

Note: Meeting Appears
On Borough of Wildwood Crest Facebook page and You tube by date.

August 7, 2024

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 at Borough Hall at 9:30 a.m. On roll call the following answered to their names:

Schiff - Franco – 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 Herald of Cape May County on October 4, 2023 and The Press on December 13, 2023.

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

Mr. Franco motioned, Mr. Schiff seconded that Ordinance No. 1434 be placed on second reading and final passage by title only.

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING ORDINANCE BY TITLE:

ORDINANCE NO. 1434

**ORDINANCE OF THE BOROUGH OF WILDWOOD CREST
AMENDING AND SUPPLEMENTING SECTION 79-32.3,
SCHEDULE IC, RESTRICTED PARKING ZONES FOR
PERSONS WITH DISABILITIES OF THE CODE OF THE
BOROUGH OF WILDWOOD CREST**

Mr. Franco motioned and Mr. Schiff seconded that a public hearing be held on Ordinance No. 1434.

Vote: Schiff - Franco – Cabrera – YES

After hearing nothing from the public, Mr. Franco motioned and Mr. Schiff seconded that the public hearing on Ordinance No. 1434 now be closed.

Vote: Schiff - Franco – Cabrera – YES

Mr. Franco motioned and Mr. Schiff seconded that Ordinance No. 1434 be passed on second and final reading and advertised according to law.

Vote: Schiff - Franco – Cabrera – YES

Mr. Franco motioned, Mr. Schiff seconded that Ordinance No. 1435 be placed on second reading and final passage by title only.

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING ORDINANCE BY TITLE:

ORDINANCE NO. 1435

**BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF NEW
EQUIPMENT BY THE BOROUGH OF WILDWOOD CREST, IN THE
COUNTY OF CAPE MAY, NEW JERSEY, APPROPRIATING \$700,000
THEREFOR AND AUTHORIZING THE ISSUANCE OF \$665,000
BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH
APPROPRIATION**

Mr. Franco motioned and Mr. Schiff seconded that a public hearing be held on Ordinance No. 1435.

Vote: Schiff - Franco – Cabrera – YES

After hearing nothing from the public, Mr. Franco motioned and Mr. Schiff seconded that the public hearing on Ordinance No. 1435 now be closed.

Vote: Schiff - Franco – Cabrera – YES

Mr. Franco motioned and Mr. Schiff seconded that Ordinance No. 1435 be passed on second and final reading and advertised according to law.

Vote: Schiff - Franco – Cabrera – YES

Presentation by Paul Miola, Southern NJ MEL Marketing Representative, on the Atlantic County Municipal Joint Insurance Fund 2025 Renewal. He touched on new exposures and new challenges to include increased premiums, inflation, and recent statutory /regulatory changes. A member of the public asked for clarification on what reinsurance is and Mr. Miola indicated that it is a reimbursement system that protects insurers from very high claims. It usually involves a third party paying part of an insurance company's claims once they pass a certain amount. Reinsurance is a way to stabilize an insurance market and make coverage more available and affordable.

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

**RESOLUTION NO. 24-238
RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF
WILDWOOD CREST AUTHORIZING FIREWORKS DISPLAY AT SEAFARER'S
CELEBRATION ON SATURDAY, SEPTEMBER 21, 2024**

WHEREAS, the Borough of Wildwood Crest annually sponsors an event known as "Seafarers' Celebration;" and

WHEREAS, it is the desire of the Board of Commissioners that a fireworks display be incorporated as a finale to the 2024 Seafarers' Celebration on September 21, 2024; and

WHEREAS, it is the desire of the Board of Commissioners to set forth policies and procedures for the implementation of said fireworks display; and

WHEREAS, the CFO 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, New Jersey, as follows:

1. A fireworks display is hereby authorized as a finale to the Seafarers' Celebration on Saturday, September 21, 2024, commencing approximately 9:00 p.m.
2. The fireworks exhibitor shall comply with any and all State of New Jersey Fire Code Regulations as apply to fireworks displays, as well as all Municipal Excess Liability Joint Insurance Fund requirements.
3. The fireworks exhibitor shall supply the Borough of Wildwood Crest with a Certificate of Liability Insurance in an amount not less than \$1,000,000, naming the Borough of Wildwood Crest as an additional insured.
4. The fireworks exhibitor shall execute an Indemnification and Hold Harmless Agreement on behalf of the Borough of Wildwood Crest.
5. The Borough of Wildwood Crest Recreation Supervisor, or his designee, shall coordinate the display, with the Borough Fire Official and the Fireworks Exhibitor, to the extent necessary to insure compliance with the foregoing, as well as any other required safeguards as provided by the Borough Fire Official to fully protect the public health, safety and welfare.
6. The Commissioner of Public Works and Facilities is hereby authorized to execute a contract with Schaefer Fireworks, Inc. in the not to exceed amount of \$6,487.50.

Mr. Schiff motions, and Mr. Franco seconds that the foregoing resolution be adopted.

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

**RESOLUTION NO. 24-239
RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF
WILDWOOD CREST AUTHORIZING REFUND OF MERCANTILE LICENSE AND
TOURISM FEES TO KRISTIN MARKEY**

WHEREAS, Ms. Markey paid mercantile license and tourism fees totaling \$265.00 (check #2773) for the 2024 rental license for property located at 214 E. Miami Avenue, Wildwood Crest, NJ 08260; and

WHEREAS, the property is not being offered for rent.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, State of New Jersey, that the Chief Financial Officer is hereby authorized to execute refund of \$265.00 to Kristin Markey, 214 E. Miami Avenue, Wildwood Crest, NJ 08260.

Mr. Schiff motions, and Mr. Franco seconds that the foregoing resolution be adopted.

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 24-240

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING THE EXECUTION OF A CONTRACT RENEWING MEMBERSHIP IN THE ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND

WHEREAS, the Borough of Wildwood Crest (hereinafter the “MUNICIPALITY”) is a member of the Atlantic County Municipal Joint Insurance Fund (hereinafter the "FUND"); and

WHEREAS, the MUNICIPALITY’S membership terminates as of January 1, 2025 unless earlier renewed by a Contract between the MUNICIPALITY and the FUND; and

WHEREAS, N.J.S.A. 40A:11-5 (1) (m) provides that a Contract which exceeds the bid threshold may be negotiated and awarded by the governing body without public advertising for bids and bidding therefor, if the subject matter is for the purchase of insurance coverage and consultant services, provided that the award is in accordance with the requirements for extraordinary unspecifiable services; and

WHEREAS, N.J.S.A. 40A:11-6.1(b) provides that the MUNICIPALITY shall make a documented effort to secure competitive quotations; however, a Contract may be awarded upon a determination, in writing, that the solicitation of competitive quotations is impracticable; and

WHEREAS, in accordance with N.J.A.C. 5:34-2.3, a designated official of the MUNICIPALITY, has filed a certification with the governing body describing in detail, as set forth below in this Resolution, why this Contract meets the provisions of the statutes and the regulations and why the solicitation of competitive quotations is impracticable; and

WHEREAS, it has been determined that the purchase of insurance coverage and insurance consultant services by the MUNICIPALITY requires a unique knowledge and understanding of the municipal exposures and risks associated with the operation of a municipal entity, and many insurance professionals are not qualified to assess these risks and exposures based upon their inherent complexity; and

WHEREAS, insurance coverage for municipal entities can vary greatly in the type, limits, and exceptions to coverage, and therefore particularized expertise in determining and obtaining the appropriate coverage is required to protect the MUNICIPALITY; and

WHEREAS, it is the goal of the MUNICIPALITY to obtain a single integrated program to provide all types of insurance coverage with a plan to limit the MUNICIPALITIES exposure; and

WHEREAS, the FUND has provided comprehensive insurance coverage to member municipalities since 1987; and

WHEREAS, since 1987, the Fund has continually refined all of the types of coverage that it provides to its members so that it offers comprehensive insurance coverage and limits to all members that is unique and cannot be purchased from a single entity in the commercial insurance market; and

WHEREAS, the FUND has also developed and made available to its members Safety, Risk Management and Litigation Management programs that address the specific exposures and risks associated with municipal entities; and

WHEREAS, the FUND provides the MUNICIPALITY with Fund Administration, Claims Review, Claims Processing, Claims Administration, Actuarial and Legal services; and

WHEREAS, the FUND is one of the most financially sound Municipal Joint Insurance Funds in New Jersey, and the FUND operates with strong fiscal controls, member oversight, and meets all of the requirements promulgated by the New Jersey Department of Community Affairs and the Department of Banking and Insurance; and

WHEREAS, as an existing member of the FUND, the MUNICIPALITY would be renewing its membership in an organization with experienced and dedicated FUND Professionals who provide specialized services to the members; and

WHEREAS, the membership of the FUND includes many neighboring municipalities that have uniquely similar exposures to the MUNICIPALITY, and with whom the MUNICIPALITY has existing inter-local arrangements; and

WHEREAS, all of the aforementioned factors categorize the award of this Contract as an “extraordinary, unspecifiable service” that cannot be duplicated, accounted for, accurately detailed, or described in a manner that truly depicts the value of the MUNICIPALITY’S membership in the FUND; and

WHEREAS, for all of the aforementioned reasons, it is impracticable for the MUNICIPALITY to seek competitive quotations for a Contract to provide the procurement of insurance coverage and consultant services; and

WHEREAS, the FUND has been organized pursuant to N.J.S.A. 40A:10-36 et seq., and as such is an agency of the municipalities that created it; and

WHEREAS, N.J.S.A. 40A:11-5(2) also provides that a Contract which exceeds the bid threshold may be negotiated and awarded by the governing body without public advertising for bids and bidding therefor, if the Contract is entered into with a municipality or any board, body, officer, agency or authority thereof; and

WHEREAS, the FUND meets the definition of an agency as set forth in N.J.S.A. 40A:11-5(2); and

WHEREAS, for all of the aforementioned reasons, the MUNICIPALITY desires to enter into a Contract to renew its membership with the FUND for a period of three (3) years, for insurance coverage and consultant services, as an exception to the public bidding requirements of the Local Public Contracts Law.

NOW THEREFORE, be it resolved by the governing body of the MUNICIPALITY as follows:

1. The MUNICIPALITY agrees to renew its membership in the FUND and to be subject to the Bylaws, Rules and Regulations, coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the FUND.
2. The Mayor and Clerk of the MUNICIPALITY shall be and hereby are authorized to execute the "Contract to Renew Membership" annexed hereto and made a part hereof and to deliver same to the FUND evidencing the MUNICIPALITY’S renewal of its membership.
3. In accordance with N.J.A.C. 5:34-2.3, the certificate of a designated official of the MUNICIPALITY, which details why the solicitation of competitive quotations is impracticable, is attached hereto and made a part of this Resolution.
4. The Clerk of the MUNICIPALITY is authorized and directed to place a notice of the

adoption of this Resolution and the award of this Contract in the official newspaper of the MUNICIPALITY.

Mr. Schiff motions, and Mr. Franco seconds that the foregoing resolution be adopted.
Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 24-241

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING INCREASE OF CONTRACT IN THE AMOUNT OF \$10,000.00 TO MICHAEL A. JEDZINIAK OF SCARINCI HOLLENBECK FOR COAH RELATED MATTERS FOR CY 2024

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest awarded a contract, via Resolution No. 24-49 adopted January 24, 2024, to Michael A. Jedziniak of Scarinci Hollenbeck for COAH related matters for CY 2024 at the NTE sum of \$5,000.00; and

WHEREAS, it is the desire of the Board of Commissioners of the Borough of Wildwood Crest to increase the amount of the contract by \$10,000.00; and

WHEREAS, the CFO 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. That the recital paragraphs set forth above are incorporated herein as if set forth at length.
2. That the terms and conditions of the contract between the Borough of Wildwood Crest and Michael A. Jedziniak of Scarinci Hollenbeck, authorized by Resolution No. 24-49 adopted January 24, 2024 shall remain in full force and effect, with the sole exception that the amount of the contract shall be increased to a total sum not to exceed \$15,000.00 all of which is contingent upon certification from the Chief Financial Officer as to the availability of funds.
3. 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.

Mr. Schiff motions, and Mr. Franco seconds that the foregoing resolution be adopted.
Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 24-242

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING REFUND OF PROPERTY TAXES OR UTILITIES OVERPAYMENT MADE PAYABLE TO CORELOGIC

WHEREAS, the Tax Collector of the Borough of Wildwood Crest collected from the property owner or it's designee an excess amount on 2024 property taxes and/or utility payments; and

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

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

68.01-17 2024 Taxes	204 East Primrose Rd Condo 204 East Primrose Road Mortgage Company paid on incorrect parcel Refund overpayment to Corelogic	Amount \$1,709.00

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Commissioners of the Borough of Wildwood Crest, County of Cape May, State of New Jersey, the Chief Financial Officer is hereby authorized to execute said refund as soon as practicable and the Tax Collector should mark the records accordingly to reflect said refund as per the meeting on August 7, 2024.

Mr. Schiff motions, and Mr. Franco seconds that the foregoing resolution be adopted.

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 24-243

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING WAIVING ALL FEES REQUIRED BY APPLICATION TO TJ HUNT MEMORIAL FOUNDATION 5K / 1 MILE FOOT RACE ON NOVEMBER 28, 2024 FROM 8:00 -11:00 AM

WHEREAS, TJ Hunt Memorial Foundation has made a Special Events Application to hold 5k run / 1 mile walk with proceeds to benefit the foundation on November 28, 2024 from 8:00-11:00 am; and

WHEREAS, in the spirit of supporting our community and this fun filled family event, the Board of Commissioners have agreed to waive the fees associated with this Special Events Application.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, New Jersey, that the fee required by application from the TJ Hunt Memorial Foundation for a 5k / 1 mile footrace November 28, 2024 from 8:00-11:00 am is hereby waived.

Mr. Schiff motions, and Mr. Franco seconds that the foregoing resolution be adopted.

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 24-244

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING AWARD OF EMERGENCY CONTRACT TO ANZELONE ELECTRIC COMPANY FOR EMERGENCY ELECTRIC WORK TO BEACH PATROL BUILDING IN ACCORDANCE WITH N.J.S.A. 40A:11-6

WHEREAS, pursuant to N.J.S.A. 40A:11-6 provides for the award of an emergency contract when an emergency affecting public health, safety or welfare requires immediate performance of services; and

WHEREAS, an electric repair has occurred at the Beach Patrol Building; and

WHEREAS, the Borough Engineer do herewith declare that an emergency exists affecting the safety, health and welfare of the public, and recommend that the Borough engage a Contractor to be mobilized to effectuate the repair.

NOW, THEREFORE, BE IT RESOLVED, the Mayor and the Borough Commissioners do herewith declare that an emergency exists with the regard to the electric repair at the Beach Patrol Building which affects the public health, safety and welfare necessitating immediate repairs and that the Borough Engineer be directed to coordinate all necessary repairs.

BE IT FURTHER RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, New Jersey, that in accordance with the provisions of N.J.S.A. 40A:11-6, an emergency contract be awarded to Anzelone Electric Company, the estimated construction costs for said emergency to be all of which is more specifically set forth in the attached detailed breakdown of costs as supplied by the Borough Engineer which are made a part hereof by reference as if fully set forth. This emergency is subject to certification of availability of funds by the CFO as evidenced below by her signature.:

Account Number(s) C-04-55-134-1C1 Amount \$18,975.00 Signature _____

Mr. Schiff motions, and Mr. Franco seconds that the foregoing resolution be adopted. Prior to vote, Mr. Franco asked for clarification that this was not a change order and the Engineer indicated that it was not and that it would be deducted from the contract for the beach patrol.

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 24-245

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST ACCEPTING THE DRIVE SOBER OR GET PULLED OVER GRANT FROM THE NJ DIVISION OF HIGHWAY TRAFFIC SAFETY FROM AUGUST 16, 2024 TO SEPTEMBER 2, 2024 IN THE AMOUNT OF \$2,100 AND AUTHORIZING THE CHIEF FINANCIAL OFFICER TO PAY THE FLAT RATE PER HOUR TO LAW ENFORCEMENT

WHEREAS, the U.S. Department of Transportation’s National Highway Traffic Safety Administration is working alongside local law enforcement during the weeks leading up to, and including, the Labor Day holiday in support of the national *Drive Sober or Get Pulled Over* high-visibility enforcement drunk-driving prevention campaign; and

WHEREAS, During the Labor Day holiday period, there have been higher numbers of crash fatalities nationwide, with an average of 40% involved being a drunk driver, and more than 25% involved drivers who were driving with a BAC almost twice the legal limit; and

WHEREAS, historically, the summer months tend to be more dangerous on the roads and in August, 2023, drunk driving accounted for approximately 30% of traffic crash fatalities;

WHEREAS, the 2024 August / Labor Day *Drive Sober or Get Pulled Over* Campaign will pay for overtime enforcement during the approved period, with a maximum rate to be reimbursed of \$70.00 per hour; and

WHEREAS, this is a reimbursement grant and as such, participating departments will incur all costs and then submit the necessary documentation to the Division of Highway Traffic Safety for reimbursement; and

WHEREAS, the Borough of Wildwood Crest received notification of award in the amount of \$2,100 on July 29, 2024.

WHEREAS, the New Jersey Division of Highway Traffic Safety has provided grant funding for *Drive Sober or Get Pulled Over* to run August 16, 2024 to September 2, 2024.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, New Jersey accepting the *Drive Sober or Get Pulled Over* to run August 16, 2024 to September 2, 2024 and the Chief Financial Officer be and is hereby authorized and directed to pay flat rate of \$70.00 per hour to law enforcement.

Mr. Schiff motions, and Mr. Franco seconds that the foregoing resolution be adopted.

Vote: Schiff - Franco – Cabrera – YES

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 24-246

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST AUTHORIZING AMENDMENT TO THE 2024 MUNICIPAL BUDGET TO ACCOUNT FOR ADDITIONAL FUNDING FROM THE NEW JERSEY DIVISION OF HIGHWAY TRAFFIC SAFETY MOBILIZATION FOR THE 2024 DRIVE SOBER OR GET PULLED OVER STATEWIDE LABOR DAY CRACKDOWN GRANT

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by any public or private funding source and the amount thereof shall not have been determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount; and

WHEREAS, the Borough of Wildwood Crest will receive \$ 2,100.00 from the New Jersey Division of Highway Traffic Safety Mobilization for the 2024 Drive Sober or Get Pulled Over Statewide Labor Day Crackdown Grant and wishes to amend its 2024 Municipal Budget to include this amount of revenue.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, New Jersey, does hereby request the Director of the Division of Local Government services to approve the insertion of an item of revenue in the municipal budget of the Borough of Wildwood Crest for the year 2024 in the sum of \$ 2,100.00 which is now available as a revenue from:

Miscellaneous Revenues
Special Items of General Revenue Anticipated with
Prior Written Consent of the Director of the Division
of Local Government Services - Public and Private
Revenues Offset with Appropriations:
2024 Drive Sober or Get Pulled Over Grant \$.....2,100.00

BE IT FURTHER RESOLVED that a like sum of \$.....2,100.00 be and the same is hereby appropriated under the caption of:

GENERAL APPROPRIATIONS
(a) Operations Excluded from Caps
Public and Private Programs Offset by Revenues:
2024 Drive Sober or Get Pulled Over Grant

BE IT FURTHER RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, New Jersey, that the Chief Financial Officer be and is hereby authorized and directed to pay a flat rate of \$70.00 per hour to law enforcement pursuant to the 2024 Drive Sober or Get Pulled Over Grant.

BE IT FURTHER RESOLVED that the Borough CFO is hereby authorized and directed to electronically file this Resolution and applicable submittal form with the Director of the Division of Local Government Services for approval.

Mr. Schiff motions, and Mr. Franco seconds that the foregoing resolution be adopted.

Vote: Schiff - Franco – Cabrera – YES

BILLS: Mr. Franco motions, and Mr. Schiff seconded that all bills properly authorized, as submitted, be paid. Prior to the vote, Mr. Franco asked the chief of police for an updated list of all the street lights that are currently out and that the borough pays monthly. The Mayor added that the light at Buttercup and Park needed a special part and commended Ronnie Towne from ACE for her prompt replies and for getting the borough's issues resolved quickly.

Vote: Schiff - Franco – Cabrera – YES

DISCUSSION:

NEW BUSINESS:

-**"Frat House"** aka "Rental Occupancy issues" The mayor indicated that there has been rental occupancy issues of late and considered them two fold: the first was the homes being rented and the second was J1 housing. He asked that fire inspection, housing, mercantile, etc to weigh in on an ordinance amendment to address concerns and the Solicitor indicated he also had some recommendations.

OLD BUSINESS:

-**Lightning Detection System:** Commissioner Schiff has been in discussions with the other beach communities on the island and they have a proposal for approximately \$93,000 (\$31,000 per municipality) and that Wildwood is looking for grant money. Both the mayor and Comm. Franco had questions for a later time. Risk management consultant, Casey Byrne, indicated that defending the borough for an incident if the equipment failed was a concern as well as policies and procedures for said equipment.

-**Artificial Grass – PB review:** This is listed on the Planning Board's agenda (8-7-24) for discussion.

-**UEZ 5 Year Plan:** This is being developed with Triad Associates.

-**250th birthday committee-** The Mayor would like to appoint a committee to put together events for the 250th birthday of our country in 2026 and asked to keep thinking about possible membership and events.

-**WC Municipal App-** This is a 2025 item.

-**Old Tourism building use – 2025-** This is a 2025 item.

-**Historical museum - 2025 –** This is a 2025 item.

-**Proposed Amendment to Ord. 1432 – Ch. 79 – Time Limit Parking –** The Mayor indicated the Chief and the Solicitor were working on this along with parking on New Jersey Avenue.

-**Concession agreement hotel zone / beach chairs –** hold.

-**Traffic Calming –** Collier's Engineering received the grant application and are moving forward.

-**Back Beach Excavation:** On hold pending dune.

-**Dredging:** No movement.

-**NJ Avenue infrastructure pre-county:** Budgeting item for 2025.

-**PW roof:** Materials have been ordered; this includes Scoop Taylor and the roof at the tennis courts.

-**Bayside outfalls and capacity / bulkhead repairs / replacement:** Bid opening is August 28, 2024 at 11:00 a.m. with a robust interest being shown.

-**Washington / Seaview – beach outfalls and capacity:** The Mayor indicated that we are awaiting word from Jim Rutala.

PUBLIC COMMENTS:

Claire Vernaleken was thrilled to see that her concerns were being addressed regarding "frat houses." She commended the police department and Brian M. from code enforcement for everything they have done thus far. She indicated that the issue is over occupancy and how to enforce it if you can't go in the house and that cars are illegally parked and she doesn't want to have to constantly "police" the house. She further went into details that checks in happen at all hours and it is unbearable. The Chief indicated that they respond to every call for illegally parked vehicles and actively look for them as well and that they are not allowed to go into a person's home to count people. They will discuss how to enforce the occupancy issue. Ms. Vernaleken added that the property owner needs to be held responsible. Code Enforcement and police issue summons and fines when applicable. The mayor added that the borough will do what we can and review and amend the ordinance.

Mike Marino inquired about the beach patrol building and if it was fully operational now since there was an emergency award for electric to the building. The Engineer confirmed that this was not a change order and that it was in lieu of and that they anticipated a TCO by the end of next week. Mr. Schiff indicated that the beach patrol would not move into building until after summer.

Fred Mettler inquired about the two buoys in sunset lake (one was 700 ft west of the dock and the other was 500 feet north) and they read "no watercraft." He indicated that the current placement of the buoys does not allow for boaters to see it and thus causing confusion and they need to be closer to the dock and volunteered to move them. The Mayor indicated that the borough did not place the buoys there and it may have been the State Police Marine Unit and they would follow up with them if they in fact dropped the buoys there and if they could move closer to the dock. The administrator indicated that she would follow up with the DOT to see if they had any involvement.

Commissioner Comments:

Mr. Franco – n/a

Mr. Schiff – Mr. Schiff indicated that National Night Out was a success and thanked all that were present.

Mayor Cabrera – n/a

THE CLERK READS THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 24-247

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST 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 three (3) issue(s) is/are 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, August 7, 2024 at 9:30 A.M.**; and

WHEREAS, the nine (9) exceptions to public meetings set forth in N.J.S.A. 10:4-12(b) are listed below, and next to each exception is a box within which the number of issues to be privately discussed that fall within that exception shall be written, and after each exception is a space where additional information that will disclose as much information about the discussion as possible without undermining the purpose of the exception shall be written:

_____ **“(1) Any matter which, by express provision of Federal law, State statute or rule of court shall be rendered confidential or excluded from public discussion.”** The legal citation to the provision(s) at issue is: _____ and the nature of the matter, described as specifically as possible without undermining the need for confidentiality is _____

_____ **“(2) Any matter in which the release of information would impair a right to receive funds from the state or federal government.”** The nature of the matter, described as specifically as possible without undermining the need for confidentiality is _____

_____ **“(3) Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual’s personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.”** The nature of the matter, described as specifically as possible without undermining the need for confidentiality is _____

 x _____ **“(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 **current union contracts with respect to health insurance coverage.**

_____ **“(5) Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed.”** The nature of the matter, described as specifically as possible without undermining the need for confidentiality is _____

_____ **“(6) Any tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection. Any investigations of violations or possible violations of the law.”** The nature of the matter, described as specifically as possible without undermining the need for confidentiality is _____

 xx _____ **“(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 and the nature of the discussion, described as specifically as possible without undermining the need for confidentiality is potential contract negotiations and more specifically is potential Superior officers contract – potential composition and active/potential litigation with respect to JIF.

_____ “(8) Any matter involving the employment, appointment, termination of employment, terms and conditions or employment, evaluation of the performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees whose rights could be adversely affected request, in writing, that such matter or matters be discussed at a public meeting.” Subject to the balancing of the public’s interest and the employee’s privacy rights under *South Jersey Publishing Co. v. New Jersey Expressway Authority*, 124 N.J. 478, the employee(s) and nature of the discussion, described as specifically as possible without undermining the need for confidentiality are _____.

_____ “(9) Any deliberation of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act or omission for which the responding party bears responsibility.” The nature of the matter, described as specifically as possible without undermining the need for confidentiality is _____

WHEREAS, the Board of Commissioners shall reconvene the public meeting at the conclusion of the authorized closed or executive session, which may or may not include formal action as a result of the discussion(s) held.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, assembled in public session on the date of the meeting of the governing body set forth herein above, that a closed session shall be held for the discussion of matters relating to the specific items designated above involving the Borough of Wildwood Crest. The governing body shall convene a closed session discussion immediately upon passage of this resolution and it is anticipated that the deliberations conducted in closed session shall be disclosed to the public upon conclusion of the matter and/or after determination of the Board of Commissioners that the public interest will no longer be served by such confidentiality and that the meeting will return to open session at the conclusion of the discussion and formal action may be taken if/as authorized.

BE IT FURTHER RESOLVED that the Municipal Clerk, at the present public meeting, shall read aloud enough of this resolution so that members of the public in attendance can understand, as precisely as possible, the nature of the matters that will be privately discussed.

BE IT FURTHER RESOLVED that the Municipal Clerk, on the next business day following this meeting, shall furnish a copy of this resolution to any member of the public who requests one at the fees authorized by N.J.S.A. 47:1A-1, et. seq.

Vote: Schiff - Franco – Cabrera – YES

There being nothing further, Mr, Schiff motioned and Mr. Franco seconded that the meeting be adjourned. The time was 1:35 p.m.

Dated: August 21, 2024

Patricia A. Feketics, Borough Clerk

