

Note: Complete Meeting Appears
On 20-18 on file in
Borough Clerk's Office

October 10, 2018
Wildwood Crest, NJ

The Mayor 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 - Thompson - Cabrera - YES

Mr. Cabrera 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 November 1, 2017.

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

THE CLERK INDICATED THAT ORDINANCE NO. 1283 – Amending Ch. 4 Alcoholic Beverages, Article I – One Day Catering Permits and Social Affairs Permits was being TABLED.

THE CLERK READS THE ORDINANCE BY TITLE:

ORDINANCE NO. 1289
ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER 35, FIRE PREVENTION, ARTICLE I STANDARD,
SECTION 35-1 ADOPTON OF STANDARDS BY
REFERENCE; ARTICLE III ADMINISTRATION, SECTION 35-
18 ADDITIONAL REQUIRED INSPECTION AND FEES AND
SECTION 35-19 PERMITS

Mrs. Gould motions, Mr. Thompson seconds that Ordinance No. 1289 be passed on first reading, advertised according to law, be brought up for second and final reading and public hearing on October 24, 2018 at 5:30 p.m.

Vote: Gould - Thompson - Cabrera – Yes

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 276-18
RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE
BOROUGH OF WILDWOOD CREST AMENDING THE POLICIES AND PROCEDURES MANUAL OF
THE BOROUGH OF WILDWOOD CREST

WHEREAS, the Atlantic County Municipal Joint Insurance Fund requires the Policies and Procedures Manual to be updated and distributed to managerial / supervisory employees every two years; and

BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, New Jersey, that the Policies and Procedures Manual of the Borough of Wildwood Crest be amended as follows:

1. That **Section Four: ~~Call-Back-Pay~~ Call In or Call Back Pay**, be amended and supplemented pursuant to Exhibit "A" attached.
2. That **Section Four: Health Insurance Policy**, be amended and supplemented pursuant to Exhibit "A" attached.
3. That **Section One: Employee Evaluation Policy**, be amended and supplemented pursuant to Exhibit "A" attached.
4. That **Section Three: Paid Holiday Policy**, be amended and supplemented pursuant to Exhibit "A" attached.
5. That **Page 1: Anti-Discrimination Policy**, be amended and supplemented pursuant to Exhibit "A" attached.
6. That **Page 1: ~~Americans with Disabilities Act Policy~~ Americans with Disabilities Act Policy / New Jersey Pregnant Worker's Fairness Act**, be amended and supplemented pursuant to Exhibit "A" attached.
7. That **Section Two: ~~Communication Media Policy~~ Communication Media Policy / Social Media Policy**, be amended and supplemented pursuant to Exhibit "A" attached.

8. That **Section Two: Use of Internet Policy**, be amended and supplemented pursuant to Exhibit "A" attached.
9. That **Section Five: Background Check Policies**, be amended and supplemented pursuant to Exhibit "A" attached.
10. That **Section One: Open Public Meetings Act (Personnel Matters) / (Rice Notice): Policy**, be amended and supplemented pursuant to Exhibit "A" attached

POLICIES AND PROCEDURES MANUAL CHANGES

EXHIBIT "A"

- 1) **Section Four: ~~CALL BACK PAY~~**
Replace with: **CALL IN OR CALL BACK PAY**

"If a non-exempt unrepresented full-time employee is recalled to duty (or called in to work on an unscheduled work day,) the employee must be compensated at time and one-half his rate of pay for all hours worked, with a guaranteed minimum time of two (2) hours. The 2-hour guarantee shall only be granted once in a 24-hour period. All employees, upon being personally notified of an emergency, shall report to work within 30 minutes if possible. Seasonal and Part-time employees are exempt from this policy and do not qualify for Call In or Call Back pay."

- 2) **Section Four: Health Insurance Policy**

Employees are required to notify the Borough's payroll department and file appropriate paperwork with the NJ State Health Benefits Program of a Life Changing Event as soon as possible but no later than 60 days from the date of the event. Failure to report the death of a dependent will result in the employee having to pay for the benefit from 60 days of the date of death until such time as the benefit is terminated. If an employee or eligible dependents are not enrolled in NJSHBP within 60 days of the time they first become eligible for coverage, the employee must wait until the next annual Open Enrollment period to do so. A life changing event is defined as death, divorce/dissolution of civil union, marriage/civil union, or birth.

Also, add to page 52 after "Upon legal separation, divorce, or divorce from bed and board, the employee's spouse shall no longer be eligible for health benefits. The employee is required to notify the Borough's payroll department within 30 days of the legal separation, divorce or divorce from bed and board. Failure to do so will result in the employee having to pay for the benefits from the date of legal separation, divorce or divorce from bed and board until such time as the benefit is terminated."

- 3) **Section One : Employee Evaluation Policy:**

Changes are in red:

With regard to permanent employees, the Department Head shall complete a written evaluation and appraisal form for every full-time or permanent part-time employee to measure progress and to encourage self-improvement at least once a year.

- 4) **Section Four: Paid Holiday Policy**

Remove:

An hour off for each hour worked shall be provided for time off worked on a designated holiday.

Add:

Employees who are called in and required to work on a Borough designated holiday shall receive one and one-half hours of overtime or compensatory time. Time worked is in addition to an employee's holiday pay.

- 5) **Section One: Anti-Discrimination**

Remove current Anti-Discrimination Policy:

Replace with:

The Borough is committed to the principle of equal employment opportunity and anti-discrimination pursuant to Title VII of the 1964 Civil Rights Act as amended by the Equal Opportunity Act of 1972 and the New Jersey Law Against Discrimination as amended by the New Jersey Pregnant Worker's Fairness Act (LAD). Under no circumstances will the Borough discriminate on the basis of sex, race, creed, color, religion, national origin, ancestry, age, marital or political status, affectional or sexual orientation, domestic partnership status, civil union status, atypical heredity, cellular or blood trait, genetic information, disability (including AIDS or HIV infection), pregnancy (including pregnancy related medical condition), childbirth, breastfeeding, liability for service in the United States armed forces, gender identity or expression, and/or any other characteristic protected by law. Decisions regarding the hiring, promotion, transfer, demotion or termination are based solely on the qualifications and performance of the employee or prospective employee. If any employee or prospective employee feels they have been treated unfairly, they have the right to address their concern with their supervisor, or if

they prefer their Department Head, Borough Administrator, the Payroll Department or the Borough's Labor Attorney.

6) **Section One: ~~Americans with Disabilities Act Policy~~**

Replace with:

Americans with Disabilities Act Policy/ New Jersey Pregnant Worker's Fairness Act:

In compliance with the Americans with Disabilities Act, the ADA Amendments Act and the New Jersey Law Against Discrimination as amended by the New Jersey Pregnant Worker's Fairness Act (LAD), the borough does not discriminate based on disability, pregnancy, pregnancy related medical condition or childbirth. The borough will endeavor to make every work environment handicap assessable and all future construction and renovation of facilities will be in accordance with applicable barrier-free Federal and State regulations and the Americans with Disabilities Act Accessibility Guidelines, as well as the ADA Amendments Act.

It is the policy of the borough to comply with all relevant and applicable provisions of the Americans with Disabilities Act, the ADA Amendments Act and LAD. We will not discriminate against any employee or job applicant with respect to any terms, conditions, or privileges of employment on the basis of a known or perceived disability, pregnancy, childbirth, breastfeeding, or pregnancy related medical condition. We will also make reasonable accommodations to known physical or mental limitations of all employees and applicants with disabilities or pregnant, provided that the individual is otherwise qualified to safely perform the essential functions of the job and also provided that the accommodation does not impose undue hardship on the Borough.

The Borough Administrator shall engage in an interactive dialogue with disabled/pregnant employees and prospective disabled/pregnant employees to identify reasonable accommodations or their respective physician. In the case of an employee breastfeeding her infant child, the accommodation shall include reasonable break time each day to the employee and a suitable room or other location with privacy, other than a toilet stall, in close proximity to work area for the employee to express breast milk for the child.

All decisions with regard to reasonable accommodation shall be made by the Borough Administrator. Employees who are assigned to a new position as a reasonable accommodation will receive the salary for their new position. The Americans with Disabilities Act does not require the Borough to offer permanent "light duty", relocate essential job functions, or provide personal use items such as eyeglasses, hearing aids, wheelchairs, etc.

Employees should also offer assistance, to the extent possible, to any member of the public who requests or needs an accommodation when visiting Borough facilities. Any questions concerning proper assistance should be directed to Borough Administrator.

7) **Section Two: ~~Communication Media Policy~~**

Replace title with:

Communication Media Policy / Social Media Policy

Replace current policy with the following:

"The Borough's Communication Media are the property of the Borough and, as such, are to be used for legitimate business purposes only. For purposes of this Communication Media Policy, "Communication Media" includes all electronic media forms provided by the Borough, such as cell phones, smart phones, computers, electronic tablets, access to the internet, voicemail, email, and fax. Employees are restricted from accessing or using the company's Communication Media for personal purposes during company time on company equipment without prior authorization from the Administration to do so.

All data stored on and/or transmitted through Communication Media is the property of the Borough. For purposes of this policy, "Data" includes "electronically-stored files, programs, tables, data bases, audio and video objects, spreadsheets, reports and printed or microfiche materials which serve a (local unit type) business purpose, regardless of who creates, processes or maintains the data, or whether the data is processed manually or through any of the Borough's mainframe, midrange or workstations; servers, routers, gateways, bridges, hubs, switches and other hardware components of the (local unit type's) local or wide-area networks."

The Borough respects the individual privacy of its employees. However, employee communications transmitted by the Borough's Communication Media are not private to the individual. **All Communication Media and all communications and stored information transmitted, received, or contained in or through such media may be monitored by the**

Borough. The Borough reserves the absolute right to access, review, audit and disclose all matters entered into, sent over, placed in storage in the Borough's Communication Media. By using the Borough's equipment and/or Communication Media, employees consent to have such use monitored at any time, with or without notice, by Borough personnel.

The existence of passwords does not restrict or eliminate the Borough's ability or right to access electronic communications. However, pursuant to New Jersey law the Borough cannot require the employee to provide the password(s) to his/her personal account(s).

All email, voicemail and Internet messages (including any technology-based messaging) are official documents subject to the provisions of the Open Public Records Act (NJSA 47:1A-1). Employees of the Borough are required to use the assigned municipal email account for ALL Borough business and correspondence. The use of private email accounts for ANY Borough

business or during business hours is strictly prohibited. Employees are hereby advised that if they conduct work-related business on their personal emails, cell phones, or other personal Communication Media, it is also subject to the provisions of the Open Public Records Act. However, nothing in this social media policy prevents employees from using his/her own personal Communication Media during the employee's non-working hours to engage or participate in protected concerted activities pursuant to the National Labor Relations Act. Protected concerted activities include when an employee addresses group concerns with the employer; forms, joins or helps a labor organization; initiates, induces or prepares for group action; or speaks on behalf of or represents other employees. Nevertheless, employees are encouraged to resolve workplace grievances internally by discussing issues with their supervisor and/or the Administration, and are asked to refrain from posting comments or materials on Communication Media that can be viewed as malicious, obscene, threatening, intimidating, or that could create a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law if the employee chooses to address their grievances using Communication Media.

Employees can only use the Borough's Communication Media for legitimate business purposes. Employees may not use Borough's Communication Media in any way that is defamatory, obscene, or harassing or in violation of any Borough rules or policy. Examples of forbidden transmissions or downloads include sexually-explicit messages; unwelcome propositions; ethnic or racial slurs; or any other message that can be construed to be harassment or disparaging to others based on their actual or perceived age, race, religion, sex, sexual orientation, gender identity or expression, genetic information, disability, national origin, ethnicity, citizenship, marital status or any other legally recognized protected basis under federal, state or local laws, regulations or ordinances. Further, discriminatory remarks, harassment, bullying, threats of violence and similar behavior that is not tolerated in the workplace are also not acceptable through Communication Media, whether same is performed on the Borough's equipment or on the employee's own personal Communication Media.

All employees, who have been granted access to electronically-stored data, must use a logon ID assigned by Borough. Certain data, or applications that process data, may require additional security measures as determined by the Borough. Employees must not share their passwords; and each employee is responsible for all activity that occurs in connection with their passwords.

Information security is necessary to protect the Borough's information (data and software) from accidental or intentional unauthorized disclosure, modification, or loss. Information security is managed under guidelines dealing with identification, authentication, authorization, production environment, and ability to audit. All employees should be familiar with such security measures adopted by the Borough.

All employees may access only data for which the Borough has given permission. All employees must take appropriate actions to ensure that Borough data is protected from unauthorized access, use or distribution consistent with these policies. Employees may not access or retrieve any information technology resource and store information other than where authorized. All Borough data must be stored centrally as required by Borough. This provides greater security, and ensures backup of all Borough data is performed.

Employees must not disable anti-virus and other implemented security software for any reason, in order to minimize the risk of introducing computer viruses into the Borough's computing environment.

Employees may not install, modify or remove ANY hardware device, software application, program code, either active or passive, or a portion thereof, without the express written permission from the Borough. Employees may not upload, download, or otherwise transmit commercial software or any copyrighted materials belonging to parties outside of the Borough, or licensed to the Borough. Employees shall observe the copyright and licensing restrictions of all software applications and shall not copy software from internal or external sources unless legally authorized. Workstation settings and configurations and network settings must not be modified by unauthorized employees. Internet security settings (where applicable) must not be changed. The foregoing includes but is not limited to the systems Network ID (or Computer Name), IP Address, Gateway and DNS addresses etc.

Social Media and its uses in government and daily life are expanding each year; however, information posted on a website is available to the public; therefore, employees must adhere to the following guidelines for their participation in social media. Only those Employees directly authorized by the Administration may engage in social media activity during work time through the use of the Borough's Communication Media, as it directly relates to their work and it is in compliance with this policy.

Employees must not reveal or publicize confidential Borough information. Confidential proprietary or sensitive information may be disseminated only to individuals with a need and a right to know, and where there is sufficient assurance that appropriate security of such information will be maintained. Such information includes, but is not limited to the transmittal of personnel information such as medical records or related information. In law enforcement operations, confidential, proprietary or sensitive information also includes criminal history information, confidential informant identification, and intelligence and tactical operations files.

No Borough employee shall post internal working documents to social media sites. This includes, but is not limited to, screenshots of computer stations, pictures of monitors and/or actual documents themselves without the prior approval of the Borough Administrator. In addition employees are prohibited from releasing or disclosing any photographs, pictures, digital images of any crime scenes, traffic crashes, arrestees, detainees, people or job related incident or occurrence taken with the Borough's Communication Media to any person, entity, business or media or Internet outlet whether on or off duty without the express written permission of the

Administrator. Except in “emergency situations, “Employees are prohibited from taking digital images or photographs with media equipment not owned by the Borough.”

For purposes of this section, an “emergency situation” involves a sudden and unforeseen combination of circumstances or the resulting state that calls for immediate action, assistance or relief, and may include accidents, crimes and flights from accidents or crimes and the employee does not have access to the Borough’s Communication Media. If such situation occurs, employee agrees that any images belong to the Borough and agree to release the image to the Borough and ensure its permanent deletion from media device upon direction from the Borough.

No media advertisement, electronic bulletin board posting, or any other communication accessible via the Internet about the (local unit type) or on behalf of the Borough, through the use of the Borough’s Communication Media may be issued unless it has first been approved by the Borough’s Administration. Specifically, employees are forbidden from using the Borough’s Communication Media to impersonate the employer; to make statements on behalf of the employer without authorization; and/or to make statements that can be construed as establishing what the employer’s official position or policy is on any particular issue. In addition, employees are prohibited from placing or posting on the Internet through the employer’s Communication Media or the employee’s own personal media, either during working or non-working hours, any employer-related confidential, sensitive or other employer information of a proprietary nature, including but not limited to employer records or documents, trade secrets, internal reports, tips based on inside information that may be considered insider trading, screenshots of computer stations, pictures of monitors and/or actual documents of the employer, any photographs, pictures, digital images of any crime scenes, traffic crashes, arrestees, detainees, people or job-related incidents or occurrences.

Because Borough postings placed on the Internet through use of the Borough’s Communication Media will display on the Borough’s return address, any information posted on the Internet must reflect and adhere to all of the Borough’s standards and policies.

All users are personally accountable for messages that they originate or forward using the Borough’s Communication Media. Misrepresenting, obscuring, suppressing, or replacing a user’s identity on any Communication Media is prohibited. “Spoofing” (constructing electronic communications so that it appears to be from someone else without a legitimate authorized purpose and authorized by the Administrator) is prohibited

Employees must respect the laws regarding copyrights, trademarks, rights of public Borough and other third-party rights. Any use of the Borough’s name, logos, service marks or trademarks outside the course of the employee’s employment, without the express consent of the Borough, is strictly prohibited. To minimize the risk of a copyright violation, employees should provide references to the source(s) of information used and cite copyrighted works identified in online communications.

If employees choose to identify themselves as a Borough employee on their personal social media accounts and even those that do not should be aware that he or she may be viewed as acting on behalf of the Borough, as such no employee shall knowingly represent themselves as a spokesperson of the Borough, post any comment , text, photo, audio, video or other multimedia file that negatively reflects upon the Borough expresses views that are detrimental to the Borough’s mission or undermine the public trust or is insulting or offensive to other individuals or to the public in regard to religion, sex, race or national origin. Borough employees are encouraged to exercise extreme caution posting photographs of themselves in uniform or in situations where they can be readily identified as Township employees.

To the extent that employees use social media outside their employment while engaging in protected concerted activities as defined above, employees will not be subject to discipline or retaliation for expressing views, opinions, and/or facts surrounding the Borough’s employment policies. For all other communications by employees on personal social media sites in which matters related to the Borough are discussed, employees must add a disclaimer on the front page stating that the posting does not express the views of the Borough, and that the employees are expressing their own personal views. For example: **“The views expressed on this website/web log are mine alone and do not necessarily reflect the views of my employer.”**

The disclaimer must be placed in a prominent position and repeated for each posting that is expressing an opinion related to the Borough or the Borough’s business, with the exception of postings and social media communications by employees engaging in protected concerted activities. Employees are advised that if they post information on social media that is in violation of either the terms and conditions of the within social media policy, or in violation of federal, state, or local laws, the disclaimer will not shield them from disciplinary action. However, no retaliation or discipline will result if and when employees are engaging in protected concerted activity, and/or choose to report inappropriate social media activities to the Borough Administration.

Nothing in these policies is designed to interfere with, restrain, or prevent social media communications by employees engaging in protected concerted activities regarding wages, hours, or other terms and conditions of employment pursuant to the National Labor Relations Act. All Borough employees have the right to engage in or refrain from such activities.”

8) Section Two: Use of the Internet

The Borough provides Internet access to its employees in order to make available a vast array of information resources and to allow participation in and access to increasing county and state resources.

Employees must comply with all policies adopted by the Borough, including but not limited to policies regarding prohibition of discrimination and harassment and all applicable federal, state and local laws, including laws governing the transmission and dissemination of information while accessing the Internet.

Employees who are using Internet may not:

- Use the network to make unauthorized entry into other computational, informational or communication services or resources;
- Distribute unsolicited advertising;
- Invade the privacy of others;
- Make any attempt to damage computer equipment or software;
- Engage in any activity that is harassing or defamatory;
- Use the Internet for any illegal activity, including violation of copyright or other rights of third parties, or in a manner inconsistent with the Township's tax-exempt status or its proper operation; and/or
- Download unauthorized software, fonts, templates or scripts.

As stated in the Communications Policy above the Borough reserves the right to monitor the employee's Internet usage. In addition the Borough has the right to restrict access to specific types of prohibited content through the use of a content filtering system."

9) Section Five: Background Check Policies

Replace Background Check Policies with the following:

Background Checks and Procedures for Candidates, Employees and Volunteers:

- *Background checks required: Criminal background checks are required of all candidates over the age of 18, whether for paid or volunteer positions, who will be working directly or indirectly with children/youth/minors. Criminal background checks will also be performed every three years for each employee or volunteer that works directly or indirectly with children/youth/minors.. The exact titles of employees subject to background checks are (locally defined, but at a minimum should include all recreational positions, crossing guards, library positions, and maintenance and administrative positions pertaining to such programs).*
- *Background check procedure: The Borough Administrator will perform or initiate criminal background checks and be the recipient of reports from outside agencies or contractors. These reports shall include, but are not limited, to court records; police department and corrections agency records; registries or watch lists; state criminal record repositories; and the Interstate Identification Index maintained by the FBI. The Borough Administrator will discuss potentially disqualifying information received with the employee's or volunteer's department head, and a determination that the information is disqualifying shall be made based on whether the disqualification is job-related for the position and is consistent with business necessity. Written information received as a result of a "Request for Criminal History Record Information For A Noncriminal Justice Purpose" will be destroyed immediately after it has served its authorized purpose, as required by the State Police. Such information will be kept confidential and will not be published or disclosed in any manner not consistent with the procedures listed herein. Such information will not be deemed a public record under P.L. 1963, c.73 (C:47:1A-1, et seq.) as amended and supplemented by P.L. 2001, c.404 (C:47:1A-5, et seq.).*

When a disqualification decision has been made as a result of the employer's "targeted screening process" described below, the Borough Administrator will inform the candidate, volunteer, or employee, in writing, of any information that would disqualify the person from working with children/youth. If the borough contracts with an outside vendor to process the background checks, that contractor may be authorized to inform the person in writing of any information that would disqualify the person from working with children/youth/minors. In addition, the individual shall be advised that he/she has the opportunity to explain the criminal record and to demonstrate why the exclusion based on the employer's targeted screening process should not apply to him/her under the circumstances. This information may include evidence of an error in the criminal record; facts surrounding the conviction; age at the time of the conviction and/or release from prison; evidence of a clean criminal and employment record since release; rehabilitation efforts; positive references; and evidence that he/she is bondable. Thereafter, the employer shall give the individual further consideration. Existing employees or volunteers will be placed on immediate suspension pending the outcome of a hearing or appeal. Employee suspensions may be with or without pay at the discretion of the Borough Administrator.

- *Conditions Under Which An Employee Will Be Disqualified From Working With Children/Youth: A candidate, volunteer, or employee may be disqualified from employment in a position that works with children/youth/minors if that person's criminal record history background check reveals a record of conviction of any of the following crimes and disorderly persons offenses as defined by New Jersey law or by analogous laws in other States:*
 - *Homicide (N.J.S.A. 2C:11)*
 - *Assault, reckless endangerment, threats, stalking (N.J.S.A. 2C:12)*
 - *Kidnapping (N.J.S.A. 2C:13)*
 - *Sexual Offenses (N.J.S.A. 2C:14)*
 - *Offenses Against the Family, Children and Incompetents (N.J.S.A. 2C:24)*
 - *Controlled Dangerous Substances (N.J.S.A. 2C:35 except for 2C:35-10(a)4)*
 - *Robbery (N.J.S.A. 2C:15)*

- *Theft (N.J.S.A. 2C:20)*

A disqualification from any position will be based only on a conviction for one or more of the above disqualifying crimes and offenses as a result of the employer's targeted screening process, by which the employer has taken into account the following factors:

(a) The nature and gravity of the offense or conduct, including the consideration of (i) the harm caused by the crime; (ii) the legal elements required to prove the crime; and (iii) the classification of the crime (i.e., felony or misdemeanor, etc.); (b) The time that has elapsed since the offense, conduct, and/or completion of the sentence; (c) The nature of the job held or sought, including the consideration of: (i) the job duties (not merely the job title); (ii) the level of supervision to be provided; (iii) the working environment (e.g., private home, outdoors, warehouse); (iv) interaction with others, especially with vulnerable individuals such as children/youth/minors; and (v) the relationship of the criminal history to the job to be performed. An acquittal, a dismissal, successful completion of Pre-Trial Intervention (PTI), or an expungement of a criminal offense, including a disqualifying criminal offense, is not a disqualifying conviction. Further, an arrest record standing alone may not be used to disqualify a candidate, volunteer, or employee from an employment opportunity. However, the employer may make a disqualification decision based on the conduct underlying the arrest if the conduct makes the individual unfit for the position in question, in which case the conduct, not the arrest, is relevant for employment purposes.

- *Appeal Process: The Appeals Committee will be comprised of a (CEO title, Police Chief or other designated superior officer, and Personnel Administrator title).*

Once a candidate, employee or volunteer has been notified of a disqualifying conviction, the employee has 14 calendar days to file a Notice of Appeal with the borough. Such Notice of Appeal must be sent in writing to the Borough Administrator. The Notice of Appeal shall include a Notice of Rehabilitation and/or a Notice that the information is inaccurate or incorrect, pursuant to NJAC 13:59-1.6.

During the 14-day period listed above, and until the issuance of the decision of the Appeals Committee, an employee will be on a suspension with pay, pending the outcome of the Notice of Appeal.

In making a determination on the appeal, the following information will be considered:

- 1. The nature and responsibility of the position which the convicted individual would hold, has held, or currently holds, as the case may be.*
- 2. The nature and seriousness of the crime or offense.*
- 3. The circumstances under which the crime or offense occurred.*
- 4. The date of the crime or offense.*
- 5. The age of the individual when the crime or offense was committed.*
- 6. Whether the crime or offense was an isolated or a repeated incident.*
- 7. Any social conditions which may have contributed to the commission of the crime or offense.*
- 8. Any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received.*
- 9. Acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs, or the recommendation of those who have had the individual under their supervision.*

The Borough will issue a written determination on the employee's appeal of their disqualifying conviction, setting forth the reasons for the determination.

**10) Section One: Open Public Meetings Act Policy (Personnel Matters) / (Rice Notice):
Replace entire section with:**

Open Public Meetings Act Procedure concerning Personnel Matters:

Discussions by the governing body or any public body of the Borough concerning appointment, termination, terms and conditions of employment, performance evaluation, promotion or discipline of any current or prospective officer or employee shall be in closed session, with the right of the employee to be present, unless the individual requests in writing that the discussion be held in open session. Such request must be granted. Prior to the discussion by the governing body or anybody of the borough concerning such matters, the Clerk shall notify the affected person(s) of the meeting date, time and place, the matters to be discussed and the person's right to request

that the discussion occur in open session. In the event more than one person is affected by the discussion and one of the affected persons does not request that the discussion be in open session, then the discussion shall be in closed session.

Additionally, whenever the governing body or any public body of the borough intends to act on a matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of performance of, promotion, or disciplining of any specific prospective public officer or employee or current public officer or employees employed or appointed by the governing body or any public body of the borough, then that governing body or that public body of the borough must provide notice of said intended action to said prospective public officer or employee or current public officer or employees. Prior to the matter being acted on, the Clerk shall notify the affected person(s) of the meeting date, time and place, the matters to be discussed.

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

Vote: Gould -- Thompson -- Cabrera – Yes

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 277-18

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING AWARD OF THE SUNSET LAKE SHORE STABILIZATION CONTRACT NO. M-3

WHEREAS, a Notice to Bidders was authorized for advertisement by Resolution No. 247-18 on Wednesday, August 22, 2018 for the Borough of Wildwood Crest contract for the Sunset Lake Shore Stabilization Contract No. M-3; and

WHEREAS, Notice to Bidders was advertised in the *Herald of Cape May County* on August 29, 2018 with receipt of sealed bids on October 2, 2018 for the Sunset Lake Shore Stabilization Contract No. M-3 pursuant to Local Public Contracts Law N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, six sealed bid proposals were opened and reviewed on October 2, 2018, by the Bid Opening Committee consisting of the Borough Clerk Patricia Feketics, Chief Financial Officer Francine Springer, Finance Department Member Robert Osborn, and the Borough Coastal Engineer Thomas Thornton; and

WHEREAS, H4 Enterprises, LLC has formally requested that its bid be withdrawn from consideration due to a mathematical error and clarification mistake pursuant to N.J.S.A. 40A:11-23.3; and

WHEREAS, the Borough Solicitor has reviewed the request of H4 and has recommended that the request be granted; and

WHEREAS, the Board of Commissioners determines that the error and mistake of H4 is of great consequence and substantial and would make the contract, if actually made, unconscionable, there being no evidence to suggest that H4 failed to exercise reasonable care in preparation of the bid, and there being no serious prejudice to the Borough; the Borough hereby determines that it is in the best interests of the Borough to grant the request of H4 Enterprises, LLC to withdraw its bid, and to award the contract to the next lowest bidder; and

WHEREAS, the Borough's Coastal Engineer Thomas Thornton and the Borough Attorney, Ronald Gelzunas have reviewed the remaining bid proposals and recommended that the Sunset Lake Shore Stabilization Contract No. M-3 and Supplemental Bid Item S1, S2 and S3A-S3F be awarded to South State, Inc., the lowest responsive bidder; and

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest has reviewed the recommendations made by the Bid Opening Committee as well as the Report on Bids prepared by the Borough's Coastal Engineer Thomas Thornton, dated October 9, 2018, and opinion letter of the Borough Solicitor recommending the award to South State, Inc.; and

WHEREAS, South State, Inc. was lowest responsive bidder and submitted a base bid amount of \$1,310,942.50 and the lowest responsive bidder for the Supplemental Bid Items S1, S2 and S3A-S3F in the amount of \$591,500.00, and a overall bid of the Base Bid and all Supplemental Bid Items in the amount of \$1,902,442.50; and

WHEREAS, South State, Inc. is therefore has the lowest responsive bid for the Base Bid and all Supplemental Bid Items in the amount of \$1,902,442.50; and

WHEREAS, the Chief Financial Officer has certified the availability of funds as evidenced below by her signature:

Account Number(s) _____ Amount _____

Signature _____

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

1. The above recital paragraphs are incorporated herein as if set forth at length.
2. The request of H4 Enterprises to withdraw its bid is hereby granted.
3. It is hereby determined to be in the best interest of the Borough of Wildwood Crest to award to South State, Inc. the Sunset Lake Shore Stabilization Contract No. M-3 and Supplemental Bid Items S1, S2 and S3A-S3F, the lowest responsive bidder.
4. The Mayor of the Borough of Wildwood Crest, Don Cabrera, and the Borough Clerk, Patricia A. Feketics, are hereby authorized and empowered to enter into a formal contract with South State, Inc. in accordance with the Notice to Bidders, specifications and the submitted bid proposal.
5. That a Notice of Award shall be published in The Herald of Cape May County as required by law within ten (10) days of passage of this Resolution, which notice shall state that this Resolution and the contract are on file and available for public inspection in the office of the Borough Clerk.

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

Vote: Gould -- Thompson -- Cabrera -- Yes

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 278-18

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING ADVERTISEMENT OF A NOTICE TO BIDDERS FOR BEACH STORAGE BOX CONCESSION

BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, in the County of Cape May, New Jersey, that the Borough Clerk is hereby authorized to advertise a Notice to Bidders in *The Herald of Cape May County* issue of October 17, 2018.

BE IT FURTHER RESOLVED Sealed bids will be received by the Bid Opening Committee in the Municipal Court Room, Wildwood Crest Borough Hall, on **Thursday, November 8, 2018 at 10:00 a.m.**, prevailing time, for furnishing the items hereinafter set forth in accordance with the Specifications on file in the Borough Hall. Said items are as follows:

BEACH STORAGE BOX CONCESSION

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

Vote: Gould -- Thompson -- Cabrera -- Yes

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 279-18

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING RESOLUTION NO. 940-17 TO BE RESCINDED IN TOTALITY

WHEREAS, on March 29, 2017, the Board of Commissioners of the Borough of Wildwood Crest adopted Resolution No. 940-17, designating an official "seasonal" work period for temporary workers from April 1st to September 30th annually; and

WHEREAS, the Borough of Wildwood Crest is a seaside community that employs many additional seasonal employees for a period not to exceed 6 months; and

WHEREAS, due to the varying needs of individual departments, it is in the best interest of the Borough of Wildwood Crest to use the 6 month "seasonal" work period to commence at the discretion of the respective Commissioner.

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. 940-17, adopted on March 29, 2017 is hereby rescinded in totality.

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

Vote: Gould -- Thompson -- Cabrera -- Yes

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 280-18

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST CANCELING ERRONEOUS 2018 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 2018; and

WHEREAS, sewer account 1084-0, at 126 East Forget-Me-Not had a no water consumption reading for the year 2017, the sewer rents levied in 2018 should be canceled; and

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	Nam	Amoun
54/36 1084-0	217 W. 13 th Avenue LLC 126 E. Forget-Me-Not Rd. 2018 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 2018.

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

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 281-18

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST CANCELING ERRONEOUS 2018 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 2018; and

WHEREAS, sewer account 1114-0, at 6711 Pacific Ave. had a no water consumption readings for the year 2017, the sewer rents levied in 2018 should be canceled; and

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	Nam	Amoun
56.01- 1114-0	424 Green Street, LLC 6711 Pacific 2018 Sewer	\$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 2018.

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

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 282-18

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING HOURS OF TRICK OR TREAT IN THE BOROUGH OF WILDWOOD CREST

BE IT RESOLVED, by the Board of Commissioners of the Borough of Wildwood Crest, in the County of Cape May, New Jersey, that TRICK OR TREAT shall be observed in the Borough of Wildwood Crest on MONDAY, OCTOBER 31, 2018, BETWEEN THE HOURS OF 5:00 P.M. AND 7:00 P.M.

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

Mrs. Gould motioned, seconded by Mr. Thompson, that all bills properly authorized, as submitted, be paid.
Vote: Gould -- Thompson -- Cabrera – Yes

ADMINISTRATOR'S REPORT:

October 10, 2018

Kayak Launch/ Sunset Lake Shoreline Stabilization

Bids were accepted and opened on October 2nd at 10:00 am. Six contractors bid on this project and after review and the withdrawal of bid by H4, we awarded the bid this morning to the second lowest bidder-South State. We expect to commence construction the first week in November.

Beach/ Dune Project

We now have an electronic and the requested paper copy of the Army Corps 60% plans. Our coastal engineer has reviewed the plans and agrees with the contents of the plans. The US Army Corps and DEP was notified; however, we must notify them in writing. Tom Thornton is aware and will respond accordingly.

Redevelopment of New Jersey Avenue Business District (UEZ Zone)

Michelle Taylor of the Taylor Design Group is currently reviewing and re-writing zoning ordinances to ensure that this business district thrives. We have met and have planned for the implementation of short-term improvements that we will begin working on shortly. This includes new trash receptacles, bike parking, planters, lighting improvements, banners, tree trimming and more.

Grants

1) Cape May County Open Space and Recreation Applications 2018

Marc DeBlasio has prepared a response to the County's request for a maintenance schedule for Sunrise Park. The Mayor has signed it and it was returned this morning. We expect that the Freeholders will schedule our hearing in November.

2) New Jersey Prevention Network Get Active NJ

The mile markers have been ordered. We expect to install them upon delivery. Nick Holland is handling this project.

Old Library Building

William McLees is currently working on plans for phase 1 architectural design services for the Old Library Building.

Local Concept Development Study for Ocean Drive (CR 621) for Upgrades & Bridge Improvements

Nothing new to report currently.

Garden State Parkway/ RT 109 Signage

A follow-up to NJDOT and subsequent email response has revealed that the signs are in the design phase. I do not have an exact date on which they will be installed. I have emailed the DOT for an update.

Beach Signage

Finch is currently working on the design of the beach and park signs. I will keep you updated on progress.

Atlantic City Electric

Atlantic City Electric's contractor has notified all affected homeowners and are currently trimming trees under power lines though out town. They will also remove dead trees. If a property owner claims that the trimming results in trees being killed, the Vegetation Management Supervisor is going to look at the trees next week to see the health of the trees that are being trimmed and take pictures. If a tree dies, the customer would call our customer service 1-800-642-3780 and put in a claim and we will do an investigation. Or the customer can call Ronnie Town at 609-463-3805 or email her at veronica.town@atlanticcityelectric.com.

Reconstruction of Newark Avenue and Replacement of the Sanitary Sewer

This 2016/ 2018 DOT grant funded project is currently underway. All property owners were properly noticed via door hangers and via certified mail of this project. This week work was done at the intersection of Pacific and Newark which required the closure of Pacific at Newark. Parents were notified of the impact of school drop-offs and pick-ups for the older students and things have been running smoothly. It is expected that the intersection of Pacific and Newark will be completed and fully re-opened by Friday.

Perna is working on schedule and is expected to complete the Newark Avenue construction on time. The replacement of the Jefferson Avenue sewer main should commence next week. After proper time has passed to allow for compaction both roads are expected to be paved no later than Thanksgiving (weather permitting.)

Replacement of Boiler in Borough Hall

PK mechanicals began working on the demolition of the old boiler on Tuesday, October 2, 2018. The old boiler has been removed and a new cement platform has been constructed. Installation of the new boiler will continue on Monday. This project is expected to be completed by October 31, 2018.

ENGINEER'S REPORT:

Date: October 10, 2018

Grant Applications

1. Cape May County Open Space Program

- We presented the application to the Cape May County Open Space Board (CMCOSB) on

May 22nd.

- In a July 18, 2018 letter, the CMCOSB recommended that Sunrise Park be funded by a \$283,625.00 grant.
2. New Jersey Direct Install Program
 - The Borough is eligible to receive a 70% grant for energy efficient improvements including the replacement of certain HVAC units, lighting, lighting controls and water closets.
 - The State has completed the audit of the HVAC systems and the lighting and the final results and grant offer was presented to the Borough on September 5th.
 3. FY2019 NJDOT Municipal Aid Program
 - The Borough has selected to submit the Reconstruction of Trenton Avenue from the beach to Pacific Avenue.
 - The grant application was successfully submitted on September 6th.
 4. FY2019 NJDCA Small Cities Program
 - The Borough has elected to submit ADA improvements at the Old Library Building and Von Savage Pool as the application.
 - Our office has provided the necessary engineering documents to Blauer Associates in support of the grant application submission.
 - The grant application was successfully submitted in early September.

Capital Projects

1. Reconstruction of Newark Avenue and Jefferson Avenue Sanitary Sewer Replacement
 - The Bid Opening occurred on June 13, 2018. The bid was awarded to Perna Finnigan, Inc. in the amount of \$972,349.04 based on the award of Alternate Bid #3.
 - The Jefferson Avenue sanitary sewer replacement from Pacific Avenue to Seaview Avenue was added to the contract via change order.
 - The contractor has completed the sanitary sewer main replacement on Newark Avenue from Pacific Avenue to Atlantic Avenue.
2. Storm Sewer Evaluation and Flood Mitigation Master Plan
 - The goal of the plan is to identify sources of flooding, corrective action to mitigate flooding and chart a prioritized capital plan to effectuate the improvements.
 - We have collected the information on the storm sewer facilities with the Borough and are developing storm sewer GIS mapping.
 - We are currently creating the infrastructure map and logging rain events and tidal elevation information.
3. FY 2018 NJDCA Small Cities Program
 - The Borough has successfully petitioned NJDCA to utilize FY 2017 grant funding for the FY2018 project.
 - The FY2018 grant application included ADA access improvements for five (5) Borough street ends.
 - The survey and base mapping is completed and we are currently in the design phase of the project.

General Engineering

1. Sanitary Sewer Regulations, Ordinance and Standards
 - The objectives of the new sanitary sewer ordinance is to provide a new process for sanitary sewer permits, inspections and construction standards.
 - Our office has completed and transmitted the draft ordinance for Borough review.

PUBLIC COMMENTS:

Victoria Dolan, 6400 Atlantic Avenue, indicated she is new to town and asked about the tree trimming and asked the administrator for names of arborists.

John Turzanski, 114 W. Forget Me Not Road, indicated he has lived in the Borough of Wildwood Crest and personally thanked the following people by name: Jim Bailey, Ralph Grassi, Chief Joseph McGrath, Brian Cunniff, Frank Basile, Deb Rogers, Pidge from Public Works, all of the Fire Department members and Rescue members and all of the Class II officers. The Mayor thanked Mr. Turzanski for the compliments.

DISCUSSION:

OLD BUSINESS:

-Crest Merchandise specifications – There still needs further discussion with Solicitor.

-Bulkhead issue- On hold for funding.

-Solar Panels: On hold.

-Potential Ordinance amending 20 minute parking- On hold.

-Smoke-free beach vs. Designated for 2019- Waiting on Wildwood’s decision; it appears that North Wildwood will be going with the designated area for smoking. Decision will be forthcoming.

-Designated smoking areas for municipal buildings- Working on.

-Wildwood Crest Volunteer Fire Company “contract”- on hold.

-Veteran’s Day Ceremony – Press release is out. Advised if anyone knows of a veteran from Wildwood Crest and if they do, please let the Borough know.

NEW BUSINESS:

Lastly, Mayor Cabrera added that the Inaugural Crest Best Run Fest had a tremendous response and thanked everyone from municipal staff, Delmosports, Police, Public Works, Recreation Department, Rescue Squad and the Volunteer Fire Company.

Mayor Cabrera also told everyone that in addition to Trunk or Treat (Monday, October 29th), the Borough will be adding hayrides and house decorating. More information will be forthcoming.

PUBLIC COMMENTARY:

Commissioner Joyce Gould and Commissioner David Thompson presented a plaque to Mayor Don Cabrera for competing in the Iron Man with an impressive 14 hours and 5 minutes. Mayor Cabrera’s wife, Jeanine, was in attendance for the presentation. Mayor Cabrera thanked the commissioners and the public.

Hearing nothing further from the public, Mrs. Gould motioned, seconded by Mr. Thompson that the meeting be adjourned. All were in favor and the time was 9:59 a.m.

Dated: October 24, 2018

Patricia A. Feketics, Borough Clerk

