

**MINUTES – REGULAR MEETING
BOROUGH COUNCIL, BOROUGH OF SEA GIRT**

JUNE 25, 2014

The Regular Meeting of the Sea Girt Borough Council was held on Wednesday, June 25, 2014 at the Sea Girt School, Bell Place, and called to order by Mayor Ken Farrell at 7:30 PM. The Clerk read the Compliance 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:

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

1. PUBLIC PARTICIPATION ON ANY AGENDA ITEM (Comments limited to 7 minutes) – There were no comments from the public present.

2. CONSENT AGENDA - Resolution No. 139--2014: RESOLUTION AUTHORIZING A 50/50 ON-PREMISE RAFFLE LICENSE FOR THE SEA GIRT LIGHTHOUSE CITIZENS COMMITTEE

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

WHEREAS, the Sea Girt Lighthouse Citizens Committee has made application to the Borough Council for a raffles license to conduct an on-premise 50/50 raffle at the Sea Girt Lighthouse on August 2, 2014 at 7:30 pm; and

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:

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

3. APPROVE MINUTES

- **Resolution No. 140---2014:** June 25, 2014 Regular Meeting

UPON MOTION of Council President Fetzer, seconded by Councilperson Mulroy, carried, that the Minutes of the Regular Meeting held June 11, 2014 be and the same are hereby adopted as presented.

Recorded Vote:

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

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

Mayor Farrell announced the new tax rate of \$0.789 from \$0.775 which is an increase of 1.8% or about \$300,000; the budget increased from \$6.1M to \$6.4M, but noted how important it was to identify that the County receives more from Sea Girt residents than is allocated to the local tax. The local tax was reduced 2.2%, from \$5.2M to \$5.0M, while there was a small increase in school taxes. He reiterated that County taxes are 26% more than local taxes; 53% more than school tax. He also noted that Borough Council members and our CFO worked very hard to be responsible stewards of resident's tax dollars.

5. OLD BUSINESS – The Clerk reported that there was none at this time.

6. NEW BUSINESS

- A. Ordinance No. 15-2014:** The Mayor to read the said Ordinance by Title:

Mayor Farrell introduced the topic and referred to Council President Fetzer for explanation. Council President Fetzer stated that there was no lot coverage limitation in the Commercial District prior to the 2006 codification; the coverage limitation section was moved during codification to a stand-alone section. At the April meeting of the Ordinance review sub-committee, the matter was discussed and by consensus, it was determined that setback requirements and parking restrictions are constraining enough without a lot coverage maximum.

Mayor Farrell thanked Council President Fetzer, Councilperson Morris and Mr. Schwier for their participation on the sub-committee, and noted that this Ordinance was prepared as a result of the sub-committee's recommendation:

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

ORDINANCE NO. 15-2014 (continued)

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 District 2 East and 2 West 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.*

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.*

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.

ORDINANCE NO. 15-2014 (continued)

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.

UPON MOTION of Council President Fetzer, seconded by Councilperson Mulroy, carried, that the said Ordinance be and the same is hereby adopted on first reading, directing the Clerk to post and publish as required as law and setting the date for the public hearing as August 6, 2014.

Recorded Vote:

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

B. Ordinance No. 16-2014: DPW Site Remediation Engineering Services per revised proposal received on June 13;

Mayor Farrell explains that this Ordinance appropriates funds for engineering services which are required for site remediation at the DPW facility. Council President Fetzer clarified that the contamination exists in a shallow monitoring well and is not potable water. Mayor Farrell read the said Ordinance by Title:

ORDINANCE NO. 16-2014

**AN ORDINANCE PROVIDING FOR VARIOUS GENERAL IMPROVEMENTS
IN THE BOROUGH OF SEA GIRT AND PROVIDING FOR THE COST
THEREOF FROM THE CAPITAL IMPROVEMENT FUND OF THE
BOROUGH OF SEA GIRT, COUNTY OF MONMOUTH, NEW JERSEY**

BE IT ORDAINED by the Borough Council of the Borough of Sea Girt, County of Monmouth, as follows:

Section 1. The Borough Council of the Borough of Sea Girt wishes to undertake various general improvements in the Borough of Sea Girt as listed below:

ORDINANCE NO. 16-2014 (continued)

DESCRIPTION OF IMPROVEMENT	ESTIMATED COST
Underground storage tank remediation	\$30,000.00

Section 2. The improvements as stated above are general improvements that the Borough may lawfully undertake and the amount appropriated therefor is \$30,000.00.

Section 3. No debt is to be issued for said improvement and the cost of said improvement is to be financed from the funds presently accumulated in the Capital Improvement Fund of the Borough of Sea Girt.

Section 4. Repeal, Severability.

- a. All ordinances or parts of ordinances inconsistent herewith are repealed, but only to the extent of such inconsistency.
- b. If any section, paragraph, subparagraph, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subparagraph, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

Section 5. Effective Date

This Ordinance shall take effect immediately upon its final passage and publication as required by law.

UPON MOTION of Councilperson Foley, seconded by Councilperson Mulroy, carried, that the said Ordinance be and the same is hereby adopted on first reading, directing the Clerk to post and publish as required as law and setting the date for the public hearing as July 9, 2014.

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. **Ordinance No. 17-2014:** Pavilion improvements and equipment purchases authorized by the Beach Committee;

Councilperson Mulroy commented on said Ordinance, noting that the equipment was lost as a result of Superstorm Sandy and that these purchases are being from insurance proceeds. Mayor Farrell thanked the CFO for her work in obtaining FEMA and insurance funds. Councilperson Foley commented that this Ordinance represents a good use of funds received. Mayor Farrell read the said Ordinance by Title:

ORDINANCE NO. 17-2014 (continued)

ORDINANCE NO. 17-2014

AN ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS TO THE BEACH PAVILION AND THE ACQUISITION OF EQUIPMENT FOR THE BEACH UTILITY IN THE BOROUGH AND PROVIDING FOR THE COST THEREOF FROM INSURANCE PROCEEDS ON HAND IN THE BOROUGH OF SEA GIRT, COUNTY OF MONMOUTH, NEW JERSEY

BE IT ORDAINED by the Borough Council of the Borough of Sea Girt, County of Monmouth, as follows:

Section 1. The Borough Council of the Borough of Sea Girt wishes to undertake various improvements to the Beach Pavilion and the acquisition of equipment for the Beach Utility in the Borough of Sea Girt as listed below:

DESCRIPTION OF IMPROVEMENT	ESTIMATED COST
Improvements to Beach Pavilion (Beacon)	\$30,000.00
Acquisition of equipment for the Beach Utility	50,000.00

Section 2. The improvements as stated above are general improvements that the Borough may lawfully undertake and the amount appropriated therefor is \$80,000.00.

Section 3. No debt is to be issued for said improvement and the cost of said improvement is to be financed from the funds presently accumulated in the Reserve for Insurance Proceeds of the Borough of Sea Girt.

Section 4. Repeal, Severability.

- c. All ordinances or parts of ordinances inconsistent herewith are repealed, but only to the extent of such inconsistency.
- d. If any section, paragraph, subparagraph, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subparagraph, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

Section 5. Effective Date

This Ordinance shall take effect immediately upon its final passage and publication as required by law.

UPON MOTION of Councilperson Mulroy, seconded by Councilperson Foley, carried, that the said Ordinance be and the same is hereby adopted on first reading, directing the Clerk to post and publish as required as law and setting the public hearing for July 9, 2014.

ORDINANCE NO. 17-2014 (continued)

Recorded Vote:

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

D. **Resolution No. 141--2014:** Authorize approval and execution of Renewal Discharge Permit Agreement between the Borough of Sea Girt and South Monmouth Regional Sewerage Authority (SMRSA). Mayor Farrell noted the new WTP has resulted in significantly less discharge into SMRSA system.

UPON MOTION of Councilperson Buonocore, seconded by Council President Fetzer, carried, that the said Ordinance be and the same is hereby adopted on final reading, directing the Clerk to post and publish as required as law

WHEREAS, the Borough of Sea Girt and the South Monmouth Regional Sewerage Authority wish to renew an agreement for a Regional Discharge Permit (PERMIT #SG-001-10-243-XX) to allow for the discharge of wastewater from the Borough of Sea Girt Water Treatment Plant, Bell Place, Sea Girt into the Authority’s system in accordance with the effluent limitations, monitoring requirements and sampling frequencies as specified in Table 1 of this Permit Agreement; and,

WHEREAS, the term of this Agreement shall commence on July 1, 2014 through July 1, 2017, inclusive.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Sea Girt hereby approves this Agreement as attached hereto and authorizes the Mayor and Municipal Clerk to execute the Agreement pursuant hereto.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be supplied to the South Monmouth Regional Sewerage Authority.

ROLL CALL:

	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. 142-2014: Beach staff changes

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

WHEREAS, the following changes to the 2014 beach guard staff are hereby noted: Nancy Rees and Rich Molkenthin have advised management that they are unable to work for an extended period and Cassie Petty has requested a change in status to a substitute employee; and,

WHEREAS, the Beach Manager has identified the following persons to replace those no longer available to work: Mark Ficalora and Ian Hartigan.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sea Girt that the resignation of Nancy Rees and Rich Molkenthin be and the same are hereby accepted; that Cassie Petty is hereby designated as a substitute employee and that Mark Ficalora and Ian Hartigan be and they are hereby appointed as replacements gate guards at the hourly rate of \$8.25 per hour for hours worked.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be supplied to the appropriate Beach Supervisors for their information and to the Chief Financial Officer for further action.

Recorded Vote:

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

7. ADMINISTRATOR REPORTS/DISCUSSION MATTERS

A. Proposed Bid-Improvements Schedule for Stockton Blvd.

Mayor Farrell thanked everyone for their patience as the Borough returns to the original road rehabilitation schedule and noted that Stockton Blvd. project will also be moving forward this fall. The proposed schedule for the Stockton Blvd. project is as follows if bids come in within budget:

Utility improvements: Aug. 4 – 11, exact date to be determined, utility improvements to begin (Woszczak)

Through July 16 – preparation of plans and specs

July 17 – advertise for bids, *The Coast Star*

July 30 – receipt of bids, Borough Hall

August 6 – report to Mayor and Council with recommendation of award

Mid to late September – mobilization for curb and apron work

Late November – repaving

B. Schedule of Improvements to Baltimore Blvd. will be provided shortly.

ADMINISTRATOR REPORTS (continued)

- C. **Crescent Park Tennis Courts** – tennis courts will be resurfaced beginning the week of July 7 and will be closed for the duration of the project; notices will be posted at the Courts.

8. **QPA REPORTS** (of activity since previous Council Meeting):

9. **COUNCIL REPORTS**

Councilpersons Foley, Buonocore and Morris had no reports.

Councilperson Mulroy reported as follows:

- Read report from Jim Freda which states this beach season is the best start in 6 years; sales are going well for all categories of badges due to the excellent weather;
- Monmouth Regional Health Commission No. 1 inspected facilities and all passed;
- Read excerpts from Tim Harmon's report including that the Jr. Guard Program is going well and noted that this is an excellent opportunity to educate children in water safety;
- Kudos to Peter and Amy Fittin.

Council President Fetzer reported as follows:

- Water storage project- bids received end of July and project to start after Labor Day;
- Thanked Councilperson Morris for starting important project in 2006.

Mayor Farrell reported as follows:

- DPW – due to quantity, bulk pick up from Monday is still unfinished; it should be completed by noon tomorrow;
- Thanked residents for consolidating cardboard and helping to facilitate recycling pick-ups;
- Coffee with the Mayor was held on Saturday, June 21; comments included the following:
 - Reducing beach badges prices for 12-18 year olds;
 - Boardwalk benches – too many
 - Bicycles on boardwalk – please watch for pedestrians when riding
 - Dunes on Morven Terrace – working to enhance and will be planting again in the fall;
 - Quality of sand – response from DEP and ACoE is that the material is within the specifications;
 - Holly Club is looking for younger people to volunteer
 - Cabs issues
 - News 12 NJ did a story on Frank Kinneavy Jr., on his graduation from Villanova; credit to this young man.

10. **Resolution No. 143-2014:** Payment of bills

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

Resolution No. 143-2014: PAYMENT OF BILLS (continued)

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 June 20, 2014 in the totals as follows:

CURRENT FUND	\$	84,729.49
WATER/SEWER OPERATING FUND	\$	77,459.50
BEACH OPERATING FUND	\$	4,447.75
TRUST	\$	798.00
RECREATION TRUST	\$	4,793.20
WATER CAPITAL	\$	984.66

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.

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

Don Laws, Stockton Blvd., with respect to lot coverage in the commercial zone, asked if there are regulations that would preclude combining lots and/or driveways to minimize the impact of parking requirements on a particular lot; Mr. Montenegro responded that it would require a joint application by adjoining property owners and site plan approval.

Ginny Westphal asked what the impact of Ordinance No. 15-2014 would have on existing buildings; she was advised that they would continue to be considered pre-existing, non-conforming properties. Mayor Farrell and Council President Fetzer concurred and noted that these are the same restrictions as previously existed.

Phil Schwier, Baltimore Blvd. – asked if the Baltimore Blvd. project includes both the east/west sides and curbs/aprons; Mayor Farrell responded that does and that there will be a moratorium after reconstruction on new road openings. Residents will be notified to plan all service improvements prior to repaving.

There being no further comments, the public hearing was closed. **UPON MOTION** of Councilperson Buonocore, seconded by Councilperson Morris, carried, that the following **Resolution No. 144--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.

RESOLUTION NO. 144-2014 (continued)

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	

The Council returned to public session at 8:50 PM and the Clerk noted that during the Executive Session, the matter of representation for Chief Davenport in the new matter Hagel v. the Borough of Sea Girt and Kevin Davenport was discussed. UPON MOTION of Councilperson Morris, seconded by Councilperson Foley, carried, that the following **Resolution No. 145-2014** be and the same is hereby adopted:

WHEREAS, the Borough of Sea Girt has a need to acquire services for a Labor Attorney to represent Chief Kevin Davenport in the matter of the amended complaint, Hagel v. the Borough of Sea Girt et als., as a not-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5; and

WHEREAS, the Municipal Clerk has determined and certified in writing that the value of the services to be provided will not exceed \$17,500.00; and,

WHEREAS, the anticipated term of this contract is one (1) year and may be extended as many times as approved by this governing body; and,

WHEREAS, the firm of Appruzzese, McDermott, Mastro & Murphy, P.C., has submitted a proposal dated June 19, 2014 indicating they will provide said services through the term of the contract; and,

WHEREAS, with regards to Affirmative Action, incorporated into such agreement shall be the mandatory language of Section 5.3 of the regulations promulgated by the Treasurer of the State of New Jersey pursuant to P.L. 1975, and,

RESOLUTION NO. 145-2014 (continued)

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose.

NOW THEREFORE BE IT RESOLVED, that the Borough Council of the Borough of Sea Girt authorizes the Mayor and Municipal Clerk to enter into a contract with the professional as described herein.

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	

There being no further business and **UPON MOTION** of Council President Fetzer, seconded by Councilperson Foley, carried, the meeting was finally adjourned at 9:05 PM.

Lorraine P. Carafa
Municipal Clerk