

Note: Complete Meeting Appears  
on 02-17 on file in  
Borough Clerk's Office

January 25, 2017  
Wildwood Crest, NJ

Prior to the opening of the meeting, Mrs. Gould 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 – Yes      Groon – Absent

Mrs. Gould 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.

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

Mr. Cabrera motioned, seconded by Mrs. Gould, that Ordinance 1250 be placed on second and final passage by title only.

Vote:      Gould - Cabrera – Yes      Groon – Absent

THE CLERK READ THE FOLLOWING ORDINANCE BY TITLE ONLY:

ORDINANCE NO. 1250

A CAPITAL ORDINANCE PROVIDING FOR BOROUGH FACILITY CONSTRUCTION AND IMPROVEMENTS AND ACQUISITION OF VARIOUS EQUIPMENT AND APPROPRIATING THEREFOR THE AMOUNT OF \$375,000 FROM THE CAPITAL IMPROVEMENT FUND

Mrs. Gould motioned, seconded by Mr. Cabrera, that a public hearing now be held on Ordinance No. 1250.

Vote:      Gould - Cabrera – Yes      Groon – Absent

After no comments from the public, Mrs. Gould motioned, seconded by Mr. Cabrera, that the public hearing on Ordinance No. 1250 now be closed.

Vote:      Gould - Cabrera – Yes      Groon – Absent

Mrs. Gould motioned, seconded by Mr. Cabrera, that Ordinance No. 1250 be passed on second and final reading and advertised according to law.

Vote:      Gould - Cabrera – Yes      Groon – Absent

THE CLERK READS THE FOLLOWING ORDINANCE BY TITLE:

ORDINANCE NO. 1251

AN ORDINANCE TO VACATE THE PUBLIC ACCESS RIGHTS AND TO TERMINATE, EXTINGUISH AND ABANDON THE SEWER EASEMENT SITUATE ON THE REAR SEVEN AND ONE HALF (7½') FEET OF LOTS 1 THROUGH 12 OF BLOCK 56.02 (FORMERLY BLOCK 56-A) RUNNING FROM PALM ROAD TO FERN ROAD A DISTANCE OF TWO HUNDRED (200') FEET IN TOTAL LENGTH AND FIFTEEN (15') FEET IN TOTAL WIDTH

Mr. Cabrera motions, Mrs. Gould seconds that Ordinance No. 1251 be passed on first reading, advertised according to law, be brought up for second and final reading and public hearing on February 8, 2017 at 9:30 a.m.

Vote:      Gould - Cabrera – Yes      Groon – Absent

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

Mr. Cabrera motions, Mrs. Gould 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 February 8, 2017 at 9:30 a.m.

Vote: Gould - Cabrera – Yes Groon – Absent

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:  
RESOLUTION NO. 887-17

**Authorizing Retention Via Professional Services Agreement  
Of A Law Firm As Special Counsel Specializing In Construction Litigation**

WHEREAS, the Borough of Wildwood Crest requires the professional services of a law firm specializing in construction litigation issues; and

WHEREAS, it is desired to employ a professional, pursuant to law, who is duly trained, experienced and specialized in the area of skilled construction litigation; and

WHEREAS, the Local Public Contracts Law provides for the entering into of a contract for professional services pursuant to R.S.40A:11-5(1)(a), without advertising for competitive bidding; and

WHEREAS, the Borough has determined that **Rona Zucker Kaplan** of the law firm of Cooper Levenson, P.A. of Atlantic City, New Jersey is qualified to perform said work and it is desired to enter a professional contract with them for said services pursuant to law, and to provide for the advertising of a notice pursuant to law; and

WHEREAS, **Rona Zucker Kaplan**, of the law firm of Cooper Levenson. P.A., has completed and submitted a Business Entity Disclosure Certification which certifies that Rona Zucker Kaplan and Cooper Levenson, P.A., will not make any reportable contributions pursuant to N.J.S.A. 19:44A-1 commencing January 25, 2017 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, County of Cape May, New Jersey, as follows:

1. **Rona Zucker Kaplan** of the law firm of Cooper Levenson, P.A., of Atlantic City, New Jersey is hereby retained as Special Counsel to provide specialized professional services in the field of construction litigation for the period ending December 31, 2017. The said professional services to be received shall be “as directed” by the Borough of Wildwood Crest from time to time.
2. The Mayor and Borough Clerk be and they are hereby authorized and directed to enter into a contract with **Rona Zucker Kaplan**, of the law firm of Cooper Levenson, P.A., for specialized professional services in the field of construction litigation for a term of the period indicated above, which contract shall provide for payment at the hourly rate of **two hundred thirty five (\$235.00) dollars per hour and not to exceed \$30,000**. Said award is further contingent upon the certification of availability of funds below by the CFO.
3. This contract is awarded without competitive bidding as a professional service in accordance with the provisions of the Local Public Contracts Law aforesaid, and in accordance with the provisions of N.J.S.A. 19:44A-1, and shall be in a form approved by the Borough.
4. The Business Disclosure Entity Certification and the Determination of Value shall be placed on file with this Resolution.
5. This Resolution and a copy of the contract for professional services shall be maintained on filed in the offices of the Borough Clerk for public inspection.
6. A copy of this Resolution shall be published in the legal newspaper designated by the Borough as required by law, within ten (10) days of its passage.

WHEREAS, the CFO has certified the availability of funds as evidenced below by her signature,  
Account Number(s) Amount Signature

\_\_\_\_\_

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

Vote: Gould - Cabrera – Yes Groon – Absent

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 888-17

**Authorizing Retention Via Professional Services Agreement  
Of A Law Firm With Regard to Municipal Public Defender**

WHEREAS, the Borough of Wildwood Crest requires the professional services of a Law Firm to perform services on behalf of the municipality with regard to Public Defender duties; and

WHEREAS, it is desired to employ a professional, pursuant to law, who is duly trained, experienced and specialized in the area of Municipal Public Defender; and

WHEREAS, the Local Public Contracts Law provides for the entering into of a contract for professional services pursuant to R.S.40A:11-5(1)(a), without advertising for competitive bidding; and

WHEREAS, the Borough has determined that Seth A. Fuscellaro, Esquire, of the Law Office of Seth A. Fuscellaro, P.A., is qualified to perform the said work and it is desired to enter a professional contract with him for said services pursuant to law, and to provide for the advertising of a notice pursuant to law; and

WHEREAS, Seth A. Fuscellaro, Esquire, of the Law Office of Seth A. Fuscellaro, P.A. has completed and submitted a Business Entity Disclosure Certification which certifies that Seth A. Fuscellaro, Esquire, of the Law Office of Seth A. Fuscellaro, P.A. will not make any reportable contributions pursuant to N.J.S.A. 19:44A-1 commencing January 25, 2017 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, County of Cape May, New Jersey, as follows:

1. Seth A. Fuscellaro, Esquire, of the Law Office of Seth A. Fuscellaro, P.A. is hereby retained as Municipal Public Defender to provide specialized professional services in the field of municipal public defender. The said professional services to be received shall be “as directed” by the Borough of Wildwood Crest from time to time.
2. The Mayor and Borough Clerk be and they are hereby authorized and directed to enter into a contract with Seth A. Fuscellaro, Esquire, of the Law Office of Seth A. Fuscellaro, P.A. for specialized professional services as Municipal Public Defender for a term commencing immediately and terminating December 31, 2017, which contract shall provide for fees not to exceed \$13,000.00 annually, contingent upon certification below from the Chief Financial Officer as to the availability of funds.
3. This contract is awarded without competitive bidding as a professional service in accordance with the provisions of the Local Public Contracts Law aforesaid, and in accordance with the provisions of N.J.S.A. 19:44A-1, and shall be in a form approved by the Borough.
4. The Business Disclosure Entity Certification and the Determination of Value shall be placed on file with this Resolution.
5. This Resolution and a copy of the contract for professional services shall be maintained on filed in the offices of the Borough Clerk for public inspection.
6. A copy of this Resolution shall be published in the legal newspaper designated by the Borough as required by law, within ten (10) days of its passage.

WHEREAS, the CFO has certified the availability of funds as evidenced below by her signature,

Account Number(s)	Amount	Signature

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

Vote: Gould - Cabrera – Yes Groon – Absent

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 889-17

WHEREAS, there exists the need for “Professional Services” for a Solicitor for the Borough of Wildwood Crest Planning Board, and

WHEREAS, Robert T. Belasco, of Stefankiewicz & Belasco, LLC, is authorized to provide such services and was recommended by the Planning Board to be appointed as Solicitor at their meeting held on January 11, 2017, and



Information Report, New Jersey Business Registration Certificate and proof of insurance as required in the contract and certification from the Chief Financial Officer as to the availability of funds.

- 5. A copy of the specific items pertaining to the award of this contract shall be published in a notice of award in The Herald of Cape May County as required by the law within ten (10) days of this resolution authorizing same.

WHEREAS, the CFO has certified the availability of funds as evidenced below by her signature,  
Account Number(s) Amount Signature

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

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:  
RESOLUTION NO. 891-17

WHEREAS, there exists the need for the “Professional Services” of **SPECIAL COUNSEL**, to be retained by the Borough to assist the Borough and its legal counsel [in filing and litigating a Motion for Summary Judgment asserting that the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 to -329, bars the imposition of an “unmet need” Mount Laurel obligation on the Borough](#); 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.

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 Mayor and Borough Clerk be and they are hereby authorized, instructed, and empowered to execute the attached agreement with **Jeffrey R. Surenian and Associates, LLC** who shall be compensated by voucher at the agreed upon hourly rates, not to exceed Five Thousand (\$5,000) 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. Said Special Counsel 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. 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.

WHEREAS, the CFO has certified the availability of funds as evidenced below by her signature,  
Account Number(s) Amount Signature

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

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:  
RESOLUTION NO. 892-17

**Authorizing Retention Via Professional Services Agreement  
Of An Engineer Specializing In Lake Stablization and Storm Damage Repairs**

WHEREAS, the Borough of Wildwood Crest requires the professional services of an Engineering firm specializing in Lake Stabilization and Storm Damage Repairs; and

WHEREAS, it is desired to employ a professional, pursuant to law, who is duly trained, experienced and specialized in the area of engineering; and



**RESOLUTION**

**A RESOLUTION to adopt the provisions of Chapter 48 (N.J.S.A. 52:14.17.38)** under which a public employer may agree to pay for the State Health Benefits Program (SHBP) and/or School Employees' Health Benefits Program (SEHBP) coverage of certain retirees.

**BE IT RESOLVED:**

1. The \_\_\_\_\_  
CORPORATE NAME OF EMPLOYER - COUNTY \_\_\_\_\_ SHBP/SEHBP ID NUMBER  
hereby elects to adopt the provisions of N.J.S.A. 52:14-17.38 and adhere to the rules and regulations promulgated by the State Health Benefits Commission and School Employees' Health Benefits Commission to implement the provisions of that law.
2. This resolution affects employees as shown on the attached Chapter 48 *Resolution Addendum*. It is effective on the 1st day of January, \_\_\_\_\_, \_\_\_\_\_.  
MONTH YEAR
3. We are aware that adoption of this resolution does not free us of the obligation to pay for post-retirement medical benefits of retirees or employees who qualified for those payments under any *Chapter 88 Resolution* or *Chapter 48 Resolution* adopted previously by this governing body.
4. We agree that this *Resolution* will remain in effect until properly amended or revoked with the SHBP and/or SEHBP. We recognize that, while we remain in the SHBP and/or SEHBP, we are responsible for providing the payment for post-retirement medical coverage as listed in the attached *Chapter 48 Resolution Addendum* for all employees who qualify for this coverage while this *Resolution* is in force.
5. We understand that we are required to provide the Division of Pensions and Benefits complete copies of all contracts, ordinances, and resolutions that detail post-retirement medical payment obligations we undertake. We also recognize that we may be required to provide the Division with information needed to carry out the terms of this *Resolution*.

**I hereby certify that the foregoing is a true and correct copy of a resolution duly adopted by the**

<u>Borough of Wildwood Crest</u> <small>CORPORATE NAME OF EMPLOYER</small>	<u>6101 Pacific Avenue</u> <small>ADDRESS</small>
on the _____ day of _____, 20 <u>17</u>	
_____ <small>SIGNATURE</small>	<u>Wildwood Crest, New Jersey 08260</u> <small>CITY STATE ZIP CODE</small>
_____ <small>OFFICIAL TITLE</small>	<u>(609) 522-5176</u> <small>AREA CODE TELEPHONE NUMBER</small>

**Borough of Wildwood Crest – Resolution #**  
**Division of Pensions and Benefits**  
**State Health Benefits Program – Resolution Addendum – Chapter 48, P.L. 1999**

**Police**

**PBA Local 59 – (all employees below the rank of Lieutenant)**

- 1.) 25 years may include service credit purchased through the Police and Firemen's Retirement System (PFRS) prior to November 11, 2016.
- 2.)a) No retired employee may add dependents after January 1, 2013.  
b) Children of deceased retiree, or of an employee who dies prior to retirement with at least twenty-five (25) years of service, shall be eligible as a dependent until the child reaches the age of twenty-six (26) (provided surviving spouse elects to receive monthly pension benefit)
- 3.) Employees who retired before January 1, 2016 receive 100% Medicare reimbursement, employees retiring on or after January 1, 2016 receive no Medicare reimbursement.
- 4.) Surviving spouse of employee hired before January 1, 2013 who completed twenty-five (25) years of service continues to be eligible as dependent under benefits plan until remarriage.
  1. If surviving spouse elects to receive lump sum pension payment at time of death, coverage ceases for all dependents
  2. These same provisions apply to employees hired on or after January 1, 2013 only where the employee is killed in the line of duty or retires on an accidental disability pension.
- 5.) Employees who retire after January 1, 2016 - Benefit Premium payments for retiree and all dependents cease upon retiree attaining Medicare age and/or eligibility.

**Public Safety Telecommunicators 1-** Employees hired before January 1, 2011

A) Benefit Premium payments for retiree and all dependents cease upon retiree attaining Medicare age and/or eligibility.

**Public Safety Telecommunicators 2-** Employees hired on January 1, 2011 and on or before December 31, 2014

A) Benefit Premium payments for retiree and all dependents cease upon retiree attaining Medicare age and/or eligibility.

**Public Safety Telecommunicators 3-** Employees hired on or after January 1, 2015 – No post retirement benefits provided to retiree (including Health, Dental, Medicare reimbursement, etc.).

**Borough of Wildwood Crest – Resolution #**

**Division of Pensions and Benefits**

**State Health Benefits Program – Resolution Addendum – Chapter 48, P.L. 1999**

**United Independent Union 1 -** Employees hired before January 1, 2010

A) Benefit Premium payments for retiree and all dependents cease upon retiree attaining Medicare age and/or eligibility.

B) Coverage only for those dependents at the employee's time of retirement. Subsequent Marriage will not make a new spouse and dependents eligible.

**United Independent Union 2 -** Employees hired on or after January 1, 2010 and on or before December 31, 2015

A) Benefit Premium payments for retiree and all dependents cease upon retiree attaining Medicare age and/or eligibility.

B) Coverage only for those dependents at the employee's time of retirement. Subsequent Marriage will not make a new spouse and dependents eligible.

**United Independent Union 3 -** Employees hired on or after January 1, 2016 - No post retirement benefits provided to retiree (including Health, Dental, Medicare reimbursement, etc.).

**Rescue Career Employees 1 -** Employees hired before January 1, 2011

A) Benefit Premium payments for retiree and all dependents cease upon retiree attaining Medicare age and/or eligibility.

**Rescue Career Employees 2 -** Employees hired on or after January 1, 2011 and on or before December 31, 2014

A) Benefit Premium payments for retiree and all dependents cease upon retiree attaining Medicare age and/or eligibility.

**Rescue Career Employees 3 -** Employees hired on or after January 1, 2015 - No post retirement benefits provided to retiree (including Health, Dental, Medicare reimbursement, etc.).

**Non-Aligned Employees 1 -** Employees hired before January 1, 2010

A.) Coverage only for those dependents at the employee's time of retirement. Subsequent Marriage will not make a new spouse and dependents eligible.

**Non-Aligned Employees 2 -** Employees hired on or after January 1, 2010 and on or before December 31, 2014

A.) Coverage only for those dependents at the employee's time of retirement. Subsequent Marriage will not make a new spouse and dependents eligible.

**Non-Aligned Employees 3 -** Employees hired on or after January 1, 2015 - No post retirement benefits provided to retiree (including Health, Dental, Medicare reimbursement, etc.).

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

Vote: Gould - Cabrera – Yes Groon – Absent

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 894-17

AMENDING RES. NO. 862-17

WHEREAS, on January 4, 2017 the Commissioners of the Borough of Wildwood Crest adopted Resolution 862-17, which authorized the award of an Extraordinary Unspecifiable Service for the performance of computer technology support services at the not to exceed amount of \$15,600 for the CY 2017 to South Jersey Technology Partnership; and

WHEREAS, the South Jersey Technology Partnership has indicated on January 13, 2017 via email that South Jersey Technology Partnership will be transitioning over to a new company called Breaker Group; and

WHEREAS, the Board of Commissioners acknowledges the vendor's name change from South Jersey Technology Partnership to Breaker Group and that The Breaker Group will provide all necessary documentation for award of contract;



NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, New Jersey that Resolution No. 862-17 has been amended to acknowledge the vendor name has transitioned from South Jersey Technology Partnership to Breaker Group and the remainder of the resolution remains intact.

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

Vote: Gould - Cabrera – Yes Groon – Absent

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 895-17

Approving the purchase of Leach Rear Loader from Labrie Enviroquip Group in Accordance with the National Co-operative Purchasing Agreement

**WHEREAS**, the Borough of Wildwood Crest is allowed to participate in national purchasing cooperative per N.J.S.A 52:34-6.2 (b) P.L. 2001, c.139 which was enacted into law permitting agencies to utilize national purchasing cooperatives; and

**WHEREAS**, the Borough of Wildwood Crest entered into the National Joint Powers Alliance (NJPA) Cooperative Pricing System; and

**WHEREAS**, the National Joint Powers Alliance (NJPA) has a contract with Labrie Enviroquip Group, Contract #112014-LEG for Waste & Recycling, Leach Rear Loaders, through December 16, 2018; and

**WHEREAS**, the Department of Public Works will be using the National Joint Power Alliance Contract #112014-LEG to purchase the necessary Leach Rear Loader; and

**WHEREAS**, it is recommended that the Borough Commissioners approve the purchase of the Leach Rear Loader through the contract with Labrie Enviroquip Group; and

**NOW THEREFORE, BE IT RESOLVED** by the Borough Commissioners of the Borough of Wildwood Crest, New Jersey, that it approves the purchase of a Leach Rear Loader in accordance with the National Joint Powers Alliance Cooperative Pricing System contract 062916-GPC.

**BE IT FURTHER RESOLVED** by the Borough Council of Wildwood Crest, New Jersey authorizes the purchase of a Leach Rear Loader from Labrie Environquip Group in accordance with the National Joint Powers Alliance Cooperative Pricing System and that the Department is authorized to issue a purchase order as needed for Leach Rear Loader in accordance with the terms of the National Joint Powers Alliance Cooperative Pricing, Waste & Recycling, Leach Rear Loaders.

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

Vote: Gould - Cabrera – Yes Groon – Absent

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 896-17

Approving the purchase of a Kubota Tractor from Kubota Tractor Corporation in Accordance with the National Co-operative Purchasing Agreement

**WHEREAS**, the Borough of Wildwood Crest is allowed to participate in national purchasing cooperative per N.J.S.A 52:34-6.2 (b) P.L. 2001, c.139 which was enacted into law permitting agencies to utilize national purchasing cooperatives; and

**WHEREAS**, the Borough of Wildwood Crest entered into the National Joint Powers Alliance (NJPA) Cooperative Pricing System; and

**WHEREAS**, the National Joint Powers Alliance (NJPA) has a contract with Kubota Tractor Corporation, Contract #021815-KBA for Construction & Agricultural Equipment, AG Tractors through March 17, 2019; and

**WHEREAS**, the Department of Public Works will be using the National Joint Power Alliance Contract #021815-KBA to purchase the necessary tractor; and

**WHEREAS**, it is recommended that the Borough Commissioners approve the purchase of the Kubota Tractor through the contract with Kubota Tractor Corporation; and

**NOW THEREFORE, BE IT RESOLVED** by the Borough Commissioners of the Borough of Wildwood Crest, New Jersey, that it approves the purchase of a Kubota Tractor in accordance with the National Joint Powers Alliance Cooperative Pricing System contract 062916-GPC.

**BE IT FURTHER RESOLVED** by the Borough Council of Wildwood Crest, New Jersey authorizes the purchase of a Kubota Tractors from Kubota Tractor Corporation in accordance with the National Joint Powers Alliance Cooperative Pricing System and that the Departments are authorized to issue a purchase orders as needed for Kubota Tractors in accordance with the terms of the National Joint Powers Alliance Cooperative Pricing, Construction & Agricultural Equipment, AG Tractors.

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

Vote: Gould - Cabrera – Yes Groon – Absent

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 897-17

BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, in the County of Cape May, New Jersey, that a "JIF SAFETY CONTRACT" with the ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND be and the same is hereby authorized and approved for participation in the annual Safety Incentive Program.

BE IT FURTHER RESOLVED that all designated and currently named Department Heads, specifically representing: POLICE, RECREATION, PUBLIC WORKS, AMBULANCE/RESCUE, AND ADMINISTRATION as set forth therein be and the same are likewise authorized, directed, and empowered to execute that portion of the contract which evidences participation in the aforesaid Safety Incentive Program as well as compliance with all requirements appertaining thereto.

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

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 898-17

WHEREAS, Section 40-16, et. seq., of the Code of the Borough of Wildwood Crest, County of Cape May, State of New Jersey, sets forth the pertinent law regarding the issuance of licenses to persons, firms or corporations desiring to engage in the peddling and soliciting of Ice Cream Products and Fruits/Vegetables within the Borough of Wildwood Crest; and

WHEREAS, certain licenses, for which applications have been filed for the peddling of Ice Cream Products and Fruits/Vegetables during the calendar year 2017, are now available for renewal;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, the Governing Body of the Borough of Wildwood Crest, as follows:

That based upon applications having been received and a review of the qualifications of the applicants for said licenses having been made, said five (5) Ice Cream Peddling Licenses and (3) Fruit/Vegetable Peddling Licenses for the balance of calendar year 2017 be and the same are hereby granted unto the following persons, firms or corporations:

<u>NAME</u>	<u>ADDRESS</u>
1. Kathleen Healy d/b/a Yankee Doodle Ice Cream	13 Wakefield Place North Cape May, NJ 08204
2. Elizabeth Aubrey Aubrey's Ice Cream LLC d/b/a Monster Cone II	129 East Davis Ave. Wildwood, NJ 08260
3. Wayne Aubrey Monster Cone LLC	129 East Davis Ave. Wildwood, NJ 08260
4. Nicholas Christian Rogalski Big Top Ice Cream, LLC	112 E. Morning Glory Rd. Wildwood Crest, NJ 08260
5. Armen Avetisyan A&T Ice, LLC	202 E. Maryland Ave. Rio Grande, NJ 08242
6. David Mayer, President Island Produce Inc (3 licenses)	4314 Park Blvd. Wildwood, NJ 08260

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

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 899-17

WHEREAS, a vacancy occurred on the board of the Zoning Board of Adjustment of the Borough of Wildwood Crest on August 16, 2016; and

WHEREAS, it is the desire of the Board of Commissioners of the Borough of Wildwood Crest to appoint ROBERT ROSENFELD as a Alternate #2 Member of the Borough of Wildwood Crest to fill the vacant seat with the term expiring December 31, 2018;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest that ROBERT ROSENFELD be and he is hereby appointed as Alternate #2

Member of the ZONING BOARD OF ADJUSTMENT of the Borough of Wildwood Crest to fill the vacant seat for a two year term commencing immediately, and expiring December 31, 2018.

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

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 900-17

WHEREAS, Chapter 56 of the Borough Code established the Recreation Commission in the Borough of Wildwood Crest and

WHEREAS, pursuant to Section 56-3, Powers and Duties; Fees , the Recreation Commission has the power to charge and collect reasonable fees, rents or other charges for admission to or use or enjoyment of the borough swimming pool; provided, however, that such fees, rents or other charges shall be subject to the prior approval of the Board of Commissioners, and,

WHEREAS, the Borough Commissioners have previously approved the fee schedule recommended by the Recreation Commission which includes a fee for use of the Von Savage Pool as follows:

TAXPAYER/YEAR-ROUND	
RESIDENT	ADULT..... \$ 125.00
(YEARLY)	CHILD..... 75.00
JANUARY 2 <sup>ND</sup> THROUGH	EACH ADDITIONAL CHILD..... 25.00
DECEMBER 31 <sup>ST</sup>	SENIOR..... 75.00
	FAMILY RATE (up to four)..... 225.00
	EACH ADDITIONAL FAMILY MEMBER..... 25.00

And Joseph Maloy, III, residing at 301 E. Sweet Briar Road, has paid the Adult Year Round Resident fee of One Hundred Twenty-Five (\$125) Dollars for the year 2017, and

WHEREAS, in recognition of the many outstanding achievements of Joseph Maloy, III in various United States and world championship triathlons and his most recent participation in the 2016 Rio de Janeiro Summer Olympics where he represented the United States and his hometown of the Borough of Wildwood Crest, the Commissioners of the Borough of Wildwood Crest request the Recreation Commission permanently waive the annual fee for use of the Von Savage Pool for Joseph “Joe” Maloy, III.

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

1. The Recreation Commission is hereby authorized and directed to permanently waive the annual fee for the use of the Von Savage Pool beginning with the year 2017 for Joseph Maloy, III.
2. The One Hundred Twenty Five (\$125) Dollar fee paid for 2017 by Joseph Maloy, III be refunded to him upon the proper execution of the necessary documents.

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

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 901-17

WHEREAS, on December 30, 2016, LORI HARDESTY, 47 Hilldale Dr., Ephrata, PA 17522, applied for a Special Events Permit for the purpose of the HARDESTY-HEIM WEDDING to be held on MAY 13, 2017, from 10:00 AM to 11:00 AM, at the SUNSET LAKE GAZEBO; and

WHEREAS, January 4, 2017 , 47 Hilldale Dr., Ephrata, PA 17522, 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 January 4, 2017 , 47 Hilldale Dr., Ephrata, PA 17522 for the purpose of the HARDESTY-HEIM WEDDING to be held on MAY 13, 2017, from 10:00 AM to 11:00 AM, at the SUNSET LAKE GAZEBO.

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

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:  
RESOLUTION NO. 902-17

WHEREAS, on January 17, 2017, DELMOSPORTS LLC, 100 E. Rio Grande Ave, Wildwood, NJ 08260, applied for a Special Events Permit for the purpose of a TRIATHLON RUN to be held on AUGUST 26, 2017, from 6:30 AM to 11:00 AM, on the BEACH from CRESSE AVE to CROCUS RD; and

WHEREAS, January 4, 2017, 47 Hilldale Dr., Ephrata, PA 17522, 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 January 4, 2017, 47 Hilldale Dr., Ephrata, PA 17522 for the purpose of the HARDESTY-HEIM WEDDING to be held on MAY 13, 2017, from 10:00 AM to 11:00 AM, at the SUNSET LAKE GAZEBO.

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

Vote: Gould - Cabrera – Yes Groon – Absent

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

Vote: Gould - Cabrera – Yes Groon – Absent

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 December 31, 2016 be accepted as presented.

Vote: Gould - Cabrera – Yes Groon – Absent

Mrs. Gould motioned, seconded by Mr. Cabrera, that the minutes of Commission Meetings held on December 22, 2016 and January 4, 2017 be approved as presented.

Vote: Gould - Cabrera – Yes Groon – Absent

Mrs. Gould opened the floor for public commentary. After hearing nothing from the public, the CLERK asked the Governing Body to see the Report from the Safety Coordinator entitled “Safety on the Agenda” and the report indicated the Borough is committed to ensuring a safe work environment for employees.

**“Safety on the Agenda”**

The Borough of Wildwood Crest is committed to build a sustainable culture of employee safety and risk management for all employees. Steve Shearer, the Safety Coordinator, holds quarterly Safety Meetings attended by Department Heads, Risk Management and J.A. Montgomery Representatives.

Each Quarterly Meeting we address the following:

- A. Conduct a review of past accident reports from the quarter, general liability claims, and worker’s compensation claims.
- B. Discuss and determine whether accidents were preventable and establish corrective actions to avoid in the future.
- C. Encourage departmental in-house training and the use of MEL Safety Video Library.
- D. Review Mel Safety Institute training opportunities, web support, and potential attendance at off-site training.
- E. Discuss status of departmental Toolbox Safety Meetings.
- F. Stress the importance of job site observation reports and reviews.
- G. Ensure PEOSHA Safety Standards are being followed by all departments.
- H. Confirm that all department heads perform inspections of buildings, grounds, facilities, roadways, signage, and playgrounds on a regular basis.

- I. Build camaraderie within and across departments to strengthen rapport, encourage cooperation, and reinforce the safety culture of the borough.
- J. Announce Upcoming Safety Meeting and Events

Mrs. Gould then opened the Discussion Portion with New Business. The first topic was the possibility of consolidating polling places into one location. Mrs. Gould indicated that both North Wildwood and Wildwood have one polling place for their respective municipalities. The Clerk indicated that both the County Clerk’s Office and the Board of Elections encourage this when possible and that advertising the change could be done as Display ads in both the designated papers, the website, in the next mass sewer mailing and in Borough Hall. Mrs. Gould suggested the Fire Hall and Mr. Cabrera indicated that Crest Pier could be the location. Nancy Pietropaoli, 6002 Seaview Avenue, indicated that years ago when school elections took place, they were consolidated and it worked out. They agreed to revisit at next meeting.

With regard to Old Business, there were no developments with the Generators. Mrs. Gould then asked the Administrator if there was any movement with the Army Corps Beach plan and the meeting she and the Mayor had in Trenton recently. The Administrator then indicated that they had a meeting on January 13, 2017 with the Army Corps and the DEP on the placement of the proposed dunes and hopefully news would be forthcoming shortly.

Lastly, there were no developments with Facilities.

Mrs. Gould then opened the floor once again for public commentary. Nancy Pietropaoli, 6002 Seaview Avenue, wanted the governing body to keep the Generator discussion at the forefront and reminded all that elderly citizens need a “warming center” in case power goes out. The Administrator then stated that they were getting prices and that it will be addressed. The Chief of Police then pointed out that they were recently in receipt of the Engineer’s Report regarding this and that prices have changed and they were working on a viable solution and to keep in mind there was a difference between having a shelter and a warming center.

David Zwantz, 216 W. Morning Glory Road, indicated he dropped a letter off to the Governing Body regarding a mercantile license on behalf of Jeff Angelo. The Solicitor indicated that the Board of Commissioners has not had to review the letter and it was submitted after the deadline as per the Open Public Meetings Act to have this considered for the Agenda.

Hearing nothing further from the public, THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

**RESOLUTION NO. 903-17**

**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, January 25, 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  
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\_\_\_\_\_  
“(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  
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\_\_\_\_\_  
“(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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1  
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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 is: Ongoing Litigation with respect to COAH Gap Period Fair Share Housing Obligations – 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 – Yes Groon – Absent

It was noted that during the Closed Session portion, Mr. Groon entered at 6:10 p.m. After returning from Closed Session and having no one present for additional commentary, Mrs. Gould motioned, seconded by Mr. Cabrera that the meeting be adjourned. All were in favor and the time was 6:56 p.m.

Dated: February 22, 2017

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Patricia A. Feketics, Borough Clerk

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