

**REGULAR MEETING – MAY 28, 2014 - 7:30 pm**  
**BOROUGH COUNCIL, BOROUGH OF SEA GIRT**

**AGENDA**

1. **CALL TO ORDER**
2. **MOMENT OF SILENCE**
3. **SALUTE TO THE FLAG**
4. **COMPLIANCE STATEMENT:**

This meeting is called pursuant to the provisions of the Open Public Meetings 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 copy of the Notice to the Borough's two official newspapers, the *Asbury Park Press* and the *Coast Star* as required by law.

5. **ROLL CALL:**

	<b>Present</b>	<b>Absent</b>
Mayor Farrell		
Councilman Foley		
Councilman Buonocore		
Councilwoman Morris		
Council President Fetzer		
Councilman Mulroy		
Councilman Cerami		

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

2. **CONSENT AGENDA - Resolution \_\_-2014:**

(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):

- A. Authorizing A 50/50 Off-Premise Raffle License for the Wall High School Swim Team Parent Association

3. **APPROVE MINUTES**

- **Resolution \_\_-2014:** May 14, 2014 Regular Meeting

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

- **Proposed Ordinance No. 15-2014:** Summary information to be provided and noted that the Planning Board has reviewed the proposed Ordinance:

AN ORDINANCE TO AMEND AND SUPPLEMENT SECTIONS 17-4, SCHEDULE OF LIMITATIONS, AREA AND YARD REQUIREMENT, DISTRICT 2 EAST AND 2 WEST, CONVENIENCE COMMERCIAL AND 17-5, GENERAL REGULATIONS, OF CHAPTER XVII, ZONING, TO SET THE MAXIMUM PERMITTED BUILDING COVERAGE ON ANY LOT IN THE RESIDENCE DISTRICT AND REVISING SECTIONS 17-5.2 AND 17-5.3 IN THE BOROUGH OF SEA GIRT, COUNTY OF MONMOUTH

- Remedial Action Progress letter and proposal for additional in-situ Chemical Oxidation, groundwater sampling and analysis supplied by HMM; additional information has been requested.

5. **OLD BUSINESS** – None at this time

6. **NEW BUSINESS**

- A. **Resolution \_\_-2014:** Appoint Business Administrator
- B. **Resolution \_\_-2014:** Appoint 2014 Lifeguard Staff ; set salaries
- C. **Resolution \_\_-2014:** Appoint DPW staff; set salaries
- D. **Resolution \_\_-2014:** Approve ABC License Renewal, Emerald Shore, Inc. t/a Harrigan's Pub (Consumption License #1344-33-001-004)
- E. **Resolution \_\_-2014:** Approve ABC License Renewal, Rod's Olde Irish Ale House, Inc. (Consumption License #1344-33-002-005)
- F. **Resolution \_\_-2014:** To adopt changes to the Borough's Personnel Policies and Procedures Manual consistent with the requirements of the Municipal Excess Liability Fund and maintain the Borough's coverage for Employment Practices Liability; manual and recommended revisions have been reviewed by the Borough's Labor Counsel and the required 2014-2015 Employment Practices Risk Control Update Checklist has been executed.
- G. **Resolution \_\_-2014:** To authorize the purchase of vehicles for DPW and Water-Sewer Dept. under State Contract #A-83558, Winner Ford, in the total amount of \$66,760.00 consistent with 2014 Capital Program
- H. **Resolution \_\_-2014:** Appoint member, Board of Recreation Commissioners to the balance of R. Ferguson's unexpired term (through 12.31.2015)
- I. **Resolution \_\_-2014:** Appoint Chairman, Shade Tree Commission to the balance of R. Ferguson's unexpired term (through 12.31.2017)

7. **ACTING ADMINISTRATOR REPORTS/DISCUSSION MATTERS**

- A. **Dune Walkovers** at both Seaside and Neptune are complete;
- B. **Baltimore Park Playground** – the Recreation Commission duties per statute and Borough Code; playground safety surface discussion;
- C. **Ocean Avenue Guide Rails (Chicago to Brooklyn):** review additional guidance from Engineer
  - GCS Contractors Corp. \$34,700.00
  - Fernandes Construction, Inc. \$35,647.50
  - Wallace Contracting, Inc. \$34,763.00

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

**9. COUNCIL REPORTS**

**10. Resolution \_\_-2014: Payment of bills**

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

**12. Resolution \_\_-2014: Executive Session – to discuss pending litigation (Patoek Construction), potential litigation (Walker), contract negotiations and possible personnel matter**

(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).

**13. ADJOURN**

**RESOLUTION \_\_-2014**

**BOROUGH OF SEA GIRT  
COUNTY OF MONMOUTH**

**RESOLUTION AUTHORIZING A 50/50 OFF-PREMISE RAFFLE LICENSE FOR THE  
WALL HIGH SCHOOL SWIM TEAM PARENTS ASSOCIATION**

**UPON MOTION** of \_\_, seconded by \_\_, carried, that the following Resolution be and the same is hereby adopted:

**WHEREAS**, The Wall High School Swim Team Parents Association, has made application to Council for a raffles license to conduct a 50/50 on-premises raffle at the Sea Girt Beach, Ocean and Beacon Ave, on July 26<sup>th</sup>, 2014 from 6:00 AM to 11:00 AM.

**WHEREAS**, the above is being conducted in accordance with Findings and Determinations of the verifying officer.

**NOW, THEREFORE, BE IT RESOLVED**, that the license requested be granted.

**Recorded Vote:**

	<b>Ayes</b>	<b>Nays</b>	<b>Absent</b>	<b>Abstain</b>
Councilman Foley				
Councilman Buonocore				
Councilwoman Morris				
Council President Fetzer				
Councilman Mulroy				
Councilman Cerami				

**CERTIFICATION**

I, LORRAINE P. CARAFA, CLERK of the Borough of Sea Girt, do hereby certify the above to be a true and exact copy of the Resolution adopted by the Borough Council at their Regular Meeting held the 28<sup>th</sup> day of May, 2014.

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LORRAINE P. CARAFA, RMC  
Municipal Clerk





**Part E - Officers of Applicant**

<b>(1) Office</b> President	<b>Name of officer</b> Cindy Moran	<b>Age</b>
<b>Residence address</b> P.O. Box 48/2126 Saw Mill Lane, Allenwood, NJ	<b>Telephone No. (include area code)</b> Day 732-322-5908	<b>Evening</b>
<b>(2) Office</b> Vice President	<b>Name of officer</b> Kristin Meyler	<b>Age</b>
<b>Residence address</b> 1738 K. Street Wall, NJ 07719	<b>Telephone No. (include area code)</b> Day	<b>Evening</b>
<b>(3) Office</b> Corresponding & Recording Sec	<b>Name of officer</b> Jessica Evans	<b>Age</b>
<b>Residence address</b> 1011 3rd Ave, West Belmar, NJ 07719	<b>Telephone No. (include area code)</b> Day	<b>Evening</b>
<b>(4) Office</b> Treasurer	<b>Name of officer</b> Debbie Whalen	<b>Age</b>
<b>Residence address</b> 2370 Orchard Crest Blvd., Manasquan, NJ 08736	<b>Telephone No. (include area code)</b> Day : 732-915-8942	<b>Evening</b>

**Part F - Members of Applicant who will be in charge of the games**

Name of member in charge	Residence address	Telephone No. (include area code) Day / Evening	Age
Nancy Kerr	2558 River Rd Wall, NJ	732-814-7503 /	52
Cindy Moran	P.O. Box 48/2126 Saw Mill Lane, Allenwood, NJ	732-322-5908 /	
		Sea Girt, NJ /	
		Wall High School Swim Team Par+ /	
		/	

**Part G - Members of Applicant who will assist in conducting the games**

Name of member	Residence address	Age
Joleen Lemke	2508 Anne Terrace, Wall, NJ 07719	

**Part H - Names of other organizations whose members will assist in conducting the games**

Name and address of organization	How related	Identification No.

If more space is needed in any section of this application, insert extra sheets of paper.

**Part I - Statement of Applicant and member(s) in charge**

State of New Jersey

County of Monmouth

} ss.

We do hereby each make the following statement, under oath, with respect to the foregoing application:

1. The applicant (is) (is not) limited in its activities to the furtherance of one or more authorized purposes as defined in the Raffles Licensing Law.
2. Prior to the issuance of any license to it to conduct games of chance, the applicant was actively engaged in serving one or more "authorized purposes."
3. The applicant has received and used, and in good faith expects to continue to receive and use, to further one or more authorized purposes, funds from sources other than games of chance.
4. The conduct of the games on the occasion or occasions for which this application is made will be to raise and devote the entire net proceeds to the authorized purpose described in the application.
5. For each occasion for which a license is sought, one or more of the members listed who are familiar with the Raffles Licensing Law and the Rules and Regulations, will be in full charge of, and primarily responsible for, the conduct of the games.
6. No commission, salary, compensation, reward or recompense will be paid to any person for holding, operating or conducting or assisting in the holding, operation or conducting, of the games, except to bookkeepers or accountants for professional services not exceeding the amounts fixed by the Schedule of Fees, as well as the compensation for the Licensed Compensated Workers pursuant to N.J.A.C. 13:47-6A. No prize may be offered and given in cash, except as otherwise provided by the Raffles Licensing Law (N.L.S.A. 5:8-50 et seq.). If a cash prize under certain circumstances is permitted by the law, the amount of the cash prize may not exceed the limits prescribed by the Raffles Licensing Law.
7. All statements in the foregoing application are true.

Sworn and subscribed to before me this

9 day of May, 20 14

SUSAN LUDSKY

Notary Public (Print name)

Susan Ludsky

Signature of Notary Public

Lindy Moran

Signature of Officer and Title

Maryann Kern

Signature of Member-in-Charge

Signature of Member-in-Charge

Signature of Member-in-Charge

Signature of Member-in-Charge



If more space is needed in any section of this application, insert extra sheets of paper.

**Applicant's registration slip from the Legalized Games of Chance Control Commission must be presented to the Municipal Clerk with this application.**

Pursuant to N.J.S.A. 5:8-6, a Legalized Games of Chance Control Commission Registration is hereby issued to:

Effective date: 03/27/2014

Expiration date: 03/27/2016

Registration Identification: 515-5-37591

WALL HIGH SCHOOL SWIM TEAM PARENTS ASSOCIATION  
PO BOX 48  
ALLENWOOD, NJ 08720



New Jersey Office of the Attorney General  
Division of Consumer Affairs  
Legalized Games of Chance Control Commission  
Registration

Name of organization on application and license must be the same as it appears on this registration.  
This Registration Certificate may only be utilized by the above-named organization.

Mail to: WALL HIGH SCHOOL SWIM TEAM PARENTS ASSOCIATION  
PO BOX 48  
ALLENWOOD, NJ 08720  
Attn:

*Christine M. Vanek*  
Christine M. Vanek, Secretary  
Legalized Games of Chance Control Commission

**MINUTES**  
**REGULAR MEETING – MAY 14, 2014 - 7:30 pm**  
**BOROUGH COUNCIL, BOROUGH OF SEA GIRT**

The Regular Meeting of the Borough of Sea Girt Council was called to order by Mayor F. Ken Farrell on Wednesday, May 14, 2014 at 7:30 PM at the Sea Girt Elementary School, Bell Place, Sea Girt. Mayor Farrell asked for a moment of silence and then he then led those in attendance in the Pledge of Allegiance.

The Clerk read the Open Public Meetings Act notice: This meeting is called pursuant to the provisions of the Open Public Meetings 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 copy of the Notice to the Borough's two official newspapers, the *Asbury Park Press* and the *Coast Star* as required by law.

**1. ROLL CALL:**

	<b>Present</b>	<b>Absent</b>
Mayor Farrell	X	
Councilman Foley	X	
Councilman Buonocore	X	
Councilwoman Morris	X	
Council President Fetzer	X	
Councilman Mulroy	X	
Councilman Cerami	X	

Mayor Farrell announced that the Borough Council will adjourn to an Executive Session at this time, and **UPON MOTION** of Councilperson Buonocore seconded by Council President Fetzer, that the following **Resolution No. 98-2014** 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: potential and pending litigation (Walker, Patock, Sitar), contract negotiations, personnel.
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.
4. This Resolution shall take effect immediately.

**Recorded Vote:**

	<b>Ayes</b>	<b>Nays</b>	<b>Absent</b>	<b>Abstain</b>
Councilman Foley	X			
Councilman Buonocore	X			
Councilwoman Morris	X			
Council President Fetzer	X			
Councilman Mulroy	X			
Councilman Cerami	X			

The Council returned to public session at 8:25 PM; Mr. Montenegro announced that no action would be taken on the matters discussed in Executive Session at this time.

2. **PUBLIC PARTICIPATION ON ANY AGENDA ITEM:** There were no comments from the public present.
3. **CONSENT AGENDA - Resolution No. 99-2014:**

**UPON MOTION** of Council President Fetzer, seconded by Councilperson Mulroy, carried, that the following Resolutions be and the same are hereby adopted:

**A. RESOLUTION No. 99.1-2014 MEMORIALIZING THE BOROUGH OF SEA GIRL CELEBRATION OF ARBOR DAY HELD ON APRIL 25, 2014**

**WHEREAS**, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and,

**WHEREAS**, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and,

**WHEREAS**, trees can reduce erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen, and provide habitat for wildlife; and,

**WHEREAS**, trees in our Borough increase property values, enhance the economic vitality of business areas, and beautify our community; and,

**WHEREAS**, the Borough of Sea Girt has achieved "Tree City USA" status by meeting the program's four requirements: a tree board or department, a tree-care ordinance, an annual community forestry budget of at least \$2 per capita and an Arbor Day observance.

**NOW, THEREFORE, BE IT MEMORIALIZED** by the Mayor and Borough Council of the Borough of Sea Girt that April 25<sup>th</sup>, 2014 was celebrated as

**ARBOR DAY**

in the community of Sea Girt and we urge all citizens to support efforts to protect our existing trees and woodlands and we urge all citizens to plant trees to beautify our community and promote the well-being of present and future generations.

**B. RESOLUTION No. 99.2-2014: DESIGNATING THE BOROUGH OF SEA GIRT AS A NATIONAL AUDIENCE PARTNER WITH THE SMITHSONIAN INSTITUTION FOR THE RAISE IT UP! ANTHEM FOR AMERICA EVENT TO BE HELD ON FLAG DAY, JUNE 14, 2014**

**WHEREAS**, the Smithsonian Institution is organizing the *Raise It Up! Anthem for America* event to be held on Flag Day, June 14<sup>th</sup>, 2014, to commemorate the 200<sup>th</sup> birthday of the Star-Spangled Banner and include the live world-wide singing of the Star-Spangled Banner, led by a celebrity artist on the National Mall; and,

**WHEREAS**, there will be other events up to and including the September 14, 2014 anniversary of the retreat of the British from Fort McHenry in Baltimore, Maryland and the penning of the lyrics of the Star-Spangled Banner by Francis Scott Key.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Sea Girt that the Borough of Sea Girt agrees to become a National Audience Partner with the Smithsonian Institution for the *Raise It Up! Anthem for America* event.

**C. RESOLUTION No. 99.3-2014: OPPOSING S-1654 REQUIRING A MUNICIPALITY THAT ACCEPTS FEDERAL OR STATE AID TO REPLENISH ITS BEACHES DAMAGED BY STORMS TO PROVIDE FREE BEACH ACCESS**

**WHEREAS**, shore communities have had the ability to sell beach badges since the 1970's; and

**WHEREAS**, revenues from beach badges sales have been dedicated to the public health, safety and welfare of beach goers such as cleaning and maintain beaches and public restrooms as well as lifeguards; and

**WHEREAS**, beach badges programs provide jobs for students and senior citizens as well as factory jobs to manufacture the badges; and

**WHEREAS**, beach badge fees are user fees created to offset the cost to the taxpayers and are enforced during beach-going hours only, all other times beaches are 100% free; and

**WHEREAS**, many municipalities welcomed and accepted legislation to allow for free or reduced beach badges for active members of the Armed Forces and Senior Citizens; and

**WHEREAS**, Federal beach re-nourishment is primarily a means of protection through dune stabilization to local homes and businesses from storm surges; and

**WHEREAS**, the proposed legislation does not consider the tax impact to shore communities if beach badge revenues are lost.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Borough Council of the Borough of Sea Girt strongly oppose any legislation that would remove a beach badge user fee and put the burden of beach public health, safety and welfare onto the taxpayers of the municipalities.

**CONSENT AGENDA (continued)**  
**Resolution No. 99.3-2014 (continued)**

**BE IT FURTHER RESOLVED** that a copy of this resolution be sent to Honorable Governor Chris Christie, Senators Sweeney and Doherty, Assemblyman David Rible, Assemblyman Sean Kean, Senator Robert Singer, and all Monmouth County Municipalities.

**Recorded Vote:**

	<b>Ayes</b>	<b>Nays</b>	<b>Absent</b>	<b>Abstain</b>
Councilman Foley	X			
Councilman Buonocore	X			
Councilwoman Morris	X			
Council President Fetzer	X			
Councilman Mulroy	X			
Councilman Cerami	X			

**4. Resolution No. 100-2014: APPROVE MINUTES** of the April 23, 2014 Regular Meeting

**UPON MOTION** of Council President Fetzer, seconded by Councilperson Mulroy, carried, that the Minutes of the Regular Meeting held April 23, 2014 be and the same are hereby approved as presented.

**Recorded Vote:**

	<b>Ayes</b>	<b>Nays</b>	<b>Absent</b>	<b>Abstain</b>
Councilman Foley	X			
Councilman Buonocore	X			
Councilwoman Morris	X			
Council President Fetzer	X			
Councilman Mulroy	X			
Councilman Cerami	X			

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

Councilperson Mulroy asked for support from Council members to honor a request from the PTO offering discounted beach badges to their 21 graduating 8<sup>th</sup> graders at \$75.00 per badge. Councilperson Cerami commented the Booster Club would also contribute monies to reduce the cost. Councilperson Foley expressed his concerns that this is setting a precedent for the future. Council President Fetzer supported the request. Councilperson Morris was not in favor, she was concerned as other members were as to where to draw the line. Councilman Buonocore was concerned with setting precedent. Consensus of Councilpersons was not in favor.

Mayor Farrell reviewed construction of walkover at Seaside Place and advised that a nearby resident suggested changing the ramp location to the north side of the street. He also noted that the location and configuration were based on feedback from Engineer's office and noted that a handicapped parking spot with a sign will need to be designated by Ordinance. Council President Fetzer stated that since this was the Engineer's recommendation, this is probably the best location available.

**6. OLD BUSINESS**

**A. Resolution No. 101-2014:** Rescind Shore Way Taxi license and award to Excelsior Transportation Co.

**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 has previously adopted Ordinance No. 13-2009, as amended by Ordinances No. 24-2009 & No. 19-2010 authorizing the issuance of taxi licenses in the Borough; and,

**WHEREAS**, on April 23, 2014, the Borough Council approved a taxi owner license for Shore Way Taxi and was subsequently notified that the required payment was returned for insufficient funds, and the owner has failed to submit a payment replacement.

**NOW, THEREFORE BE IT RESOLVED**, by the Council of the Borough of Sea Girt that the 2014 owner license for Shore Way Taxi be and the same is hereby rescinded.

**BE IT FURTHER RESOLVED** that a 2014 taxi owner license be issued to Excelsior Transportation Corp., subject to a satisfactory background check and clearance by the Sea Girt Police Department.

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			

**7. NEW BUSINESS**

**A. Resolution No. 102-2014:** Award bid, Utility Improvements to Stockton Blvd.

**UPON MOTION** of Councilperson Buonocore, seconded by Council President Fetzer, carried, that the following resolution be adopted:

**WHEREAS**, the Borough Council authorized Bid Specifications and advertised the Notice to Bidders for the Project known as Utility Improvements to Stockton Boulevard on March 6, 2014; and,

**WHEREAS**, Seven (7) bid packages were issued and five (5) were returned by the date and time specified in the Notice:

M. Woszczak Mechanical Contractors, Inc.	\$320,000.00
Jo-Med Contracting Corp.	343,448.50
MSP Construction	348,870.00
Glenside Equipment	399,900.00
Lucas Construction Group, Inc.	444,390.00

**Resolution No. 102-2104** (continued)

**WHEREAS**, the bids were reviewed by the Borough Engineer and it is his recommendation that the contract be awarded to the low bidder, Mark Woszczak Mechanical Contractors, Inc., in the amount of \$320,000.00; and,

**WHEREAS**, the Chief Financial Officer has certified to the Borough Council that there are adequate funds available for the purpose of granting this change order in the Water-Sewer Capital accounts W-06-55-576-501, W-06-55-580-501 and W-06-55-581-501.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Sea Girt that the bid of Mark Woszczak Mechanical Contractors, Inc., in the amount of \$320,000.00 for the project known as the Utility Improvements to Stockton Boulevard be and the same is hereby approved as presented, subject to Attorney review of the contract documents.

Recorded Vote:

	<b>Ayes</b>	<b>Nays</b>	<b>Absent</b>	<b>Abstain</b>
Councilman Foley	X			
Councilman Buonocore	X			
Councilwoman Morris	X			
C/P Don Fetzer	X			
Councilman Mulroy	X			
Councilman Cerami	X			

**B. Resolution No. 103-2014:** Authorize participation in Joint Purchasing System with Borough of Neptune City and enter into a Joint Purchasing Agreement for its administration (PD training) Fee: \$1,000 for Active Shooter Training.

Mrs. Carafa and Chief Davenport explained that this agreement is for training purposes cooperatively with eleven adjoining towns, identifying targets (schools, churches, malls hospitals, etc. of each town) and making all participants aware of the layout of these facilities. Councilperson Morris clarified that in the event of a situation, our Police are the first responders.

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

**WHEREAS**, *N.J.S.A. 40A:11-11(10)* authorizes contracting units to establish a Joint Purchasing System and enter into a Joint Purchasing Agreement for its administration; and,

**WHEREAS**, the Borough of Neptune City, hereinafter referred to as the “Lead Agency”, has offered voluntary participation in a Joint Purchasing System for the provision and performance of goods and services; and,

**WHEREAS**, on October 15, 2013, the governing body of the Borough of Neptune City, County of Monmouth, State of New Jersey, duly considered participation in a Joint Purchasing System for the provision and performance of goods for Police Department Equipment for Training Purposes, including but not limited to Simunitions Equipment.

**Resolution No. 103-2014 (continued)**

**WHEREAS**, in addition to the Lead Agency, the Borough of Bradley Beach, the Borough of Avon by the Sea, the Borough of Belmar, the Borough of Lake Como, and the Borough of Spring Lake currently participate in this Joint Purchasing System and have offered participation to the Borough of Sea Girt.

**NOW, THEREFORE, BE IT RESOLVED** as follows:

**TITLE**

This Resolution shall be known and may be cited as the Joint Purchasing Resolution of the Borough of Sea Girt.

**AUTHORITY**

Pursuant to the provisions of *N.J.S.A. 40A:11-11(10)*, the Mayor and Municipal Clerk of the Borough of Sea Girt are hereby authorized to enter into and execute a Joint Purchasing Agreement with the Lead Agency.

**CONTRACTING UNIT**

The Lead Agency shall be responsible for complying with the provisions of the Local Public Contracts Law, *N.J.S.A. 40A:11-1, et seq.*, and all other provisions of the revised statutes of the State of New Jersey.

**EFFECTIVE DATE**

This Resolution shall take effect immediately upon passage.

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 No. 104-2014:** Authorize Right of Entry for Survey and Exploration of Wreck Pond Agreement with Dept. of the Army (Army Corps of Engineers) – Block 67, Lot 1; Block 84, Lot 21, Block 17, Lot 1, Block 1.01, Lot 1 in the Borough of Sea Girt

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

**WHEREAS**, the Army Corps of Engineers has requested a right-of-entry to the properties specified above located in the Borough of Sea Girt for survey and exploration necessary for the Wreck Pond, Monmouth County, Coastal Restoration Feasibility Study and provided an Agreement for the same; and,

**Resolution No. 104-2014** (continued)

**WHEREAS**, the Agreement has been revised as recommended by the Borough Attorney to reflect the concerns of the Borough Council with respect to granting this right of entry.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Sea Girt that the Mayor and Clerk be and they are hereby authorized to execute the revised Agreement for the right-of-entry to the properties specified above located in the Borough of Sea Girt for survey and exploration necessary for the Wreck Pond, Monmouth County, Coastal Restoration Feasibility Study.

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 105-2014:** Appoint 2014 Beach Staff ; set salaries

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

**WHEREAS**, the Beach Utility is in need of various personnel to fill the positions necessary to operate the Borough Beach during the 2014 season; and,

**WHEREAS**, the Beach Manager has recommended the following Personnel for employment with the Borough.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Sea Girt that the following persons are hereby appointed as seasonal staff members to be employed in the positions noted at the season or hourly rates listed for the 2014 beach season:

2014 Sea Girt Beach Department Roster & Hourly Wages  
 Office, Gateguards & Beach Crew

***Bold Names are New Hires for 2014***

<b>Department: Office : 291</b>		
<b>NAME</b>	<b>TITLE OR POSITION</b>	<b>SALARY or HOURLY RATE</b>
James Freda	Beach Manager	\$17,716.00 (season)
Jean Trimble	Asst. Cashier	11.50
Helen Goss	Asst. Cashier	11.50
Patricia Summers	Head Cashier	12.75
Meredith West	Substitute Asst. Cashier	11.50
<b>Sue Bitsko</b>	<b>Asst. Cashier</b>	<b>11.50</b>

MINUTES –REGULAR MEETING  
May 14, 2014

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**Resolution No. 105-2014 (continued)**

<b>Gateguards 293:</b>		
Brianna Bals		7.54
Carol Bals		8.54
<b>Elaina Bals</b>		<b>7.36</b>
<b>Frances Bonassisa</b>		<b>7.36</b>
Barbara Buckley (sub)		8.76
Erin Buckley (sub)		8.76
Kyle Buckley		8.76
Alanna Cosgrove		7.54
Amanda Davenport		8.16
<b>Daemon Denbleyker</b>		<b>7.36</b>
Robin Forish (sub)		7.54
Christie Freda		8.54
Gianna Gallo (sub)		8.76
Carol Hanley		7.54
Julia Horan (sub)		8.76
Rosemarie Kiernan (sub)		8.54
Frank Kineavy		7.54
<b>Marissa Marrone</b>		<b>7.36</b>
<b>Elizabeth Mathers</b>		<b>7.36</b>
Katie McElduff		8.16
Richard Molkenhain		7.54
<b>Jessica Nelson</b>		<b>7.36</b>
<b>Michael Palella</b>		<b>7.36</b>
<b>Aliza Parisella</b>		<b>7.54</b>
<b>Cassie Petty</b>		<b>7.36</b>
<b>Patrick Quigley</b>		<b>7.36</b>
<b>Patricia Raffetto</b>		<b>7.36</b>
Nancy Rees		8.76
Maria Reiner (sub)		7.54
Pat Reiner (sub)		8.76
Robert Reiner (sub)		8.54
Margaret Rooney		7.54
William Rotolo		8.76
David Sain		9.26
Brian Schneiderman		9.26
Mary Schneiderman		9.26
Ron Scotto		8.54
Haley Smith		7.36
Robin Sweeny (sub)		8.16
<b>Devin Violette</b>		<b>7.36</b>
Grace Weiss		7.36

MINUTES –REGULAR MEETING  
 May 14, 2014

**Resolution No. 105-2014 (continued)**

<b>Beach Crew 294:</b>		
Brian Brown		7.83
Charlie Brown		7.83
Ryan Davis		7.83
<b>Aidan Flynn</b>		7.83
Chris Heilos		7.83
Spencer Kurten (sub)		7.83
<b>Larson Johnson</b>		<b>7.83</b>
<b>Sam Lucid</b>		7.83
Maxwell Lyons		7.83
<b>William McCarthy</b>		7.83
Tim McElduff		7.83
Brad Mertens		7.83
William Wall		7.83
<b>Restroom Attendant</b>	Norman Goss	12.50

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 No. 106-2014:** Thank R. Ferguson for his efforts on behalf of the Borough

Mayor Farrell read the Resolution and thanked Bob Ferguson for his great contributions to Sea Girt and wished him well on behalf of the Borough. Councilperson Cerami stated that he considers Bob a friend who is a gentleman who gives more than he takes and he is sad to see him go.

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

**WHEREAS**, Robert Ferguson has resigned his various position with the Borough of Sea Girt Planning Board, Shade Tree Commission, Recreation Commission, Memorial Committee, Boardwalk Bench Committee, Library Committee, Homeland Security Working Group and Ad Hoc Ordinance Review Committee; and,

**WHEREAS**, Mr. Ferguson has served for countless hours in these various positions as a dedicated participant, always with a smile and a word of encouragement, and his contributions have made Sea Girt a better place to live.

**Resolution No. 106-2014** (continued)

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Sea Girt that Robert Ferguson be recognized for his dedication, commitment and efforts on behalf of our community.

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution shall be supplied to Robert Ferguson as an acknowledgement for his service to the Borough of Sea Girt.

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			

**F. Resolution No. 107-2014:** Appoint Brett Violette as the Class IV, Citizen Member, of the Borough Planning Board to the balance of R. Ferguson's unexpired term through 12.31.2016; appoint Eva Fatenko as Class IV, Alternate #2, to fill the unexpired term of Brett Violette through 12.31.2015.

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

**WHEREAS,** Robert Ferguson has resigned his position with the Sea Girt Planning Board.

**NOW, THEREFORE, BE IT RESOLVED** that Brett Violette be appointed as a Class IV, Citizen Member of the Sea Girt Planning Board to fill the balance of the unexpired term of Robert Ferguson through December 31, 2016.

**BE IT FURTHER RESOLVED** that Eva Fatenko be and she is hereby appointed as Class IV, Alternate #2 Member of the Sea Girt Planning Board to fill the balance of the unexpired term of Brett Violette through December 31, 2015.

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution shall be supplied to Mr. Violette, Ms. Fatenko and the Planning Board Secretary for their information and files.

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			

**G. Resolution No. 108-2014:** Approve donation of two adult season beach badges to Sea Girt Elementary School PTO for their June 12, 2014 fundraiser.

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

**WHEREAS**, the Sea Girt Elementary School PTO has requested the donation of two (2)2014 adult season beach badges for their annual fundraiser to be held on June 12, 2014.

**NOW, THEREFORE BE IT RESOLVED**, by the Council of the Borough of Sea Girt that the request of Sea Girt Elementary School PTO for two (2) 2014 adult season beach badges for their annual fundraiser to be held on June 12, 2014 be and the same is hereby approved.

**BE IT FURTHER RESOLVED** that a certified copy of this resolution shall be supplied to the Sea Girt Elementary School PTO.

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			

**8. ACTING ADMINISTRATOR REPORTS/DISCUSSION MATTERS**

- A. **FEMA Reimbursement Update** – The Borough has received notification that a new reimbursement in the amount of \$187, 319.64 was issued on May 7, 2014;
- B. **Municipal Aid Program FY 2014** – The Borough has received notification that we have been selected to receive \$220,000 for our Baltimore Blvd. Project;
- C. **Memorial Day Activities** – gathering at 8:45 AM at the Sea Girt School; services at The Plaza at 9:00 AM
- D. **Beach** – Pavilion will be open for badge pick-up beginning Monday, May 19 through Friday, May 23 from 10 AM – 2:00 PM; beach opens for weekends only beginning on May 24, 2014 through June 15, 2014; then daily through September 7.
- E. **Dune Walkovers Progress Report** – Seaside is nearly complete; construction at Neptune has begun
- F. **Baltimore Park Playground** – the Recreation Commission met on Friday, May 9 and after reviewing information regarding compliant playground surfaces, recommends replacing the mulch, in conjunction with the purchase of rubber pads at the base of the slide and beneath the swings, if such pads can be installed safely.

9. **QPA REPORTS** (of activity since previous Council Meeting): Quotes were requested for the following projects:

**a. Resurfacing of Crescent Park Tennis Courts:** four received:

- Racquet Shop \$12,000.00
- Aschettino Resurfacing, LLC: \$12,200.00
- L & L Paving Company \$15,500.00
- Halecon, Inc. \$17,500.00

Recreation Commission has agreed to pay \$6,000 towards this project, and recommended award to The Racquet Shop, Colts Neck, NJ; award is hereby made to The Racquet Shop.

**b. Ocean Avenue Guide Rails (Chicago to Brooklyn):** three received:

- GCS Contractors Corp. \$34,700.00
- Fernandes Construction, Inc. \$35,647.50
- Wallace Contracting, Inc. \$34,763.00

Proposed: award to GCS Contractors Corp. at the project cost of \$34,700.00

Guide Rails – discussion:

- Mayor Farrell commented that he feels necessary at street ends; necessary elsewhere;
- Council President prefers not to have it but feels necessary
- Chief Davenport expressed his concerns
- Councilperson Foley – entrances should be restored at Brooklyn and Chicago
- Avakian sketch may be helpful and review with Dave Howarth; further information will be obtained; award postponed.

Councilperson Cerami questioned Recreation Commission responsibility with respect to determining the type of safety surface that should be installed at the playground, and strongly noted that he is not in favor of replacing mulch. Mayor Farrell asked Councilperson Cerami to provide detailed information on the pour-in-place surface that he is advocating for; noting that so far, the only information the Council has is that this surface will cost in excess of \$100,000. Attorney Montenegro noted that he would have to review the statute with regard to the Commission and advise at the next meeting. Councilperson Cerami added that his concerns are for the safety of the children. He continued to comment on the choice of playground surface. Councilperson Foley added that it is his understanding that the Recreation Commission is responsible for making the decision but the funds are authorized by Council.

10. **COUNCIL REPORTS**

Councilpersons Foley, Buonocore, Cerami and Mulroy had no reports.

Councilperson Morris reported as follows:

- On behalf of the PD, please note that this weekend The Boys Scouts will host their Jamboree at the NGTC and there will be traffic congestion Friday thru Sunday;
- Officer Nesbitt conducted a bike safety and rodeo last week was well received; Mrs. Seeley sent a note thanking Officer Nesbitt and the Department for their efforts;

**C COUNCIL REPORTS** (continued)

- Officer Melendez was named Officer of the Year by the Manasquan Elks.

Council President Fetzer reported as follows:

- Suggests we conserve water where possible with summer approaching;
- WTP – negotiations on-going; further report in closed session;
- Water Tower Rehabilitation to start in September; awaiting additional information from HMM and
- Site remediation at the DPW facility – awaiting an updated report from HMM and will provide information at the next meeting.
- PBA negotiations on-going and plan to meet next week
- Teamsters meeting is preliminary meeting only

Mayor Farrell reported as follows:

- He is working with Jared McKittrick to address staffing issues;
- Plans to hire one full time and also seasonal part-timers;
- Weekly recycling is manpower issue;
- Create recycling list for on-call and weekly.

**11. Resolution No. 109-2014: Payment of bills**

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 May 9, 2014 in the totals as follows:

CURRENT FUND	\$ 257,948.23
WATER/SEWER OPERATING FUND	\$ 42,606.30
BEACH OPERATING FUND	\$ 28,350.66
TRUST FUND	\$ 33.61
RECREATION TRUST	\$ 196.15
UNEMPLOYMENT TRUST	\$ 10,721.31
DOG TRUST	\$ 3.60
GENERAL CAPITAL	\$ 7,865.43
WATER CAPITAL	\$ 13,696.83

**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			

Council President Fetzer abstained with respect to authorizing the payment to Hatch Mott MacDonald.

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

- Mr. Robinson addressed the issue of handicapped parking spots on the south side of Philadelphia which are no longer there; nor at Baltimore on the north side. Chief Davenport reported he is doing an overview of authorized handicapped-accessible parking spots throughout the Borough for purposes of updating the existing Ordinance; Mr. Robinson also noted reduced attendance at the May 4<sup>th</sup> children's mass and suggested that the Recreation Commission avoid scheduling activities from 9:00 AM to Noon on Sunday mornings.
- Mr. Kregg criticized beach replenishment for quality of sand; unrepaired guiderails are an aesthetic issue and he suggested that the Borough add a walkway at Brooklyn Blvd. Part-time residents leaving garbage pails out for an excessive amount of time is an issue; he would like to an ordinance to address this issue; also he agreed that steps on north side of Seaside is a good idea.
- Taxi owner Marcelus applied late but would like to still be considered. Mayor Farrell responded he would be put on a wait list and contacted if something becomes available.
- Eva Fatenko thanked Mayor Farrell for the appointment to the Planning Board and commented that the garbage pail issue can be easily regulated.

There being no further comments, the public hearing was closed. **UPON MOTION** of Councilperson Foley, seconded by Councilperson Morris carried, that the following **Resolution No. 110-2014** 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: potential and pending litigation (Walker, Patock, Sitar), contract negotiations, personnel.
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.
4. This Resolution shall take effect immediately.

MINUTES –REGULAR MEETING  
May 14, 2014

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**Resolution No. 110-2014 (continued)**

**Recorded Vote:**

	<b>Ayes</b>	<b>Nays</b>	<b>Absent</b>	<b>Abstain</b>
Councilman Foley	X			
Councilman Buonocore	X			
Councilwoman Morris	X			
Council President Fetzer	X			
Councilman Mulroy	X			
Councilman Cerami	X			

The Council returned to public session at Midnight. Mr. Montenegro stated that the Council has directed him to contact Mr. Walker with respect to a settlement offer. UPON MOTION of Council President Fetzer, seconded by Councilperson Buonocore, carried, the meeting was then immediately adjourned.

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Lorraine P. Carafa, RMC  
Municipal Clerk

ORDINANCE NO. 15-2014

**AN ORDINANCE TO AMEND AND SUPPLEMENT SECTION 17-4, SCHEDULE OF LIMITATIONS, AREA AND YARD REQUIREMENT, DISTRICT 2 EAST AND 2 WEST, CONVENIENCE COMMERCIAL AND 17-5, GENERAL REGULATIONS, OF CHAPTER XVII, ZONING, TO SET THE MAXIMUM PERMITTED BUILDING COVERAGE ON ANY LOT IN THE RESIDENCE DISTRICT AND REVISING SECTIONS 17-5.2 AND 17-5.3 IN 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 Planning Board desires to amend and supplement its Land Use Code to supplement Section 17-4, the Schedule of Limitations, Area and Yard Requirement, District 2 East and 2 West as specified in Section 1 below and supplement Section 17.5 to set the maximum permitted building coverage on any lot in the residence district Borough of Sea Girt, County of Monmouth, and revising Sections 17-5.2 and 17-7.3, respectively.

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 "17-4 Schedule of Limitations" is hereby supplemented as follows:

**AREA AND YARD REQUIREMENT, DISTRICT 2 EAST AND 2 WEST, CONVENIENCE COMMERCIAL, 4. Building Coverage in the Convenience Commercial District will be restricted to the amount of property remaining after the above described setbacks have been met, inclusive of compliance with parking, drainage and accessibility requirements.**

SECTION 2. Chapter XVII of the Borough Code of the Borough of Sea Girt, entitled "17-5.1 Accessory Buildings and Structures in Residence Districts" is hereby supplemented as follows:

h. Second Dwelling Prohibited. There shall not be more than one single family residential building on a lot.

i. Building Coverage. The maximum permitted building coverage on any residential lot shall be the equivalent of twenty (20%) percent of lot size, calculated by dividing the first floor area, as that term is defined in Section 17-2, of the principal building by the total square footage of the lot.

SECTION 3. Chapter XVII of the Borough Code of the Borough of Sea Girt, entitled "17-5.2 Second Dwelling Prohibited" is hereby revised as follows:

**17-5.2 This section intentionally left blank. Note for review purposes only: this section becomes §h. of Section 17-5.1**

**ORDINANCE NO. 15-2014**

(continued)

**SECTION 4.** Chapter XVII of the Borough Code of the Borough of Sea Girt, entitled "17-5.3 Building Coverage" is hereby revised as follows:

**17-5.3** *This section intentionally left blank. Note for review purposes only: this section becomes §i. of Section 17-5.1*

**SECTION 5.** Violations and penalties. Any person who shall violate any of the provisions of this Chapter shall, upon conviction, be subject to a fine of no less than \$100 per violation, in accordance with the penalties as provided in Chapter 1, Section 1-5 entitled "General Penalty." Each day of violation shall constitute a separate offense.

**SECTION 6.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 7.** 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 8.** This Ordinance shall take effect upon publication in an official newspaper of the Borough, as required by and in conformance with law.

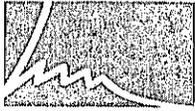
**SECTION 9.** A copy of this Ordinance shall be filed with the Monmouth County Planning Board, pursuant to N.J.S.A. 40:55D-16.

**PUBLIC NOTICE**

PUBLIC NOTICE IS HEREBY GIVEN that the foregoing Ordinance No. 15-2014 was introduced at a meeting of the Borough Council of the Borough of Sea Girt, County of Monmouth on the 28<sup>th</sup> day of May, 2014 and was then read for the first time. The said Ordinance will be further considered for final passage by the Borough Council at their Regular Meeting to be held on the 25<sup>th</sup> day of June, 2014 at the Sea Girt School, Bell Place at 7:30 PM. 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.

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LORRAINE P. CARAFA, RMC  
MUNICIPAL CLERK



**Hatch Mott  
MacDonald**

**Hatch Mott MacDonald**  
3 Paragon Way  
Freehold, NJ 07728  
T 732.780.6565 www.hatchmott.com

May 2, 2014

Ms. Lorraine Carafa  
Borough Clerk / Finance Officer  
Borough of Sea Girt  
P.O. Box 296  
Sea Girt, New Jersey 08750

**RE: Remedial Action Progress Letter and Proposal for Additional In-Situ  
Chemical Oxidation, Groundwater Sampling & Analysis  
Borough of Sea Girt - Department of Public Works Facility**

Dear Ms. Carafa:

The Borough of Sea Girt (Borough) initiated In-Situ Chemical Oxidation injections at the Borough's Department of Public Works (DPW) facility on February 4, 2014 in an effort to remediate groundwater contamination found at permanent monitoring well MW-4. A second injection event was conducted on March 12, 2014.

As you are aware, Hatch Mott MacDonald (HMM) submitted a Remedial Action Workplan (RAW) Addendum to the NJDEP in October 2013 proposing the use of In-Situ Chemical Oxidation to remediate the groundwater contaminant plume at the DPW. A Permit-By-Rule Discharge Authorization was approved by the NJDEP in a letter dated December 11, 2013. The Borough contracted directly with Environmental Remediation and Financial Services, LLC (ERFS) to conduct In-Situ Chemical Oxidation (ISCO) remediation at the DPW. The ISCO events consisted of eight direct push chemical injection points being advanced into the subsurface around permanent monitoring well MW-4 and utilizing the On-Contact Remediation Process®. The On-Contact Remediation Process® is a proprietary in-situ technology which involves the application of physical, chemical and biological methods to degrade organic contamination in soil and groundwater into harmless compounds such as carbon dioxide and water. The injection points were advanced to a depth of 24 feet below ground surface (bgs) and ERFS injected the chemicals at four-foot intervals to a depth of 12 feet bgs. HMM collected and analyzed groundwater samples from monitoring wells MW-1, 2, 4, and 5 two to four weeks after each injection event. Groundwater samples were analyzed for Target Compound List Volatile Organic Compounds with a library search of the 15 highest Tentatively Identified Compounds (TICs) (TCL VO+15) and TCL Semi-Volatile Compounds with a library search of the 15 highest TICs (TCL SVO+15). The injection locations are shown on the site plan provided as Figure 1.

Groundwater samples were collected from the monitoring wells in February and April, 2014. All sampling was conducted in accordance with the NJDEP's August 2005 *Field Sampling Procedures Manual*. The monitoring wells were purged using the conventional three-volume purge and sampling technique. All samples were submitted to Accutest Laboratories of Dayton, New Jersey (NJDEP certification No. 12129) for analysis. The laboratory analytical data are considered reliable as indicated by compliance with sample holding times and their ability to achieve method detection limits as documented in the laboratory nonconformance summaries (case narratives).



A groundwater sampling event was conducted on February 20, 2014, sixteen days following the first ISCO injection event. The sample collected from monitoring well MW-4 showed that the concentrations of xylenes and dibromochloromethane, which had previously exceeded the NJDEP Ground Water Quality Standards (GWQS), were less than their respective groundwater standards. The analytical results for MW-4 did show GWQS exceedances for volatile TICs and semi-volatile TICs. All the monitoring well samples exceeded the GWQS for tetrachloroethene (PCE) and MW-5 also exceeded the GWQS for trichloroethene (TCE). No other volatile or semi-volatile organic contaminants were detected above the GWQS in the samples collected during the February 2014 sampling event. Groundwater analytical results for the February 20, 2014 sampling event are provided in the historical groundwater analytical data Table 1.

Groundwater samples were again collected on April 3, 2014, twenty-two days after the second ISCO injection event. Laboratory analytical data showed much the same results as the February 2014 sampling event. Xylenes and dibromochloromethane analytical results for MW-4 were less than their GWQS, however, volatile TICs and semi-volatile TICs exceeded the groundwater standards. All the monitoring well samples exceeded the GWQS for tetrachloroethene (PCE) and MW-5 also exceeded the GWQS for trichloroethene (TCE). No other volatile or semi-volatile organic contaminants were detected above the GWQS in the samples collected at the site monitoring wells. Analytical results for the April 3, 2014 sampling event are also provided in the historical groundwater analytical data Table 1.

A review of the analytical data shows that substantial progress has been made in reducing the petroleum contaminant concentrations in the groundwater. Target volatile organic compounds have been reduced to below their respective ground water quality standard. TICs however, remain above the 500 µg/L action level. Contaminant concentration graphs for the monitoring wells showing the reduction in contaminant concentrations are attached to this correspondence.

Based on these analytical results for groundwater samples collected from monitoring wells after the last two in-situ chemical injections, HMM recommends that the Borough of Sea Girt (Borough) continue the chemical injection approach for remediation of the petroleum related compounds dissolved in the groundwater at the Borough's DPW facility.

The following proposal, if authorized by the Borough, will enable HMM to provide the following services for continuation of the project. This proposal includes tasks required to continue to monitor the in-situ remedial process.

### *Proposed Scope of Services*

#### **Task 1 – In-Situ Chemical Oxidation**

HMM's scope of work will include scheduling, managing and observing (in the field) four subsurface injection events. The Borough has contracted with ERFS to provide ISCO remediation at the DPW as a "pay for performance" agreement. It is recommended that the Borough budget for the observation of four additional chemical injection applications to continue the remediation. Four injections may be sufficient to reduce the concentrations of petroleum contamination in the groundwater to a point where a



Response Action Outcome (RAO) could be issued to close the case. HMM cannot guarantee that this technology or any technology, when implemented, will remediate the groundwater to a point where the groundwater quality standards are met. Nor can we guarantee that an RAO could be issued after four additional chemical applications.

After the first two additional ISCO injection events spaced roughly two to four weeks apart, the chemical application will be given a period of time to work and then groundwater samples will be collected and analyzed to measure the effectiveness of the remediation. The observation of additional third and fourth conditional injection events have been budgeted in this proposal if groundwater quality standards are not met via the first two additional injection events.

There will be no additional charges from ERFS for continuing with the ISCO injections.

### **Task 2 – Groundwater Sampling & Analysis**

Groundwater monitoring will be required to assess the effectiveness of the in-situ chemical oxidation process. HMM has budgeted for conducting five groundwater sampling events. The first groundwater sampling event will be conducted just prior to the first of the additional injection events. A second groundwater sampling event will be conducted within 30 days following the second injection event and a third groundwater sampling event will be conducted within 30 days following the third injection event. The fourth groundwater sampling event will be performed within 30 days following the fourth injection event. A fifth groundwater sampling event has been included in this proposal to be conducted 60 days following the fourth ISCO injection to confirm compliance with the NJDEP groundwater quality standards.

Samples will be collected from existing monitoring wells MW-1, MW-2, MW-4 and MW-5 as per the NJDEP Permit-By-Rule Discharge Authorization letter. All of the samples will be analyzed for TCL VO+15 and TCL SVO+15.

### **Task 3 – Reporting**

HMM will prepare a letter report for the Borough that will summarize the effectiveness of the four ISCO remediation events and groundwater sampling analytical results. The report will provide a summary of field activities and include a site plan showing the locations of ISCO injection points, tables of analytical data and a summary of our findings.

Final remediation documents may or may not be able to be prepared to close out the site depending on the outcome of the remedial effort. As of this writing, it is unknown as to whether the site will be able to be closed out. For this reason, we have not included the preparation of final remediation documents in our scope of work. Final remediation documents would include a Remedial Action Report, an updated Receptor Evaluation and the RAO. The preparation and completion of these documents would require additional budget not included in this proposal. In the case where the project can be closed out, HMM will submit a separate cost proposal for the Borough's consideration to complete these documents.



Groundwater sampling results must be reported for the individual contaminants listed in the NJDEP's December 11, 2013 Discharge to Ground Water Permit-by Rule approval letter, along with any others that exceed standards. A summary of the injections and the results of the groundwater sampling must be submitted annually in a "DGW Permit-by-Rule Monitoring Report" until the last year of injections. In addition, all monitoring results obtained under the permit-by-rule and the QA/QC package specified at N.J.A.C. 7:26E-2.1(a)15 must also be submitted to the Department within the Remedial Action Report (RAR). HMM will prepare the annual report for submission to the NJDEP by December 31, 2014.

**Cost Summary**

The cost for each of the Tasks described above follows:

<b>Task 1 - Observation of In-Situ Chemical Oxidation (4 events)</b>	<b>\$ 10,000</b>
<b>Task 2 - Groundwater Sampling and Laboratory Analysis</b>	<b>\$ 12,300</b>
<b>Task 3 - Reporting</b>	<b>\$ <u>9,500</u></b>
 <b>Total Cost Estimate for HMM's Services</b>	 <b>\$ 31,800</b>

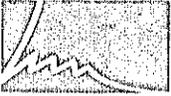
***Terms and Conditions***

All work proposed herein has been based on the applicable regulations as they exist as of the submission date of this Proposal. These regulations include but may not be limited to:

- Underground Storage Tank Regulations NJAC 7:14B
- Administrative Requirements for Remediation of Contaminated Sites NJAC 7:26C
- Remediation Standards NJAC 7:26D
- Technical Requirements for Site Remediation NJAC 7:26E

The following additional terms are made applicable to any environmental project on which Consultant has been retained to perform the services of a Licensed Site Remediation Professional ("LSRP"):

- a. Client recognizes that the LSRP must fulfill a dual role, serving as Client's consultant while required to meet the responsibilities identified in the NJ Site Remediation Reform Act (SRRA; N.J.S.A. 58:10C-1 et seq.) including a priority of protection of public health, safety, and the environment. The LSRP typically acts without the oversight of the New Jersey Department of Environmental Protection ("NJDEP"), and is responsible for decisions and opinions consistent with the NJDEP Site Remediation Program. Client understands, acknowledges, and agrees that in the event that the LSRP's obligations conflict with the wishes or intentions of the Client, the LSRP is bound by law to comply with the NJDEP requirements.
- b. Client acknowledges that Consultant must report an Immediate Environmental Concern [as defined in the Site Remediation Reform Act, C.58:10C-2] within



the regulatory and mandatory time periods set forth in NJAC 7:26C, Subchapter 3.

- c. Consultant must also report any discharge of a toxic substance, if such discharge has not been previously reported.
- d. Should any time deadline set forth in NJAC 7:26C not be met due to the acts or inaction of Client, Consultant shall not be liable for any additional costs, permit fees, fines, penalties or other costs that are assessed or incurred as a result of the failure to timely meet such deadline.
- e. Consultant may issue a Response Action Outcome ("RAO") based upon its judgment that the remediation of the site in question has been completed and public health, safety and environment are protected. However, Client acknowledges and understands that the NJDEP can audit an RAO within three (3) years after its submission, and can rescind that RAO at its discretion. Client agrees that it will be responsible for payment of any additional costs to be incurred by Consultant, as well as its additional professional fees to be generated, as a result of such audit.
- f. The Client agrees that the Client shall indemnify and defend Hatch Mott MacDonald a for any claim, loss, damage (including reasonable attorney's fees), and liability should the Client fail to:
  - Perform their affirmative obligation to remediate;
  - Adequately fund the remediation;
  - Review documents or take action in a timely manner;
  - Disclose relevant information; and/or
  - Follow the LSRP's recommendations
- g. The Client acknowledges that while the work performed by Hatch Mott MacDonald shall be performed in accordance with the LSRP Program and professional industry standards, Hatch Mott MacDonald does not guarantee the long-term effectiveness of the remedial work.
  - Remedy failure can be caused by many factors and no claim of liability, loss, or damage shall be brought against Hatch Mott MacDonald by the Client and /or Person Responsible for Conducting the Remediation ("PRCR"); and
  - The issuance of an RAO by the LSRP is not a guarantee or warranty that the site is free of contamination, that the remediation complies with all legal requirements, or that the RAO will be accepted by NJDEP.
- h. Where prior remedial work has been performed and Hatch Mott MacDonald is retained by a Client to be the LSRP of Record, the LSRP must have the ability to make judgments regarding the adequacy of work, based on compliance with applicable statute, regulations, and guidance.



- i. Hatch Mott MacDonald has an obligation to submit documents to NJDEP that verify the remediation process in accordance with applicable NJDEP regulations and guidance in effect at the time the document was submitted and provide evidence that the remedy was protective of human health, safety, and the environment.
  - The PRCR, and not Hatch Mott MacDonald, is responsible for document retention.
  - Confidential documents, e.g. those prepared by counsel or by the LSRP under attorney-client work product privilege, may be excluded from the submission and/or record retention requirements provided they have been characterized as such by the Client or the PRCR.

Thank you for your consideration of our proposal. Should you have any questions concerning the above information, please contact me at your convenience.

Sincerely,

Hatch Mott MacDonald, LLC

Daniel R. Toder, PG, LSRP  
Vice President  
T 732.333.3282 F 732.577.0551  
daniel.toder@hatchmott.com

- c: ~~Hon. Ken Farrell, Mayor & Borough Council (w/o enclosure)~~  
Eric C. Betz, P.E., BCEE, CME (HMM)  
Brian T. Dougherty, P.E. (HMM)

Table 1  
Borough of Sea Girt  
Department of Public Works  
Historical Groundwater Sampling Analytical Data

WELL ID	Date	Benzene	Toluene	Ethylbenzene	Total Xylene(s)	Chloroform	cis 1,2-Dichloroethene	Dibromochloromethane	MTBE	TBA	PCE*	TCE*	naphth- alene	2-methyl naphthalene	DEHP	VO TICs	SVC TICs	Lead
	GWQS	1	600	700	1,000	70	70	1	70	100	1	1	300	30*	3	500	500	5
	06/02/01	NA	15.4 J	146	4,720	NA	NA	NA	ND	NA	ND	NA	NA	NA	NA	3,507.9 J	NA	6.4
	10/21/03	NA	15.4 J	146 D	495	NA	NA	NA	NA	NA	33.0 JD	NA	NA	NA	NA	2,637 J	NA	ND
	08/06/08	<0.26	<0.15	<0.27	<0.39	<0.16	0.28 J	<0.16	NA	NA	22.0	0.49 J	<0.015	NA	3.5	341 J	112.6 J	<3.0
	08/11/10	<0.23	<0.30	<0.27	<0.25	<0.23	0.27 J	<0.22	<0.23	NA	22.3	0.31 J	<0.021	NA	<0.36	0	0	14.1
	03/17/11	<0.23	<0.30	<0.27	<0.25	0.27 J	0.61 J	<0.22	<0.23	<2.0	33.5	0.58 J	NA	NA	<0.35	5.3	NA	11.4
	06/16/11	<0.22	<0.15	<0.21	<0.17	0.48 J	0.70 J	<0.20	<0.18	<1.9	49.7	0.82 J	<0.019	<0.77	<0.38	8.3 J	0	<3.0
	09/29/11	<0.22	<0.15	<0.21	<0.17	0.68 J	0.72 J	<0.20	<0.18	<1.9	56	0.93 J	<0.016	<0.38	<0.59	42.2 J	0	<3.0
	12/01/11	<0.22	<0.15	<0.21	0.19 J	0.63 J	0.47 J	<0.20	<0.18	4.6 J	42.8	0.64 J	<0.016	<0.38	<0.59	78 J	0	<3.0
	03/27/12	<0.22	<0.15	<0.21	<0.17	1.4	0.60 J	<0.20	<0.18	<1.9	40.6	0.73 J	<0.016	NA	NA	6.4 J	NA	NA
	06/21/12	<0.24	<0.23	<0.23	<0.24	0.50 J	0.70 J	<0.14	<0.15	<1.8	46.8	0.86 J	<0.017	<0.40	<0.61	0	0	<3.0
	10/02/12	<0.24	<0.23	<0.23	0.76 J	0.36 J	0.45 J	<0.14	<0.16	<1.8	28.1	0.48 J	<0.038	<0.41	<0.63	0	0	NA
	12/27/12	<0.24	<0.23	<0.23	<0.24	<0.20	0.27 J	<0.14	<0.16	<1.8	30.7	0.4 J	<0.037	<0.40	<0.62	0	0	NA
	02/20/14	<0.26	<0.44	<0.21	<0.19	<0.25	0.44 J	<0.19	<0.29	<1.9	40.2	0.62 J	<0.036	<0.38	<0.59	0	0	NA
	04/03/14	<0.28	<0.44	<0.21	<0.19	<0.25	0.26 J	<0.19	<0.29	<1.9	24.3	<0.5	<0.036	<0.39	1.1 J	0	0	NA
	06/02/01	NA	ND	ND	ND	NA	NA	NA	ND	NA	32	NA	NA	NA	NA	35.2 J	NA	ND
	10/21/03	NA	ND	ND	ND	NA	NA	NA	NA	NA	30.9	NA	NA	NA	NA	0	NA	21.7
	08/06/08	<0.26	<0.15	<0.27	<0.39	<0.16	<0.25	<0.16	NA	NA	3.6	<0.18	<0.015	NA	<0.79	0	0	4.4
	08/12/10	<0.23	<0.30	<0.27	<0.25	2.0	0.43 J	<0.22	<0.23	NA	30.5	0.43 J	<0.021	<0.75	<0.37	0	0	<3.0
	03/17/11	<0.23	<0.30	<0.27	<0.25	<0.23	0.27 J	<0.22	<0.23	<2.0	14.2	<0.24	NA	NA	<0.38	0	0	<3.0
	06/16/11	<0.22	<0.15	<0.21	<0.17	0.23 J	0.74 J	<0.20	<0.18	<1.9	55.6	0.85 J	<0.019	<0.77	<0.38	0	0	<3.0
	09/29/11	<0.22	<0.15	<0.21	<0.17	0.77 J	0.54 J	<0.20	<0.18	<1.9	44.4	0.70 J	<0.016	<0.38	<0.59	13	0	<3.0
	12/01/11	<0.22	<0.15	<0.21	<0.17	0.42 J	0.31 J	<0.20	<0.18	<1.9	26.9	0.41 J	<0.017	<0.41	<0.63	12	0	<3.0
	03/27/12	<0.22	<0.15	<0.21	<0.17	0.35 J	0.55 J	<0.20	<0.18	<1.9	39.2	0.66 J	<0.68	NA	NA	0	NA	NA
	06/21/12	<0.24	<0.23	<0.23	<0.24	0.42 J	0.42 J	<0.14	<0.16	<1.8	27.1	0.46 J	<0.016	<0.38	<0.59	0	0	<3.0
	10/02/12	<0.24	<0.23	<0.23	<0.24	0.31 J	<0.19	<0.14	<0.16	<1.8	15.9	0.23 J	<0.038	<0.41	<0.63	0	0	NA
	12/27/12	<0.24	<0.23	<0.23	<0.24	0.39 J	<0.19	<0.14	<0.16	<1.8	21.8	0.27 J	<0.036	<0.38	2.2	0	4.7 J	NA
	02/20/14	<0.28	<0.44	<0.21	<0.19	0.28 J	<0.24	<0.19	<0.29	<1.9	5.2	<0.5	<0.036	<0.38	<0.59	0	0	NA
	04/03/14	<0.28	<0.44	<0.21	<0.19	<0.25	0.37 J	<0.19	<0.29	<1.9	30.1	<0.5	<0.039	<0.42	<0.64	0	0	NA
	06/02/01	NA	ND	ND	ND	NA	NA	NA	0.79 J	NA	38.2	NA	NA	NA	0	0	NA	ND
	10/21/03	NA	ND	ND	ND	NA	NA	NA	NA	NA	18.7	NA	NA	NA	0	0	NA	ND
	08/06/08	<0.26	<0.15	<0.27	<0.39	0.69 J	<0.25	<0.16	NA	NA	16.8	<0.18	<0.015	NA	<0.82	0	4.7 J	4.2
	08/11/10	<0.23	<0.30	<0.27	<0.25	<0.23	0.54 J	<0.22	<0.23	NA	39.5	0.52 J	<0.019	<0.66	<0.33	0	0	<3.0
	03/17/11	<0.23	<0.30	<0.27	<0.25	0.52 J	1.3	<0.22	<0.23	<2.0	70.8	1.2	NA	NA	<0.36	0	NA	<3.0
	06/15/11	<0.22	<0.15	<0.21	<0.17	0.51 J	0.74 J	<0.20	<0.18	<1.9	55.1	0.83 J	<0.019	<0.77	<0.38	0	0	<3.0
	09/29/11	<0.22	<0.15	<0.21	<0.17	<0.21	0.94 J	<0.20	<0.18	<1.9	66	1.0	<0.017	<0.40	<0.61	0	0	<3.0
	12/01/11	<0.24	<0.15	<0.21	<0.17	0.70 J	0.82 J	<0.20	<0.18	<1.9	56.8	0.87	1.22	2.4	<0.63	11	15.9	4.1
	06/21/12	<0.24	<0.23	<0.23	<0.24	0.36 J	1	<0.14	<0.16	<1.8	72.9	1.2	<0.016	<0.38	<0.59	0	0	<3.0
	10/02/12	<0.24	<0.23	<0.23	0.35 J	0.6 J	0.76 J	<0.14	<0.16	<1.8	49.5	0.81 J	<0.039	<0.43	<0.65	0	5 J	NA
	12/27/12	<0.24	<0.23	<0.23	<0.24	0.42 J	0.76 J	<0.14	<0.16	<1.8	69.3	1	<0.036	<0.39	<0.6	0	0	NA

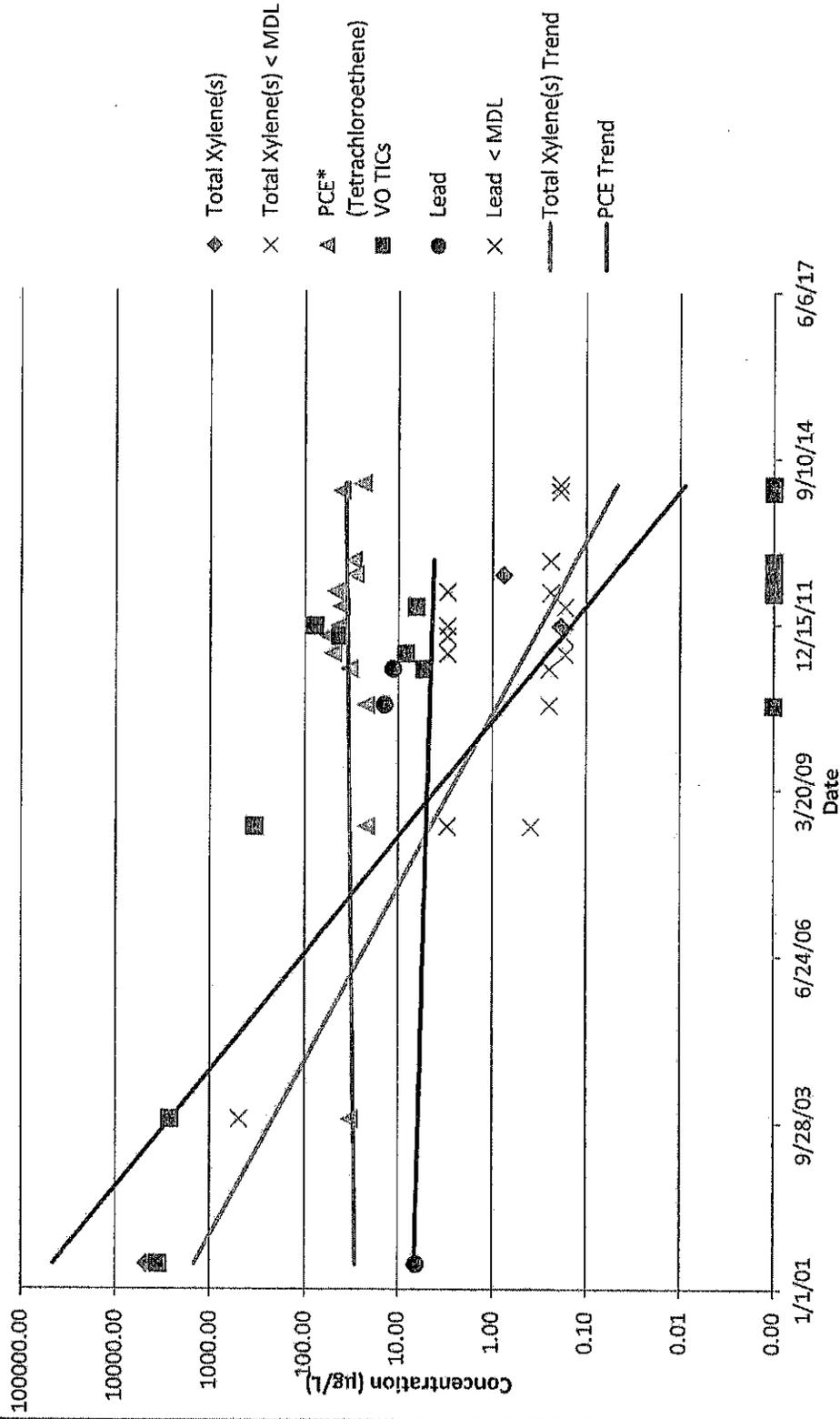
Table 1  
Borough of Sea Girt  
Department of Public Works  
Historical Groundwater Sampling Analytical Data

WELL ID	Date	Benzene	Toluene	Ethylbenzene	Total Xylene(s)	Chloroform	cis 1,2-Dichloroethene	Dibromochloromethane	MTBE	TBA	PCE*	TCE*	naphth-alene	2-methyl naphthalene	DEHP	VO TICs	SVO TICs	Lead
	GWQS	1	600	700	1,000	70	70	1	70	100	1	1	300	30 <sup>^</sup>	3	500	500	5
	06/02/01	NI	NI	NI	NI	NI	NI	NA	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI
	10/21/03	NA	2,660	1,230	13,920	NA	NA	NA	NA	NA	ND	NA	NA	NA	NA	7,162 J	NA	92
	08/09/08	<1.3	1.3 J	478	5,100	<0.81	<1.2	<0.79	NA	NA	12.1	<0.92	99.3	61	6.2	1,844 J	3,225 J	3.0
	08/11/10	<2.3	<3.0	316	2,960	<2.3	<2.2	<2.2	<2.3	NA	<2.7	<2.4	131	50.6	<0.36	2,320	3,614	<3.0
	03/17/11	<0.59	<0.75	151	1,190	<0.59	<0.54	<0.54	<0.58	<4.9	2.7	<0.60	29 J	NA	<0.33	821	NA	<3.0
	06/15/11	<1.1	<0.73	219	1,960	<1.0	<1.1	<1.0	<0.92	<9.3	9.6	<1.1	80.6	28.1	<0.38	4,300 J	2,821 J	<3.0
MW-4	09/29/11	<1.1	<0.73	216	1,740	<1.0	<1.1	<1.0	<0.92	<9.3	9.2	<1.1	80.5	35.5	<0.59	1,374 J	2,559 J	<3.0
	12/01/11	<0.22	<0.15	55.1	355	<0.21	<0.22	<0.20	<0.18	<1.9	2.1	<0.21	51 J	55.3	<0.63	1,819 J	2,991 J	<3.0
	03/27/12	<1.1	<0.73	143	1,360	<1.0	<1.1	<1.0	<0.92	<9.3	10.2	<1.1	118	NA	NA	1,852 J	NA	NA
	06/21/12	<1.2	<1.1	153	1,400	<1.0	<0.94	<0.68	<0.82	<9.2	11.4	<1.1	90.1	63.4	<0.59	1,907 J	3,018 J	<3.0
	10/02/12	<1.2	<1.1	174	1,600	<1.0	<0.94	<0.68	<0.82	<9.2	8.2	<1.1	82.4	38.2	<0.67	1,747 J	3,177 J	<3.0
	12/27/12	<0.24	<0.23	24	227	0.66 J	<0.19	2.5	<0.16	<1.8	0.34 J	<0.22	1.58	<0.4	5.6	442 J	602 J	NA
	02/20/14	<0.28	<0.44	16.8	212	<0.25	<0.24	<0.19	<0.29	<1.9	16.9	<0.5	15.8	18.8	<0.59	487 J	847 J	NA
	04/03/14	<0.28	<0.44	20.1	182	<0.25	<0.24	<0.19	<0.29	<1.9	6.3	<0.5	21.6	23.5	<0.64	2,459 J	1,983 J	NA
	06/02/01	NI	NI	NI	NI	NI	NI	NA	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI
	10/21/03	NI	NI	NI	NI	NI	NI	NA	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI
	08/06/08	<0.26	<0.15	<0.27	<0.39	0.55 J	1.2	<0.16	NA	NA	89.5	1.2	<0.015	NA	<0.82	0	21 J	<3.0
	08/11/10	<0.23	<0.30	<0.27	<0.25	<0.23	1.1	<0.22	<0.23	NA	74	1.1	<0.021	<0.75	<0.37	0	0	<3.0
	03/17/11	<0.23	<0.30	<0.27	<0.25	0.38 J	1.2	<0.22	<0.23	<2.0	61.7	1.0	NA	NA	<0.34	0	NA	<3.0
	06/15/11	<0.22	<0.15	<0.21	<0.17	0.51 J	1.2	<0.20	<0.18	<1.9	78.9	1.3	<0.019	<0.77	<0.38	0	0	<3.0
	09/29/11	<0.22	<0.15	<0.21	<0.17	0.32 J	1.2	<0.20	<0.18	<1.9	85.6	1.4	1.28	<0.38	<0.59	5.7 J	64.5	<3.0
	12/01/11	<0.22	<0.15	<0.21	<0.17	0.47 J	1.3	<0.20	0.23 J	<1.9	90.7	1.4	2.73	1.5	<0.60	0	48.2	<3.0
	03/27/12	<0.22	<0.15	<0.21	<0.17	0.28 J	0.89 J	<0.20	<0.18	<1.9	67	1.0	<0.68	NA	NA	0	NA	NA
	06/21/12	<0.24	<0.23	<0.23	0.36 J	<0.20	1.5	<0.14	0.23 J	<1.8	96	1.6	<0.017	<0.40	<0.62	0	0	<3.0
	10/02/12	<0.24	<0.23	<0.23	<0.24	0.41 J	0.96 J	<0.14	0.19 J	<1.8	74.7	1.2	<0.041	<0.44	<0.67	0	0	NA
	12/27/12	<0.24	<0.23	<0.23	<0.24	0.36 J	<0.19	<0.14	<0.16	<1.8	9.8	<0.22	<0.037	<0.40	<0.62	0	0	NA
	02/20/24	<0.28	<0.44	<0.21	<0.19	0.28 J	1	<0.19	<0.29	<1.9	79.4	1.2	<0.036	<0.38	<0.59	0	0	NA
	04/03/14	<0.28	<0.44	<0.21	<0.19	<0.25	1.2	<0.19	<0.29	<1.9	87.1	1.3	<0.036	<0.39	<0.6	0	0	NA

Notes:

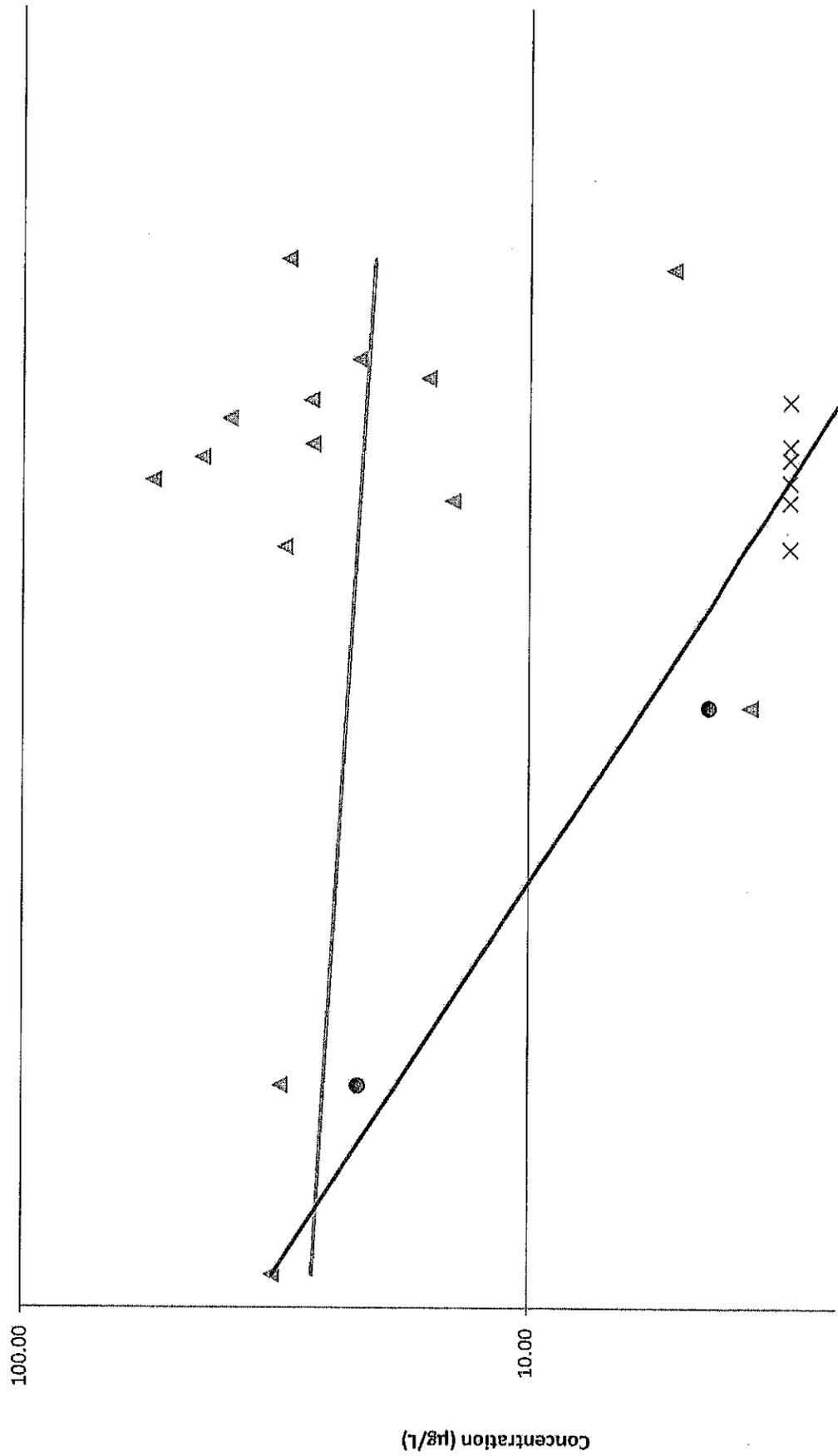
- All results are reported in micrograms per liter µg/L
- \* PCE and TCE contamination is attributed to an off-site source
- MTBE - Methyl tertiary-butyl ether
- TBA - Tertiary-butyl alcohol
- VO TICs - Volatile Organic Tentatively Identified Compounds
- SVO TICs - Semi-Volatile Organic Tentatively Identified Compounds
- GWQS: NUDEP Class II-A Ground Water Quality Standards
- Shaded/Bold:** Concentration exceeds GWQS
- Italicized Values:** Reported by Groundswell Environmental LLC. (GSE)
- ^ - Denotes an Interim NJDEP GWQS
- NI: Well not yet installed
- ND: non detected. MDL information is unavailable
- <: non detected. Reported value is less than the applicable MDL
- D: Value shown from analysis at a secondary dilution factor
- J: Estimated value
- NA: Sample not analyzed for this compound or results not available

Borough of Sea Girt - Department of Public Works  
 MW-1 Targeted Contaminant Concentration vs. Time



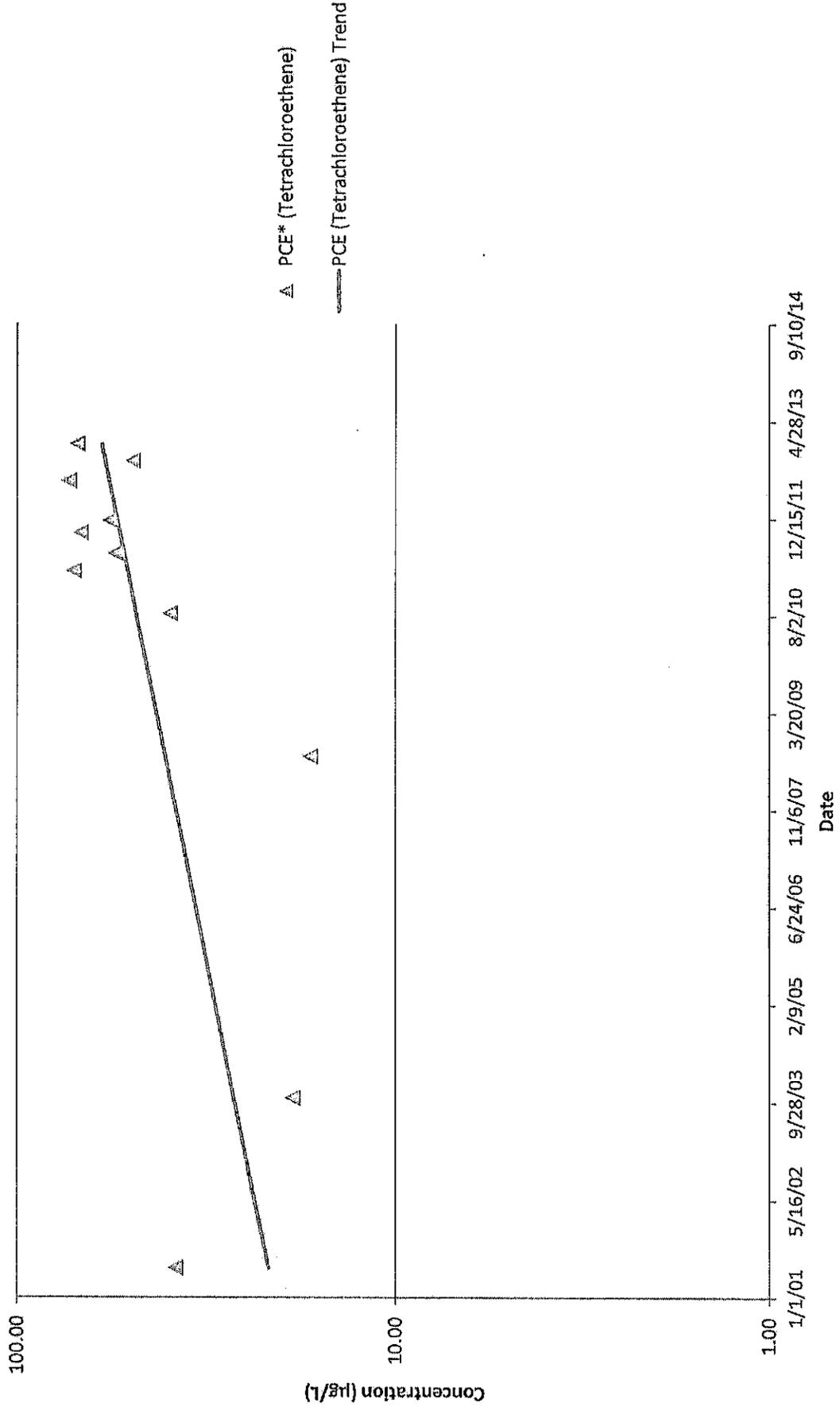
\* PCE contamination is attributed to an off-site source

Borough of Sea Girt - Department of Public Works  
MW-2 Targeted Contaminant Concentration vs. Time



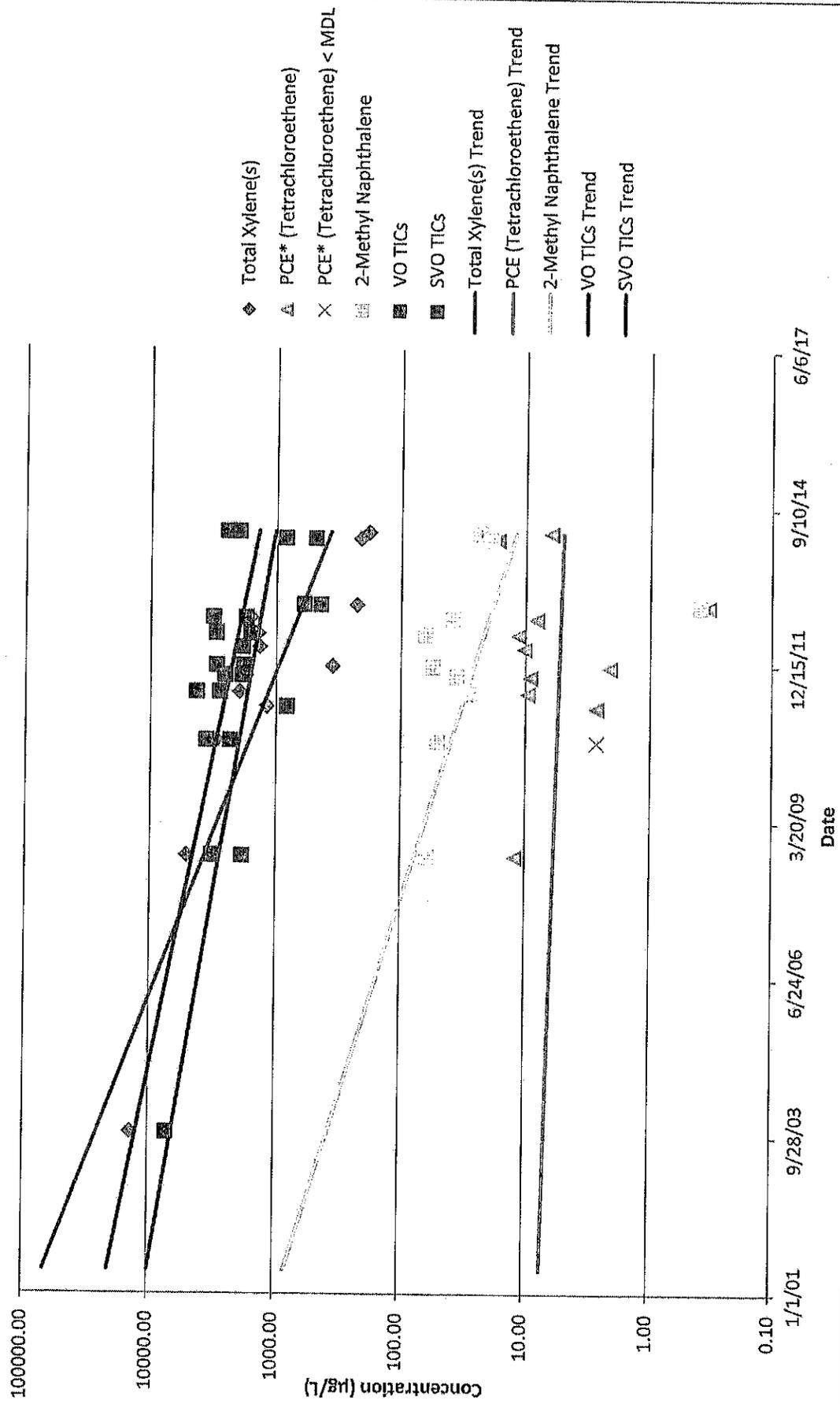
\* PCE contamination is attributed to an off-site source

Borough of Sea Girt - Department of Public Works  
 MW-3 Targeted Contaminant Concentration vs. Time



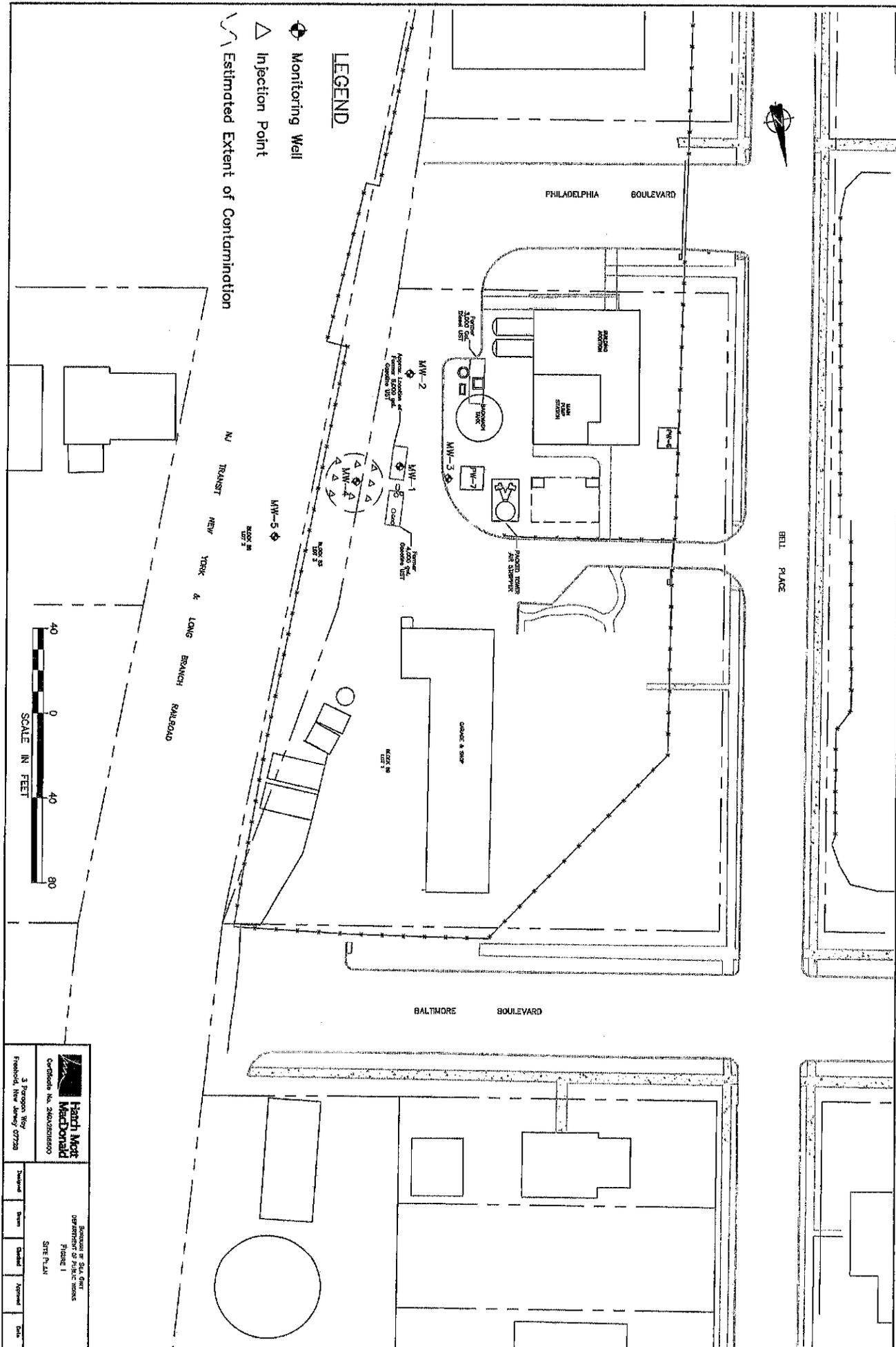
\* PCE contamination is attributed to an off-site source

Borough of Sea Girt - Department of Public Works  
 MW-4 Targeted Contaminant Concentration vs. Time



\* PCE contamination is attributed to an off-site source





<p><b>Hatch Mott MacDonald</b>                  Certificate No. 24620201800                  3 Ferguson Way                  Princeton, NJ 08542-9728</p>		Signature of Seal Bearer Department of Public Works Figure 1 SITE PLAN	
Checked	Drawn	Checked	Approved
			Date

**Resolution \_\_-2014**

**BOROUGH OF SEA GIRT  
COUNTY OF MONMOUTH**

**UPON MOTION** of Councilperson \_\_, seconded by Councilperson \_\_, carried, that the following Resolution be and the same is hereby adopted:

**WHEREAS**, the Borough of Sea Girt is in need of an Administrator to fill the vacancy left by the resignation of Alan C. Bunting; and,

**WHEREAS**, the Personnel Committee and Mayor have conducted interviews of suitable candidates; and,

**WHEREAS**, pursuant to Borough Ordinance, the appointment of the Administrator is a Mayoral appointment with the advice and consent of the Borough Council.

**NOW, THEREFORE, BE IT RESOLVED** that the appointment of Lorraine P. Carafa as Administrator be and is hereby approved, effective June 1, 2014 through December 31, 2015, inclusive, pursuant to the terms and conditions of the Agreements attached hereto.

**BE IT FURTHER RESOLVED** that the compensation for Administrator shall be \$80,000 for the period June 1, 2014 through May 31, 2015.

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution shall be supplied to the Chief Financial Officer for her action.

Recorded Vote:

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

**CERTIFICATION**

I, Lorraine P. Carafa, Municipal Clerk of the Borough of Sea Girt, County of Monmouth, State of New Jersey, do hereby certify that the foregoing is a true and exact copy of the Resolution adopted by the Borough Council of the Borough of Sea Girt at a Regular Meeting held on the 28<sup>th</sup> day of May, 2014.

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Lorraine P. Carafa, RMC  
Municipal Clerk

RESOLUTION \_\_-2014

**BOROUGH OF SEA GIRT  
COUNTY OF MONMOUTH**

**RESOLUTION TO HIRE PART-TIME SEASONAL EMPLOYEES FOR THE 2014 BEACH  
SEASON – LIFEGUARD CREW**

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

WHEREAS, the Beach Utility is in need of various personnel to fill the positions necessary to operate the Borough Beach during the 2014 season; and,

WHEREAS, the Beach Manager and Lifeguard Captain have recommended the following Personnel for employment with the Borough.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sea Girt that the following persons are hereby appointed as seasonal staff members to be employed in the positions noted at the season or hourly rates listed for the 2014 beach season:

2014 Sea Girt Beach Department Roster & Hourly Wages  
Office, Gateguards & Beach Crew

*Bold Names are New Hires for 2014*

Lifeguards - Dept 292	Classification	Pay Step	Pay Rate	OT Rate
Harmon, Timothy	Lifeguard Chief	Sal		
Aljian, Rich		6	14.00	21.00
Andersen, Erin		2	10.45	15.68
Andresen, Ryan		2	10.45	15.68
Barrows, Mike		6A	14.50	21.75
Bell, Christine		5A	13.50	20.25
Bell, Jeff		4A	13.25	19.88
Belott, Frank	Lieutenant	Lt. 2	14.50	21.75
Bianco, Phil		2	10.45	15.68
Bogan, Raymond		4	12.75	19.13
<b>Bogan, Francis</b>	<b>New Hire</b>	<b>1</b>	<b>9.75</b>	<b>14.63</b>
Boodey, Christian		3	12.00	18.00
Brown, Conor		3	12.00	18.00
Buob, Alan		3A	12.50	18.75
Cannon, Jake		2	10.45	15.68
<i>Capone, Christian</i>	<i>Rehire 2011</i>	2	10.45	15.68
Castillo, Matt		4	12.75	19.13
Connolly, Dan	Lieutenant	Lt. 4A	15.65	23.48
<b>Dacey, Brianna</b>	<b>New Hire</b>	<b>1</b>	<b>9.75</b>	<b>14.63</b>
D'Anna, Alex		2	10.45	15.68
Essington, Nick		3	12.00	18.00
Fabrizio, Dan		6	14.00	21.00

Falciani, Mike		5A	13.50	20.25
Findlay, Bill		4	12.75	19.13
Finnigan, Gary		Lt. 2	14.50	21.75
Fittin, Annie		4	12.75	19.13
Fittin, Carolyn		3	12.00	18.00
Fittin, Peter		4	12.75	19.13
Forrester, John		6	14.00	21.00
<b>Freda, Carlie</b>	<b>New Hire</b>	<b>1</b>	9.75	14.63
Green, Jon		2	10.45	15.68
Haibach, Matt		5	13.00	19.50
Hall, Arielle		3	12.00	18.00
<b>Hall, John</b>	<b>New Hire</b>	<b>1</b>	9.75	14.63
Harmon, Matt	Lieutenant	Lt. 4A	15.65	23.48
<b>Hauser, John</b>	<b>New Hire- PSU D1 Swimmer</b>	<b>2</b>	10.45	15.68
Hoffman, Ray		4	12.75	19.13
Kelly, Billy		5	13.00	19.50
<b>Kern, Carolyn</b>	<b>New Hire</b>	<b>1</b>	9.75	14.63
Kotran, James		6	14.00	21.00
Krausser, Ed	Lieutenant	Lt. 4A	15.65	23.48
Lamb, Jason	will be volunteering	6A	14.50	21.75
Lenahan, Daniel		3	12.00	18.00
<b>Lilley, Austin</b>	<b>New Hire</b>	<b>1</b>	9.75	14.63
Lynch, Bridget		3	12.00	18.00
<b>Lynch, Julia</b>	<b>New Hire</b>	<b>1</b>	9.75	14.63
Maiorano, Joe		3	12.00	18.00
Mulroy, Justin		3	12.00	18.00
<b>Mulroy, Kiera</b>	<b>New Hire</b>	<b>1</b>	9.75	14.63
Oram, Kathryn		3	12.00	18.00
Orzechowski, Drew		2	10.45	15.68
Pace, Ryan		6	14.00	21.00
<b>Palamese, Dave</b>	<b>New Hire- former Spring Lake Lifeguard</b>	<b>6</b>	14.00	21.00
Pearson, John	Rehire 2011	2	10.45	15.68
Perez, Brian		3	12.00	18.00
<b>Risley, Graham</b>	<b>New Hire- PSU D1 Swimmer</b>	<b>2</b>	10.45	15.68
<b>Rowlands, Grant</b>	<b>New Hire- PSU D1 Swimmer</b>	<b>2</b>	10.45	15.68
Ruckert, Brendan		3	12.00	18.00
<b>Satanik, Wade</b>	<b>New Hire- PSU D1 Swimmer/ Sandy Hook Guard</b>	<b>3</b>	12.00	18.00
Sharp, Mary Kate		2	10.45	15.68
Sharp, Sarah		3	12.00	18.00
Silvestri, Matt		2	10.45	15.68
Skimmons, Annie		2A	10.95	16.43
<b>Skimmons, Joe</b>	<b>New Hire</b>	<b>1</b>	9.75	14.63
Smith, Brandon (Woody)		4	12.75	19.13
Sodano, Will		4	12.75	19.13
Stanton, Anthony		2	10.45	15.68

Stewart, Mike	Lieutenant	Lt. 3A	15.25	22.88
Sudol, Todd	Lieutenant	Lt. 3A	15.25	22.88
Sweeny, Charlie	Rehire 2011	4	12.75	19.13
Tucci, Josh		3	12.00	18.00
Violette, Tyler		2	10.45	15.68
Wade, Ryan		6A	14.50	21.75
Welsh, Dave		5	13.00	19.50
<b>Wensel, Seth</b>	<b>New Hire- PSU D1 Swimmer</b>	<b>2</b>	10.45	15.68
Whille, Tyler	Rehire 2011	4	12.75	19.13
Williams, Ashley		5A	13.50	20.25
<b>Williams, Kyle</b>	<b>New Hire- former Sandy Hook Lifeguard/ Lt.</b>	<b>6</b>	14.00	21.00
Yaegar, Natasha		5A	13.50	20.25
Yaegar, Nikki		5	13.00	19.50
Zane, Matt	Lieutenant	Lt. 4A	15.65	23.48
<b><u>Potential Hire if another opening or someone doesn't take job or leaves mid summer</u></b>				
McBride, Randall		1	9.75	14.63
<b><u>INJURED AS OF 5/20/14</u></b>				
	<b><u>Medically Inactive until Cleared</u></b>			
Locke, Dave		6A	14.50	21.75
Milko, Zach		3A	12.50	18.75

**Salary Rate**

Lifeguard 1	9.75	
Lifeguard 1A	10.25	14.25
Lifeguard 2	10.45	14.75
Lifeguard 2A	10.95	14.50
Lifeguard 3	12.00	15.00
Lifeguard 3A	12.50	14.75
Lifeguard 4	12.75	15.25
Lifeguard 4A	13.25	15.15
Lifeguard 5	13.00	15.65
Lifeguard 5A	13.50	
Lifeguard 6	14.00	
Lifeguard 6A	14.50	

**RESOLUTION \_\_\_-2014**  
(continued)

Recorded Vote:

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

**CERTIFICATION**

I, Lorraine P. Carafa, Municipal Clerk of the Borough of Sea Girt, County of Monmouth, State of New Jersey, do hereby certify that the foregoing is a true and exact copy of the Resolution adopted by the Borough Council of the Borough of Sea Girt at their Regular Meeting held on May 28, 2014.

---

Lorraine P. Carafa, RMC  
Municipal Clerk

**RESOLUTION \_\_\_-2014**

**BOROUGH OF SEA GIRT  
COUNTY OF MONMOUTH**

**RESOLUTION TO APPOINT DPW STAFF**

**UPON MOTION** of Councilperson \_\_\_, seconded by Councilperson \_\_\_, carried, that the following Resolution be and the same is hereby adopted:

**WHEREAS**, the Borough of Sea Girt Department of Public Works has the need to appoint staff members to fill various vacancies.

**NOW, THEREFOE BE IT RESOLVED** that the following personnel are hereby appointed, effective May 27, 2014, as specified:

Steven Contreras, Full-time Laborer, \$33,888.41, *pro-rated as necessary*  
Joseph Drew, Seasonal Laborer through October 15, 2014, \$12.00 per hour for hours worked

Recorded Vote:

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

**CERTIFICATION**

I, Lorraine P. Carafa, Municipal Clerk of the Borough of Sea Girt, County of Monmouth, State of New Jersey, do hereby certify that the foregoing is a true and exact copy of the Resolution adopted by the Borough Council of the Borough of Sea Girt at their Regular Meeting held on May 28, 2014.

---

Lorraine P. Carafa, RMC  
Municipal Clerk

**RESOLUTION \_\_\_-2014**

**BOROUGH OF SEA GIRT  
COUNTY OF MONMOUTH**

**RESOLUTION TO APPROVE RENEWAL OF PLENARY RETAIL CONSUMPTION  
LICENSE FOR EMERALD SHORE, INC. T/A HARRIGAN'S PUB, 703 BALTIMORE  
BLVD., SEA GIRT, NJ**

**UPON MOTION** of Councilperson \_\_\_\_, seconded by Councilperson \_\_\_\_, carried, that the following Resolution be and the same is hereby adopted:

**WHEREAS**, an application for renewal of Plenary Retail Consumption License #1344-33-001-004 has been filed by Emerald Shore, Inc. t/a Harrigan's Pub, has been properly executed and is accompanied by the State and Borough fees, License Application Certification, and Tax Clearance Certificate.

**NOW, THEREFOE BE IT RESOLVED** that the Plenary Retail Consumption License #1344-33-001-004, effective from July 1, 2014 to June 30, 2015 be issued to Emerald Shore, Inc. t/a Harrigan's Pub, premises located at 703 Baltimore Boulevard, Sea Girt, New Jersey.

Recorded Vote:

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

**CERTIFICATION**

I, Lorraine P. Carafa, Municipal Clerk of the Borough of Sea Girt, County of Monmouth, State of New Jersey, do hereby certify that the foregoing is a true and exact copy of the Resolution adopted by the Borough Council of the Borough of Sea Girt at their Regular Meeting held on May 28, 2014.

---

Lorraine P. Carafa, RMC  
Municipal Clerk



**RESOLUTION --2014**

**BOROUGH OF SEA GIRT  
COUNTY OF MONMOUTH**

**RESOLUTION TO APPROVE PLENARY RETAIL CONSUMPTION LICENSE FOR  
ROD'S OLDE IRISH ALE HOUSE, INC., 507 WASHINGTON BLVD., SEA GIRT, NJ**

**UPON MOTION** of Councilperson \_\_\_\_, seconded by Councilperson \_\_\_\_, carried, that the following Resolution be and the same is hereby adopted:

**WHEREAS**, an application for renewal of Plenary Retail Consumption License has been filed by Rod's Olde Irish Ale House, Inc., has been properly executed and is accompanied by the State and Borough fees, License Application Certification, and the required Tax Clearance Certificate has been issued by the State of New Jersey.

**NOW, THEREFORE, BE IT RESOLVED** that the Plenary Retail Consumption License #1344-33-002-005, effective from July 1, 2014 to June 30, 2015 be issued to Rod's Olde Irish Ale House, Inc, premises located at 507 Washington Boulevard, Sea Girt, New Jersey.

Recorded Vote:

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

**CERTIFICATION**

I, Lorraine P. Carafa, Municipal Clerk of the Borough of Sea Girt, County of Monmouth, State of New Jersey, do hereby certify that the foregoing is a true and exact copy of the Resolution adopted by the Borough Council of the Borough of Sea Girt at their Regular Meeting held on May 28, 2014.

---

Lorraine P. Carafa, RMC  
Municipal Clerk

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF ALCOHOLIC BEVERAGE CONTROL  
PO BOX 087, TRENTON, NJ 08625

2500-

RETAIL RENEWAL APPLICATION FOR 2014-2015 LICENSE TERM

SALES TAX AUTHORITY NUMBER: 22239903 LICENSE NUMBER: 1344-33-002-005  
ISSUING AUTHORITY: BOROUGH OF SEA GIRT  
LICENSE TYPE: PLENARY RETAIL CONSUMPTION LICENSE  
LICENSE STATUS: BUSINESS CORPORATION  
LICENSE NAME: RODS OLDE IRISH ALE HOUSE INC  
TRADE NAME(S): DNA

LICENSED PREMISES ADDRESS: 507 WASHINGTON BLVD  
SEA GIRT NJ 08750

MAILING ADDRESS: NONE ON FILE

IS LICENSE BEING ACTIVELY USED AT AN ACTUAL PREMISE? (X) YES ( ) NO  
IF NO, ON WHAT DATE WAS THE LICENSE LAST USED? \_\_\_/\_\_\_/\_\_\_

\*\*\*\*\*

STATE OF NEW JERSEY )  
 ) SS:  
COUNTY OF Monmouth )

(INDIVIDUAL LICENSEE OR PARTNER OR PRESIDENT OR VICE PRESIDENT OF CORP.)  
BEING DULY SWORN ACCORDING TO LAW, UPON HIS/HER OATH DEPOSES AND SAYS:  
(1) INFORMATION CONTAINED ON THIS LICENSE RENEWAL PRINTOUT, AND AS  
CONTAINED IN THE MOST COMPLETE FULL APPLICATION ON FILE AS UPDATED OR  
AMENDED BY THE ATTACHMENTS HERETO, IS TRUE AND COMPLETE. (2) IF THE  
LICENSEE IS A CORPORATION OR A PARTNERSHIP, I AM DULY AUTHORIZED TO FILE

*[Handwritten Signature]*

(SIGNATURE OF INDIVIDUAL LICENSEE OR GENERAL PARTNER,  
OR PRESIDENT OR VICE PRESIDENT OF CORPORATION) AFFIX CORPORATE SEAL

SWORN TO AND SUBSCRIBED BEFORE ME THIS 23 DAY OF April, 2014.

*[Handwritten Signature: Teresa Perrotti]*

(SIGNATURE OF NOTARY OR ATTORNEY TAKING OATH)

TERESA PERROTTI

(PRINTED NAME AND TITLE OF NOTARY OR ATTORNEY)  
(NOTARY SEAL IF APPLICABLE)

**TERESA A PERROTTI**  
Notary Public of New Jersey  
My Commission Expires June 24, 2018 *[Signature]*

\*\*\*\*\* RESERVED AREA \*\*\*\*\*

MUNICIPAL FEE \$ 2500- STATE FEE \$ 200 DATE FILED 5/20/2014

DATE RENEWAL GRANTED \_\_\_/\_\_\_/\_\_\_ OR DENIED \_\_\_/\_\_\_/\_\_\_

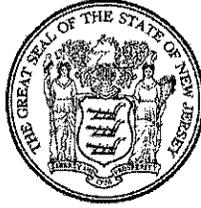
ARE SPECIAL CONDITIONS IMPOSED FOR THE 2014-2015 TERM? ( ) YES ( ) NO

MUNICIPAL CLERK OR A.B.C. BOARD SECRETARY:

SIGNATURE \_\_\_\_\_ DATE \_\_\_/\_\_\_/\_\_\_

NAME OF ISSUING AUTHORITY \_\_\_\_\_

STATE COPY



**State of New Jersey**  
DEPARTMENT OF THE TREASURY  
DIVISION OF TAXATION  
PO BOX 245  
TRENTON, NJ 08695-0245

**ALCOHOLIC BEVERAGE RETAIL LICENSEE**  
**CLEARANCE CERTIFICATE**  
**(RENEWAL)**

5/16/2014

LIQUOR LICENSE NUMBER: 1344-33-002-005

SALES TAX REGISTRATION NUMBER: XXX-XX-9403/000

RODS OLDE IRISH ALE HOUSE INC

The Director of the Division of Taxation, in accordance with chapter 161 Laws of N.J. 1995, has reviewed the records of the above holder of a retail alcoholic beverage license. This review shows that the licensee is in compliance with this act.

This certificate indicates the above license holder is in compliance with the above act and the Division of Taxation has no objections to renewal of said license. This certificate does not constitute a waiver of authority to demand resolution of any other deficiencies and delinquencies and shall not prevent further audit or the assessment of additional taxes, penalties, interest or fees as may be provided by law.

**NOT TO BE USED FOR TRANSFERS**

A handwritten signature in black ink, appearing to read "Michael J. Bryan".

---

Michael J. Bryan

Acting Director, Division of Taxation

**RESOLUTION \_\_-2014  
BOROUGH OF SEA GIRT  
MONMOUTH COUNTY**

**UPON MOTION** of \_\_, seconded by \_\_, carried, that the following Resolution be and the same is hereby adopted:

WHEREAS, the Borough of Sea Girt adopted Ordinance No. 11-2010 adopting a revised Personnel Policies and Procedures Manual dated May 12, 2010 and said Ordinance authorizes the Borough Council to amend, revise, replace and supplement the Personnel Policies and Procedures Manual by duly adopted Resolution; and,

WHEREAS, the Borough Council of the Borough of Sea Girt, pursuant to guidance issued by the Municipal Excess Liability Fund (MEL), wishes to revise and supplement the existing Personnel Policies and Procedures Manual by including, but not limited to, the following section revisions and the addition of new sections entitled:

1. Section entitled "New Jersey Family Leave" is revised for eligibility requirements;
2. Changes were made to the FMLA and related Certifications required to apply for FMLA leave;
3. Section entitled "Computers, Internet and E-mail Usage" is rescinded in its entirety and replaced with the new section entitled "Communications Media Policy"
4. Section entitled "Video Surveillance Policy" is hereby added;
5. Section entitled "Use of Municipal Vehicles" is revised to prohibit children riding in vehicles that are responding to any emergency;
6. Section entitled "Domestic Violence Leave" is hereby added;
7. Section entitled "Timesheets/Payment for Accumulated Leave" is hereby added; and,

WHEREAS, the revised and supplemented sections of the Personnel Policies and Procedures have been reviewed by the Borough's Labor Counsel and the required Risk Control Update Checklist has been executed by the Borough's Labor Counsel.

**NOW, THEREFORE, BE IT RESOLVED** that the Borough of Sea Girt Personnel Policies and Procedures Manual, as revised and dated May 28, 2014, is hereby approved by the Borough Council.

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution, along with the required Checklist be and the same shall be supplied to the Municipal Excess Liability Fund, Parsippany, NJ and copies of the revised Personnel Policies and Procedures Manual shall be provided to all Borough employees.

**BE IT FURTHER RESOLVED** that these personnel policies and procedures shall apply to all Borough officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

**BE IT FURTHER RESOLVED** that this manual is intended to provide guidelines covering public service by Borough employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Borough Council

**BE IT FURTHER RESOLVED** that to the maximum extent permitted by law, employment practices for the Borough of Sea Girt shall operate under the legal doctrine known as "employment at will."

**RESOLUTION \_\_-2014  
BOROUGH OF SEA GIRT  
MONMOUTH COUNTY**

**BE IT FURTHER RESOLVED** that the Administrator and all managerial/supervisory personnel are responsible for these employment practices. The Administrator and the Labor Attorney shall assist the Administrator in the implementation of the policies and procedures in this manual.

Recorded Vote:

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

**CERTIFICATION**

I, Lorraine P. Carafa, Municipal Clerk of the Borough of Sea Girt, County of Monmouth, State of New Jersey, do hereby certify that the foregoing is a true and exact copy of the Resolution that was adopted by the Borough Council of the Borough of Sea Girt at their Regular Meeting held the 28<sup>th</sup> day of May, 2014.

---

Lorraine P. Carafa, RMC  
Municipal Clerk

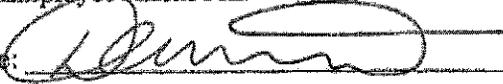
Checklist for Members with Currently Approved Risk Control Plans

2014-2015 MEL EMPLOYMENT PRACTICES  
RISK CONTROL UPDATE CHECKLIST

Name of Municipality or Authority: Borough of Sea Girt

- Retain Employment Attorney/Advisor: (name) Ruderman & Glickman, P.C.
- Update and distribute to managerial/supervisory employees the Personnel Policies and Procedures Manual: (Not necessary to attach)
- Distribute a notice concerning the Conscientious Employee Protection Act to all personnel:
- Update and distribute the Employee Handbook: (Not necessary to attach)
- Adopt the model civil rights resolution (municipalities only).
- Train managerial and supervisory personnel:
- Have Police Chief, Deputy Chief, Public Safety Director, Captains & Lieutenants complete the special EPL training course:
- Offer Anti-Harassment training to all other personnel:
- Sign up with NJ MEL Helpline for Employment Practices.

I, Denise Esmerado, the (check  General Counsel or  Employment Attorney) of (member name) Ruderman & Glickman, P.C. hereby certify that the member has verified to me that the above actions have been completed and that I have read the updated Personnel Policies and Procedures Manual and the updated Employee Handbook.

Signature: 

Date: 5/21/2014

Telephone: 973-467-5111

To qualify for the Employment Practices Liability policy deductible, this checklist should be returned to the MEL Fund Office (9 Campus Drive, Suite 16, Parsippany, NJ 07054 or fax 201-881-7633) as soon as possible. Members submitting this form by May 1, 2014 will qualify for the deductible retroactively to January 1, 2014. Members submitting this form after May 1 will become eligible for the deductible incentive upon approval of the application, but not retroactively.

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### FAMILY MEDICAL LEAVE

Pursuant to the Family and Medical Leave Act of 1993 (the "FMLA"), Borough employees who have worked for the Borough for at least twelve (12) months and have worked at least 1,250 hours over the previous 12 months and is employed at a worksite where 50 or more employees are employed by the employer within 75 miles of the worksite (for Federal leave) are eligible for unpaid, job-protected leave of up to twelve (12) weeks (twenty-six (26) weeks for military care giver leave) in a 12-month period for family and medical reasons. Eligibility for family/medical leave is based on a rolling twelve-month period measured backward from the date an employee uses any FMLA leave. An unpaid leave may be taken for the following purposes:

1. The birth of an employee's child and the care of the newborn child. This provision is applicable to both mothers and fathers;
2. The placement of a child with the employee for adoption or foster care;
3. The care of the employee's spouse, child or parent, with a serious health condition;
4. A serious health condition that renders the employee unable to perform his or her job.

Family Medical Leave is also available for eligible employees:

1. ~~Because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation; for a qualifying exigency while the employee's spouse, son, daughter, or parent (the military member or member) is on covered active duty or called to covered active duty status (or has been notified of an impending call or order to covered active duty) (Qualifying Exigency Leave); and~~
2. To care for a covered service member with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the service member (~~M~~military ~~C~~care giver ~~L~~leave).

Formatted

For additional information on family medical leave for military reasons, see Military Family Leave Policy.

Under the FMLA, a child includes biological, adopted, and foster child, step-child, legal ward or a "child" of a person acting in the capacity of a parent. The term "parent" includes biological, adoptive, step or foster parent, as well as a person that acted in the capacity of a parent toward the employee. Siblings and in-laws are not covered by the FMLA.

A "serious health condition" means an illness, injury, impairment or a physical or mental condition that involves inpatient care or continuing treatment by a health care provider.

Additionally, an employee's serious health condition means the employee is unable to perform the functions of his or her job.

An employee with more than one qualifying event within a 12-month period is not entitled to a separate 12-week period of leave for each event.

It is not required that the leave be taken all at one time. Intermittent leave (leave taken in separate blocks of time) or reduced leave (decrease in the number of working hours per week) can be taken if the employee or a covered relation has a serious health condition, provided intermittent or reduced leave is medically necessary.

TO REQUEST FAMILY MEDICAL LEAVE

To request family medical leave, the employee shall submit a written application to the Administrator. Applications for Family Medical Leave are available from the Administrator. The Application for Family Medical Leave form provides the Borough with, among other things, notice that leave will be taken, the amount of leave to be taken and the reason for the leave. In addition, if the leave involves an illness, the employee shall be required to submit a written Certification of Health Care Provider to the Administrator.

Certification of Health Care Provider forms are available from the Administrator. The Certification of Health Care Provider form must be completed by a health care provider and shall include, among other things:

1. The date on which the serious health condition commenced;
2. The probable duration of the condition;
3. The appropriate medical facts within the knowledge of the health care provider regarding the condition;
4. Where applicable, a statement that the employee cannot perform the essential functions of the employee's job;
5. Where applicable, a statement that the employee is needed to care for a covered relation and the amount of time needed to care for the person.

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Intermittent or reduced leave medical certifications shall state:

1. The dates on which treatment is expected to be given and the duration of such treatment;
2. A statement of the medical necessity for the intermittent or reduced leave schedule and the expected duration;
3. Where applicable, a statement that an intermittent or reduced leave schedule is necessary to care for a covered relation or will assist in the recovery and the expected duration and schedule of the leave.

The Borough requires employees who take FMLA leave because of their own serious medical condition to submit a Certification of Health Care Provider for Employee's Serious Health

~~Condition. The employee can obtain this form from the Administrator. It is also available provided as part of this Manual and available at [http://www.dol.gov/whd/forms\\_s/WH-380-F.pdf](http://www.dol.gov/whd/forms_s/WH-380-F.pdf). The Borough requires employees who take FMLA leave because of the serious medical condition of an employee's immediate family member to submit a Certification of Health Care Provider for Family Member's Serious Health Condition. The employee can obtain this form from the Administrator. It is also provided as part of this Manual and available at [http://www.dol.gov/whd/forms\\_s/WH-380-F.pdf](http://www.dol.gov/whd/forms_s/WH-380-F.pdf).~~

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The Borough may require subsequent recertification on a reasonable basis. Failure to provide any certification is grounds for denial of the leave. If the Borough has doubt as to the validity of the certification provided, the Borough may require, at its expense, that the employee obtain a second opinion from a health care provider selected by the Borough. If the second opinion differs from the first, a third mutually agreeable health care provider shall be selected, whose opinion shall be binding.

NOTIFICATION REQUIREMENTS

If the leave is foreseeable, the employee must provide at least 30 days notice prior to the leave beginning. If the leave needs to begin in less than 30 days, the employee must provide such notice as is practicable.

INTERMITTENT OR REDUCED SCHEDULE LEAVE

Intermittent or reduced schedule leave may be available, depending upon the reason for the leave. Intermittent leave is leave taken in separate blocks of time, rather than one continuous period, necessary to address the circumstances that precipitated the need for leave. *Intermittent leave may be taken in one day increments.* Reduced leave is a schedule in which the weekly hours or hours per day are reduced. The Borough provides intermittent or reduced schedule leave in accordance with the FMLA and the NJFLA.

COMPENSATION FOR FAMILY MEDICAL LEAVE TIME

FMLA leave time is generally unpaid. Unless otherwise provided by law or these policies, employees are required to use accrued but unused leave time toward the FMLA leave. The accrued leave which may be applied depends upon the reason for the FMLA leave. Specifically, ~~unless otherwise provided by collective bargaining agreement, employees must use accrued vacation and personal leave time toward FMLA leave if that leave is taken because of the birth, adoption or placement of a child to care for the child and/or to care for an immediate family member who has a serious health condition. Employees must use accrued sick, vacation, and personal leave time, in that order, and sick leave toward the FMLA leave if that leave is taken because of the employee's serious health condition. When an employee exhausts accrued but used sick time, if applicable, vacation and personal leave time, any remaining FMLA the leave time is unpaid.~~

Comment [DE1]: Loraine: Let me know what you think about applying accrued paid time off in this order.

#### HEALTH BENEFITS DURING FAMILY MEDICAL LEAVE

The Borough will pay health benefit costs for employees who are on family medical leave to the extent the Borough pays them for an active employee not on leave. Therefore, if applicable, employees must continue to pay their regular payroll deduction for their benefits while on leave.

If on paid leave, the employee's contribution will be collected in the same manner as if the employee was reporting to work. During periods of unpaid leave, the employee must arrange with the Administrator or designee prior to taking the leave, for payment of the employee's share of the premium.

#### ACCUAL OF LEAVE TIME DURING FMLA LEAVE

Employees will accrue paid time off (i.e., personal leave, vacation time, sick time) while using accrued time toward FMLA leave. Employees who have exhausted all of their available time do not accrue leave time during unpaid leave.

#### COMMUNICATION DURING FAMILY OR MEDICAL LEAVE

All employees on family or medical leave will be required to report periodically during the leave on their status and intent to return to work. Supervisors or Department Heads will communicate with employees during the leave to determine the employee's intent to return to work. An employee must inform the Administrator immediately if the medical condition changes or if the he or she employee does not intend to return to work.

#### RETURN FROM LEAVE

Upon return from leave, the Borough will restore an employee to his or her position or to a position with equivalent pay, benefits, and other terms and conditions of employment; however, the Borough cannot guarantee that an employee will be returned to his or her original job. The Borough will determine whether a position is an "equivalent position."

All employees who take leave for their own serious medical condition will be required to present a fitness-for-duty certification to be restored to employment.

#### CONSEQUENCES OF FAILING TO RETURN UPON EXPIRATION OF LEAVE

Unless the Borough grants an extension, an employee who fails to return to work upon the expiration of a family or medical leave will be subject to termination. Upon exhaustion of the FMLA and/or NJFLA leave, employees will immediately lose health insurance coverage. Please note that a thirty-day grace period does not exist. Employees who do not continue their employment may continue their health insurance coverage pursuant to COBRA at their own

expense. If an employee does not return to work following leave for a reason other than: (1) the continuation, recurrence, or onset of a serious health condition which would entitle the employee to FMLA leave; or (2) other circumstances beyond the employee's control, the employee may be required to reimburse the Borough for its share of health insurance premiums paid on the employee's behalf during the leave. Employees should direct their written request for an extension of leave to the Administrator as soon as he or she realizes that he or she will not be able to return at the expiration of the leave.

If an employee fails to return to work ~~within five (5) consecutive working days~~ following the expiration of the leave, the employee shall be considered to have abandoned his or her position and voluntarily resigned.

Employees may also be eligible for leave under the New Jersey Family Leave Act. Leave under the Family Medical Leave Act and the New Jersey Family Leave Act will run concurrently, unless otherwise provided by law. For additional information, contact the Administrator.

**MILITARY FAMILY AND MEDICAL LEAVE**

Pursuant to the Family and Medical Leave Act of 1993 (the "FMLA"), Borough employees who have worked for the Borough for at least twelve (12) months and have worked at least 1,250 hours over the previous 12 months are eligible for unpaid, job-protected leave:

1. ~~Because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation ("Qualifying Exigency Leave"); for a qualifying exigency while the employee's spouse, son, daughter, or parent (the military member or member) is on covered active duty or called to covered active duty status (or has been notified of an impending call or order to covered active duty) (qualifying exigency leave);~~
2. To care for a covered service member with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the service member (~~m~~"Military ~~c~~Care ~~G~~Giver ~~L~~Leave").

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Eligible employees may take up to 12 weeks of job-protected leave in the applicable 12-month period for Qualified Exigency Leave. Eligible employees may take up to 26 weeks of job-protected leave in the applicable 12-month period for Military Care Giver Leave.

**MILITARY FAMILY MEDICAL LEAVE ENTITLEMENTS**

Military Care Giver Leave: The Borough provides an eligible employee who is a spouse, son, daughter, parent or next of kin of a covered servicemember with a serious injury or illness with up to a total of twenty-six (26) workweeks of unpaid leave during a "single 12-month period" to care for the servicemember.

~~A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness. A serious injury or illness is one that was incurred by a servicemember in the line of duty on active duty that may render the servicemember medically unfit to perform the duties of his or her office, grade, rank, or rating.~~

~~A covered servicemember is (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness or (2) a covered veteran who is undergoing medical treatment, recuperation or therapy for a serious injury or illness. A covered veteran is an individual who was discharged or released under conditions other than dishonorable at any time during the five~~

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year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran.

A serious injury or illness, in the case of a current member of the Armed Forces, including a member of the National Guard or Reserves, is one that was incurred by a service member in the line of duty on active duty in the Armed Forces or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces, and that may render the service member medically unfit to perform the duties of his or her office, grade, rank, or rating.

A serious injury or illness also means an injury or illness that was incurred by the covered veteran in the line of duty on active duty in the Armed Forces or that existed before the veteran's active duty and was aggravated by service in the line of duty on active duty, and that is either:

1. A continuation of a serious injury or illness that was incurred or aggravated when the veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member's office, grade, rank, or rating; or
2. A physical or mental condition for which the veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and the need for military caregiver leave is related to that condition; or
3. A physical or mental condition that substantially impairs the veteran's ability to work because of a disability or disabilities related to military service, or would do so absent treatment; or
4. An injury that is the basis for the veteran's enrollment in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

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Any one of these definitions meets the FMLA's definition of a serious injury or illness for a covered veteran regardless of whether the injury or illness manifested before or after the individual became a veteran.

The "single 12-month period" for leave to care for a covered servicemember with a serious injury or illness begins on the first day the employee takes leave for this reason and ends 12 months later, regardless of the 12 month period established by the employer for other types of FMLA leave. An eligible employee is limited to a combined total of 26 workweeks of leave for any FMLA-qualifying reason during the "single 12-month period." (Only 12 of the 26 weeks total may be for a FMLA-qualifying reason other than to care for a covered servicemember).

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Qualifying Exigency Leave: The Borough grants an eligible employee up to a total of 12 workweeks of unpaid leave during a 12-month period for a qualifying exigencies arising out of

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~~the fact that, while the employee's spouse, son, daughter, or parent (the military member or member) is on a covered active duty, or call to active duty status (or has been notified of an impending call or order to active duty), in support of a contingency operation. Covered active duty requires deployment to a foreign country.~~ Qualifying exigency leave is available to a family member of a military member in the Regular Armed Forces, National Guard and Reserves; it does not extend to family members of military members in the Regular Armed Forces. Eligibility for Qualifying Exigency Leave is based on a rolling twelve-month period measured backward from the date an employee uses any FMLA leave.

Qualifying exigencies include:

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- Issues arising from a covered military member's short notice of deployment (i.e., deployment on seven or less days of notice) for a period of seven days from the date of notification;
- Military events and related activities, such as official ceremonies, programs, or events sponsored by the military or family support or assistance programs and informational briefings, sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the active duty or call to active duty status of a covered military member;
- Certain childcare and related activities arising from the active duty or call to active duty status of a covered military member, such as arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis, enrolling or transferring a child in a new school or day care facility, and attending certain meetings at a school or a day care facility if they are necessary due to circumstances arising from the active duty or call to active duty of the covered military member;
- Making or updating financial and legal arrangements to address a covered military member's absence;
- Attending counseling provided by someone other than a health care provider for oneself, the covered military member, or the child or the covered military member, the need for which arises from the active duty or call to active duty status of the covered military member;
- Taking up to fifteen calendar days of leave to spend time with a covered military member who is on short-term temporary, rest and recuperation leave during deployment;
- Attending to certain post-deployment activities, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military for a period of 90 days following the termination of the covered military member's active duty status, and addressing issues arising from the death of a covered military member;
- Caring for a military member's parent who is incapable of self-care when the care is necessitated by the member's covered active duty. Such care may include arranging for alternative care, providing care on an immediate need basis, admitting or transferring the parent to a care facility, or attending meetings with staff at a care facility.

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- Any other event that the employee and the Borough agree is a qualifying exigency.

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Spouses employed by the same employer are limited to a combined total of 26 workweeks in a "single 12 month period" if the leave is to care for a covered servicemember with a serious injury or illness, and for the birth and care of a newborn child, for placement of a child for adoption or foster care, or to care for the employee's parent who has a serious health condition.

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FMLA leave may be taken intermittently whenever medically necessary to care for a covered servicemember with a serious injury or illness. FMLA leave also may be taken intermittently for a qualifying exigency arising out of the active duty status or call to active duty of a covered military member. When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the Borough's employer's operation.

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~~Employees may also be eligible for an unpaid leave for up to twenty-six (26) weeks in a year to care for a family member on active duty in the military workweeks in a year to care for a family member on active duty in the military or a covered veteran (a covered veteran is an individual who was discharged or released under conditions other than a dishonorable at any~~

NOTICE REQUIREMENTS

Employees seeking to use military care giver leave must provide 30 days advance notice of the need to take FMLA leave for planned medical treatment for a serious injury or illness of a covered servicemember. If leave is foreseeable but 30 days advance notice is not practicable, the employee must provide notice as soon as practicable—generally, either the same or next business day. An employee must provide notice of the need for foreseeable leave due to a qualifying exigency as soon as practicable. When the need for military family leave is not foreseeable, the employee must provide notice to the employer as soon as practicable under the facts and circumstances of the particular case. Generally, it should be practicable to provide notice for unforeseeable leave within the time prescribed by the Borough's usual and customary notice requirements.

TO REQUEST MILITARY FAMILY MEDICAL LEAVE

To request military family medical leave, the employee shall submit a written application to the Administrator. Applications for Family Medical Leave are available from the Administrator. The Borough requires that an employee's request for military family leave be supported by an appropriate certification. The Borough requires that:

- Leave for a qualifying exigency be supported by a copy of the covered military member's active duty orders or request and recuperation orders, as applicable, and Certification of Qualifying Exigency for Military Family Medical Leave. The employee can obtain the Certification from the Administrator. It is also available at <http://www.dol.gov/whd/forms>. ~~providing the appropriate facts related to the particular qualifying exigency for which leave is sought must be provided, including contact information if the leave involves meeting with a third party;~~

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Leave to care for a covered servicemember with a serious injury or illness be supported by a Certification for of Serious Injury or Illness of Current covered-Servicemember for Military Family Medical Leave. The employee can obtain this form from the Administrator. It is also available at <http://www.dol.gov/whd/forms>. The form must be completed by an authorized health care provider or by a copy of an Invitational Travel Order ("ITO") or Invitational Travel Authorization ("ITA") issued to any member of the covered servicemember's family.

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Leave to care for a covered veteran with a serious injury or illness must be supported by a Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave. The employee can obtain this form from the Administrator. It is also available at <http://www.dol.gov/whd/forms>. The form must be completed by an authorized health care provider.

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COMPENSATION FOR MILITARY FAMILY MEDICAL LEAVE TIME

Unless otherwise provided by law or these policies, employees are required to use accrued but unused leave time toward the FMLA leave. ~~The accrued leave which may be applied depends upon the reason for the FMLA leave. Specifically, e~~Employees must use their accrued, unused personal and vacation time and personal time (in that order) toward military qualifying exigency FMLA leave and ~~Employees must use their accrued personal and vacation time toward military care giver FMLA leave.~~

HEALTH BENEFITS DURING MILITARY FAMILY MEDICAL LEAVE

The Borough will pay health benefit costs for employees who are on military family medical leave to the extent the Borough pays them for an active employee not on leave. Therefore, ~~if applicable,~~ employees must continue to pay their regular payroll deduction for their benefits while on leave. If on paid leave, the employee's contribution will be collected in the same manner as if the employee was reporting to work. During periods of unpaid leave, the employee must arrange with the Administrator or designee prior to taking the leave, for payment of the employee's share of the premium.

ACCRUAL OF LEAVE TIME DURING MILITARY FMLA LEAVE

Employees will accrue paid time off (i.e., personal leave, vacation time, sick time) while using accrued time toward FMLA leave. Employees who have exhausted all of their available time do not accrue leave time during unpaid leave.

RETURN FROM LEAVE

Upon return from leave, the Borough will restore an employee to his or her position or to a position with equivalent pay, benefits, and other terms and conditions of employment; however, the Borough cannot guarantee that an employee will be returned to his or her original job. The Borough will determine whether a position is an "equivalent position."

#### CONSEQUENCES OF FAILING TO RETURN UPON EXPIRATION OF LEAVE

Unless the Borough grants an extension, an employee who fails to return to work upon the expiration of FMLA leave will be subject to termination. Upon exhaustion of the FMLA and/or NJFLA leave, employees will immediately lose health insurance coverage. Please note that a thirty-day grace period does not exist. Employees who do not continue their employment may continue their health insurance coverage pursuant to COBRA at their own expense. If an employee does not return to work following leave for a reason other than: (1) the continuation, recurrence, or onset of a serious health condition which would entitle the employee to FMLA leave; or (2) other circumstances beyond the employee's control, the employee may be required to reimburse the Borough for its share of health insurance premiums paid on the employee's behalf during the leave. Employees should direct their written request for an extension of leave to the Administrator as soon as he or she realizes that he or she will not be able to return at the expiration of the leave.

If an employee fails to return to work within five (5) consecutive working days following the expiration of the leave, the employee shall be considered to have abandoned his or her position and voluntarily resigned.

**FAMILY AND/OR MEDICAL LEAVE**

U.S. DEPARTMENT OF LABOR  
EMPLOYMENT STANDARDS ADMINISTRATION  
WAGE AND HOUR DIVISION  
EMPLOYEE RIGHTS AND RESPONSIBILITIES  
UNDER THE FAMILY MEDICAL LEAVE ACT

**BASIC LEAVE ENTITLEMENT**

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee’s child after birth, or placement for adoption or foster care;
- To care for the employee’s spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee’s job.

**MILITARY FAMILY LEAVE ENTITLEMENTS**

Eligible employees with a spouse, son, daughter, or parent on active duty or call to covered active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

~~The FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.~~

The FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness\* or (2) a covered veteran who is undergoing medical treatment, recuperation or therapy for a serious injury or illness\*. A covered veteran is an individual who was discharged

or released under conditions other than dishonorable at any time during the five year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran.

\*The FMLA definitions of "serious injury or illness" for current service members and veterans are distinct from the FMLA definition of "serious health condition".

#### BENEFITS AND PROTECTIONS

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

#### ELIGIBILITY REQUIREMENTS

Employees are eligible if they have worked for a covered employer for at least one year, for 1,250 hours over the previous 12 months and if at least 50 employees are employed by the employer within 75 miles.

#### DEFINITION OF SERIOUS HEALTH CONDITION

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

#### USE OF LEAVE

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

### NEW JERSEY FAMILY LEAVE

Employees who have worked for at least twelve months and for at least 1,000 hours during the twelve-month period immediately preceding the leave are entitled to twelve weeks of family leave in any twenty-four month period under the provisions of the New Jersey Family Leave Act. Employees may take leave because of:

1. The birth or adoption of a child; or
2. The serious health condition of a family member.

“Child” means a biological, adopted, or foster child, stepchild, legal ward, or child of a parent who is (1) under the age of 18, or (2) 18 years of age or older but incapable of self-care because of mental or physical impairment. “Parent” means a person who is the biological parent, adoptive parent, foster parent, step-parent, parent-in-law, or legal guardian, having a “parent-child relationship” with a child as defined by law, or having sole or joint legal or physical custody, care, guardianship, or visitation with a child. “Family member” means a child, parent, spouse, partner in a civil union or partner in a domestic partnership.

Eligibility for family leave is based on a rolling 24-month period measured backward from the date an employee uses any NJFLA leave. An employee may not take more than 12 weeks of NJFLA Leave in any given 24 month period, as measured back from the date a request for NJFLA Leave is to take effect.

Any employee who wishes to apply for Family Leave must request such leave from the Administrator thirty (30) days in advance in writing using the Application for Family and/or Medical Leave, available from the Administrator. This time and written application requirement may be waived in emergency situations by the Administrator.

Employees may also be eligible for leave under the federal Family Medical Leave Act. If an employee is eligible for leave under both the federal Family Medical Leave Act and the New Jersey Family Leave Act, leave will run concurrently. For additional information, contact the Administrator.

**APPLICATION FOR FAMILY AND/OR MEDICAL LEAVE  
EMPLOYEE REQUEST FOR FAMILY AND/OR MEDICAL LEAVE (FMLA)  
AND/OR NEW JERSEY FAMILY LEAVE (NJFLA)**

Name: \_\_\_\_\_ Department: \_\_\_\_\_

Title: \_\_\_\_\_ Date of Request: \_\_\_\_\_

Hire Date: \_\_\_\_\_

Start Date of Anticipated Leave: \_\_\_\_\_

Expected Date of Return to Work: \_\_\_\_\_

Reason for Leave:

- I request family leave to care for my newborn child, my newly adopted child, or a newly placed foster child in my home.
- I request family leave to care for my family member with a serious health condition. I request family leave to care for:  Spouse  Child  Parent  Civil union partner/domestic partner (NJFLA only)  Parent-in-law (NJFLA only)
- I request medical leave to care for my own serious medical condition.
- I request military family leave because of a qualifying exigency arising out of the fact that while my  Spouse  Child  Parent is on covered active duty or call to active duty status in support of a contingency operation as a member of the National Guard or Reserves.
- I request military family leave because I am the  Spouse  Child  Parent  Next of Kin of a covered service member with a serious injury or illness.

Method of Leave Requested:

- Consecutive Leave
- Intermittent or Reduced Leave Schedule (specify schedule below) (Please note that the availability of intermittent or reduced leave depends upon the reason for the requested leave. The Borough provides intermittent or reduced leave as required by law.)

\_\_\_\_\_  
\_\_\_\_\_

Substitution of Paid Leave:

FMLA leave time is generally unpaid. Unless otherwise provided by law or these policies, employees are required to use accrued but unused leave time toward the FMLA leave. The accrued leave which may be applied depends upon the reason for the FMLA leave. Specifically, employees must use accrued vacation and personal leave time toward FMLA leave if that leave is taken because of the birth, adoption or placement of a child to care for the child and/or to care for an immediate family member who has a serious health condition. Employees must use accrued vacation, personal and sick leave toward the FMLA leave if that leave is taken because of the employee's serious health condition.

I understand that if my family or medical leave (total of paid and unpaid time) does not exceed 12 weeks, (26 weeks for military care giver leave), I will be returned to my same or equivalent position. I understand that if my family or medical leave exceeds 12 weeks (26 weeks for military care giver leave), the Borough may terminate my employment in accordance with applicable law. If my request for a leave is approved, it is my understanding that unless the Borough has authorized an extension of my leave in writing, I must report to duty on the first workday following the date my leave is scheduled to end. I understand that my failure to return to work within five (5) consecutive working days following the expiration of the leave will constitute unequivocal notice of my intent not to return to work and the Borough may terminate my employment.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Received by: \_\_\_\_\_  
[Employer Representative]

**FAMILY AND/OR MEDICAL LEAVE  
CERTIFICATION OF HEALTH CARE PROVIDER  
FOR EMPLOYEE'S SERIOUS HEALTH CONDITION**

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**SECTION I: For Completion by the EMPLOYER**

The Family Medical Leave Act ("FMLA") provides that an employer may require an employee seeking FMLA protections because of a need for leave due to a serious health condition to submit a medical certification issued by the employee's health care provider. Please complete Section I before giving this form to the employee. The Borough may not ask the employee to provide more information than allowed under the FMLA regulations, 29 C.F.R. §§ 825.306-825.308. The Borough must generally maintain records and documents relating to medical certifications, recertifications, or medical histories of employees created for FMLA purposes as confidential medical records in separate files/records from the usual personnel files and in accordance with 29 C.F.R. § 1630.14(e)(1), if the American with Disabilities Act applies.

Employer name and contact: \_\_\_\_\_

Employee's job title: \_\_\_\_\_

Regular work schedule: \_\_\_\_\_

Employee's essential job functions: \_\_\_\_\_

Job Description is attached.

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**SECTION II: For Completion by the EMPLOYEE**

Please complete Section II before giving this form to your medical provider. The FMLA permits an employer to require that you submit a timely, complete, and sufficient medical certification to support a request for FMLA leave due to your own serious health condition. If requested by your employer, your response is required to obtain or retain the benefit of FMLA protections. 29 U.S.C. §§ 2613, 2614(c)(3). Failure to provide a complete and sufficient medical certification may result in a denial of your FMLA request. 20 C.F.R. § 825.313. The Borough must give you at least 15 calendar days to return this form. 29 C.F.R. § 825.305(b).

Your name: \_\_\_\_\_

First Middle Last

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**SECTION III: For Completion by the HEALTH CARE PROVIDER**

**INSTRUCTIONS to the HEALTH CARE PROVIDER:** Your patient has requested leave under the FMLA. Answer, fully and completely, all applicable parts. Several questions seek a response as to the frequency or duration of a condition, treatment, etc. Your answer should be your best estimate based upon your medical knowledge, experience, and examination of the patient. Be as specific as you can; terms such as "lifetime," "unknown," or "indeterminate" may not be sufficient to determine FMLA coverage. Limit your responses to the condition for which the employee is seeking leave. Please be sure to sign the form on the last page.

Provider's name and business address: \_\_\_\_\_

Type of practice/Medical specialty: \_\_\_\_\_

Telephone: ( ) \_\_\_\_\_ Fax: ( ) \_\_\_\_\_

**PART A: MEDICAL FACTS**

1. Approximate date condition commenced: \_\_\_\_\_

Probable duration of condition: \_\_\_\_\_

Mark below as applicable:

Was the patient admitted for an overnight stay in hospital, hospice, or residential medical care facility?  Yes  No If so, dates of admission: \_\_\_\_\_

Date(s) you treated the patient for condition: \_\_\_\_\_

Will the patient need to have treatment visits at least twice per year due to the condition?  Yes  No

Was medication, other than over the counter medication prescribed?  Yes  No

Was the patient referred to other health care provider(s) for evaluation or treatment (e.g., physical therapist)?  Yes  No If so, state the nature of such treatments and expected duration of treatment: \_\_\_\_\_

2. Is the medical condition pregnancy?  Yes  No If so, expected delivery date: \_\_\_\_\_

3. Use the information provided by the employer in Section I to answer this question. If the employer fails to provide a list of the employee's essential functions or a job description, answer these questions based upon the employee's own description of his/her job functions.

Is the employee unable to perform any of his/her job functions due to the condition?  Yes  No If so, identify the job functions the employee is unable to perform: \_\_\_\_\_

4. Describe other relevant medical facts, if any, related to the condition for which the employee seeks leave (such medical facts may include symptoms, diagnosis, or any regimen of continuing treatment such as the use of specialized equipment): \_\_\_\_\_

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PART B: AMOUNT OF LEAVE

5. Will the employee be incapacitated for a single continuous period of time due to his/her medical condition, including any time for treatment and recovery?  Yes  No

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6. Will the employee need to attend follow-up treatment appointments or work part time or on a reduced schedule because of the employee medical condition?  Yes  No

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If so, are the treatments or the reduced number of hours of work medically necessary?  Yes  No

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Estimate treatment schedule, if any, including the dates of any scheduled appointments and the time required for each appointment, including any recovery period: \_\_\_\_\_

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Estimate the part-time or reduced work schedule the employee needs, if any: \_\_\_\_\_ hours(s) per day: \_\_\_\_\_ days per week from \_\_\_\_\_ through \_\_\_\_\_

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7. Will the condition cause episodic flare-ups periodically preventing the employee from performing his/her job functions?  Yes  No

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Is it medically necessary for the employee to be absent from work during the flare-ups?  Yes  No If so, explain: \_\_\_\_\_

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Based upon the patient's medical history and your knowledge of the medical condition, estimate the frequency of flare-ups and the duration of related incapacity that the patient may have over the next 6 months (i.e., 1 episode every 3 months lasting 1-2 days):

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Frequency: \_\_\_\_\_ times per \_\_\_\_\_ week(s) \_\_\_\_\_ month(s)

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Duration: \_\_\_\_\_ hours or \_\_\_\_\_ day(s) per episode

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ADDITIONAL INFORMATION: IDENTIFY QUESTION NUMBER WITH YOUR ADDITIONAL ANSWER.

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FAMILY AND/OR MEDICAL LEAVE
CERTIFICATION OF HEALTH CARE PROVIDER
FOR FAMILY MEMBER'S SERIOUS HEALTH CONDITION

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SECTION I: For Completion by the EMPLOYER

The Family Medical Leave Act ("FMLA") provides that an employer may require an employee seeking FMLA protections because of a need for leave to care for a covered family member with a serious health condition to submit a medical certification issued by the health care provider of the covered family member. Please complete Section I before giving this form to the employee.

The Borough may not ask the employee to provide more information than allowed under the FMLA regulations, 29 C.F.R. §§ 825.306-825.308. The Borough must generally maintain records and documents relating to medical certifications, recertifications, or medical histories of employees' family members, created for FMLA purposes as confidential medical records in separate files/records from the usual personnel files and in accordance with 29 C.F.R. § 1630.14(e)(1), if the American with Disabilities Act applies.

Employer name and contact: \_\_\_\_\_

SECTION II: For Completion by the EMPLOYEE

Please complete Section II before giving this form to your family member or his/her medical provider. The FMLA permits an employer to require that you submit a timely, complete, and sufficient medical certification to support a request for FMLA leave to care for a covered family member with a serious health condition. If requested by your employer, your response is required to obtain or retain the benefit of FMLA protections. 29 U.S.C. §§ 2613, 2614(e)(3). Failure to provide a complete and sufficient medical certification may result in a denial of your FMLA request. 20 C.F.R. § 825.313. The Borough must give you at least 15 calendar days to return this form to your employer. 29 C.F.R. § 825.305(b).

Your name: \_\_\_\_\_

First Middle Last
Name of family member for whom you will provide care:

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Relationship of family member to you: \_\_\_\_\_

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If family member is your son or daughter, date of birth: \_\_\_\_\_

Describe care you will provide to your family member and estimate leave needed to provide care: \_\_\_\_\_

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Employee Signature

Date

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SECTION III: For Completion by the HEALTH CARE PROVIDER

INSTRUCTIONS to the HEALTH CARE PROVIDER: The employee listed above has requested leave under the FMLA to care for your patient. Answer, fully and completely, all applicable parts below. Several questions seek a response as to the frequency or duration of a condition, treatment, etc. Your answer should be your best estimate based upon your medical knowledge, experience, and examination of the patient. Be as specific as you can; terms such as "lifetime," "unknown," or "indeterminate" may not be sufficient to determine FMLA coverage. Limit your responses to the condition for which the patient needs the employee to take leave. Page 3 provides space for additional information, should you need it. Please be sure to sign the form on the last page.

Provider's name and business address: \_\_\_\_\_

Type of practice/Medical specialty: \_\_\_\_\_

Telephone: ( ) \_\_\_\_\_ Fax: ( ) \_\_\_\_\_

PART A: MEDICAL FACTS

1. Approximate date condition commenced: \_\_\_\_\_  
Probable duration of condition: \_\_\_\_\_

Mark below as applicable:

Was the patient admitted for an overnight stay in hospital, hospice, or residential medical care facility?  Yes  No If so, dates of admission: \_\_\_\_\_

Date(s) you treated the patient for condition: \_\_\_\_\_

Will the patient need to have treatment visits at least twice per year due to the condition?  Yes  No

Was medication, other than over-the-counter medication prescribed?  Yes  No

Was the patient referred to other health care provider(s) for evaluation or treatment (e.g., physical therapist)?  Yes  No If so, state the nature of such treatments and expected duration of treatment: \_\_\_\_\_

2. Is the medical condition pregnancy?  Yes  No If so, expected delivery date: \_\_\_\_\_

3. Describe other relevant medical facts, if any, related to the condition for which the patient needs care (such medical facts may include symptoms, diagnosis, or any regimen of continuing treatment such as the use of specialized equipment): \_\_\_\_\_

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PART B: AMOUNT OF CARE NEEDED: When answering these questions, keep in mind that your patient's need for care by the employee seeking leave may include assistance with basic medical, hygienic, nutritional, safety or transportation needs, or the provision of physical or psychological care:

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4. Will the patient be incapacitated for a single continuous period of time, including any time for treatment and recovery?  Yes  No

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Estimate the beginning and ending dates for the period of incapacity: \_\_\_\_\_

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During this time, will patient need care?  Yes  No

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Explain the care needed by the patient and why such care is medically necessary:

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5. Will the patient require follow-up treatments, including any time for recovery?  Yes  No

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Estimate treatment schedule, if any, including the dates of any scheduled appointments and the time required for each appointment, including any recovery period: \_\_\_\_\_

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6. Will the patient require care on an intermittent or reduced schedule basis, including any time for recovery?  Yes  No

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Estimate the hours the patient needs care on an intermittent basis, if any:

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\_\_\_\_\_ hours(s) per day; \_\_\_\_\_ days per week from \_\_\_\_\_ through \_\_\_\_\_

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Explain the care needed by the patient, and why such care is medically necessary:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



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Signature of Health Care Provider \_\_\_\_\_ Date \_\_\_\_\_

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Please return completed form to the patient or send form in a sealed envelope marked  
CONFIDENTIAL to:

Administrator  
Borough of Sea Girt  
Baltimore and Fourth Avenue  
P.O. Box 296  
Sea Girt, New Jersey 08750-0296

Telephone: (732) 449-9433 Ext. 44  
E-Mail: [learafa@seagirtboro.com](mailto:learafa@seagirtboro.com)

**FAMILY AND/OR MEDICAL LEAVE  
CERTIFICATION OF QUALIFYING EXIGENCY FOR MILITARY FAMILY LEAVE**

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**SECTION I: For Completion by the EMPLOYER**

The Family Medical Leave Act ("FMLA") provides that an employer may require an employee seeking FMLA leave due to a qualifying exigency to submit a certification. Please complete Section I before giving this form to the employee. The Borough may not ask the employee to provide more information than allowed under the FMLA regulations, 29 C.F.R. § 825.309.

Employer name: \_\_\_\_\_  
Contact Information: \_\_\_\_\_

**SECTION II: For Completion by the EMPLOYEE**

**INSTRUCTIONS to the EMPLOYEE:** Please complete Section II fully and completely. The FMLA permits an employer to require that you submit a timely, complete, and sufficient certification to support a request for FMLA leave due to a qualifying exigency. Be as specific as you can; terms such as "unknown," or "indeterminate" may not be sufficient to determine FMLA coverage. Your response is required to obtain a benefit. 29 C.F.R. § 825.10. While you are not required to provide this information, failure to do so may result in a denial of your request for FMLA leave. Your employer must give you at least 15 calendar days to return this form to the employer.

Your name: \_\_\_\_\_  
First Middle Last

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Name of covered military member on active duty or call to active duty status in support of a contingency operation: \_\_\_\_\_

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Relationship of covered military member to you: \_\_\_\_\_

Period of covered military member's active duty: \_\_\_\_\_

A complete and sufficient certification to support a request for FMLA leave due to a qualifying exigency includes written documentation confirming a covered military member's active duty or call to active duty status in support of a contingency operation. Please check one of the following:

A copy of the covered military member's active duty orders is attached.

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Other documentation from the military certifying that the covered military member is on active duty (or has been notified of an impending call to active duty) in support of a contingency operation is attached.

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I have previously provided the Borough with sufficient written documentation confirming the covered military member's active duty or call to active duty status in support of a contingency operation.

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PART A: QUALIFYING REASON FOR LEAVE

1. Describe the reason you are requesting FMLA leave due to a qualifying exigency (including the specific reason you are requesting leave):

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2. A complete and sufficient certification to support a request for FMLA leave due to a qualifying exigency includes any available written documentation which supports the need for leave; such documentation may include a copy of a meeting announcement for informational briefings sponsored by the military, a document confirming an appointment with a counselor or school official, or a copy of a bill for services for handling of legal or financial affairs. Available written documentation supporting this request for leave is attached.  Yes  No  None Available

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PART B: AMOUNT OF LEAVE NEEDED

1. Approximate date exigency commenced: \_\_\_\_\_  
Probable duration of exigency: \_\_\_\_\_

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2. Will you need to be absent from work for a single continuous period of time due to the qualifying exigency?  Yes  No

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If so, estimate the beginning and ending dates for the period of absence:

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3. Will you need to be absent from work periodically to address this qualifying exigency?  Yes  No

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Estimate schedule of leave, including the dates of any scheduled meetings or appointments:

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Estimate the frequency and duration of each appointment, meeting, or leave event, including any travel time (i.e., 1 deployment-related meeting every month lasting 4 hours):

Frequency: \_\_\_\_\_ times per \_\_\_\_\_ week(s) \_\_\_\_\_ month(s)

Duration: \_\_\_\_\_ hours \_\_\_\_\_ days(s) per event.

PART C:

If leave is requested to meet with a third party (such as to arrange for childcare, to attend counseling, to attend meetings with school or childcare providers, to make financial or legal arrangements, to act as the covered military member's representative before a federal, state, or local agency for purposes of obtaining, arranging or appealing military service benefits, or to attend any event sponsored by the military or military service organizations), a complete and sufficient certification includes the name, address, and appropriate contact information of the individual or entity with whom you are meeting (i.e., either the telephone or fax number or e-mail address of the individual or entity). This information may be used by your employer to verify that the information contained on this form is accurate.

Name of Individual: \_\_\_\_\_ Title: \_\_\_\_\_

Organization: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: ( ) \_\_\_\_\_ Fax: ( ) \_\_\_\_\_

E-mail: \_\_\_\_\_

Describe nature of meeting: \_\_\_\_\_

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PART D:

I certify that the information I provided above is true and correct.

\_\_\_\_\_  
Signature of Employee \_\_\_\_\_ Date

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**FAMILY AND/OR MEDICAL LEAVE  
CERTIFICATION OF SERIOUS INJURY OR ILLNESS  
OF COVERED SERVICEMEMBER FOR MILITARY FAMILY LEAVE**

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~~Notice to the EMPLOYER—INSTRUCTIONS to the EMPLOYER: The Family and Medical Leave Act (“FMLA”) provides that an employer may require an employee seeking FMLA leave due to a serious injury or illness of a covered servicemember to submit a certification providing sufficient facts to support the request for leave. The Borough may not ask the employee to provide more information than allowed under the FMLA regulations, 29 C.F.R. § 825.310. Employers must generally maintain records and documents relating to medical certifications, recertifications, or medical histories of employees or employees’ family members, created for FMLA purposes as confidential medical records in separate files/records from the usual personnel files and in accordance with 29 C.F.R. § 1630.14(e)(1), if the American with Disabilities Act applies.~~

~~SECTION I: For Completion by the EMPLOYEE and/or COVERED SERVICEMEMBER for whom the Employee Is Requesting Leave—INSTRUCTIONS to the EMPLOYEE or COVERED SERVICEMEMBER: Please complete Section I before having Section II completed. The FMLA permits an employer to require that an employee submit a timely, complete, and sufficient certification to support a request for FMLA leave due to a serious injury or illness of a covered servicemember. If requested by the employer, your response is required to obtain or retain the benefit of FMLA-protected leave. 29 U.S.C. §§ 2613, 2614(e)(3). Failure to do so may result in a denial of an employee’s FMLA request. 29 C.F.R. § 825.310(f). The Borough must give an employee at least 15 calendar days to return this form to it.~~

~~SECTION II: For Completion by a UNITED STATES DEPARTMENT OF DEFENSE (“DOD”) HEALTH CARE PROVIDER or a HEALTH CARE PROVIDER who is either: (1) a United States Department of Veterans Affairs (“VA”) health care provider; (2) a DOD TRICARE network authorized private health care provider; or (3) a DOD non-network TRICARE authorized private health care provider—INSTRUCTIONS to the HEALTH CARE PROVIDER: The employee listed on the next page has requested leave under the FMLA to care for a family member who is a member of the Regular Armed Forces, the National Guard, or the Reserves who is undergoing medical treatment, recuperation, or therapy, or is otherwise in outpatient status, or is otherwise on the temporary disability retired list for a serious injury or illness. For purposes of FMLA leave, a serious injury or illness is one that was incurred in the line of duty on active duty that may render the servicemember medically unfit to perform the duties of his or her office, grade, rank or rating.~~

~~A complete and sufficient certification to support a request for FMLA leave due to a covered servicemember’s serious injury or illness includes written documentation confirming that the covered servicemember’s injury or illness was incurred in the line of duty on active duty and that the covered servicemember is undergoing treatment for such injury or illness by a health care provider listed above. Answer fully and completely, all applicable parts. Several questions seek a response as to the frequency or duration of a condition, treatment, etc. Your answer should be~~

your best estimate based on your medical knowledge, experience, and examination of the patient. Be as specific as you can; terms such as "lifetime," "unknown," or "indeterminate" may not be sufficient to determine FMLA coverage. Limit your responses to the condition for which the employee is seeking leave.

SECTION I: For Completion by the EMPLOYEE and/or the COVERED SERVICEMEMBER for whom the Employee Is Requesting Leave: (This section must be completed before any of the below sections can be completed by a health care provider.)

Part A: EMPLOYEE INFORMATION

Name and Address of Employer (this is the employer of the employee requesting leave to care for covered servicemember):

Name of Employee Requesting Leave to Care for Covered Servicemember:

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Name of Covered Servicemember (for whom employee is requesting leave to care):

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Relationship of Employee to Covered Servicemember Requesting Leave to Care:

Spouse  Parent  Son  Daughter  Next of Kin

Part B: COVERED SERVICEMEMBER INFORMATION

1. Is the covered servicemember a current member of the Regular Armed Forces, the National Guard or Reserves?  Yes  No

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If yes, please provide the covered servicemember's military branch, rank and unit currently assigned to:

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Is the covered servicemember assigned to a military medical treatment facility as an outpatient or to a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients (such as a medical hold or warrior transition unit)?

Yes  No If yes, please provide the name of the medical treatment facility or unit:

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2. Is the covered servicemember on the Temporary Disability Retired List ("TDRL")?

Yes  No

Part C: CARE TO BE PROVIDED TO THE COVERED SERVICEMEMBER

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Describe the care to be provided to the covered servicemember and an estimate of the leave needed to provide the care: \_\_\_\_\_

SECTION II: For Completion by a United States Department of Defense ("DOD") Health Care Provider or a Health Care Provider who is either: (1) a United States Department of Veterans Affairs ("VA") health care provider; (2) a DOD TRICARE network authorized private health care provider; or (3) a DOD non-network TRICARE authorized private health care provider. If you are unable to make certain of the military related determinations contained below in Part B, you are permitted to rely upon determinations from an authorized DOD representative (such as a DOD recovery care coordinator). Please ensure that Section I above has been completed before completing this section. Please be sure to sign the form on the last page.

Part A: HEALTH CARE PROVIDER INFORMATION

Health care provider's name and business address: \_\_\_\_\_

Type of Practice/Medical Specialty: \_\_\_\_\_

Please state whether you are:

- a DOD health care provider;
- a VA health care provider;
- a DOD TRICARE network authorized private health care provider; or
- a DOD non-network TRICARE authorized private health care provider

Telephone: ( ) \_\_\_\_\_ Fax: ( ) \_\_\_\_\_ E-Mail: \_\_\_\_\_

Part B: MEDICAL STATUS

- 1. Covered Servicemember's medical condition is classified as:
  - ("VSI") Very Seriously Ill/Injured - Illness/injury is of such a severity that life is imminently endangered. Family members are requested at bedside immediately. (Please note this is an internal DOD casualty assistance designation used by DOD healthcare providers.)
  - ("SI") Seriously Ill/Injured - Illness/injury is of such severity that there is cause of immediate concern, but there is no imminent danger to life. Family members are requested at bedside. (Please note this is an internal DOD casualty assistance designation used by DOD healthcare providers.)
  - Other Ill/Injured - a serious injury or illness that may render the servicemember medically unfit to perform the duties of the member's office, grade, rank or rating.

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None of the Above. (Note to employee: If this box is checked, you may still be eligible to take leave to care for a covered family member with a "serious health condition" under 29 C.F.R. § 825.113 of the FMLA. If such leave is requested, you may be required to complete a medical certification.

2. Was the condition for which the covered servicemember is being treated incurred in the line of duty on active duty in the armed forces?  Yes  No

3. Approximate date condition commenced: \_\_\_\_\_

4. Probable duration of condition and/or need for care: \_\_\_\_\_

5. Is the covered servicemember undergoing medical treatment, recuperation, or therapy?  Yes  No If yes, please describe the medical treatment, recuperation or therapy:

\_\_\_\_\_

Part C: COVERED SERVICEMEMBER'S NEED FOR CARE BY FAMILY MEMBER

1. Will the covered servicemember need care for a single continuous period of time, including any time for treatment and recovery?  Yes  No

If yes, estimate the beginning and ending dates for this period of time:

\_\_\_\_\_

2. Will the covered servicemember require periodic follow-up treatment appointments?  Yes  No If yes, estimate the treatment schedule:

\_\_\_\_\_

3. Is there a medical necessity for the covered servicemember to have periodic care for these follow-up treatment appointments?  Yes  No

4. Is there a medical necessity for the covered servicemember to have periodic care for other than scheduled follow-up treatment appointments (e.g., episodic flare-ups of medical condition)?  Yes  No

If yes, please estimate the frequency and duration of the periodic care: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signature of Health Care Provider \_\_\_\_\_ Date \_\_\_\_\_

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**PAID FAMILY LEAVE  
UNDER THE NEW JERSEY TEMPORARY DISABILITY BENEFITS LAW**

Beginning July 1, 2009, New Jersey law will provide up to six (6) weeks of Family Leave Insurance benefits. Benefits are payable to covered employees to:

- Bond with a child during the first 12 months after the child's birth, if the covered individual or the domestic partner or civil union partner of the covered individual, is a biological parent of the child, or the first 12 months after the placement of the child for adoption with the covered individual.
- Care for a family member with a serious health condition supported by a certification provided by a health care provider. Claims may be filed for six (6) consecutive weeks, for intermittent weeks or for 42 intermittent days during a 12 month period beginning with the first day of the claim.

"Family member" means a child, spouse, domestic partner, civil union partner or parent of a covered individual.

"Child" means a biological, adopted, or foster child, stepchild or legal ward of a covered individual, child of a domestic partner of the covered individual, or child of a civil union of the covered individual, who is less than 19 years of age or older but incapable of self-care because of mental or physical impairment.

The Family Leave Insurance benefits program provides covered individuals Family Leave Insurance benefits, a wage replacement benefit, not a leave entitlement.

**ELIGIBILITY**

All individuals who have worked 20 calendar weeks in covered New Jersey employment or earned at least 1000 times the NJ minimum wage (currently \$7.15/hr) during the 52 weeks preceding the leave.

**BENEFIT ENTITLEMENT**

Employees on paid leave receive 2/3 of the employee's average weekly wage, up to \$524/week maximum. This program is funded by an employee payroll tax, and there are no employer contributions.

Employees receive six (6) weeks of benefits during any 12-month period for family leave or 42 days of benefits during any 12-month period taken on an intermittent basis to care for a sick family member. The Borough, however, requires employees to take two weeks of sick, vacation or other fully paid time off before using paid family leave. This paid leave may be taken during the one week waiting period. Therefore, the total number of days of paid family leave benefits

## COMPUTERS, INTERNET AND E-MAIL USAGE

The availability and use of the personal computer, access to the Internet and use of e-mail within the work environment has provided many opportunities to enhance productivity and effectiveness. These new technologies also entail the opportunity for rapid transfer and broad distribution of sensitive information that can have damaging effects on the Borough and employees using these electronic systems. Therefore, all Borough employees must abide by the guidelines set forth in this policy when using personal computers, services of external databases and information exchange networks, and voice mail, mobile digital terminals and related electronic messaging devices.

### DEFINITION

**Electronic Messaging Device ("EMD"):** EMDs include personal computers, electronic mail systems, voice mail systems, paging systems, electronic bulletin boards and Internet services, mobile digital terminals and facsimile transmissions.

### GENERAL PRINCIPLES

1. Transmission of electronic messages and information on communication media provided to employees must be treated with the same degree of propriety and professionalism as official written correspondence. Each employee is responsible for ensuring the use of electronic communication in an effective, ethical and lawful manner. Borough-supplied e-mail accounts and Internet IDs must not be used for anything other than Borough-sanctioned communications.
2. Correspondence via e-mail is not guaranteed to be private. Confidential e-mails should not be sent without encryption or password protection. If the Borough determines that encryption software is appropriate, encryption software must be provided or approved by the Department Head. The Department Head must be given a copy of all passwords, and encryption and decryption "keys."
3. Use of EMDs will be monitored for security and/or management reasons. Users are subject to limitations on their use of such resources.
4. The distribution of any information through EMDs is subject to all policies and procedures applicable to dissemination of information by non-electronic means. The Borough reserves the right to determine the suitability of this information.
5. Use of any EMDs for personal use is discouraged by the Borough except in a limited role in compliance with this policy. Employees should use their discretion on its use, while understanding that the Borough reserves the right to monitor such usage. Employees may use Borough personal computers for professional and career development purposes in keeping with other restrictions of this policy and with prior Department Head approval.

6. ~~No employee shall access any file or database unless they have a need and a right to such information. Additionally, personal identification and access codes shall not be revealed to any unauthorized source.~~
7. ~~To avoid any breaches of security, employees must log off any personal computer which has access to the Borough's computer network, electronic mail system, the Internet or sensitive information whenever they leave their workstation.~~

#### USAGE RULES

~~Every employee is responsible for the content of all text, audio or images they place or send over EMDs. The Borough prohibits any employee using Borough EMDs resources from:~~

1. ~~Viewing, downloading and/or transmitting materials (other than that required for law-enforcement business) that involve the use of obscene, hateful or other objectionable materials; viewing, downloading and/or transmitting any material that is obscene or defamatory or which is intended to annoy, harass or intimidate another person; viewing, downloading and/or transmitting sexually explicit images or messages, ethnic slurs, racial epithets or any thing which could be construed as harassment or as disparaging of others, whether or not a recipient has consented to or requested such material;~~
2. ~~Violate policies prohibiting harassment, workplace violence or sexual harassment;~~
3. ~~Sending or receiving e-mails that are unrelated to Borough business activities;~~
4. ~~Soliciting business for personal gain or profit;~~
5. ~~Soliciting for religious, political, charitable or other causes, unless the employee conducts such solicitation as part of their job responsibilities;~~
6. ~~Using EMDs for any fraudulent or illegal purpose;~~
7. ~~Representing personal opinions as those of the Borough;~~
8. ~~Making or posting indecent remarks, proposals, or materials;~~
9. ~~Uploading, downloading, or otherwise transmitting commercial software or any copyrighted materials belonging to parties outside of the Borough, or licensed to the Borough. Employees shall observe the copyright and licensing restrictions of all software applications and shall not copy software from internal or external sources unless legally authorized. The Borough may remove any software for which proof of licensing (original disks, original manuals and/or license) cannot be provided. Privately owned software may be loaded on Borough computers if it is necessary for business purposes and if it is properly licensed. Personal software will be removed if it conflicts with hardware or~~

~~software, interferes with the ability of other employees to use the computer or occupies excessive storage space;~~

- ~~10. — Downloading or installing any software or electronic files (including sound and video files and files attached to e-mail messages), software, or other materials from the Internet or other external sources onto any computer without the prior approval of the Department Head. After receipt of approval from the Department Head, and before being entered into any personal computer, floppy drive and/or shared system, material installed/downloaded must be scanned for viruses with virus protection software approved by the Borough. In no case shall external materials or applications be downloaded directly to any shared (network) drive without consulting the Department Head;~~
- ~~11. — Making any hardware enhancements or additions to Borough-owned equipment without the prior approval of the Department Head. The Department Head is responsible for determining proper installation procedures if approved;~~
- ~~12. — Intentionally interfering with the normal operation of the Borough's computers and/or network, including the propagation of computer viruses and sustained high volume network traffic which substantially hinders others in their use of the network;~~
- ~~13. — Revealing or publicizing confidential Borough information. Confidential, proprietary or sensitive information may be disseminated only to individuals with a need and a right to know and when there is sufficient assurance that appropriate security of such information will be maintained. Such information includes but is not limited to the transmittal of personnel information, such as complaints, grievances, misconduct, disciplinary information, medical records or related information. In law enforcement operations, confidential, proprietary or sensitive information also includes criminal history information, confidential informant identification, and intelligence and tactical operations files.~~
- ~~14. — Examining, changing or using another person's files, output, or user name without explicit authorization;~~
- ~~15. — Sharing passwords or permitting unauthorized persons to use the Borough's electronic mail system;~~
- ~~16. — Performing any other inappropriate uses;~~
- ~~17. — Wasting time on non-Borough business, including playing games on the internet or "surfing" the Web on Borough time.~~

#### NO EXPECTATION OF PRIVACY

~~Employees shall use computer equipment and on-line access for Borough purposes only, except for limited personal use in accordance with this policy. EMD equipment and its contents, and all information gathered via on-line resources belong to the Borough. Additionally, all information stored on Borough computers belongs to the Borough. Personal material and electronic data must not be created or stored on the Borough's computers. Any message created on or sent through the Borough's computer network or Borough owned computers is subject to monitoring. The Borough's computer system captures "screen shots" of (1) all communications using the Borough's computers, even if not connected to the Borough's internet service system and even if using a personal e-mail account and (2) all communications using the Borough's e-mail system, even if created on a non-Borough owned computer. The Borough may inspect all computers and information at any time as necessary for the conduct of its business. Law enforcement EMD is subject to additional restrictions.~~

~~The Borough retains the right to monitor all on-line communications to ensure that employees pursue only appropriate business purposes. Monitoring may include, but is not limited to, review of e-mail content and attachments, e-mail addresses, tracking Internet sites visited by each user, the frequency and time spent on the Internet by each user, blocking access to certain types of sites, and ensuring compliance with this Policy. Employees must have no expectation of privacy in any EMD equipment or its contents.~~

~~This policy applies during business and non-business hours and applies to internal as well as external communications.~~

~~Employees learning of any misuse of the Borough's Internet access or e-mail resources shall notify the Administrator. Users who violate this policy may be subject to disciplinary action up to and including termination of employment. The Borough also retains the right to report any illegal violations to the appropriate authorities.~~

## COMMUNICATIONS MEDIA POLICY

The Borough of Sea Girt's Communication Media are the property of the Borough and, as such, are to be used for legitimate business purposes only. For purposes of this Communication Media Policy, "Communication Media" includes all electronic media forms provide by the Borough, such as cell phones, smart phones, computers, electronic tablets, access to the internet, voicemail, email and fax.

All data stored on and/or transmitted through Communication Media is the property of the Borough. For purposes of this policy, "Data" includes "electronically-stored files, programs, tables, databases, audio and video objects, spreadsheets, reports and printed or microfiche materials which serve a Borough business purpose, regardless of who creates, processed or maintains the data, or whether the date is processed manually or through any of the Borough's mainframe, midrange or workstations,; servers, routers, gateways, bridges, hubs, switches or other hardware components of the Borough's local or wide-area networks.

The Borough respects the privacy of its employees. However, employee communications transmitted by the Boroughs Communication Media are not private to the individual. All Communication Media and all communications and stored information transmitted, received or contained in or through such media many be monitored by Borough. The Borough reserves the absolute right to access, review, audit and disclose all matters entered into, sent over, placed in storage in the Borough's Communication Media. By using the Borough's equipment and or Communication Media, employees consent to have such use monitored at any time, with or without notice, by Borough personnel. The existence of passwords does not restrict or eliminate the Borough's ability or right to access electronic communications. However, the Borough cannot require the employee to provide the password to his/her personal account.

All email, voicemail and internet messages (including any technology-bases messaging) are official documents subject to the provisions of the Open Public Records Act, *N.J.S.A. 47:1A-1*. Employees of the Borough are required to use the assigned municipal email account for ALL Borough business and correspondence. The use of private email accounts for ANY Borough business is strictly prohibited.

Employees can only use the Borough's Communication Media for legitimate business purposes. Employees may not use the Borough's Communication Media in any way that is defamatory, obscene or harassing, or in violation of any Borough rules or policy. Examples of forbidden transmissions or downloads include sexually-explicit messages; unwelcome propositions; ethnic or racial slurs or any other message that can be construed to be harassment or disparaging to others based on their actual or perceived age, race, religion, sex, sexual orientation, gender identity or expression, genetic information, disability, national origin, ethnicity, citizenship, marital status or any other legally recognized protected basis under federal, state or local laws, regulations or ordinances.

All employees who have been granted access to electronically-stored date must use a log-On ID assigned by the Borough. Certain data, or applications that process data, may require additional security measures as determined by the Borough. Employees must not share their passwords; and each employee is responsible for all activity that occurs in connection with their passwords.

All employees may access only data for which the Borough has given permission. All employees must take appropriate actions to ensure that Borough data is protected from unauthorized access, use

or distribution consistent with these policies. Employees may not access or retrieve any information technology resource and store information other than where authorized.

Employees must not disable anti-virus and other implemented security software for any reason, in order to minimize the risk of introducing computer viruses into the Borough's computing environment.

Employees may not install *or modify* ANY hardware device, software application, program code, either active or passive, or any portion thereof, without the express written permission from the Borough. Employees may not upload, download, or otherwise transmit commercial software or any copyrighted material belonging to parties outside of the Borough, or licensed to the Borough. Employees shall observe the copyright and licensing restrictions of all software applications and shall not copy software from internal or external sources unless legally authorized.

The Borough encourages employees to share information with co-workers and with those outside the Borough for the purpose of gathering information, generating new ideas and learning from the work of others to the extent such sharing is permitted by the Borough. Social media provide inexpensive, informal and timely ways to participate in an exchange of ideas and information. However, information posted on a website is available to the public, therefore, employees adhere to the following guidelines for their participation in social media. Employee may engage in social media activity during work time through the use of the Borough's Communication Media, provided that it is directly related to their work and it is in compliance with this policy.

Employees must not reveal or publicize confidential Borough information. Confidential proprietary or sensitive information may be disseminated only to individuals with a need and a right to know, and where there is sufficient assurance that appropriate security of such information will be maintained. Such information includes, but is not limited to the transmittal of personal information such medical records or related information. In law enforcement operations, confidential, proprietary or sensitive information also includes criminal history information, confidential information identification and intelligence and tactical operations files.

Employees are prohibited from releasing or disclosing any photographs, pictures, digital images of an crime scenes, traffic crashes, arrestees, detainees, people or job-related incident or occurrence taken with the Borough's Communication Media to any person, entity, business or media or Internet outlet whether on or off-duty without the express written consent of the Borough Administrator. Except in "emergency situations", employees are prohibited from taking digital images or photographs, with media equipment not owned by the Borough of Sea Girt. For purposes of this section, an "emergency situation" involves a sudden and unforeseen combination of circumstances or the resulting state that calls for immediate action, assistance or relief, and may include accidents, crimes and flights from accidents or crimes and the employee does not have access to the Borough of Sea Girt Communication Media. If such situation occurs, employee agrees that any images belong to the Borough of Sea Girt and agree to release the image to the Borough and ensure its permanent deletion from media device upon direction from the Borough.

No media advertisement, electronic bulletin board posting or any other posting accessible via the Internet about the Borough or on behalf of the Borough, whether through the use of the Borough's Communication media or otherwise, may be issued unless it has first been approved by the Borough Administrator. Under no circumstances may information of a confidential, sensitive or otherwise proprietary nature be placed or posted on the Internet or otherwise disclosed to anyone outside the Borough of Sea Girt.

Because authorized postings placed on the Internet through use of the Borough's Communication Media will display on the Borough's return address, any information posted on the Internet must reflect and adhere to all of the Borough's standards and policies.

All users are personally accountable for messages that they originate or forward using the Borough's Communication media. Misrepresenting, obscuring, suppressing, or replacing a user's identity on any Communication Media is prohibited. "Spoofing" (constructing electronic communications so that it appears to be from someone else) is prohibited.

Employees must respect the laws regarding copyrights, trademarks, right of public (Borough) and other third-party rights. Any use of the Borough of Sea Girt's names, logos, service marks or trademarks outside the course of the employee's employment, without the express written consent of the Borough is strictly prohibited. To minimize the risk of a copyright violation, employees should provide references to the source(s) of information used and cite copyrighted works identified in online communications.

To the extent that employees use social media outside of their employment and in doing so identify themselves as Borough employees, or if they discuss matters related to the Borough of Sea Girt on a social media site, employees must add a disclaimer on the front page, stating that it does not express the views of the Borough of Sea Girt, and the employee is expressing only their personal views. For example: "The views expressed on this website/web log are mine alone and do not necessarily reflect the view of my employer." Place the disclaimer in a prominent position and repeat it for each posting that is expressing an opinion related to the Borough of Sea Girt or the Borough's business. Employees must keep in mind that, if they post information on a social media site that is in violation of Borough policy and/or federal, state or local laws, the disclaimer will not shield them from disciplinary action.

Nothing in these policies is designed to interfere with, restrain or prevent employee communications regarding wages, hours or other terms and conditions of employment. Borough of Sea Girt employees have the right to engage in or refrain from such activities.

## VIDEO SURVEILLANCE

The Borough of Sea Girt may install video surveillance camera systems within public buildings and throughout public areas within the Borough, primarily as visual deterrents of criminal behavior and for the protection of employees and municipal assets. In implementing these video camera systems, the Borough will ensure compliance with federal, state and local laws governing such usage.

The Borough's video surveillance camera systems are a significant tool to which the employees of the Borough will avail themselves in order to complete the goals and objectives of the Borough. Employees are only permitted to use the video surveillance camera systems for legitimate purpose and with proper authorization. The Borough Administrator will be responsible for authorization of users. The improper use of these systems can result in discipline up to and including termination.

No employee is permitted to view, continually watch, search, copy or otherwise use one of the Borough's video surveillance camera systems or tamper with access, archive, alter, add to, or make copies of any data that has been recorded and stored within any of these systems without (1) a specific legitimate purpose and (2) permission from the Borough Administrator.

The Borough of Sea Girt shall designate a person to be responsible for the maintenance and administration of the video surveillance camera system. Such designee will be responsible for maintaining a user access log detailing the date and name of individuals who view/access a stored recording.

Any employee who becomes aware of any unauthorized disclosure of a video records in a contravention of this policy and/or a potential privacy breach has the responsibility to ensure that the Borough Administrator and Chief of the Sea Girt Police Department are immediately informed of such breach.

## USE OF MUNICIPAL VEHICLES

### PURPOSE

The maintenance of a municipal vehicle fleet is necessary to effectively deliver local governmental services. This policy establishes comprehensive procedures outlining the authorized usage of municipal vehicles which must be implemented by all departments.

Municipal vehicles are to be used for official business of the Borough of Sea Girt only. Personal use of municipal vehicles is prohibited and shall be cause for disciplinary action up to and including termination from employment. Only authorized municipal personnel or persons conducting business with the Borough may be transported in municipal vehicles. *At no time shall children be in the Borough vehicle when responding to an emergency. Any violation of this policy constitutes cause for disciplinary action.*

No family member or private citizens shall be transported in a municipal vehicle. An exception to this requirement will be the transport of persons in police vehicles in the line of duty as authorized by the Chief of Police or the designated Command Officer.

### CLASSIFICATION CATEGORIES

Certain Borough employees may be permitted to take municipal vehicles to their residence during non-working hours. This permission can be offered on an emergency, temporary, or long-term basis, contingent upon the satisfaction of an evaluation criteria for such special usage of municipal vehicles. Factors to be addressed and assessed to determine usage on such a basis are as follows. This is not an exhaustive list of factors, but consists of the general considerations for such usage. Moreover, the Borough in its discretion, will determine whether an employee will be permitted to use a municipal vehicle. The assignment of a municipal vehicle during non-working hours, whether on a temporary or long term basis, is at the discretion of the Borough Administrator. In the case of the Administrator himself, it is at the discretion of the Council President.

1. Scope of work responsibilities and duties;
2. On call status;
3. Place of residence;
4. Assignment of work responsibilities and duties due to weather conditions;
5. Assignment of work duties associated with a particular job or project;
6. Planned attendance of an out of town, work related event, meeting, seminar, or sanctioned program;
7. The employee's driving record and capacity to exercise due care in the use of a Borough vehicle.

**DOMESTIC VIOLENCE LEAVE**

(if local unit has twenty-five (25) or more employees)

The New Jersey Security and Financial Empowerment Act, also known as the "NJ SAFE Act", provides protection for employees and their family members who have been the victim of domestic violence or sexual assault. Employees are entitled to twenty (20) days of unpaid protected leave from work to:

- Seek medical attention for physical or psychological injuries;
- Obtain services from a victim services organization, pursue psychological or other counseling;
- Participate in safety planning for temporary or permanent relocation;
- See legal assistance to ensure health and safety of the employee or the employee's relative; or,
- Attend, participate in, or prepare for a criminal or civil court proceeding relating to an incident of domestic or sexual violence.

To be eligible for the leave, an employee must meet the following criteria:

- The employee or their child, parent, spouse, or domestic partner must be a victim of domestic violence or a sexually violent offense;
- The employee must have worked for the employer for at least twelve months and for at least 1,000 hours during the twelve (12) month period immediately preceding the requested leave; and,
- The twenty (20) day leave must be taken within one year of the qualifying event.

Employees may take leave on an intermittent basis but such leave cannot be shorter than one (1) full day. To the extent the leave is foreseeable, employees must provide advance notice. In addition, employee seeking leave must provide proof that they qualify for the leave. Such proof may include restraining order, letter from a prosecutor, proof of conviction, medical documentation or a certification from an agency or professional involved in assisting the employee.

In certain circumstances, the basis for the leave may also qualify under the federal Family and Medical Leave Act and/or the New Jersey Family Leave Act. If so, the Borough of Sea Girt will treat the leave concurrently with the leave under those statutes. Employees may be required to use accrued paid vacation leave, personal time or sick leave concurrently.

The Borough of Sea Girt shall protect the privacy of employees who seek leave by holding the request for leave, the leave itself or the failure to return to work "in the strictest confidence".

The Borough of Sea Girt shall not retaliate, harass or discriminate against any employee exercising his/her right to take the leave provided by this policy.

### **TIMESHEETS**

Non-exempt employees are required to accurately record their work time on the designated time record, sign it and return it to his/her supervisor. Non-exempt employees and exempt employees are required to report their sick time, vacation time, and holiday time on the designated time record. Non-exempt and exempt employees should turn the time record into his/her supervisor.

The supervisor shall review the record for accuracy, approve it and submit it to the designated payroll representative.

#### **PAYMENT FOR ACCUMULATED ABSENCE:**

To the extent that local ordinance, collective bargaining agreement or an employment agreement provides for the payment of compensation for pay while absent from work, the Borough of Sea Girt shall only make such a payment if the Chief financial Officer or Executive Director certifies that such amount is due and that proper documentation establishing that the amount of the accumulated absence has been provided and funds are available to pay. Proper documentation includes:

- A copy of the agreement, ordinance and/or resolution;
- Documentation of the amount of accumulated absence time; and,
- The total value of the compensation due.

Nothing in this section grants employees compensation for absences from work.

**RESOLUTION \_\_\_-2014**

**BOROUGH OF SEA GIRT  
COUNTY OF MONMOUTH**

**RESOLUTION TO AUTHORIZE PURCHASE OF VEHICLES  
FOR THE PUBLIC WORKS AND WATER-SEWER DEPARTMENTS,  
STATE CONTRACT #A83558, WINNER FORD**

**UPON MOTION** of Councilperson \_\_\_, seconded by Councilperson \_\_\_, carried, that the following Resolution be and the same is hereby adopted:

**WHEREAS**, the Borough of Sea Girt Departments of Public Works and Water-Sewer are in need of vehicles as replacements for vehicles that have exceeded their useful life; and,

**WHEREAS**, the Local Public Contracts Law, *N.J.S.A. 40A:11-1*, permits the purchase of goods and materials on a State contract without obtaining competitive quotes; and,

**WHEREAS**, the Chief Financial Officer has certified that funds are available for this purchase in capital accounts C-04-55-536-502 and W-06-55-579-501, respectively, for these purchases.

**NOW, THEREFORE, BE IT RESOLVED** that the Borough Council hereby approves the purchase of vehicles for the Departments of Public Works and Water-Sewer, per State Contract #A83558, from Winner Ford, in the total amount of \$66,760.00, PO #14-00483.

Recorded Vote:

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

**CERTIFICATION**

I, Lorraine P. Carafa, Municipal Clerk of the Borough of Sea Girt, County of Monmouth, State of New Jersey, do hereby certify that the foregoing is a true and exact copy of the Resolution adopted by the Borough Council of the Borough of Sea Girt at their Regular Meeting held on May 28, 2014.

---

Lorraine P. Carafa, RMC  
Municipal Clerk



# BOROUGH OF SEA GIRT

P.O. BOX 296  
SEA GIRT, N.J. 08750

## PURCHASE ORDER

THIS NUMBER MUST APPEAR ON ALL INVOICES,  
PACKING LISTS, CORRESPONDENCE, ETC.

14-00483

No.

Pg 1

<b>S H I P T O</b>	
	VENDOR #: 01338
<b>V E N D O R</b>	WINNER FORD 250 HADDONFIELD-BERLIN RD CHERRY HILL, NJ 08034

ORDER DATE: 05/16/14  
 REQUISITION NO: 14-205  
 DELIVERY DATE:  
 STATE CONTRACT: 83558  
 ACCOUNT NUM:

IF FURTHER INFORMATION IS REQUIRED CONTACT PURCHASING (732) 449-9433 EXT. 117  
**THIS ORDER IS TAX EXEMPT PER N.J.S.A. 54:32B-9(a)(1) TAX EXEMPT #21-6001163**

**NOTICE: COMPLETE SHIPMENT OF ALL ITEMS IS DESIRED. UNLESS OTHERWISE INDICATED, ALL PRICES ARE F.O.B. DESTINATION.**

QTY/UNIT	DESCRIPTION	ACCOUNT NO.	UNIT PRICE	TOTAL COST
1.00/EA	DPW Truck, 2015 F350 Extended Cab Pick- up 4WD as per quote	C-04-55-536-502	24,624.0000	24,624.00
1.00/EA	8.5 Plow Boss	C-04-55-536-502	3,507.0000	3,507.00
1.00/EA	Class IV hitch	C-04-55-536-502	260.0000	260.00
1.00/EA	Factory options, per quote	C-04-55-536-502	2,495.0000	2,495.00
1.00/EA	10% discount on options	C-04-55-536-502	249.5000-	249.50-
2.00/EA	Additional keys	C-04-55-536-502	55.0000	110.00
1.00		C-04-55-536-502	0.0000	0.00
1.00/EA	Water Dept. 2015 F350 Extended Cab & Chassis 4WD as per quote	W-06-55-579-501	25,111.0000	25,111.00
1.00/EA	Utility Body 9',3 Compartments per side	W-06-55-579-501	4,500.0000	4,500.00
1.00/EA	8.5 Plow Boss	W-06-55-579-501	3,507.0000	3,507.00
1.00/EA	Master Locking	W-06-55-579-501	280.0000	280.00
1.00/EA	Class IV hitch	W-06-55-579-501	260.0000	260.00
1.00/EA	Factory Options per quote	W-06-55-579-501	2,495.0000	2,495.00
1.00/EA	10% discount on factory option	W-06-55-579-501	249.5000-	249.50-
2.00/EA	Additional keys	W-06-55-579-501	55.0000	110.00
			TOTAL	66,760.00

### CLAIMANT'S CERTIFICATION

I do solemnly declare and certify under the penalties of the law that the within bill is correct in all its particulars; that the articles have been furnished or services rendered as stated therein; that no bonus has been given or received by any person or persons within the knowledge of this claimant in connection with the above claim; that the amount therein stated is justly due and owing; and that the amount charged is a reasonable one.

X

VENDOR SIGN HERE

OFFICIAL POSITION

DATE

TAX I.D. NO. OR SOCIAL SECURITY NO.

INCORPORATED? Yes No

### OFFICER CERTIFICATION

I, hereby certify that the claim specified herein is for articles received, personal services actually rendered or amounts expended for the Borough of Sea Girt, and that the articles received, personal services actually rendered or accounts expended for the Borough of Sea Girt, N.J. were in accordance with the specifications and amounts appearing on the purchase requisition.

DEPARTMENT HEAD

DATE

### PAYMENT RECORD

DATE PAID

CHECK NO.

### APPROVAL FOR PAYMENT

The above claim was approved and ordered paid.

CLERK/CMFO

COUNCIL PERSON

COUNCIL PERSON

MAYOR

DEPARTMENT COPY

**Resolution \_\_-2014**

**BOROUGH OF SEA GIRT  
COUNTY OF MONMOUTH**

**UPON MOTION** of Councilperson \_\_, seconded by Councilperson \_\_, carried, that the following Resolution be and the same is hereby adopted:

**WHEREAS**, Robert Ferguson has resigned his position with the Sea Girt Recreation Commission.

**NOW, THEREFORE, BE IT RESOLVED** that \_\_\_\_ be appointed as a Member of the Sea Girt Board of Recreation Commissioners to fill the balance of the unexpired term of Robert Ferguson through December 31, 2015.

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution shall be supplied to the Recreation Commission for their information and files.

Recorded Vote:

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

**CERTIFICATION**

I, Lorraine P. Carafa, Municipal Clerk of the Borough of Sea Girt, County of Monmouth, State of New Jersey, do hereby certify that the foregoing is a true and exact copy of the Resolution adopted by the Borough Council of the Borough of Sea Girt at a Regular Meeting held on the 28<sup>th</sup> day of May, 2014.

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Lorraine P. Carafa, RMC  
Municipal Clerk

**Resolution \_\_-2014**

**BOROUGH OF SEA GIRT  
COUNTY OF MONMOUTH**

**UPON MOTION** of Councilperson \_\_, seconded by Councilperson \_\_, carried, that the following Resolution be and the same is hereby adopted:

**WHEREAS**, Robert Ferguson has resigned his position with the Sea Girt Shade Tree Commission.

**NOW, THEREFORE, BE IT RESOLVED** that \_\_\_\_ be appointed as a Member of the Sea Girt Shade Tree Commission to fill the balance of the unexpired term of Robert Ferguson through December 31, 2017.

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution shall be supplied to \_\_\_\_ for their information and files.

Recorded Vote:

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

**CERTIFICATION**

I, Lorraine P. Carafa, Municipal Clerk of the Borough of Sea Girt, County of Monmouth, State of New Jersey, do hereby certify that the foregoing is a true and exact copy of the Resolution adopted by the Borough Council of the Borough of Sea Girt at a Regular Meeting held on the 28<sup>th</sup> day of May, 2014.

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Lorraine P. Carafa, RMC  
Municipal Clerk

Resolution No. \_\_\_\_-2014

ADJOURN TO EXECUTIVE SESSION

UPON MOTION of Councilperson \_\_\_\_, seconded by Councilperson \_\_\_\_, that the following Resolution 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: potential and pending litigation (Walker, Patock, Sitar), contract negotiations, personnel.
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.
4. This Resolution shall take effect immediately.

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			

CERTIFICATION

I, LORRAINE P. CARAFA, CLERK of the Borough of Sea Girt, do hereby certify the above to be a true and exact copy of the Resolution adopted by the Borough Council at a Regular Meeting held the 28<sup>th</sup> day of May, 2014.

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LORRAINE P. CARAFA, RMC  
Municipal Clerk

**GIORDANO, HALLERAN & CIESLA**  
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May 16, 2014

Client/Matter No. 18917-0001

**VIA REGULAR MAIL AND EMAIL: nmontenegro@mtmglaw.com**

Nicholas C. Montenegro, Esq.  
Montenegro, Thompson, Montenegro & Genz, PC  
531 Burnt Tavern Road  
Brick, New Jersey 08724

**Re: Ira Walker, Block 9, Lot 21  
601 Ocean Avenue, Borough of Sea Girt**

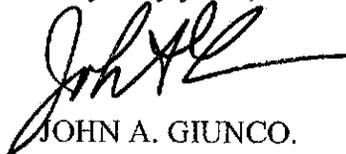
Dear Mr. Montenegro:

Thank you for your voicemail that conveyed the terms of a settlement that would be acceptable to the Borough of Sea Girt. I have attached a copy of the memo that John Sarto provided from the voicemail that you left him.

Our client will accept the terms. Please advise me as to the procedure that the Borough would like to follow. Further, since we would expect an agreement, please forward the appropriate form of agreement that the Borough can accept.

I look forward to receiving the documentation for review and we can then, of course, discuss any terms that may be in question.

Very truly yours,



JOHN A. GIUNCO.

JAG/lt

cc: Ira Walker - via email  
John Sarto, Esq. - via email

Docs #1598818-v1

GIORDANO, HALLERAN & CIESLA, P.C.

MEMORANDUM

*ATTORNEY/CLIENT PRIVILEGED  
ATTORNEY WORK PRODUCT*

18917/1

TO: John A. Giunco, Esq.  
FROM: John A. Sarto, Esq.  
DATE: May 16, 2014  
RE: **Ira Walker/ Borough of Sea Girt Settlement Terms**  
COPY: Ira Walker

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Nick Montenegro called and left a voice message for us yesterday afternoon regarding Borough Council's Wednesday night meeting and the response to our settlement proposal. Mr. Montenegro explained the following:

1. Borough Council will accept \$50,000.00.
2. The Borough will determine how to utilize these funds in their sole discretion.
3. Mr. Walker will permanently relinquish rights to a driveway through Crescent Park.
4. The Borough will transfer the property to Mr. Walker. The transfer will be subject to all of the necessary conditions required for the Borough to transfer property.

Mr. Montenegro advised that we will need to have an answer to him before the next Council meeting which is scheduled for May 28<sup>th</sup>.