

WORKSHOP

MEETING

MINUTES

AUGUST 18, 2021

Borough of West Wildwood

"Small town Charm on the Back Bay"

AMENDED AGENDA

NOTICE OF TENTATIVE AGENDA - WORKSHOP MEETING

AUGUST 18, 2021 - 9:00am

This is a proposed agenda which is subject to change by Commissioners without further notice.

CALL TO ORDER

OPEN PUBLIC MEETINGS ACT ANNOUNCEMENT

THIS WORKSHOP MEETING WAS CALLED PURSUANT TO THE PROVISIONS OF THE OPEN PUBLIC MEETING LAW. NOTICE OF THIS MEETING WAS RE-ESTABLISHED IN RESOLUTION 2021-062. NOTICE OF THIS MEETING WAS SENT TO THE ATLANTIC CITY PRESS AND THE CAPE MAY COUNTY HERALD ELECTRONICALLY AND POSTED CONTINUOUSLY ON THE OFFICIAL CLERKS BULLETIN BOARD AND BOROUGH WEBSITE

PLEDGE OF ALLEGIANCE

ROLL CALL:

DISCUSSION:

RESOLUTIONS:

2021-100 – RESOLUTION WAIVING THE ATTORNEY-CLIENT PRIVILEGE BETWEEN THE BOROUGH OF WEST WILDWOOD AND WILLIAM G. BLANEY, ESQUIRE, MARCUS H. KARAVAN, ESQUIRE, AND MARY D'ARCY BITTNER, ESQUIRE FOR THE LIMITED PURPOSE OF DISCUSSING NEGOTIATIONS OF THE BOROUGH CHIEF OF POLICE'S CONTRACT AND BACKGROUND INFORMATION RELATED TO THE SAME WITH THE DEPARTMENT OF COMMUNITY AFFAIRS

2021-101 – AUTHORIZING APPOINTMENT TO THE URBAN ENTERPRISE ZONE BOARD OF DIRECTORS

Possible agenda items for regular meeting

Open to the Floor for Public Comment

ADJOURNMENT

OFFICAL ACTION MAY BE TAKEN

Borough of West Wildwood

"Small town Charm on the Back Bay"

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

BOROUGH OF WEST WILDWOOD
BOARD OF COMMISSIONERS
WORKSHOP MEETING
Official Action may be taken
WEDNESDAY – AUGUST 18, 2021
9:00 AM

MINUTES:

Mayor Ksiazek called the meeting to order, read the OPMA statement:

THIS WORKSHOP MEETING WAS CALLED PURSUANT TO THE PROVISIONS OF THE OPEN PUBLIC MEETING LAW. NOTICE OF THIS MEETING WAS RE-ESTABLISHED IN RESOLUTION 2021-062. NOTICE OF THIS MEETING WAS SENT TO THE ATLANTIC CITY PRESS AND THE CAPE MAY COUNTY HERALD ELECTRONICALLY AND POSTED CONTINUOUSLY ON THE OFFICIAL CLERKS BULLETIN BOARD AND BOROUGH WEBSITE

Mayor led the Pledge of Allegiance

ROLL CALL: Present

Comm. Banning
Comm. Segrest
Mayor Ksiazek
Solicitor Lyons
Deputy Clerk Carl O'Hala
CFO Elaine Crowley
Municipal Clerk Donna L. Frederick

Clerk presented two resolutions to the commissioners for possible action. After a brief discussion clerk read the following resolutions by title:

2021-100 – RESOLUTION WAIVING THE ATTORNEY-CLIENT PRIVILEGE BETWEEN THE BOROUGH OF WEST WILDWOOD AND WILLIAM G. BLANEY, ESQUIRE, MARCUS H. KARAVAN, ESQUIRE, AND MARY D'ARCY BITTNER, ESQUIRE FOR THE LIMITED PURPOSE OF DISCUSSING NEGOTIATIONS OF THE BOROUGH CHIEF OF POLICE'S CONTRACT AND BACKGROUND INFORMATION RELATED TO THE SAME WITH THE DEPARTMENT OF COMMUNITY AFFAIRS

Clerk asked for a motion to adopt resolution.

Motion by Comm. Banning; Second by Comm. Segrest

Roll Call Vote: Comm. Banning, yes; Comm. Segrest, yes; Mayor Ksiazek, yes.

Resolution Adopted.

Mayor discussed the anticipation of the UEZ money and the need to appoint a borough representative. Since Carl O'Hala was previously a borough representative mayor suggested to appoint him.

Clerk read out resolution 2021-101 by title appointing Carl O'Hala as the UEZ representative.

2021-101 – AUTHORIZING APPOINTMENT TO THE URBAN ENTERPRISE ZONE BOARD OF DIRECTORS

Clerk asked for a motion to adopt resolution.

Motion by Comm. Banning; Second by Comm. Segrest

Roll Call Vote: Comm. Banning, yes; Comm. Segrest, yes; Mayor Ksiazek, yes.

Resolution Adopted.

Solicitor stated there are statutory approved uses for the UEZ money and will provide that information to the CFO.

Mayor opened the meeting for public comment on the two resolutions.

BILL MARTIN, 737 W. Poplar Avenue, inquired about the first resolution and asked if Jackie (Chief) was approached and will accept the payoff. Comm. Banning stated he had a conversation with the Chief, and she will accept.

Mayor asked that all questions be held to the end of the meeting.

Clerk went over possible regular meeting agenda items. Second reading/public hearing of Ordinance 595(2021) – Amend affordable housing ordinance. Resolutions returning escrow to AC Electric and Authorizing change order #1 for road projects.

Mayor discussed the position of floodplain manager, and the appointment of John Fearheller as the planning board engineer. Mayor discussed the navigation of the canal in reference to piers. A discussion over possible construction on 26th St. in the location of the sewer force main ensued. Mayor wants oversight on this project prior to driving pilings. Comm. Banning asked if the owners know there is an easement, and they still want to build. Mayor confirmed they know. Mayor discussed possible future parking lot on North Drive for residents to help with parking complaints. Comm. Segrest suggested having John Fearheller come up with a concept as a starting point.

Commissioners discussed the possibility of additional playground parking and will have further discussions with the engineers and county.

Mayor stated the Lake Avenue D.O.T. application was finalized and submitted.

Mayor received an email from the Concerned Taxpayer Association of West Wildwood (CTWWW) regarding having several fundraising events including a coin drop at the bridge over Labor Day. A discussion ensued, commissioners voiced concerns over parking, safety, bridge hazards and deferred to the borough solicitor. Solicitor Lyons stated there are statutes that govern coin drop events. In the old days you could do things informally, but now there are traffic and safety concerns. There are procedures which would allow functions for example if you held a shred day, you would have an entrance and exit which would reduce the risk. Solicitor stated this event can be accomplished if the commissioner wish, with restrictions and designating a fixed location which would be safer. Comm. Banning also sees it as a liability and safety issue. Comm. Segrest suggest having a fixed location during a planned event and stated Sept. 4th is off.

Comm. Segrest reported on the progress of the codification process, the borough received a draft. Deputy Clerk is reviewing the draft documents and has thirty days to respond.

Comm. Segrest discussed capital funding, COVID funding, disaster grant and the bond for the judgement. The approval from the Local Finance Board to pay off the judgement takes the burden off the operating budget. Comm. Segrest stated he wants to hire a part-time employee in the tax office and wants to open the offices on Friday in 2022. Comm. Segrest suggested to do a resolution to cancel all the old bond debt by the end of the year.

The solicitor was questioned regarding the conservation property that the owner wishes to donate to the borough. Solicitor stated there were no open files on record but will check again.

Mayor discussed the living shoreline project funding possibility. A discussion ensued.

Comm. Segrest suggested a phased in approach based on funding availability.

Comm. Segrest was inquiring about a shared service for street sweeping services. Mayor stated his first impression is to fix our street sweeper.

There was a discussion on the Poplar Avenue project, Lexa wants to perform another test.

Mayor updated options on the police ADA ramp, engineers are waiting on quote from Blue Water for an aluminum ramp.

Mayor stated the survey crew will on A Avenue midweek. Commissioner Banning asked that all residents on A Avenue be noticed about the work. Mayor will make a public announcement at the borough meetings and will have the zoning official involved in the process.

Comm. Banning will be implementing a new process by the end of the year for evaluations, for bi-annual evaluations, currently they are done annually.

Comm. Segrest will put something together regarding evaluations.

Mayor stated he will be interviewing potential candidates for DPW positions.

Mayor opened the meeting for public comment.

BILL MARTIN, 737 W. Poplar Avenue, inquired about the living shoreline project, asked about money from the 26th St. bulkhead and if the shoreline project could coincide with canal navigation. Mayor stated there is a long way to go and the process is slow moving, but if it could be combined with dredging it would be a win-win. Mr. Martin asked about the judgement bond, cost, and payback time. Comm. Segrest stated the bond would be spread out over five years, and this gives relief on the budget. Comm. Segrest suggested looking to go into fixed financing with the short-term notes considering the economic conditions are favorable. Mr. Martin commented that building parking lots doesn't solve the problem when houses are rented with five cars, construction should be limited. Mayor stated this will be discussed at the next planning board meeting, it is a complex issue. Comm. Banning stated the streets belong to everyone and will be working with the zoning and code enforcement officials to identify and correct illegal driveways to help fix those issues.

SUSAN CZWALINA, 647 W. Maple Avenue, questioned the UEZ grant amount; asked if an administrator is going to be hired with the savings from the judgement payoff. Solicitor stated the borough anticipates the UEZ grant to be gotten this year and there are specific uses for those funds governed by state statutes, the main focus is to help the business community. Mayor stated the borough has not advertised for an administrator; it was part of the application to the Local Finance Board to bring back services. Ms. Czwalina asked if the savings from the bond could be used on the administrator. Solicitor stated the relief from the Local Finance Board can now stretch out to benefit the town, the public gets the benefit in consultation with bond, such as opening the offices and the administrator position. Comm. Segrest commented the administrator

can cross the boundaries of all three departments and provide more complete information to act on. Ms. Czwalina asked if the administrator would be part-time. Comm. Segrest stated that has not been discussed yet, first thing is to hire a part-time employee to get the offices open on Fridays then the administrator will follow. Ms. Czwalina inquired about the status of the beautification fund. Solicitor stated the commissioners took action, but it needed some clarification which will happen at the September 3 meeting. Ms. Czwalina questioned the coin drop fundraising issue. Mayor stated there are liability issues and it will be revisited next year at the fourth of July or family fun day celebration. Ms. Czwalina question the use of the borough sign board for advertising. Solicitor stated the borough can promote the beautification fund via the sign and on the website, but no outside involvement.

Having no further matters Mayor called for a motion to adjourn.

Motion to Adjourn:

Motion by: Comm. Banning; Second by Comm. Segrest

Roll Call Vote: Comm. Banning, yes; Comm. Segrest, yes; Mayor Ksiazek, yes.

Motion Carried

Respectfully submitted,



Donna L. Frederick, RMC, Municipal Clerk

This is a generalization of the Workshop meeting on August 18, 2021, 2021 and not a verbatim transcript.

THESE MINUTES WERE APPROVED AT THE SEPTEMBER 3, 2021, REGULAR COMMISSION MEETING



MAYOR MATTHEW J. KSIAZEK



COMMISSIONER JOHN J. BANNING



COMMISSIONER JOSEPH D. SEGREST

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

RESOLUTION 2021-100

RESOLUTION WAIVING THE ATTORNEY-CLIENT PRIVILEGE BETWEEN THE BOROUGH OF WEST WILDWOOD AND WILLIAM G. BLANEY, ESQUIRE, MARCUS H. KARAVAN, ESQUIRE, AND MARY D'ARCY BITTNER, ESQUIRE FOR THE LIMITED PURPOSE OF DISCUSSING NEGOTIATIONS OF THE BOROUGH CHIEF OF POLICE'S CONTRACT AND BACKGROUND INFORMATION RELATED TO THE SAME WITH THE DEPARTMENT OF COMMUNITY AFFAIRS

WHEREAS, the Board of Commissioners of the Borough of West Wildwood has the authority to award Professional Service Contracts to professionals to provide services to the Borough in various areas of need; and

WHEREAS, previously, the Board of Commissioners of the Borough of West Wildwood has appointed William G. Blaney, Esquire, Marcus H. Karavan, Esquire, and Mary D'Arcy Bittner, Esquire, Professional Service Contracts to serve as legal representatives of the Borough in different capacities, which has included serving as the Borough's Labor Counsel and the Borough's Municipal Solicitor; and

WHEREAS, in serving as the Borough's Labor Counsel and Municipal Solicitor, Mr. Blaney, Mr. Karavan, and Ms. D'Arcy Bittner have established attorney-client relationships with the Borough which is afforded an absolute privilege that cannot be waived without prior approval; and

WHEREAS, the State of New Jersey Department of Community Affairs has contacted the Borough with inquiries related to the Borough Police Chief's Contract;

WHEREAS, the Board of Commissioners of the Borough of West Wildwood wishes to waive the attorney-client privilege outlined above for the limited purpose of allowing Mr. Blaney, Mr. Karavan, and/or Ms. D'Arcy Bittner to discuss the negotiations of the Borough Chief of Police's Contract and background information related to the same with the Department of Community Affairs; and


NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Borough of West Wildwood, Cape May County, New Jersey hereby approves the following:

1. The attorney-client privilege between the Borough and Mr. Blaney, Mr. Karavan, and/or Ms. D'Arcy Bittner is hereby waived as it relates to negotiations and background information related to the Borough Chief of Police's Contract.
2. Said waiver of the attorney-client privilege only relates discussions that may take place with the Department of Community Affairs and/or their designees.

3. Said waiver of the attorney-client privilege shall remain in full force and effect between the Borough and Mr. Blaney, Mr. Karavan, and/or Ms. D'Arcy Bittner as it relates to any other work that has been completed during the course of their Professional Service Contracts and their performances as Borough Labor Counsel and/or Borough Solicitor.

	Motion	Second	Yes	No	Abstain	Absent
Mayor Mathew J. Ksiazek			X			
Commissioner John J. Banning	X		X			
Commissioner Joseph D. Segrest		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 **August 18, 2021**.


 Donna L. Frederick, RMC
 Municipal Clerk

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

RESOLUTION 2021-101

**AUTHORIZING APPOINTMENT TO THE
URBAN ENTERPRISE ZONE BOARD OF DIRECTORS**

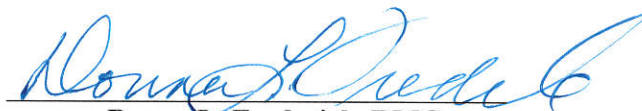
WHEREAS, it is necessary for the Borough of West Wildwood to have active participation in the Enterprise Zone Development Corporation of the Wildwoods (UEZ); and

WHEREAS, the Borough is entitled to make an appointment to said Corporation; one that is a member of the Governing Body and one that is either a member of the Public or an employee of the Borough.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of West Wildwood, Cape May County, New Jersey that Carl O'Hala is hereby appointed as the Public/Municipal Employee Member.

	Motion	Second	Yes	No	Abstain	Absent
Mayor Mathew J. Ksiazek			X			
Commissioner John J. Banning	X		X			
Commissioner Joseph D. Segrest		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 **August 18, 2021**.


Donna L. Frederick, RMC
Municipal Clerk