

# **SPECIAL MEETING**

*MAY 9, 2018*

BOROUGH OF WEST WILDWOOD  
BOARD OF COMMISSIONERS  
**SPECIAL MEETING**  
WEDNESDAY – MAY 9, 2018  
1:45PM

**MINUTES:**

Mayor Fox called the meeting to order, read the OPMA statement – 48 hour notice and led the Pledge of Allegiance

**ROLL CALL: Present**

Comm. Golden

Comm. Maxwell

Mayor Fox

Solicitor Blaney

Special Counsel Louis Barbone

Municipal Clerk Donna L. Frederick

**RESOLUTIONS: READ BY NUMBER & TITLE**

Clerk read out the following resolution:

**2018-038 – AUTHORIZING A CLOSED (EXECUTIVE) SESSION MEETING FOR MATTERS OF PENDING/POTENTIAL LITIGATION REGARDING THE JUDGES RULING OF DENIAL OF INSURANCE COVERAGE FROM MEL/JIF IN FERENTZ v. WEST WILDWOOD LITIGATION**

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

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

Resolution Adopted

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

**Clerk asked for a motion to go into closed (executive) session.**

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

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

Motion Adopted

**Clerk asked for a motion to reconvene special meeting from closed (executive) session.**

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

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

Motion Adopted

**Clerk read out the following resolutions by number and title:**

**2018-039 – AUTHORIZING SPECIAL COUNSEL BARBONE TO FILE A RECONSIDERATION OF THE JUDGES DECISION IN THE CASE OF WEST WILDWOOD v. MEL**

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

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

Resolution Adopted

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**ROLL CALL: Present**

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Comm. Maxwell  
Mayor Fox  
Solicitor Blaney  
Special Counsel Louis Barbone  
Municipal Clerk Donna L. Frederick

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

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

Resolution Adopted

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

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

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

Motion Adopted

**Clerk asked for a motion to reconvene special meeting from closed (executive) session.**

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

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

Motion Adopted

**Clerk read out the following resolutions by number and title:**

**2018-039 - RESOLUTION AUTHORIZING SPECIAL COUNSEL, LOUIS BARBONE, ESQUIRE, TO FILE A MOTION FOR RECONSIDERATION OF THE JUDGE'S DECISION IN THE CASE OF JACQUELYN FERENTZ VS. MAYOR HERBERT FEDERICK, individually and in his official capacity, and THE BOROUGH OF WEST WILDWOOD, Consolidated with BOROUGH OF WEST WILDWOOD VS. MUNICIPAL EXCESS JOINT INSURANCE FUND, (DOCKET NO. CPM-L-140-15 consolidated with CPM-L-797-08),**



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

**RESOLUTION 2018-039**

**RESOLUTION AUTHORIZING SPECIAL COUNSEL, LOUIS BARBONE, ESQUIRE, TO FILE A MOTION FOR RECONSIDERATION OF THE JUDGE'S DECISION IN THE CASE OF JACQUELYN FERENTZ VS. MAYOR HERBERT FEDERICK, individually and in his official capacity, and THE BOROUGH OF WEST WILDWOOD, Consolidated with BOROUGH OF WEST WILDWOOD VS. MUNICIPAL EXCESS JOINT INSURANCE FUND, (DOCKET NO. CPM-L-140-15 consolidated with CPM-L-797-08),**

**WHEREAS**, on October 27, 2017, the Superior Court of New Jersey Law Division, Cape May County, entered a Judgment (hereinafter, the "Judgment") in favor of the Plaintiff, Jacquelyn Ferentz, in the amount of \$1,766,687.40 including attorney fees and costs in the matter captioned Jacquelyn Ferentz v. Mayor Herbert Frederick and the Borough of West Wildwood, Docket No. CPM-L-797-08; and

**WHEREAS**, the Judgment ordered payment from the Borough of West Wildwood to Jacquelyn Ferentz in the amount of \$1,766,687.40; and

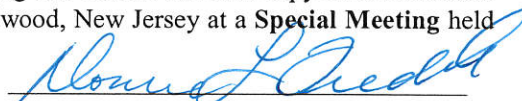
**WHEREAS**, the Borough instituted litigation against the JIF-MEL, seeking contribution and/or payment of the Judgment, which litigation was consolidated with said previously filed matter as follows: Jacquelyn Ferentz vs. Mayor Herbert Frederick, Individually and in his official capacity, and The Borough of West Wildwood, Consolidated With Borough Of West Wildwood vs. Municipal Excess Joint Insurance Fund (Docket No. CPM-L-140-15 consolidated with CPM-L-797-08); and

**WHEREAS**, the Judge denied the Borough the relief sought in said litigation;

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Borough of West Wildwood, County of Cape May, New Jersey do hereby authorize Special Counsel, Louis Barbone, Esquire, to file a Motion for Reconsideration of the Judge's decision denying the Borough relief in the above referenced matter.

	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 **Special Meeting** held on **May 9, 2018**

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

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

**RESOLUTION 2018-040**

**RESOLUTION AUTHORIZING SPECIAL COUNSEL LOUIS BARBONE, ESQUIRE, TO FILE AN APPEAL OF THE JUDGE'S DECISION IN THE CASE OF JACQUELYN FERENTZ VS. MAYOR HERBERT FEDERICK, individually and in his official capacity, and the BOROUGH OF WEST WILDWOOD, consolidated with BOROUGH OF WEST WILDWOOD VS. MUNICIPAL EXCESS JOINT INSURANCE FUND, (Docket No. CPM-L-140-15 consolidated with CPM-L-797-08), SHOULD THE MOTION FOR RECONSIDERATION BE DENIED**

**WHEREAS**, on October 27, 2017, the Superior Court of New Jersey Law Division, Cape May County, entered a Judgment (hereinafter, the "Judgment") in favor of the Plaintiff, Jacquelyn Ferentz, in the amount of \$1,766,687.40 including attorney fees and costs in the matter captioned Jacquelyn Ferentz v. Mayor Herbert Frederick and the Borough of West Wildwood, Docket No. CPM-L-797-08; and

**WHEREAS**, the Judgment ordered payment from the Borough of West Wildwood to Jacquelyn Ferentz in the amount of \$1,766,687.40; and

**WHEREAS**, thereafter the Borough instituted litigation against the JIF-MEL, seeking contribution and/or payment of the Judgment, which litigation was consolidated with said previously filed matter as follows:

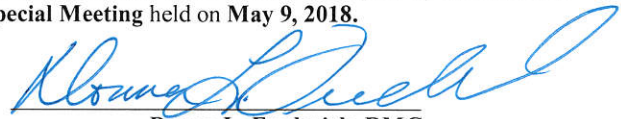
Jacquelyn Ferentz vs. Mayor Herbert Frederick, Individually and in his official capacity, and the Borough of West Wildwood, consolidated with Borough of West Wildwood vs. Municipal Excess Joint Insurance Fund (Docket No. CPM-L-140-15 consolidated with CPM-L-797-08); and

**WHEREAS**, the Judge denied the Borough the relief sought in said Litigation;

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Borough of West Wildwood, County of Cape May, New Jersey do hereby authorize Special Counsel, Louis Barbone, Esquire, to file an appeal with the Appellate Division of the Superior Court of New Jersey, appealing the Judge's decision denying the relief sought by the Borough in the matter referenced above (should a motion for reconsideration of same be denied).

	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 **Special Meeting** held on **May 9, 2018**.



Donna L. Frederick, RMC  
Municipal Clerk