

**SPECIAL MEETING OF THE  
BOROUGH OF SHIP BOTTOM**

**JULY 3, 2024**

**9:00 AM**

**1. CALL TO ORDER**

The Mayor called the meeting to order at 9:01 AM.

**2. FLAG SALUTE AND PRAYER**

The Mayor led the flag salute and the Clerk read the prayer.

**3. STATEMENT OF NOTICE**

The Clerk read the Statement of Notice.

**4. ROLL CALL**

The clerk took a roll call and the following were present

COUNCILMAN VALYO

COUNCILMAN ENGLISH

COUNCILMAN BUTKUS

COUNCILMAN ROSSI

COUNCILMAN TALLON

Councilman Hartman was absent

Also present,

Tennant Magee, Borough Attorney

Kristy DeBoer, Municipal Clerk

**5. NEW BUSINESS**

The Clerk read resolution 2024-129 by title. The Mayor briefly explained what matters were to be discussed. The Clerk expressed that executive session will take approximately thirty minutes and that, once out, formal action may be taken.

1. 2024-129 Authorizing Executive Session-to discuss matters of attorney client privilege-ongoing contract negotiations, potential litigation, issues relating to acquisition and sale of property.

**RESOLUTION 2024-129**

**SHIP BOTTOM BOROUGH COUNCIL RESOLUTION  
AUTHORIZING EXECUTIVE SESSION**

WHEREAS, while the Sen. Byron M. Baer Open Public Meetings Act (N.J.S.A. 10:4-6 et seq.) requires all meetings of the Ship Bottom Borough Council to be held in public, N.J.S.A. 10:4-12(b) sets forth nine (9) types of matters that may lawfully be discussed in "Executive Session," i.e. without the public being permitted to attend, and

WHEREAS, the Ship Bottom Borough Council has determined that one (3) issue permitted by N.J.S.A. 10:4-12(b) to be discussed without the public in attendance and shall be discussed during an Executive Session to be held on July 3, 2024 at 9:00 A.M, and

WHEREAS, the nine (9) exceptions to open public meetings set forth in N.J.S.A. 10:4-12(b) are listed below, and next to each exception is a box which will be marked when the issues to be privately discussed fall within that exception, 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 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:

"(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:

"(5) Any matter involving the purchase lease or acquisition of real property with public funds, the setting of

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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:

"(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:

Potential Litigation

"(8) Any matter involving the employment, appointment, termination of employment, terms and conditions of 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 (1991), 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 of 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 length of the Executive Session is estimated to be thirty (30) minutes and no action will be taken following Executive Session.

**NOW, THEREFORE, BE IT RESOLVED** that the Ship Bottom Borough Council will go into Executive Session for only the above stated reasons; and

**BE IT FURTHER RESOLVED** that the Council hereby declares that its discussion of the aforementioned subject(s) will be made public at a time when the public's interest in disclosure is greater than any privacy or governmental interest being protected from disclosure. For each of the above items, the estimated date by which such disclosure can be made and/or the occurrence that needs to take place before disclosure can be made are listed below (attach separate sheet if necessary):

Subject of Discussion	Estimated Date	Necessary Occurrence
Potential Litigation	None	None, Unless the need for confidentiality no longer exists
Ongoing Contract Negotiations	None	None, Unless the need for confidentiality no longer exists
Attorney Client Privilege	None	

**BE IT FURTHER RESOLVED** that the 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 privately be discussed; and

**BE IT FURTHER RESOLVED** that the Clerk, on the next business day following this meeting, shall post this Resolution on the Borough Message Board and furnish a copy of this Resolution to any member of the public who requests one at the fees allowed by N.J.S.A. 47:1A-1 et seq.

Motion: Councilman Rossi

Second: Councilman Valyo

Dated: July 3, 2024

Roll Call: Valyo, English, Butkus, Rossi, Tallon, all aye. Hartman, absent.

**CERTIFICATION**

I, Kristy DeBoer, RMC, Municipal Clerk of the Borough of Ship Bottom, do hereby certify that the foregoing resolution was duly adopted by the Municipal Council of the Borough of Ship Bottom at a public meeting held on the 3<sup>rd</sup> day of July, 2024, a quorum being present and voting in the majority

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**JULY 3, 2024**

**9:00 AM**

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 3<sup>rd</sup> day of July, 2024.

\_\_\_\_\_  
Kristy DeBoer, RMC  
Municipal Clerk

The Mayor asked for a motion to adjourn the meeting. Councilman Rossi motioned to adjourn, seconded by Councilman Valyo all were in favor and the meeting was adjourned at 9:05

**SEE EXECUTIVE SESSION MINUTES**

The Mayor reconvened the meeting at 9:55 AM.

The following were present:

COUNCILMAN VALYO

COUNCILMAN ENGLISH

COUNCILMAN BUTKUS

COUNCILMAN ROSSI

COUNCILMAN TALLON

Councilman Hartman was absent

Also present,

Tennant Magee, Borough Attorney

Kristy DeBoer, Municipal Clerk

The Mayor reviewed the recent happenings with the Beach Haven First Aid Squad. He explained that the Beach Haven First Aid Squad had requested an additional \$25,000.00 which would bring the annual contribution from the borough to the BHFAS, to \$50,000.00 a year. After some back and forth the Mayor had verbally agreed to increase contributions but the second half of the contribution would have to wait until November. He had also written a letter of intent that it would be added to the agenda in November to allocate the funds for the additional \$25,000.00 in order to meet their criteria. The BHFAS was not satisfied with the plan and the Mayor said that he then received verbal and written notice that if it wasn't voted on immediately, the BHFAS would cease its services for Ship Bottom by either July 1 or July 15. The Mayor expressed that it is the responsibility of the Mayor and Council to protect its citizens. He then reached out to the Surf City First Aid Squad for a backup plan in the event that BHFAS pulled their services. During this sequence of events, it became clear that utilizing the Surf City First Aid Squad was in the best interest for the Borough of Ship Bottom. He then asked for a motion to approve resolution 2024-130.

2. 2024-130 Designating Surf City as Ship Bottom EMS

**RESOLUTION 2024-130**

**RESOLUTION OF THE BOROUGH OF SHIP BOTTOM,  
COUNTY OF OCEAN, STATE OF NEW JERSEY,  
DESIGNATING SURF CITY EMS TO BE  
THE EMS SERVICE FOR THE BOROUGH**

**NOW THEREFORE BE IT RESOLVED**, by the Governing Body of the Borough of Ship Bottom, County of Ocean, State of New Jersey, that Borough of Ship Bottom, the Borough shall utilize the services of Surf City EMS.

**BE IT FURHTER RESOLVED**, in consideration for the Surf City EMS Services, the Borough intends to contribute \$25,000 to Surf City EMS prior to December 2024.

Motion: Councilman Rossi

Second: Councilman Valyo

Date: July 3, 2024

Roll Call: Tallon, Valyo, English, Butkus, Rossi, all aye. Councilman Hartman, absent

**CERTIFICATION**

I, Kristy DeBoer, Municipal Clerk of the Borough of Ship Bottom, do hereby certify that the foregoing Resolution was duly adopted by the Governing Body at a regular meeting held on July 3, 2024.

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9:00 AM**

Kristy DeBoer, RMC

6. **PUBLIC COMMENT**

The Mayor opened the floor for public comment with a motion by Councilmen Rossi and Butkus and an all in favor vote.

Karen Drucker, Ship Bottom, asked if the borough had compared Surf City Services to Beach Haven First Aid Services. Additionally, she asked if Surf City had enough coverage to expand their services. The Mayor assured her that the Surf City First Aid Squad will be able to cover our town and that the Ship Bottom Fire Company was staffed for the summer with EMS available to respond to calls. He added that he felt the response time to calls will likely be faster. With no further public comment, the floor was closed for comment on a motion by Councilmen English and Tallon and an all in favor vote.

7. **ADJOURN THE MEETING**

Councilman Butkus made a motion to adjourn the meeting, seconded by Councilman English. All were in favor and the Mayor adjourned the meeting at 10:07 AM.

  
\_\_\_\_\_  
Kristy DeBoer, Municipal Clerk

  
\_\_\_\_\_  
William Huelsenbeck, Mayor

