

**EMERGENCY MEETING  
APRIL 29, 2022  
4:00 PM**

An Emergency Meeting of the North Wildwood City Council was held in the afternoon of the above date in the City Hall. The President of Council stated, *“The Meeting Is Now Open. Normal Requirements of the Law Regarding 48 Hours’ Notice Were Not Able to be Met Due to Lack of Time and Subject Matter; however, Notice of this Emergency Meeting has been Provided by Posting a Copy of the Notice of the Time and Place of this Emergency Meeting on the City Clerk’s Bulletin Board, the City Website and by Emailing a Copy of the Emergency Meeting Notice to the Press of Atlantic City and the Cape May County Herald on April 29, 2022.”*

**CITY OF NORTH WILDWOOD  
NOTICE OF EMERGENCY MEETING  
Friday, April 29, 2022 – 4:00 PM**

THE NORTH WILDWOOD CITY COUNCIL  
WILL HOLD AN EMERGENCY MEETING IN  
COUNCIL CHAMBERS AT CITY HALL, 901  
ATLANTIC AVENUE, NORTH WILDWOOD,  
NJ 08260 ON FRIDAY, APRIL 29, 2022 AT  
4:00 PM DUE TO A SITUATION OF URGENCY  
AND IMPORTANCE THE NATURE OF WHICH  
COULD CAUSE SUBSTANTIAL HARM TO  
THE PUBLIC IF SUCH MEETING WERE TO  
BE DELAYED. FORMAL ACTION MAY BE  
TAKEN. THE AGENDA FOR THIS SPECIAL  
MEETING SHALL BE AS FOLLOWS:

1. DECLARATION OF NEED FOR  
EMERGENCY MEETING.
2. EXECUTIVE SESSION FOR  
CONTRACT NEGOTIATIONS AND  
POTENTIAL LITIGATION.
3. DECLARATION OF EMERGENCY.
4. TERMINATION OF CURRENT  
CONTRACT FOR COLLECTION OF  
SOLID WASTE AND RECYCLABLES.
5. AWARD OF EMERGENCY CONTRACT  
FOR COLLECTION OF SOLID WASTE  
AND RECYCLABLES UNTIL  
DECEMBER 31, 2022.

W. SCOTT JETT, CITY CLERK

**EMERGENCY MEETING**

**APRIL 29, 2022**

**ROLL CALL:** Present were Mayor Patrick Rosenello, Councilpersons Edwin Koehler, Margaret Bishop, David Del Conte, Kellyann Tolomeo, James Kane, and Joseph Rullo. President of Council Salvatore Zampirri was present via telephonic conference call. Also present were City Administrator Ronald Simone and Solicitor Michael Donohue.

**RESOLUTIONS:**

# 136-22

RE:

Emergency Meeting

**WHEREAS**, this emergency meeting has been called for the following purpose: Formal Action Regarding the current contract for Collection of Solid Waste and Recyclables and possible Award of an Emergency Contract for the Collection of Solid Waste and Recyclables; and

**WHEREAS**, the City of North Wildwood entered into a contract for collection of solid waste, after public bidding, with Gold Medal Environmental of New Jersey, Inc. (GME), on or about October 2, 2018; and

**WHEREAS**, on or about March 8, 2022, the Chief Executive Officer of GME indicated to the City's Director of Public Works that GME would require extraordinary additional payment in order to continue to perform under the contract or GME would "leave trash in the street"; and

**WHEREAS**, through a continued course of action through verbal and written statements, including specific and repeated threats to begin "leaving trash in the streets" commencing May 1 2022, GME has expressly and repeatedly stated its intention to breach the contract if the City did not acquiesce to GME's demands for an extraordinary increase in contract payments beyond those agreed upon with the bidding public contract; and

**WHEREAS**, as a result of GME's continued threats to breach its contract and not collect garbage and other solid waste, the City faces a public health, safety and welfare emergency as a result of GME's repeated and continuing, expressly stated intention to breach its contract and "leave trash in the streets"; and

**WHEREAS**, after the provision of law enforcement, there is no more important function of local government than the collection of garbage and other solid waste when the failure to do so would create a direct and present threat to the health, safety and welfare of the citizen of North Wildwood; and

**WHEREAS**, the City faces the real and present prospect of garbage and other solid waste being left in the streets of the City, which would attract vermin, become noxious and offensive to the senses, potentially spread disease and would violate the City's covenant with and obligation to its residents to take all actions necessary to prevent such a threat to the health, safety and welfare of the community from occurring; and

**WHEREAS**, the normal requirements of the law regarding 48 hours' notice have not been met due to lack of time and subject matter, however notices of this Emergency Meeting were electronically transmitted to the Press of Atlantic City and the Cape May County Herald on April 29, 2022. Notices have also been posted on the bulletin board in City Hall and on the City website.

**WHEREAS**, Formal Action is necessary regarding the current contract for Collection of Solid Waste and Recyclables. Substantial harm to the public interest is likely to result from a delay in holding this meeting. The need for adequate notice could not reasonably have been foreseen at a time when adequate notice could have been provided. Therefore, the requisite conditions for holding an emergency meeting have been met.

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**NOW THEREFORE BE IT RESOLVED**, by the governing body of the City of North Wildwood, County of Cape, State of New Jersey, that:

1. The preamble of this Resolution is hereby incorporated by reference and adopted as a finding of fact of the Governing Body.
2. That there should be a vote on this Emergency Meeting of 3/4<sup>th</sup> of the members of the Governing Body, and in the event of such a vote in the affirmative, such meeting shall commence and the City will complete all legal steps required in connection with such a meeting in accordance with law.

The above resolution was offered by Rullo, seconded by Tolomeo, the roll being called, all voting in the affirmative, the President of Council declared the resolution duly adopted.

# 137-22

RE: Executive Session – Potential Litigation And  
Contract Negotiations

The above resolution was offered by Kane, seconded by Tolomeo, the roll being called, all voting in the affirmative, the President of Council declared the resolution duly adopted. 4:01 PM

On a motion by Tolomeo, seconded by Kane, that Council now return to open session. Carried. 4:22 PM

# 138-22

RE: Declaring Emergency Situation Regarding The  
Collection Of Solid Waste And Recyclables

**WHEREAS**, the current contractor for the collection of solid waste and recyclables is in breach of contract and has indicated that no further solid waste or recyclables collection would take place in the City of North Wildwood unless certain conditions, contrary to the current contract, are met; and

**WHEREAS**, a situation in which there is uncertainty as to the collection of solid waste and recyclables constitutes an emergency which is detrimental to the public health, safety and welfare of the residents and visitors of the City of North Wildwood; and

**WHEREAS**, the Mayor, City Administrator and the Superintendent of the Department of Public Works do herewith declare that an emergency exists affecting the safety, health and welfare of the public.

**THEREFORE, BE IT RESOLVED**, the Mayor and City Council do herewith declare that an emergency situation exists regarding the collection of solid waste and recyclables and that the Mayor, City Administrator and the Superintendent of the Department of Public Works be directed to take necessary measures to alleviate this situation, including, but not limited to, the negotiation of an emergency contract for the remainder of the year 2022.

The above resolution was offered by Tolomeo, seconded by Kane, the roll being called, all voting in the affirmative, the President of Council declared the resolution duly adopted.

# 139-22

RE: Terminating Contract With Gold Medal  
Environmental, New Jersey, Inc. For The  
Collection Of Solid Waste And Recyclables  
**EMERGENCY MEETING**

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**WHEREAS**, the City of North Wildwood entered into a contract for collection of solid waste, after public bidding, with Gold Medal Environmental of New Jersey, Inc. (GME), on or about October 2, 2018; and

**WHEREAS**, on or about March 8, 2022, the Chief Executive Officer of GME indicated to the City's Director of Public Works that GME would require extraordinary additional payment in order to continue to perform under the contract or GME would "leave trash in the street"; and

**WHEREAS**, through a continued course of action through verbal and written statements, GME has expressly and repeatedly stated its intention to breach the contract if the City did not acquiesce to GME's demands, all as detailed in Exhibit A, attached hereto and incorporated herein by reference; and

**WHEREAS**, as allowed by law and Article X of the contract, the City may terminate the contract with GME, while retaining its right to seek damages from GME for any costs incurred by the City in connection with such termination; and

**WHEREAS**, the City faces a public health, safety and welfare emergency as a result of GME's stated intention to breach its contract and "leave trash in the streets"; and

**WHEREAS**, as stated in related Resolutions, after law enforcement, there is no more important function of local government than the collection of garbage and other solid waste when the failure to do so would create a direct and present threat to the health, safety and welfare of the citizen of North Wildwood; and

**WHEREAS**, it is incumbent upon the Mayor and Council to assure the regular and continued collection of garbage and other solid waste, and GME's unequivocal threats to breach its contract and "leave trash in the streets" does not assure such regular and continued collection; and

**WHEREAS**, the City requested that GME provide to the City a writing indicating its intention to continue to perform its obligations under the contract, which request has not been fulfilled and has been met only with further threats of breach and conditional promises of limited performance; and

**WHEREAS**, GME's intention to breach the contract has compelled the City to seek alternatives for collection of solid waste in order to fulfill the obligation of the City to protect the health, safety and welfare of the citizens of North Wildwood, which cannot be left to the whims of a contractor that has consistently threatened not to perform collection.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the City of North Wildwood in the County of Cape May and State of New Jersey, duly assembled in Emergency Session this 29<sup>th</sup> day of April, 2022, as follows:

1. The preamble of this Resolution is hereby incorporated by reference and adopted as a finding of fact of the City Council.
2. Gold Medal Environmental of New Jersey, Inc., has engaged in an anticipatory breach of its contract with the City of North Wildwood for the collection of solid waste by a course of conduct over a period of nearly two months wherein it has made continuing, specific threats to refuse to collect solid waste in the City of North Wildwood.

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3. For the reasons detailed in Exhibit A, which has been incorporated into this Resolution by reference, the City of North Wildwood hereby terminates the aforementioned contract with Gold Medal Environmental of New Jersey, Inc.

The above resolution was offered by Rullo, seconded by Tolomeo, the roll being called, all voting in the affirmative, the President of Council declared the resolution duly adopted.

# 140-22

RE: Authorizing An Emergency Contract For The  
Collection Of Solid Waste And Recyclables For  
The Remainder Of The Year 2022

**WHEREAS**, as a result of the current contractor for the collection of solid waste and recyclables being in breach of contract and not willing to fulfill the remaining term of said contract unless the City of North Wildwood meets certain conditions and demands; and

**WHEREAS**, a situation in which there is uncertainty as to the collection of solid waste and recyclables constitutes an emergency which is detrimental to the public health, safety and welfare of the residents and visitors of the City of North Wildwood; and

**WHEREAS**, the Mayor, City Administrator and the Superintendent of the Department of Public Works have declared that an emergency exists affecting the safety, health and welfare of the public, and Council has adopted the appropriate resolution acknowledging said emergency; and

**WHEREAS**, the Local Public Contracts Law, at N.J.S.A. 40A:11-6, provides that “any contract may be negotiated or awarded for a contracting unit without public advertising for bids and bidding therefore, notwithstanding that the contract price will exceed the bid threshold, when an emergency affecting the public health, safety or welfare requires the immediate delivery of goods or the performance of service;” and

**WHEREAS**, by reason of the emergent conditions as aforesaid, the City Administrator and Qualified Purchasing Agent have negotiated with qualified contractors regarding an emergency contract; and

**WHEREAS**, the lowest and best quotation was submitted by Pineland Construction & Recycling of Sea Isle City, NJ, and the City Administrator, Qualified Purchasing Agent and Superintendent of Public Works are satisfied that Pineland Construction & Recycling is a qualified contractor; and

**WHEREAS**, the Mayor and the City Administrator have recommended award of the subject emergency contract to Pineland Construction & Recycling.

**NOW, THEREFORE, BE IT RESOLVED**, by the Members of Council of the City of North Wildwood, in the County of Cape May and State of New Jersey as follows:

- 1) All of the statements of the preamble are repeated and are incorporated herein by this reference thereto as though the same were set forth at length.
- 2) An emergency contract for the collection of solid waste and recyclables hereby is awarded to Pineland Construction & Recycling, to expire on December 31, 2022.

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- 3) On behalf of the City of North Wildwood, the Mayor and City Clerk be and they hereby are authorized and directed to sign the contract that was included with the contract proposal materials and to deliver same to Pineland Construction & Recycling for execution.
- 4) This award of contract is contingent upon receipt of a certification of funds from the City's Chief Financial Officer.
- 5) The appropriate officials are authorized to take all actions that are necessary and proper and are authorized to execute the necessary documents so as to provide payment to the contractors for the services performed in connection with the aforementioned emergency contract.
- 6) The City Administrator shall cause such reports as may be required by the State of New Jersey relative to emergency contracts to be prepared and filed with the required governmental authorities.

The above resolution was offered by Koehler, seconded by Kane, the roll being called, all voting in the affirmative, the President of Council declared the resolution duly adopted.

**PUBLIC:** None.

**ADJOURNMENT:**

On a motion by Koehler, seconded by Tolomeo, that there being no further business before Council, we do now adjourn. Carried. 4:26 PM.

**APPROVED:**

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Patrick T. Rosenello, Mayor

**ATTEST:**

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W. Scott Jett, City Clerk

***This is a generalization of the emergency meeting of April 29, 2022 and not a verbatim transcript.***