

# **WORKSHOP MEETING**

*Nov. 27, 2017*

# *Borough of West Wildwood*

---

*"Small town Charm on the Back Bay"*

## **AGENDA**

**WORKSHOP MEETING – November 27, 2017**

**9:00 AM**

### **CALL TO ORDER**

### **PLEDGE OF ALLEGIANCE**

### **OPEN PUBLIC MEETINGS ACT ANNOUNCEMENT**

THIS WORKSHOP MEETING WAS CALLED PURSUANT TO THE PROVISIONS OF THE OPEN PUBLIC MEETING LAW. NOTICE OF THIS MEETING HAS BEEN ESTABLISHED IN AN ANNUAL WORKSHOP MEETING NOTICE RESOLUTION 2016-130 ADOPTED ON DECEMBER 27, 2016. NOTICES OF THIS MEETING WERE SENT TO THE ATLANTIC CITY PRESS AND THE CAPE MAY COUNTY HERALD ELECTRONICALLY AND POSTED CONTINUOUSLY ON THE OFFICIAL CLERKS BULLETIN BOARD.

### **ROLL CALL:**

### **DISCUSSION:**

### **RESOLUTIONS:**

**2017-104 - RESOLUTION OF THE BOROUGH OF WEST WILDWOOD, IN THE COUNTY OF CAPE MAY, NEW JERSEY RESCINDING RESOLUTION 2017-085 AUTHORIZING AN APPLICATION TO THE LOCAL FINANCE BOARD AND RESOLUTION 2017-097 AUTHORIZING AN EMERGENCY APPROPRIATION IN THE AMOUNT OF \$1,999,300**

**Open to the Floor for Public Comment**

### **ADJOURNMENT**

### **OFFICAL ACTION MAY BE TAKEN**

**Donna L. Frederick, RMC  
Municipal Clerk**

BOROUGH OF WEST WILDWOOD  
BOARD OF COMMISSIONERS  
**WORKSHOP MEETING**  
MONDAY – NOVEMBER 27, 2017  
9:00 AM

**MINUTES:**

Comm. Maxwell called the meeting to order, led the Pledge of Allegiance, read the OPMA statement

**ROLL CALL: Present**

Comm. Golden  
Comm. Maxwell  
Solicitor Representative Kyle Weinberg  
Municipal Clerk Donna L. Frederick

**ABSENT:**

Mayor Fox  
Solicitor Karavan

**RESOLUTIONS:**

**2017-104 - RESOLUTION OF THE BOROUGH OF WEST WILDWOOD, IN THE COUNTY OF CAPE MAY, NEW JERSEY RESCINDING RESOLUTION 2017-085 AUTHORIZING AN APPLICATION TO THE LOCAL FINANCE BOARD AND RESOLUTION 2017-097 AUTHORIZING AN EMERGENCY APPROPRIATION IN THE AMOUNT OF \$1,999,300**

Clerk asked for a motion to adopt resolution.

Motion by Comm. Maxwell; Second by Comm. Golden.

Roll Call Vote: Comm. Golden, yes; Comm. Maxwell, yes.

Resolution 2017-104 was adopted by not less than 2/3rds vote of the governing body.

Comm. Maxwell opened up the meeting for public comment, hearing none, closed the public portion.

Clerk asked for a motion to adjourn.

**Motion to Adjourn:**

Motion by Comm. Maxwell; Second by Comm. Golden

Roll Call Vote: Comm. Golden, yes; Comm. Maxwell, yes.

Motion carried.

Respectfully submitted

  
Donna L. Frederick, RMC, Municipal Clerk

THESE MINUTES WERE APPROVED AT THE NOVEMBER 30, 2017, REGULAR COMMISSION MEETING



---

MAYOR CHRISTOPHER J. FOX



---

COMMISSIONER SCOTT W. GOLDEN

---

COMMISSIONER CORNELIUS J. MAXWELL

BOROUGH OF WEST WILDWOOD  
COUNTY OF CAPE MAY  
STATE OF NEW JERSEY

RESOLUTION 2017-104

**RESOLUTION OF THE BOROUGH OF WEST WILDWOOD, IN THE COUNTY  
OF CAPE MAY, NEW JERSEY RESCINDING RESOLUTION 2017-085  
AUTHORIZING AN APPLICATION TO THE LOCAL FINANCE BOARD AND  
RESOLUTION 2017-097 AUTHORIZING AN EMERGENCY APPROPRIATION  
IN THE AMOUNT OF \$1,999,300**

**WHEREAS**, on October 27, 2017, 2017, the Superior Court of New Jersey Law Division, Cape May County, in the matter captioned Jacquelyn Ferentz v. Mayor Herbert Frederick and the Borough of West Wildwood, Docket No: CPM-L-797-08, entered a Judgment in the favor of the Plaintiff (the "Judgment"), in the amount of \$1,766,687.40 (the "Judgment Amount"), which Judgment Amount resulted from an appeal by the Borough of a jury award on July 21, 2017 in the amount of \$1,979,282.00; and

**WHEREAS**, in anticipation of such Judgment, the Borough of West Wildwood, in the County of Cape May, New Jersey (the "Borough") adopted Resolution 2017-080 on August 28, 2017, entitled, "Resolution of the Borough of West Wildwood, in the County of Cape May, New Jersey, Providing for an Emergency Appropriation in the Amount of \$1,999,300 Pursuant to the Provisions of N.J.S.A. 40A:4-46 to Provide the Funding of a Litigation Judgment" (the "Original Emergency Resolution"), authorizing an emergency appropriation in the amount of \$1,999,300 pursuant to N.J.S.A. 40A:4-46 to provide for the Judgment Amount; and

**WHEREAS**, the Original Emergency Resolution further authorized the Borough to petition the Director of the Division of Local Government Services (the "Director") pursuant to N.J.S.A. 40A:4-49 for permission to exceed the statutory limitation of 3 percent of the Borough's total current and utility operating appropriations in the budget for calendar year 2017; and

**WHEREAS**, on October 6, 2017, the Borough adopted Resolution 2017-096 rescinding the Original Emergency Resolution; and

**WHEREAS**, on October 6, 2017, the Borough adopted Resolution 2017-097, entitled, "Resolution of the Borough of West Wildwood, in the County of Cape May, New Jersey, Providing for an Emergency Appropriation in the Amount of \$1,999,300 Pursuant to the Provisions of N.J.S.A. 40A:4-46 to Provide the Funding of a Litigation Judgment, Nunc Pro Tunc" (the "Emergency Appropriation Resolution"), authorizing an emergency appropriation in the amount of \$1,999,300 pursuant to N.J.S.A. 40A:4-46 to provide for the Judgment Amount; and

**WHEREAS**, the Emergency Appropriation Resolution further authorized the Borough to petition the Director pursuant to N.J.S.A. 40A:4-49 for permission to exceed the statutory limitation of 3 percent of the Borough's total current and utility operating appropriations in the budget for calendar year 2017 (the "Petition"); and

**WHEREAS**, subsequent to the adoption of the Emergency Appropriation Resolution, the Borough filed the Petition with the Director; and

**WHEREAS**, on October 2, 2017, the Borough adopted Resolution 2017-085, entitled, "Resolution of the Borough of West Wildwood, in the County of Cape May, New Jersey, Making Application to the Local Finance Board Pursuant to N.J.S.A. 40A:2-51" (the "LFB Resolution"), authorizing the submission of an application to the Local Finance Board for approval pursuant to N.J.S.A. 40A:2-51 et seq. of the adoption of a bond ordinance of the Borough, entitled, "Refunding Bond Ordinance Providing for the Funding of a Litigation Judgment in and by the Borough of West Wildwood, in the County of Cape May, New Jersey, Appropriating \$1,999,300 Therefor and Authorizing the Issuance of \$1,999,300 Refunding Bonds or Notes of the Borough for Financing the Cost Thereof" and for the issuance of refunding bonds and refunding bond anticipation notes as set forth in said application; and

**WHEREAS**, on September 20, 2017, pursuant to the LFB Resolution, the Borough filed an Application to the Local Finance Board for approval pursuant to N.J.S.A. 40A:2-51 et seq. (the "Original LFB Application"); and

**WHEREAS**, on October 26, 2017, the Borough filed a supplement to the Original LFB Application in response to additional information requests of the Local Finance Board (the "Supplemental LFB Application" and, together with the Original LFB Application, the "LFB Application"); and

**WHEREAS**, on November 8, 2017, the Mayor, Administrator, other officials of the Borough, and various Borough professionals presented testimony at the Local Finance Board's meeting, at which one or more members of the Local Finance Board recommended to the Borough that it seek the consent of the Plaintiff and/or Plaintiff's Counsel to allow the Borough to pay the Judgment Amount over a deferred time period; and

**WHEREAS**, the Borough is seeking payment of the Judgment Amount from the Atlantic County Joint Insurance Fund (the "JIF-MEL"), which has resulted in the matter captioned Borough of West Wildwood v. Municipal Excess Liability Joint Insurance Fund (the "JIF-MEL Litigation"); and

**WHEREAS**, as of the date hereof, the JIF-MEL Litigation has not been resolved; and

**WHEREAS**, the Plaintiff and Plaintiff's Counsel have agreed to defer receipt of payment of the Judgment Amount until the JIF-MEL Litigation has been fully adjudicated, including exhaustion of all related appeals, and to continue discussions with the Borough on a deferred payment of the Judgment Amount; and

**WHEREAS**, as a result, the Borough is not at this time required to make payment of the Judgment Amount and therefor, does not need at this time to make provision for payment of same by emergency appropriation and the issuance of refunding bonds and refunding bond anticipation notes; and

**WHEREAS**, the Borough therefor desires to rescind the Emergency Appropriation Resolution, withdraw the Petition, rescind the LFB Resolution and withdraw the LFB Application.

**NOW THEREFORE, BE IT RESOLVED BY THE BOROUGH BOARD OF COMMISSIONERS OF THE BOROUGH OF WEST WILDWOOD, IN THE COUNTY OF**

**CAPE MAY, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:**

**Section 1.** The aforementioned recitals are incorporated herein as though fully set forth at length.

**Section 2.** The Original Emergency Appropriation Resolution and the LFB Resolution and hereby rescinded. The Borough Administrator and Chief Financial Officer are each hereby authorized and directed to take any and all action necessary to withdraw the LFB Application and the Petition. The Authorized Officers are further authorized and directed to take any and all action necessary to effectuate the purposes contemplated by this resolution.

**Section 3.** This resolution shall take effect immediately.

	Motion	Second	Yes	No	Abstain	Absent
Mayor Christopher J. Fox						X
Commissioner Scott W. Golden		X	X			
Commissioner Cornelius J. Maxwell	X		X			

I, **Donna L. Frederick, RMC, Municipal Clerk** for the Borough of West Wildwood in the County of Cape May and State of New Jersey, do hereby certify that the foregoing is a correct and true copy of a Resolution adopted by the Board of Commissioners of the Borough of West Wildwood, New Jersey at a **Workshop Meeting** held on **November 27, 2017**.

  
**Donna L. Frederick, RMC**  
**Municipal Clerk**