

Regular Meeting – January 22, 2014 - 7:30 pm

BOROUGH OF SEA GIRT COUNCIL

AGENDA

1. CALL TO ORDER

2. MOMENT OF SILENCE

3. SALUTE OF THE FLAG

4. 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.

5. ROLL CALL:

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

6. 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):

7. APPROVE MINUTES

- **Resolution 02-2014:** January 8, 2014 Reorganization/Regular Meeting

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

9. PUBLIC PARTICIPATION ON ANY AGENDA ITEM (Comments limited to 7 minutes)

10. OLD BUSINESS

- None

11. NEW BUSINESS

A. Ordinances – Introduction

1. **ORDINANCE NO. 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

- Motion to adopt the said Ordinance on first reading, directing the Clerk to post and publish as required by law and setting the date for the public hearing as February 5, 2014.

2. **ORDINANCE NO. 02-2014:** The Mayor to read the said Ordinance by Title:

ORDINANCE NO. 02-2014

AN ORDINANCE TO AMEND SECTION 1, B. 9 OF ORDINANCE NO. 23-2013 ENTITLED “AN ORDINANCE TO AMEND AND SUPPLEMENT SECTION 17-5, GENERAL REGULATIONS, - SWIMMING POOLS, OF CHAPTER XVII, ZONING, OF THE BOROUGH CODE OF THE BOROUGH OF SEA GIRT, COUNTY OF MONMOUTH

- This ordinance will be referred to the Planning Board for comment at its next meeting
- Motion to adopt the said Ordinance on first reading, directing the Clerk to post and publish as required by law and setting the date for the public hearing as March 12, 2014.

B. **Resolution __-2014:** Approve extension, Shore Alliance

C. **Resolution __-2014:** Authorize agreement, Associated Humane Societies, animal control services for 2014, no increase in fee (\$5,556.50)

D. **Resolution __-2014:** Authorize agreement, Visiting Nurse Association Health Group, public health services, (no increase in fee: \$2,198)

E. **Resolution __-2014:** Approve refund - \$500, Robert Davey, 106 Philadelphia (PB application withdrawn)

12. 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.

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. We will be disposing of this water and/or treating it as per all the appropriate RCRA and other relevant regulations. You are welcome to contact me 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. We have strict protocols which are followed on all Superfund sites.

EPA will be doing more groundwater and soil sampling as part of the various designs for the two source areas and the groundwater; the data will be made 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 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.

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).

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

1. In 2013, 16 owner licenses were issued with 100 driver licenses; our current ordinance allows for up to 15 vehicle licenses per owner license.

2. 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.

Council decisions: number of owner/driver licenses to be issued in 2014; increase combined single limit coverage requirement (suggested increase up to \$300,000).

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 days)*

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

14. **COUNCIL REPORTS**

15. **Resolution __-2014:** Authorize payment of bills

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

17. OTHER BUSINESS

18. Resolution __-2014: Adjourn to Executive Session to discuss personnel matters/potential litigation.

(Please note that action may be taken by Council upon return to public session. The public is invited to remain outside and may return to the meeting room when the Council returns to public session).

19. ADJOURN

ORDINANCE NO. 02-2014

AN ORDINANCE TO AMEND AND SUPPLEMENT SECTION 17-5, GENERAL REGULATIONS – SWIMMING POOLS, OF CHAPTER XVII, ZONING, OF THE BOROUGH CODE OF THE BOROUGH OF SEA GIRT, COUNTY OF MONMOUTH

WHEREAS, the Borough of Sea Girt, County of Monmouth, State of New Jersey (the “Borough”) after public hearing and consideration of the recommendations of the Borough’s Land Use Review Committee, amended its Land Use Code to revise its regulations related to the construction of swimming pools (Ordinance No. 23-2013); and,

WHEREAS, a recent review of the Ordinance revealed an inconsistency in the language of the Ordinance that the Borough Council wishes to correct at this time.

NOW, THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Sea Girt, County of Monmouth, State of New Jersey (the “Borough”), as follows:

SECTION 1. Chapter XVII of the Borough Code of the Borough of Sea Girt, entitled “Zoning” in particular Section 17-5 entitled “General Regulations” is hereby amended and supplemented as follows:

A. The existing Section 17-5.22.B.9 shall be amended and replaced with the following:

1. Swimming pools shall be completely surrounded by protective fencing with a minimum of four (4) feet in height, but no more than six (6) feet in height, which fencing shall include self-closing and self-latching gates. If pool fencing exceeds four (4) feet in height, it shall be set back from the rear lot line at least five (5) feet, and bounded by the side ~~yard setbacks~~ building lines. Such fences shall be suitably landscaped to minimize the visual impact on adjacent residential uses.

SECTION 2. Violations and penalties. Any person who shall violate any of the provisions of this Chapter shall, upon conviction, be subject to the penalties as provided in Chapter 1, Section 1-5 entitled “General Penalty.” Each day of violation shall constitute a separate offense.

SECTION 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 5. This Ordinance shall take effect upon publication in an official newspaper of the Borough, as required by and in conformance with law.

SECTION 6. A copy of this Ordinance shall be filed with the Monmouth County Planning Board, pursuant to N.J.S.A. 40:55D-16.

PUBLIC NOTICE

PUBLIC NOTICE IS HEREBY GIVEN that the foregoing Ordinance No. 02-2014 was introduced at a meeting of the Borough Council of the Borough of Sea Girt, County of Monmouth on the 22nd day of January, 2014 and was then read for the first time. The said Ordinance will be further considered for final passage by the Borough Council on the 12th day of March, 2014 at 7:30 PM at the Sea Girt School, Bell Place, Sea Girt. At such time and place, or at any time and place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning the said Ordinance.

LORRAINE P. CARAFA, R.M.C.
Municipal Clerk

AVON HOTEL CORPORATION
TRADING AS THE PARKER HOUSE

BOX 197, SPRING LAKE, NEW JERSEY 07762

January 16, 2014

James F. Quigley, Zoning Officer
Borough of Sea Girt
Box 296
Sea Girt, N.J. 08750

Re: Avon Hotel Corporation t/a The Parker House
Block 14, Lot 9, Zone 1 East
8-12 Beacon Blvd.

Dear Mr. Quigley:

In reply to your recent letter regarding the above property and possible violations of the Sea Girt Code, Chapter 17, Land Use Volume I believe there are no violations and hopefully this letter will clarify the matter.

Regarding the Walk-In Refrigeration Unit

The walk-in refrigeration unit located in the side yard was installed around 1995. To the best of my knowledge, a permit was obtained at that time to demolish an existing structure, which contained bathrooms and shower stalls, and to install the walk-in refrigeration unit in its place. A certificate of occupancy has been issued annually since its installation without issue. I do not believe the unit should be considered a violation.

Regarding the Portable Bathrooms

The portable bathrooms were installed in 2009. The bathrooms have served since then not only as a convenience for patrons of the Parker House but as a public service for beach goers and residents. The bathrooms are open, accessible and cleaned daily. They are used regularly through the season by patrons and non-patrons. Based on my conversations with Mr. Bunting prior to installation it was my understanding that a permit was not necessary since the bathrooms are portable. As you may recall, approximately a year after this conversation with Mr. Bunting the question of the legitimacy of the bathrooms was discussed and our position was explained then based on our understanding with Mr. Bunting. Additional conversations were had with Mr. Bunting and it was my understanding and the understanding of my

mechanical engineer that the installation and use of the bathroom was acceptable. I have enclosed a copy of a letter from Mark Wozczak regarding his communication with Mr. Bunting about the bathroom installation. It has come to my attention that a connection fee should have been paid. Please have the Borough forward me a bill and I will rectify this matter.

We have had annual inspections and certificates of occupancy have always been issued.

I hope that I was able to clarify these matters. Thank you for your time and consideration.

I am available at your convenience to answer any further questions regarding these matters.

Very truly yours,



Frank W. Matthews

cc: Lorraine Carafa, Acting Borough Administrator



MARK WOSZCZAK MECHANICAL CONTRACTORS, INC.

UTILITY CONSTRUCTION / SITE WORK

WATER MAIN SANITARY SEWER STORM DRAINAGE PAVING CONCRETE

1700 W. ATLANTIC AVE, MANASQUAN, NJ. 08736

OFFICE 732-223-3030 FAX 732-223-1563

NJ STATE PLUMBING LICENCE NO. 6162

October 25, 2013

Parker House
Attn: Mr. Frank Mathews
290 First Ave
Sea Girt, NJ. 08750

Dear Mr. Mathews:

I have received your phone message regarding the rear trailer bathrooms, wash down area drainage, and water piping to all exterior areas. As you know I installed all underground drainage and water piping back in 1986. This was the same year we worked at the Town Homes. All 4" drainage was connected to the collapsed clay sewer line running down the property line under the stairway. The clay line was replaced with new ABS plastic. I also installed 2 wye connections to the surface for future drainage items. The garbage wash down connection was tied to the drainage wye. The other connection was a cleanout to the surface. Your trailer is tied into the cleanout connection. The water connections were galvanized pipe and fittings to the lawn sprinklers. All sprinkler piping was removed and we replaced the frozen pipe and fittings with new 160 IPS poly PE pipe and brass fittings. The wash down is the one end of the tee leading to First Ave and the line was cut leading to the Beacon Blvd side lawn area. We also installed a new sprinkler system off the building 2" supply.

As we spoke months ago, Mr. Bunting was explained all the above and was fine with my explanations. I do not know why Mr. Bunting would be bringing this installation up again. Everything was settled when I met. I will be available to meet with Mr. Bunting when he returns in the future, or anyone else that needs an explanation.

Sincerely,

Mark L. Woszczak

Mark Woszczak,

Mark Woszczak Mechanical Contractors.

TAXI LICENSE INFORMATION

4-10.5 Number of Licenses to be Issued.

- a. Taxi/Autocab Driver's Licenses. The number of taxi/autocab driver's licenses under this section to be issued and outstanding in any one year shall be unlimited.
- b. Taxi/Autocab Owner's License. The number of taxi/autocab owner's licenses under this section to be issued and outstanding in any one year shall not **exceed fifteen (15)** unless the Mayor and Council by resolution approved additional licenses.
- c. Number of Taxicabs Per Owner's License. The holder of a taxicab owner's license under this section shall be permitted to obtain a license for up to **fifteen (15) individual taxicabs**. The license issued for an individual taxicab is only for that specific taxicab and shall not be transferred to another taxicab.

(Ord. No. 13-2009 § 4; Ord. No. 19-2010 § 1)

Suggestion: limit the number of licenses for owners (currently 15) and the number of licenses each owner is permitted to obtain (currently 15).

10.7.a.1.(a)(6) (iv) Amount of coverage. Minimum acceptable insurance liability limit is as follows: Combined single limit coverage: fifty thousand (\$50,000.00) dollars.

Suggestion: Raise combined limit to between \$150,000.00-\$300,000

Licenses Issued in 2013: 16 owner, 100 vehicle

Abel Transportation	11
Belmar Reliable Transportation	11
Marcelus Taxi Service	2
Eastern Links	4
Heikal Taxi	2
Homestead Transportation	1
Leon's Transportation LLC	11
Meehan Transportation	1
ML Transportation	11
Mr. Taxi	2
New Ocean Transport	10
Royal One Transportation	8
Shore Way Taxi	2
Squan Taxi	11
US Way LLC	4
Wally's Transportation	9

HAWKERS, PEDDLERS AND ITINERANT VENDORS OF MERCHANDISE.

4-1.1 License Required.

Pursuant to the provisions of N.J.S.A. 40:52-1(c), except as provided in subsection 4-1.3 below, no person shall, within the Borough, hawk, peddle or engage in the business of itinerant vendor of merchandise without first having procured a license therefor from the Municipal Clerk. (Ord. No. 902 § 1A)

4-1.2 Application; Photograph Required.

a. Application for license shall be made to the Municipal Clerk on a form containing the name and address of the applicant, the applicant's driver license number, and a statement of the nature of the merchandise to be sold, together with a fee of seventy-five (\$75.00) dollars. The applicant shall furnish an identification photo which may be obtained at the Sea Girt Police Department and will be attached to the license when issued, which will also contain the information contained in the application.

b. The license will be valid for the remainder of the calendar year from its date of issue and shall be carried on the person of the licensee and exhibited to any Sea Girt Police Officer upon request.

(Ord. No. 902 § 1B; New)

4-1.3 Special Licenses.

Holders of valid special licenses issued pursuant to N.J.S.A. 45:24-9 et seq., are not required to obtain a municipal license, but are subject to the regulations set forth in this section. (Ord. No. 902 § 1C)

4-1.4 Hours Permitted; Area Prohibited.

a. Holders of a license to hawk, peddle or sell goods may operate only between the hours of 10:00 a.m. to ~~8:30~~ p.m. 8:00 PM., inclusive.

b. No hawking, peddling or selling of goods is permitted east of First Avenue.

c. No holders of a license to hawk, peddle or sell goods (itinerant vendor) may stand or stop on any street of the Borough of Sea Girt for longer than ten (10) minutes unless actively engaged in the hawking, peddling or selling of goods with customers present, with the exception of the south side of Baltimore Boulevard between Fourth and Fifth Avenues, where a time limit maximum of up to three (3) hours for stopping or standing to engage in hawking, peddling or selling of goods shall be in effect.

(Ord. No. 902 § 1D)

4-1.5 Violations and Penalties.

Any person violating this section will, upon conviction in the Municipal Court, be subject to a fine of no less than one hundred (\$100.00) dollars or more than ~~five hundred (\$500.00)~~ two thousand (\$2,000.00) dollars or imprisonment for no more than five (5) days. (Ord. No. 902 § 2).