed that he has three trees from that time period.

After hearing nothing further from the public, the Mayor opened with New Business and the topic of Professional Services Contract with regard to changing the scope of services for proprietary rights for the new logo/slogan and increasing the contract amount. Mr. Cabrera added that the increased amount of \$7,000 would be to ensure the Borough would own the new website and have access at all times. The Administrator indicated that the Board would need to amend the previous resolution to change the scope of services and increase the amount of the contract at the next meeting. The Solicitor indicated that she had some questions, but would address them to the Administrator before the next meeting.

The Mayor then addressed Old Business. He indicated there were no changes to report with the emergency generators. With regard to the Army Corps Beach Plan, the Mayor indicated he received a phone call from the DEP and they are in the design phase and will hopefully have something in the next month. He further indicated that the Borough will be responsible for a portion (Fed-65%, State-35% and the Borough will need to pay 10% of the State portion).

The next topic was Borough signage. Both Commissioners Cabrera and Gould liked the signage in North Wildwood along JFK Boulevard. The Mayor asked the Chief of Police to review the reflective sign since it is bigger than what we have currently and there may be a need to upgrade the polls.

The next topic was the Proposed Ordinances. The Mayor began with the Construction Ordinance and currently did not see any alternative and that for the most part, it does work. He added that he did not want to limit construction at this time.

With regard to Sidewalks and Street Openings, he would like to discuss at the next meeting.

With regard to Bicycles, the Mayor indicated that there would be no change in what we are currently doing and perhaps some signage would make people more aware that the sidewalk is shared. He also pointed out that this was difficult to enforce.

With regard to Taxi Cabs, the Mayor indicated this needed further review.

With regard to Beaches/Dunes/Parks and “no smoking,” the Mayor asked how the Board felt about designated zones and asked for further meetings with the Chiefs of the Police and Beach Patrol.

The Mayor then added that the Motor Vehicles were not currently an issue.

With regard to the Water Ordinance, the Mayor commended the Tax Collector and further indicated we need to mirror the other two municipalities on the island.

The Mayor then asked the Board if they would like to have the Engineer come in and have a work session to explain three buildings (Nesbitt, Lifeguard, and Old Library). All were in agreement to have the work session and potentially to have a recommendation.

Having no further new or old business to discuss, the Mayor opened the floor once again for public commentary regarding “new” and “old” business.

Nancy Pietropaoli, 6002 Seaview Avenue, inquired about the status of an old business item: Emergency Generators. The Mayor pointed out that currently we are without a plan. At first, the school looked like a viable option, but that was not the case due to many factors. The Mayor wants to now have the new engineering firm, the Chief of Police, the Superintendent of Public Works to meet and to start the process as well as a funding source.

Dennis Travascio, 112 E. Louisville Avenue, inquired about contractors dumping rock and fill in the streets and the damage left after it has been removed. The Chief addressed a specific incident where a subcontractor dumped rock in a street and the main contractor was contacted and rectified the situation. Mr. Travascio suggested Code Enforcement to keep an eye out for this

and maybe the contractor should have a bond to protect from damages. The Mayor further indicated that the Borough has many small lots and sometimes there is not enough room.

Gene Mulligan, 6511 New Jersey Avenue, indicated he thought the county engineer would be at the meeting to discuss the traffic study and the Mayor stated that the Borough had not yet received it. Mr. Mulligan asked about bicycles and when they ride into oncoming traffic and perhaps using signage. The Mayor acknowledged it exists and that bicycles are supposed to follow the rules of automobiles. Lastly, Mr. Mulligan asked about the potential of more bathrooms for the beach at perhaps the old library or fishing pier. The Mayor pointed out that the Borough was in process of modifying the five year beach permit and we can add things in the permit application to be safe. The Mayor further added that everything that gets added in the beach permit application can be tied in the plans the Army Corps has for the dunes. Commissioner Cabrera further added that there were 8 twin sets of portable bathrooms at 8 locations on the beach.

After no further comments from the public,

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 778-16

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, October 5, 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: Ongoing Litigation with respect to COAH.

“(8) Any matter involving the employment, appointment, termination of employment, terms and conditions of 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.

Vote: Gould - Cabrera – Groom – Yes

After returning from Executive Session, and opening the Court Room and having no members from the public, Mrs. Gould motioned, seconded by Mr. Cabrera that the meeting be adjourned. All were in favor. The time was 10:36 a.m.

Dated:

Patricia A. Feketics, Borough Clerk