

Note: Complete Meeting Appears
on 15-16 on file in
Borough Clerk's Office

July 27, 2016
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 mailing and same to the Gazette-Leader, Herald of Cape May County and The Press on November 4, 2015.

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 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 motions, Mr. Groon seconds that Ordinance No. 1243 be passed on first reading, advertised according to law, be brought up for second and final reading and public hearing on August 10, 2016 at 9:30 a.m.

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 736-16

Authorizing No Corrective Action Plan needed for 2015 Audit

WHEREAS, the 2015 Audit was received by the members of the Governing Body of the Borough of Wildwood Crest; and

WHEREAS, No Comments & Recommendations were made in the 2015 audit; and

WHEREAS, a Corrective Action Plan is not needed; and

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

1. The members of the Governing Body have acknowledged that there were No Comments & Recommendations and a Corrective Action Plan is not required as set forth in the 2015 Audit.
2. That a certified copy of this Resolution shall be forwarded to the Division of Local Government Services, Chief Financial Officer and the Municipal Auditor.

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. 737-16

BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, New Jersey, that the following grant receivable be canceled:

<u>Grant Name</u>	<u>Amount Canceled</u>
2014 State Housing Receivable 2014	\$_____131.14
TOTAL AUTHORIZED TO BE CANCELED	\$_____131.14

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. 738-16

Cape May, New Jersey, that the following appropriated reserves for federal and state grant funds be and are hereby authorized to be canceled:

Account Number	Grant Description	Amount
6-02-213-40-100-007	Reserve for Alcohol Ed. Rehab 2006	3,712.24
6-02-213-40-100-038	Reserve for Emergency Mgmt Perform 2007	5,000.00
6-02-213-40-100-062	Reserve for GWTIDA Summer Events Gr 2014	100.00
6-02-213-40-100-045	RESERVE FOR GWTIDA SUMMER EVENTS GRANT 2012	290.91
6-02-213-40-100-055	RESERVE FOR GWTIDA SUMMER EVENTS GRANT 2013	194.99
6-02-213-40-100-064	Reserve for GWTIDA Summer Events Grant 2015	713.65
	TOTALS	1,299.55
6-02-213-40-100-024	Reserve for Municipal Joint Venture 2007	976.00
6-02-213-40-100-035	Reserve for Scoop Taylor Park - 1996	5,615.44
6-02-213-40-100-057	Reserve for State Housing Receivable	3,191.32
6-02-213-40-100-012	Reserve Rambler Road Landscape 2003	2,500.00
	TOTAL CANCELLATIONS- RESERVES	22,294.55

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. 739-16

WHEREAS, in 1992, **the Borough of Wildwood Crest** enrolled in METROMATIC Program, under which eligible employees of the Borough of Wildwood Crest may arrange for payment for premiums on insurance policies and/or purchase payments on annuity contracts issued by **Metropolitan Life Insurance Company**; and

WHEREAS, the **Borough of Wildwood Crest** made payroll deductions as authorized in writing by its employees in amounts sufficient to pay the monthly premiums and/or purchase payments for the policies and/or contracts included in the program; and

WHEREAS, the current contract permits the Borough of Wildwood Crest to terminate at any time upon written notice to Metropolitan Life Insurance Company and all participating employees; and

WHEREAS, the level of participation in this voluntary METROMATIC Program is no longer feasible for the Borough to actively continue the payroll deduction program;

WHEREAS, the Borough of Wildwood Crest will no longer sponsor or administer a payroll deduction program for the Metropolitan Life Insurance Company's Metromatic Program.

NOW, THEREFORE, BE IT RESOLVED, the Board of Commissioners authorizes the Chief Financial Officer to terminate the contract for the voluntary Metromatic Program issued by Metropolitan Life Insurance Company as well as the payroll deduction for said program.

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. 740-16

WHEREAS, Chapter 67, Street Excavations, Subsection 67-6, Recently Paved Streets, of the Code of the Borough of Wildwood Crest prohibits excavation of any street for a period of five (5) years after reconstruction, resurfacing, repaving or overlayment; and

WHEREAS, South Jersey Gas is requesting to open cut New Jersey Avenue in front of 7505 New Jersey Avenue; and

WHEREAS, portions of New Jersey Avenue are currently within the five year moratorium period until January 1, 2021; and

WHEREAS, the owner of the property located at 7505 New Jersey Avenue has requested a hardship waiver of the five year moratorium due to erroneous information that gas lines were sufficient for the construction project currently underway; and

WHEREAS, in accordance with Borough Code, the governing body may consider the request and render a decision to issue or deny said application; and

WHEREAS, the Borough executed an agreement with NJDOT certifying that it would not permit any non-emergency street openings for five years and this condition is included in NJDOT Municipal Aid applications and agreements.

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. The preamble hereto is repeated herein as if set forth in full.
2. Due to the agreement with the NJDOT as set forth herein, permission is hereby denied for the excavation of New Jersey Avenue for the sole purpose of adjusting gas lines.
3. Reconstruction and restoration of the roadway and all necessary permit fees and guarantees pursuant to Chapter 67 of the Code of the Borough of Wildwood Crest shall be enforced.

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. 741-16
CANCELING ERRONEOUS 2016 SEWER RENTS**

WHEREAS, it has been determined by the Tax Collector of the Borough of Wildwood Crest, that a sewer account has been billed erroneous sewer rents for 2016.

WHEREAS, sewer account 1084-0, at 126 E. Forget-Me-Not Rd. did not have a water meter installed for the year 2015, the sewer rents levied in 2016 should be canceled.

WHEREAS, the Tax Collector of the Borough of Wildwood Crest has determined the said erroneous sewer rents should be canceled accordingly as indicated below.

Block /Lot Sewer ID#	Name	Amount
54/36 1084-0	217 W. 13 th Ave., LLC 126 E. Forget-Me-Not Rd. 2016 Sewer Rents	\$124.00

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 Tax Collector of the Borough of Wildwood Crest to cancel said sewer amounts for 2016.

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. 742-16

WHEREAS, on May 13, 2016, MARY E LANGE MBR, BOX KO LLC, 11407 Valley Stream Ct, Great Falls, VA 22066, paid the 2016 mercantile license fee of NINE HUNDRED TWENTY-TWO DOLLARS AND FIFTY CENTS (\$922.50) for the intended opening of BIG HENRY'S PACIFIC AVE DELI at 5611 Pacific Ave; and

WHEREAS, on July 20, 2016, MARY E LANGE MBR, BOX KO LLC, 11407 Valley Stream Ct, Great Falls, VA 22066, requested a full refund of the mercantile fees paid due to inability to complete work necessary to open deli in 2016; and

WHEREAS, the Board of Commissioners has determined that a refund request in the instant matter is proper as presented;

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 NINE HUNDRED TWENTY-TWO DOLLARS AND FIFTY CENTS (\$922.50) to be made to MARY E LANGE MBR, BOX KO LLC, 11407 Valley Stream Ct, Great Falls, VA 22066 for the reason set forth hereinabove.

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. 743-16

WHEREAS, on April 4, 2016, NICOLA NAIMO, 7605 New Jersey Ave, Wildwood Crest, NJ 08260, paid the 2016 mercantile license fee of THREE HUNDRED NINETY DOLLARS (\$390) for the seasonal rental of two apartments at 7605 New Jersey Ave; and

WHEREAS, on July 1, 2016, MARY E LANGE MBR, BOX KO LLC, 11407 Valley Stream Ct, Great Falls, VA 22066, corrected his mercantile rental application from seasonal to year around and presented copies of year around leases; and

WHEREAS, the BOARD OF COMMISSIONERS has determined to refund year around mercantile fees in compliance with recent court decisions that prohibit this fee.

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 NINE HUNDRED TWENTY-TWO DOLLARS AND FIFTY CENTS (\$390) to be made to MARY E LANGE MBR, BOX KO LLC, 11407 Valley Stream Ct, Great Falls, VA 22066 for the reason set forth hereinabove.

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. 744-16

WHEREAS, Jennifer Pruszinski, 6708 Pacific Avenue, Wildwood Crest, New Jersey 08260, has paid Three Hundred Eighty Five (\$385.00) Dollars to the Borough of Wildwood Crest for the enrollment of her foster son, John Scholz, in the Pier Playmates Program, first session; and

WHEREAS, Robin's Nest, Inc., 42 South Delsea Drive, Glassboro, New Jersey, 08028 paid Four Hundred Eighty Five (\$485.00) Dollars for the First Session and Aftercare; and

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 be and is hereby authorized and directed to issue a refund in the amount of **Three Hundred Eighty Five (\$385.00) Dollars to JENNIFER PRUSZINKSI, 6708 Pacific Avenue, Wildwood Crest, New Jersey 08260** for the duplicate payment for her foster son, John Scholz, for the Pier Playmates first session.

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. 745-16

WHEREAS, on July 19, 2016, CHARLES M. REGALBUTO and NICOLE M. DANTUONO, 6662 Boca Del Mar Dr #616, Boca Raton, FL 33433, applied for a Special Events Permit for the purpose of a WEDDING to be held on OCTOBER 1, 2016 (rain date October 2, 2016), from 2:30 PM to 5:00 PM, on the BEACH at JEFFERSON AVE; and

WHEREAS, MARY E LANGE MBR, BOX KO LLC, 11407 Valley Stream Ct, Great Falls, VA 22066, have supplied all documentation required under Ordinance No. 936, including the requisite Certificate of Insurance, and have 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 MARY E LANGE MBR, BOX KO LLC, 11407 Valley Stream Ct, Great Falls, VA 22066 for the purpose of a WEDDING to be held on OCTOBER 1, 2016 (rain date October 2, 2016), the intended opening of BIG HENRY'S PACIFIC AVE DELI at 5611 Pacific Ave.

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

Vote: Gould - Cabrera – Groom Yes

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

Vote: Gould - Cabrera – Groom Yes

Mrs. Gould motioned, seconded by Mr. Cabrera, that all reports from the CFO, Tax Collector, Municipal Court Administrator, and the Wildwood Crest Police Department for the month ending June 30, 2016 be approved as presented.

Vote: Gould - Cabrera – Groom Yes

Mrs. Gould motioned, seconded by Mr. Cabrera, that all minutes from the regularly scheduled Commission Meetings dated June 22nd and July 13th, 2016 as well as the minutes from the Closed Session Meetings dated June 22nd and July 13th, 2016 be approved as presented.

Vote: Gould - Cabrera – Groom Yes

There was no correspondence to address.

The Mayor then opened the floor for public commentary. Anne Carbone, 7903 New Jersey Avenue, noted the signs for no parking from 2:00 am to 5:00 am were in place and would like the times changed. The Mayor indicated it would be discussed. Ms. Carbone indicated that the weeds across from house seem to be getting higher and higher and would like them cut. Commissioner Cabrera indicated that it would be checked to see if it was beach grass or weeds. The Superintendent of Public Works stated the area was trimmed last week and beach grass was there for the stabilization of the bank.

Jim Kiesel, 6605 Park Blvd., thanked the police for the efforts to try and slow down traffic. He would like to see more done at Forget Me Not and Fern Roads. Capt. McGrath assured Mr. Kiesel that they have amped up efforts with stationery radar and units giving summons and warnings and he spoke with Wildwood Linen as well. The Mayor indicated that the Borough recognizes there is a problem and they will try to minimize the traffic, they will notify the offenders and continue to do their best.

Wanda Read, 5407 Pacific Avenue, noted there is uneven pavement on corner of Cresse and Pacific Avenues and trucks travel quite fast. The Mayor then pointed out that road needs to be replaced and hopefully they can break ground by January or February. Ms. Read added they experience illegal parking on private lot and would like to have lines repainted in front. She further indicated that it was nearly impossible to have a tow company tow a car from private property.

Jim Kiesel, 6605 Park Blvd., asked if plans were in place to have Park Boulevard redone and in particular, at Fern and Forget Me Not Roads. The Mayor pointed out that at the current time; they were addressing New Jersey Avenue (north) and Pacific Avenue.

Derek Porter, 200 E. Youngs Avenue, was present with his mother and indicated that he was a boy scout and currently working on a Merit Badge requirement and was taking notes and would have to present a topic discussed and how it was handled. The Mayor commended Mr. Porter and told him if he needed any help, to contact the Borough Clerk.

The Mayor then added there is a scheduled Commission Meeting that will be held on Saturday, August 6, 2016.

Kay Sparkman, 7705 New Jersey Avenue, asked about the time for meeting on August 6th. The Mayor indicated it would be at 9:30 a.m.

After no further commentary from the public,

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:
RESOLUTION NO. 746-16

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, July 22, 2016** 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 _____

_____ **"(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 Litigation for a Pacific Avenue.

_____ **"(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 no further commentary from the public, Commissioner Cabrera brought up interview schedules. The Commissioners agreed to call for a Special Meeting to be held on August 3, 2016, at 9:00 a.m. to interview 4 candidates and to continue the interviews in closed session on the regularly scheduled meeting of August 10, 2016.

After nothing further to discuss, Mrs. Gould motioned, seconded by Mr. Cabrera that the meeting be adjourned. All were in favor. The time was 6:45 p.m.

Dated:

Patricia A. Feketics, Borough Clerk

