

Minutes - Regular Meeting - January 22, 2014 – 7:30 PM

BOROUGH OF SEA GIRT COUNCIL

The Regular Meeting of the Borough of Sea Girt Council was called to order by Mayor F. Ken Farrell at 7:30 PM at the Sea Girt Elementary School, Bell Place, Sea Girt. Mayor Farrell led those in attendance in the Pledge of Allegiance.

The Clerk read the Open Public Meetings announcement: this meeting is called pursuant to the provisions of the Open Public Meeting Act, Chapter 231, P.L. 1975, Section 5: adequate notice of this meeting has been given by posting the Notice on the Borough Hall bulletin board and by transmitting a copy of the Notice to the Borough's two official newspapers, *The Asbury Park Press* and *The Coast Star*, as required by law.

The Municipal Clerk called the roll:

	Present	Absent
Mayor Farrell	X	
Councilman Foley	X	
Councilman Buonocore	X	
Councilwoman Morris	X	
Council President Fetzer	X	
Councilman Mulroy	X	
Councilman Cerami	X	

1. COMPLIANCE STATEMENT:

This meeting is called pursuant to the provisions of the Open Public Meeting Act, C. 231, P.L.1975: adequate notice of this meeting has been given by posting a notice on the Borough's official bulletin board and by transmitting a Notice to the Borough's two official newspapers, the *Asbury Park Press* and the *Coast Star* as required by law.

2. CONSENT AGENDA - No items

(All matters listed hereunder are considered to be routine in nature and will be enacted in one motion. Any person may request that an item be removed for separate consideration):

3. APPROVE MINUTES – January 8, 2014 Reorganization/Regular Minutes

- **Resolution 02-2014:** UPON MOTION of Councilman Foley, seconded by Councilman Mulroy, carried, that the Minutes of the Reorganization/Regular Meeting held January 8, 2014, be and the same are hereby approved.

Recorded Vote:

	Ayes	Nays	Absent	Abstain
Councilman Foley	X			
Councilman Buonocore	X			
Councilwoman Morris	X			
Council President Fetzer	X			
Councilman Mulroy	X			
Councilman Cerami	X			

4. **OPEN DISCUSSION** (Council is invited to speak on any subject)

- Council President Fetzer commented that construction near his home has created a problem with the driveway of a nearby home. He will request the Planning Board Committee to review this type of situation as it reviews “pile driving.”
- Mayor Farrell will reach out to Engineer for recommendations.
 - Paul Cerami noted that the Acting Administrator’s compensation for the first quarter of 2014 was characterized as the same amount as paid in the latter part of 2013 at the last meeting, but there is an increase. Any increase in compensation is an issue since the information provided at the January 8 meeting was not accurate. Council President Fetzer noted that the resolution was amended and discussed on the floor at the meeting. After further discussion, the Council agreed that the Personnel Committee will meet and make a recommendation.

5. **NEW BUSINESS**

A. **Ordinances – Introduction**

1. **Ordinance 01-2014** – The Mayor to read the said Ordinance by Title:

ORDINANCE NO. 01-2014

**CALENDAR YEAR 2014 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)
IN THE BOROUGH OF SEA GIRT, MONMOUTH COUNTY, NEW JERSEY**

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 0.5% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A:4-45-15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Borough Council of the Borough of Sea Girt in the County of Monmouth finds it advisable and necessary to increase its CY 2013 budget by up to 3.5% over the previous year’s final appropriations in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$175,923.61 in excess of the increase in final appropriations otherwise permitted by the local Government Cap Law is advisable and necessary; and,

WHEREAS, the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NEW BUSINESS (continued)

Ordinance No. 01-2014 (continued)

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Sea Girt, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that in the CY 2014 budget year, the final appropriations of the Borough of Sea Girt shall, in accordance with this Ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5%, amounting to \$175,923.61 and that the CY 2014 municipal budget for Borough of Sea Girt be approved and adopted in accordance with this Ordinance.

BE IT FURTHER ORDAINED that any amount authorized hereinabove that is not appropriated as part of the final year budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

BE IT FURTHER ORDAINED that a certified copy of this Ordinance as introduced be filed with the Director of the Division of Local Government Services within five (5) days of introduction.

BE IT FURTHER ORDAINED that a certified copy of the Ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within five (5) days after such adopted.

Recorded Vote:

	Ayes	Nays	Absent	Abstain
Councilman Foley	X			
Councilman Buonocore	X			
Councilwoman Morris	X			
Council President Fetzer	X			
Councilman Mulroy	X			
Councilman Cerami		x		

B. Resolution 34-2014: Approve extension, Shore Alliance

UPON MOTION of Councilperson Buonocore, seconded by Councilperson Foley, carried, that the following Resolution be and the same is hereby adopted:

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and,

WHEREAS, the Borough Council of the Borough of Sea Girt, County of Monmouth, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

NEW BUSINESS (continued)

Resolution 34-2014 (continued)

WHEREAS, the Borough Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Monmouth, State of New Jersey hereby recognizes the following:

1. The Borough Council does hereby authorize submission of a strategic plan for the Shore Municipal Alliance grant for fiscal year 2014 in the amount of:

DEDR	\$74,000.00
Cash Match	\$18,500.00
In-Kind	\$55,500.00

2. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

Recorded Vote:

	AYES	NAYS	ABSENT	ABSTAIN
Councilman Foley	X			
Councilman Buonocore	X			
Councilwoman Morris	X			
Council President Fetzer	X			
Councilman Mulroy	X			
Councilman Cerami	X			

- C. **Resolution: 35-2014:** Authorizing Agreement for Animal Control Services with the Associated Humane Societies, Inc., from January 1, 2014 thru December 31, 2014, inclusive, in the amount of \$5,556.50.

UPON MOTION of Councilperson Morris, seconded by Councilperson Foley, carried, that the following Resolution be and the same is hereby adopted:

WHEREAS, the Borough of Sea Girt is desirous of animal control services for its residents; and

WHEREAS, Sea Girt Borough has entered into animal control agreements previously and wishes to renew its contract for the year 2014; and

WHEREAS, the Associated Humane Societies, Inc. of Newark, NJ with offices in Tinton Falls, NJ has agreed to provide animal control services as outlined in their contract effective January 1, 2014 through December 31, 2014, inclusive; and

WHEREAS, Associated Humane Societies, Inc. shall make their services as an animal control officer available to the Municipality on a daily basis, as need, for five days a week, Saturday, Sunday, Holidays and night emergency services as necessary.

NEW BUSINESS (continued)

Resolution 35-2014 (continued)

NOW, THEREFORE BE IT RESOLVED, that the Borough Council of the Borough of Sea Girt, does hereby authorize the following:

- That is contract shall be in the amount of \$5,556.50 for the year; with payments of \$463.00 monthly.
- That the Mayor and Clerk are authorized to execute the Agreement between the Associated Humane Societies, Inc. and the Borough of Sea Girt.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be supplied to the Associated Humane Societies, Inc.

Recorded Vote:

	AYES	NAYS	ABSENT	ABSTAIN
Councilman Foley	X			
Councilman Buonocore	X			
Councilwoman Morris	X			
Council President Fetzer	X			
Councilman Mulroy	X			
Councilman Cerami	X			

- D. **Resolution 36-2014:** Authorize Agreement, Visiting Nurse Association Health Group, Public Health Services, (no increase in fee from prior year \$2,198)

UPON MOTION of Councilperson Buonocore, seconded by Councilperson Morris, carried, that the following Resolution be and the same is hereby adopted:

WHEREAS, the Borough of Sea Girt is in need of public health services for the 2014 calendar year; and,

WHEREAS, VNA Health Group, 176 Riverside Ave., Red Bank, NJ 07701, an independent contractor, has offered to provide public health services to the Borough's residents at the annual cost of \$2,198.00; and,

WHEREAS, the Borough of Sea Girt wishes to enter into an agreement with VNA Health Group, 176 Riverside Ave., Red Bank, NJ 07701, for the 2014 calendar year for the provision of public health services to Borough of Sea Girt residents.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Sea Girt, County of Monmouth that an agreement with VNA Health Group, an independent contractor, be and the same is hereby approved and authorized and the Mayor and Clerk authorized to execute the agreement for the same.

BE IT FURTHER RESOLVED, that the Clerk of the Borough of Sea Girt, will forward VNA of Central Jersey, 176 Riverside Ave., Red Bank, NJ 07701, a certified copy of this resolution and a signed copy of the Agreement with VNA Health Group, 176 Riverside Avenue, Red Bank, NJ 07701, to provide public health services for residents of the Borough of Sea Girt.

NEW BUSINESS (continued)

Resolution 36-2104 (continued)

Recorded Vote:

	AYES	NAYS	ABSENT	ABSTAIN
Councilman Foley	X			
Councilman Buonocore	X			
Councilwoman Morris	X			
Council President Fetzer	X			
Councilman Mulroy	X			
Councilman Cerami	X			

- E. **Resolution 37-2014:** Approve Partial Refund - \$400 Robert Davey, 106 Philadelphia (PB application withdrawn)

UPON MOTION of Council President Fetzer, seconded by Councilperson Foley, carried, that the following Resolution be and the same is hereby adopted:

WHEREAS, Robert Davey submitted a planning board application for a minor subdivision at Block 24, Lot 3, also known as 06 Philadelphia Boulevard, in the Borough of Sea Girt, with the required fees; and,

WHEREAS, Mr. Davey subsequently requested withdrawal of his application and the refund of all fees, including the application fee of \$500.00; and,

WHEREAS, Borough Ordinances do not currently permit a refund of the application fee.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Sea Girt, County of Monmouth that the request of Robert Davey for the refund of the Planning Board application fee, be and the same is hereby approved in the amount of \$400.00 only.

BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be supplied to Mr. Davey for his information and the Chief Financial Officer for her information and action

Recorded Vote:

	AYES	NAYS	ABSENT	ABSTAIN
Councilman Foley	X			
Councilman Buonocore	X			
Councilwoman Morris		X		
Council President Fetzer	X			
Councilman Mulroy		X		
Councilman Cerami	X			

6. ACTING ADMINISTRATOR REPORTS/DISCUSSION MATTERS

- A. **White Swan Update:** Per the EPA, The Monitoring well near the Sea Girt Municipal well field was sampled as part of the Remedial Investigation report released last fall. Copies of the reports along with sample results are available at www.epa.gov/region02/superfund/npl/whiteswan.

ACTING ADMINISTRATOR REPORTS/DISCUSSION MATTERS (continued)

White Swan Update (continued)

The RW-12 monitoring well shows contamination as various levels in the subsurface and we placed it carefully to ensure a complete understanding of the groundwater contamination in that area. In the groundwater design phase, EPA will be re-sampling these wells and installing new wells to gather additional groundwater quality data in the areas we are treating.

EPA does not expect to have a well adjacent to the Sea Girt School but the designers will have a final determination on that.

EPA is starting the design for the White Swan Source Area and it will include de-watering to support the excavation of contaminated soils. They will be disposing of this water and/or treating it as per all the appropriate RCRA and other relevant regulations. The public is welcome to contact the EPA representative regarding the process when we are further along in finalizing the White Swan Source Area design. This applies to any other areas where EPA may be de-watering on this Superfund Site. There are strict protocols which are followed on all Superfund sites.

As illustrated in the Remedial Investigation report, there is groundwater contamination from Highway 35, east of 8th Ave to the Atlantic Ocean and as far north as Wreck Pond and Stockton Lake on the south. Most of the PCE contamination is deep, below the water table. However, if there are any concerns about worker or resident safety the Borough has been advised to contact the EPA with the exact location and the planned activities so the exposure potential can be evaluated.

No de-watering is permitted in Sea Girt for pools; if excavating for a foundation or footings, a home site reaches water, the foundation is probably too deep and may not be compliant with the plans that were submitted for permit purposes.

The Monitoring well near the Sea Girt Municipal well field was sampled as part of the Remedial Investigation report released last fall. Copies of the reports along with sample results are available at www.epa.gov/region02/superfund/npl/whiteswan.

The RW-12 monitoring well shows contamination as various levels in the subsurface and we placed it carefully to ensure a complete understanding of the groundwater contamination in that area. In the groundwater design phase, EPA will be re-sampling these wells and installing new wells to gather additional groundwater quality data in the areas we are treating.

We will be doing more groundwater and soil sampling as part of the various designs for the two source areas and the groundwater. We will make the data public and place it in information repositories for you to access.

As illustrated in the Remedial Investigation report, there is groundwater contamination from highway 35, east of 8th Ave to the Atlantic ocean and as far north as Wreck Pond and Stockton Lake on the south. Most of the PCE contamination is deep, below the water table. However, if you have any concerns about worker or resident safety please contact me with the exact location and the planned activities so I can evaluate the exposure potential.

ACTING ADMINISTRATOR REPORTS/DISCUSSION MATTERS (continued)

B. **Avon Hotel Corp. t/a Parker House:** A meeting with management was held on January 7, 2014 to discuss outstanding issues; they have supplied additional information for review by Council (see attached). After further discussion of the information provided by Parker House Management, Mayor Farrell commented on the cooperation exhibited by the Management with all the Borough's requests. Upon advice of Mr. Montenegro, Council will take the additional information under advisement.

C. **Taxi Licenses** – C. IV, Section 4-10.5 and 4-10.7

The Clerk advised that in 2013, 16 owner licenses were issued with 100 driver licenses; our current ordinance allows for up to 15 vehicle licenses per owner license and also noted that Section 10.7.a.1(a)(6)(iv) states: minimum acceptable insurance liability limit is as follows: combined single limit coverage: fifty thousand (\$50,000.00) dollars. The Council must determine the number of owner/driver licenses to be issued in 2014 and whether to increase combined single limit coverage requirement (suggested increase up to \$300,000).

- Councilman Mulroy questioned why there is no public pick up by a private taxi vehicle. Chief Davenport explained that although a private car cannot stop in the taxi stand in front of the Parker House, it can pick up down the street in response to a call.
- Councilwoman Morris commented that the insurance liability limits are mandated by statute and the Borough cannot impose a higher limit.
- Councilman Morris recommended a limit of 15 on the number of owner licenses with a maximum of 10 vehicle licenses per owner license. Chief Davenport advised that he plans to monitor scene with plain clothes details to hail cabs for compliance with Borough ordinances and will also request a DMV checkpoint for vehicles. The Department will also focus on ensuring that all vehicles have the two SG stickers affixed to each vehicle.
- Chief Davenport is also looking to improve the taxi process and procedures. He would like to improve on turnaround time for background checks for drivers and owners. Last year, the process took as long as 8 weeks for a response.
- Councilman Mulroy suggested stop sign at Beacon and Ocean and Ocean and Chicago.
- Councilman Cerami commented that there needs to be a static location for pickup; Chief Davenport advised that there is no suitable location for this type of arrangement.
- Councilwoman Morris noted that cabs give the town flexibility and get people out of the area quickly which preserves quality of life for residents.
- Chief Davenport further commented that there will be no changes to the traffic pattern for taxis.
- Councilman Mulroy suggested we cut back on number of taxi licenses and enforce rules.
- Mayor Farrell commented that the situation has improved over the years and we will continue to work on the issues. He thanked the Police Department and Parker House Management for their cooperation.
- Councilman Buonocore questioned when the applications will be ready for Taxi Companies to apply; the Clerk advised that this usually occurs in late February.

ACTING ADMINISTRATOR REPORTS/DISCUSSION MATTERS (continued)

- D. **Hawkers, peddlers, itinerant vendors of merchandise** (C. IV, Section 4-1 to 4-1.5) of the Borough Code) – currently no time limit for stopping or standing.
Council decision: limit standing or stopping on any street in the Borough (suggested - ten minutes) unless actively engaged in selling to customers; *exception: Baltimore Blvd. between Fourth and Fifth Avenues is limited to a maximum of 3 hours (to accommodate summer rec ice cream)*. After discussion, the appropriate sections of the Ordinance will be revised and prepared for introduction in March.

7. **QPA REPORTS** (of activity since previous Council Meeting): None

8. **COUNCIL REPORTS**

- Councilpersons Foley, Buonocore, Cerami and Council President Fetzer had no reports.
- Councilperson Morris stated that the Police Department conducted their promotional interviews for Sergeant. Five officers participated in a three phase process including the Chiefs of Police Association, Department staff and Council interviews. Justin Macko is the successful candidate and will be sworn in at February 5 council meeting. Mayor Farrell congratulated Officer Macko and wished him the best of luck.
- Councilperson Mulroy asked for an update on the replenishment project; the Clerk advised that there is no update at this time to the Borough's request to extend the outfalls but hopes to have additional information at the next council meeting. Mayor Farrell commented the contractors have been very responsive in the Neptune Place area.
- Mayor Farrell noted that he plans to update the Mayor's message on the website to include information on the Monmouth County Library system membership. Sea Girt pays \$351K to participate and we receive approximately \$40K in resources; in his opinion, it would be a better alternative to keep those tax dollars in Sea Girt and upgrade our own Library facility. He also noted that our Librarian, Lynn Kroll, deserves a lot of credit in this area as well Councilwoman Morris. He noted other communities that are not members and individually pay \$100 for a county library card. He will be asking for public comment on this suggestion.

9. **Resolution 38-2014:** Authorize Payment of Bills

UPON MOTION of Councilperson Foley, seconded by Councilperson Buonocore, carried, that the following Resolution be and the same is hereby adopted:

BE IT RESOLVED, by the Borough Council of the Borough of Sea Girt that bills be paid as appearing on the attached Bill List dated January 17, 2014 in the totals as follows:

CURRENT FUND	\$ 398,913.30
WATER/SEWER OPERATING FUND	\$ 76,835.79

Resolution 38-2014: (continued)

BEACH OPERATING FUND	\$	3,897.35
TRUST FUND	\$	6,967.00
GENERAL CAPITAL	\$	30,121.13
WATER CAPITAL	\$	12,263.50
BEACH CAPITAL	\$	4,212.50

Council President Fetzer noted that he was abstaining with respect to any payments listed for Hatch Mott MacDonald.

Recorded Vote:

	Ayes	Nays	Absent	Abstain
Councilman Foley	X			
Councilman Buonocore	X			
Councilwoman Morris	X			
Council President Fetzer	X			
Councilman Mulroy	X			
Councilman Cerami	X			

10. PUBLIC PARTICIPATION ON ANY SUBJECT (Comments limited to 7 minutes)

There being no further comments, the public hearing was closed and **UPON MOTION** of Councilperson Buonocore, seconded by Council President Fetzer, carried, that the following **Resolution 39-2014** be and the same is hereby adopted:

WHEREAS, Section 8 of the Open Public Meeting Act, N.J.S.A. 10:4-12 permits the exclusion of the public from a meeting in certain circumstances; and,

WHEREAS, this public body is of the opinion that such circumstances presently exist.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Sea Girt, County of Monmouth, State of New Jersey, as follows:

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matter.
2. The general nature of the subject matter(s) to be discussed is as follows: personnel matters.
3. It is anticipated at this time that the subject matters will be made public, if and when, confidentiality is no longer necessary. Action may be taken upon return to public session.

Resolution 39-2014: (continued)

4. This Resolution shall take effect immediately.

Recorded Vote:

	Ayes	Nays	Absent	Abstain
Councilman Foley				
Councilman Buonocore				
Councilwoman Morris				
Council President Fetzer				
Councilman Mulroy				
Councilman Cerami				

The Borough Council returned to public session at 10:05 pm. The Clerk advised that the Council will take action on the matters discussed in Executive Session.

Resolution 40-2014: UPON MOTION of Councilperson Mulroy, seconded by Councilperson Morris, carried, that the following Resolution be and the same is hereby adopted:

WHEREAS, the Borough Council discussed a personnel matter during the Executive Session and wishes to take action on the matter discussed.

NOW, THEREFORE, BE IT RESOLVED that Borough Attorney Nicholas Montenegro be and he is hereby directed to negotiate a settlement to a personnel matter based upon the terms and conditions discussed during the Executive Session, and to notify the Acting Borough Administrator at such time as an agreement is finalized.

BE IT FURTHER RESOLVED that the matter shall be made public at such time as the need for confidentiality no longer exists.

Recorded Vote:

	Ayes	Nays	Absent	Abstain
Councilman Foley	X			
Councilman Buonocore		X		
Councilwoman Morris	X			
Council President Fetzer		X		
Councilman Mulroy	X			
Councilman Cerami		X		

As permitted by Borough Ordinance, the Mayor voted aye on the Resolution 40-2014.

There being no further business, and UPON MOTION of Councilperson Buonocore, seconded by Councilperson Morris, carried, that the meeting be finally adjourned at 10:15 PM.

LORRAINE P. CARAFA, RMC
Municipal Clerk