

Note: Complete Meeting Appears
on CD #03-16 on File in the
Borough Clerk's Office

February 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 1234 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. 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 a public hearing now be held on Ordinance No. 1234.

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. 1234 now be closed.

Vote: Gould - Cabrera – Groom – Yes

Mrs. Gould motioned, seconded by Mr. Cabrera, that Ordinance No. 1234 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. 1235

AN ORDINANCE CREATING CHAPTER 56A OF THE CODE OF THE BOROUGH OF WILDWOOD CREST – RENTAL PROPERTIES – RENTAL LICENSE REGULATIONS, ESTABLISHING LICENSING PROCEDURES, REQUIRED INSPECTIONS AND REGISTRATION FOR ALL RENTAL PROPERTIES OR PROPERTIES CONTAINING RENTAL UNITS, INCLUDING, BUT NOT LIMITED TO, RESORT HOUSES.

Mrs. Gould motioned, seconded by Mr. Cabrera, that Ordinance No. 1235 be passed on first reading, advertised according to law, be brought up for second and final reading and public hearing on Wednesday, February 24, 2016 at 7:00 p.m.

Vote: Gould - Cabrera – Groom – Yes

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 626-16

WHEREAS, there exists the need for the “Professional Services” of a NETWORK SUPPORT / INFORMATION TECHNOLOGY SPECIALIST, to be retained by the Borough for all hardware and software systems for internal operation 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, **Contemporary Technologies, Inc.** has completed and submitted a Business Entity Disclosure Certification which certifies that he will not make any reportable contributions pursuant to N.J.S.A. 19:44A-1 commencing January 1, 2016 to any political committee or candidate through the term of this contract.

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 **Contemporary Technologies, Inc.**, who shall be compensated by voucher at the agreed upon rate of \$80.00 per hour, not to exceed \$39,500, 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 Network Support / Information Technology Specialist 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 contact falls within.

4. The Business Disclosure Entity Certification shall be placed on file with this Resolution.

5. 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.

CFO Certification for Availability of Funds:
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. 627-16
**A RESOLUTION ESTABLISHING A SHARED SERVICES AGREEMENT
BETWEEN THE BOROUGH OF WEST WILDWOOD AND THE
BOROUGH OF WILDWOOD CREST FOR DPW EQUIPMENT
AND SERVICES**

WHEREAS, pursuant to the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et. seq. any local government unit may enter into a contract with any other local government to provide and receive any service that each unit is empowered to provide or receive within its own jurisdiction; and

WHEREAS, each respective municipality has determined the urgency of the need of public works equipment and services to maintain the health, safety and welfare of the residents and visitors of the Borough after the wrath of Winter Storm Jonas; and

WHEREAS, the Borough of West Wildwood and the Borough of Wildwood Crest deem it appropriate and economically beneficial to enter into such an Agreement to perform certain public works services, 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 authorize the Mayor and Borough Clerk to execute a Shared Services Agreement with the Borough of Wildwood Crest for said services.

BE IT FURTHER RESOLVED, that this Contract shall be deemed to have commenced on January 25, 2016 and shall terminate when the Commissioners of the Department of Public Works or their authorized representative have determined that these services are no longer necessary.

BE IT FURTHER RESOLVED, that an executed copy of the Shared Services Agreement shall be attached to this resolution.

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. 628-16

**A RESOLUTION AUTHORIZING REFUND OF PAYMENT AND AUTHORIZING
ACCEPTANCE OF SETTLEMENT AND INSURANCE CLAIM PAYMENTS**

WHEREAS, on September 30, 2015, a fire occurred in the Wildwood Crest Public Works facility that resulted in a loss and submission by the Borough of Wildwood Crest of a claim for payment to insurance carriers for the cost of the loss, and

WHEREAS, a payment was received by the Borough of Wildwood Crest in the amount of \$49,000.00, which payment is to be refunded to the Atlantic County Municipal JIF c/o Scibal Associates, Inc., 100 Decadon Drive, Egg Harbor Township, New Jersey, 08234, and

WHEREAS, in accordance with the statement of loss and claim summary as provided by O'Brien Adjustment Services LLC and a settlement with the Atlantic County Municipal JIF and the Atlantic County Municipal MEL, payment shall be submitted to AllRisk Inc.

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 settlement for the insurance loss shall be accepted by the Borough and the insurance carrier is hereby directed to make the payment due to AllRisk Inc., subject to receipt of certification of satisfaction.

2. The Chief Financial Officer shall be and is hereby authorized to refund the sum of \$49,000.00 to Atlantic County Municipal JIF for direct payment to be made by them to AllRisk Inc. The Commissioner and Borough Clerk be and are hereby authorized to execute any and all documents as may be required for the refund payment to Atlantic County Municipal JIF and as may be required to authorize the acceptance of insurance claim settlement and payment to AllRisk Inc. upon receipt of certification of satisfaction.

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. 629-16

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

WHEREAS, the Board of Commissioners has determined that the items listed on the attached Schedule "A" is property no longer needed for public use; and

WHEREAS, the State of New Jersey permits the sale of surplus property no longer needed for public use through the use of an online auction service, pursuant to the Local Unit Electronic Technology Pilot Program and Study Act, P.L. 2001, c.30; and

WHEREAS, the Borough of Wildwood Crest has received authorization from the State of New Jersey, Department of Community Affairs, Division of Local Government Services, to conduct an online sale of property no longer needed for public use; and

WHEREAS, the Borough of Wildwood Crest is in possession of the property listed in Schedule "A," attached to this Resolution, and desires to sell this property online;

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 said items are hereby declared

surplus property, to be forthwith advertised for public sale pursuant to the provisions of N.J.S.A. 40A:11-36; and

BE IT FURTHER RESOLVED that said materials shall be sold at a public sale to the highest bidder through a contracted government on-line auction service, GovDeals, Inc. The Borough of Wildwood Crest reserves the right to reject any and all bids; and

BE IT FURTHER RESOLVED that a Notice of On-Going Public Sale of Surplus Property be published one (1) time in *The Herald of Cape May County* edition of April 20, 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. 630-16

WHEREAS, the Wildwood Crest Police Department is desirous of having Neal Cullen attend the Cape May County Police Academy; and

WHEREAS, the governing body of the Borough of Wildwood Crest has concluded that this would be in the best interests of the Wildwood Crest Police Department, and wishes to authorize same;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, New Jersey, that Neal Cullen be and he is hereby authorized to attend the Cape May County Police Academy on behalf of the Wildwood Crest Police Department.

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. 631-16

**REFUND OVERPAYMENT ON
PROPERTY TAXES OR UTILITY PAYMENTS**

WHEREAS, the Tax Collector of the Borough of Wildwood Crest collected from the property owner or it's designee an excess amount on 2015 property taxes and/or utility payments; and

WHEREAS, an overpayment was created for the reason listed below, and

WHEREAS, the Tax Collector of the Borough of Wildwood Crest has determined the said overpayment should be refunded accordingly as indicated below.

3-55.02	Brian & Christa Oakes	Amount
2015 Tax	111 W. Cardinal Rd.	\$729.91
	Title Company & Mortgage Company	
	both paid 2015 4 th quarter taxes.	
	Refund overpayment to Corelogic	

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Commissioners of the Borough of Wildwood Crest, County of Cape May, State of New Jersey, the Chief Financial Officer is hereby authorized to execute said refund as soon as practicable and the Tax Collector should mark the records accordingly to reflect said refund as per the meeting on February 10, 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. 632-16

WHEREAS, the a vacancy occurred on the board of the TOURISM COMMISSION of the Borough of Wildwood Crest on July 8, 2015; and

WHEREAS, it is the desire of the Board of Commissioners of the Borough of Wildwood Crest to appoint MICHAEL DiANTONIO, JR. as a member of the TOURISM COMMISSION of the Borough of Wildwood Crest to fill the vacant term;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest that MICHAEL DiANTONIO, JR. be and he is hereby appointed as a member of the TOURISM COMMISSION of the Borough of Wildwood Crest to fill the vacant term commencing immediately, and expiring December 31, 2016.

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

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 633-16

WHEREAS, a vacancy occurred on the board of the RECREATION COMMISSION of the Borough of Wildwood Crest on October 3, 2013; and

WHEREAS, it is the desire of the Board of Commissioners of the Borough of Wildwood Crest to appoint ZACHARY J. RUFFO as a member of the RECREATION COMMISSION of the Borough of Wildwood Crest to fill the vacant seat;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest that ZACHARY J. RUFFO be and he is hereby appointed as a member of the RECREATION COMMISSION of the Borough of Wildwood Crest to fill the vacant seat for a three year term commencing immediately, and expiring December 31, 2018.

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

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 634-16

WHEREAS, there exists a vacancy in the Alternate I position of the Zoning Board of Adjustment, and

WHEREAS, the Alternate II Member, Pauline Levy, of the Zoning Board has served on the Zoning Board for the Borough of Wildwood Crest and is willing to accept the Alternate 1 position vacancy, and

WHEREAS, the Mayor has determined that Pauline Levy be appointed to fill the Alternate I vacancy, and

WHEREAS, the Mayor has reviewed the applications on file for the Zoning Board and determined that Carole Pantalone be appointed to fill the unexpired term of Pauline Levy who will be appointed to fill the vacancy of the Alternate I position.

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

1. That the appointment of PAULINE LEVY, by Mayor Carl H. Groom as the Alternate I Member of the Zoning Board with a term expiring December 31, 2017 is hereby confirmed and ratified effective immediately.
2. That the appointment of CAROLE PANTALONE, by Mayor Carl H. Groom as Alternate II Member of the Zoning Board, to fill the unexpired term of Pauline Levy, ending December 31, 2016 is hereby confirmed and ratified effective immediately.

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

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 635-16

WHEREAS, on January 20, 2016, SARAH HOEFLER, 501 Pinewood Ave, Philadelphia, PA 19116, applied for a Special Events Permit for the purpose of the HOEFLER-VEACH WEDDING to be held on JUNE 18, 2016, from 5:00 PM to 6:00 PM, on the TRENTON AVENUE BEACH; and

WHEREAS, SARAH HOEFLER, 501 Pinewood Ave, Philadelphia, PA 19116, 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 SARAH HOEFLER, 501 Pinewood Ave, Philadelphia, PA 19116 for the purpose of the HOEFLER-VEACH WEDDING to be held on JUNE 18, 2016, from 5:00 PM to 6:00 PM, on the TRENTON AVENUE BEACH.

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

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 636-16

WHEREAS, on January 4, 2016, MARY JANE HARRIS & KIRK SWENSON, 10 Union Street, Newtown, PA 18940, applied for a Special Events Permit for the purpose of a WEDDING to be held on SEPTEMBER 10, 2016, from 1:00 PM to 3:00 PM, at the HEATHER BEACH PIER; and

WHEREAS, SARAH HOEFLER, 501 Pinewood Ave, Philadelphia, PA 19116, have 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 SARAH HOEFLER, 501 Pinewood Ave, Philadelphia, PA 19116 for the purpose of the HOEFLER-VEACH WEDDING to be held on JUNE 18, 2016, from 5:00 PM to 6:00 PM, on the TRENTON AVENUE BEACH.

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

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 637-16

WHEREAS, on January 19, 2016, BRIAN HURWITZ for the NATIONAL MS SOCIETY, 1480 U.S. HWY 9 NORTH, SUITE 301, WOODBRIDGE, NJ 07095, applied for a Special Events Permit for the purpose of a BIKE RIDE to be held on MAY 22, 2016, from 12:00 PM. to 4:30 PM, on VARIOUS STREETS in the Borough of Wildwood Crest; and

WHEREAS, SARAH HOEFLER, 501 Pinewood Ave, Philadelphia, PA 19116, 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 SARAH HOEFLER, 501 Pinewood Ave, Philadelphia, PA 19116 for the purpose of the HOEFLER-VEACH WEDDING to be held on JUNE 18, 2016, from 5:00 PM to 6:00 PM, on the TRENTON AVENUE BEACH.

Mrs. Gould motioned, seconded by Mr. Groon, 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

The Mayor then opened the floor for public commentary. Nancy Pietropaoli, 6002 Seaview Avenue, asked about the status of the school generator. The Mayor indicated he would discuss that in the portion of Old Business.

There were no further comments from the public. The Mayor then opened the Discussion portion of the agenda with the first topic of the Finch “communication suite.” Commissioner Cabrera asked if all were on board with the products presented and all confirmed they were.

The Mayor then wanted to give an update on the status of COAH. The Mayor briefed all who attended that COAH is a legal process and all would be held accountable for low to medium income housing under the Mt. Laurel case. He further indicated that Judge Perskie has inquired if the Borough was in full support of the process and that the Borough would need to respond. As a result, a new fee ordinance will need to be put in place, there will need to be zoning adjustments, and it will require a change in the master plan and professionals would need to be hired. The Solicitor added that currently the Borough has immunity as long as we are in the process.

The next topic was the South Jersey Gas High Pressure Gas Renewal. The Mayor indicated that South Jersey Gas has plans for a large natural gas infrastructure improvement project in the Borough. The Engineer indicated that it includes replacement of low pressure gas mains with new high pressure mains and that there will be significant disturbance of roadways. He went on further to say the project will be from Rambler to Morning Glory Roads and between Park Boulevard and Pacific Avenues. The Mayor asked if they submitted a plan and if we can have access to that plan in case we are able to replace a water or sewer line while the road is open.

The Mayor then addressed Old Business with Emergency Generator /school generator. He indicated that this has been a topic over the past two years. The Mayor and the OEM coordinator (Capt. McGrath) was in agreement that Island wide coordinated services have been suggested as the best approach. There were issues with size of generator, placement of generator, staff, supplies, bedding, opening the doors to everyone and overall responsibilities. Capt. McGrath further indicated that if FEMA guidelines are not met, reimbursement will not be recouped. The Mayor then added that the County has certain Red Cross locations.

Nancy Pietropaoli, 6002 Seaview Avenue, indicated that with hurricanes, there are warnings and plenty of time to prepare, but the elderly need a place to go.

The Mayor then added that this is a learning process and a great deal of responsibility. The island OEM coordinators need to gather and be on board with the decision.

Nancy Pietropaoli, 6002 Seaview Avenue, commended the Public Works department for doing such a great job and should be praised for their cooperation with West Wildwood and North Wildwood. Lastly, Ms. Pietropaoli asked about the Ocean Drive bridge being scheduled to close for repairs and the Mayor said that they need to deal with emergencies and to keep in mind the high tides.

Commissioner Cabrera then asked to strike topic 2 (New Jersey Avenue – Lighting & Landscape Design) and topic 3 (Wellness Perks).

The Mayor jumped down to the Army Corps Beach Plan (Dunes). The Mayor indicated he heard the project was back on and was waiting for official word from the State. He suggested that the project was at least 18 months out and the neighboring municipalities need to come up with an island wide approach to deal with the proposed plans. Lastly, the Mayor added that there is a

five year permit and we need to ask the DEP to approve a recreation zone between the dunes and bulkhead.

The next topic was Sunset Lake and the Mayor indicated that post-Sandy, there have been damage to tiles on sunset lake and there are signs of erosion. He also stated that the Borough has applied for and received a grant for funding for fixing the damage. We need to address the two openings and hopefully next winter, it will get fixed. Commissioner Cabrera added that there were still plans to make a walk in Kayak launch.

Without further business to discuss, the Mayor opened the floor for public commentary on new and old business only.

Dennis Travascio, 112 E. Louisville Avenue, added that on Sunset Lake, by the existing kayak launch and near the restaurant, the erosion is evident. Capt. McGrath indicated that he was aware and they have pictures of it as well. The Mayor then added that we have aerial photos for mitigation purposes.

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 638-16

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, February 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

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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 copy of this resolution to any member of the public who requests one at the fees authorized by N.J.S.A. 47:1A-1, et. seq.

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

Vote: Gould – Cabrera – 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 10:37 a.m.

Dated: February 24, 2016

Patricia A. Feketics, Borough Clerk

