

**AGENDA - REGULAR MEETING
AUGUST 12, 2015**

1. **CALL TO ORDER AT 7:30 PM**
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:**

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

6. **PRESENTATION** – Mike Matthews, Shade Tree Commission Chairman, to provide update on the Commission's activities to date for 2015.
7. **PUBLIC PARTICIPATION ON ANY CONSENT AGENDA ITEM**
8. **CONSENT AGENDA - Resolution No. __-2015**
(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):

- None at this time

9. **APPROVE MINUTES**

- A. **Resolution No. __-2015:** Approve Minutes, July 8, 2015 Regular Meeting

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

11. **OLD BUSINESS**

- A. **Ordinances - public hearing/possible adoption**

1. **Ordinance No. 13-2015 –**

The Mayor to read the said by Title, advising of its publication in its entirety in *The Asbury Park Press* on June 26, 2015, and that the Affidavit of Publication is on file in the Clerk's office. The Sea Girt Planning Board has advised in writing that it has no objection to the adoption of the Ordinance:

ORDINANCE NO. 13-2015

AN ORDINANCE TO AMEND THE LAND USE VOLUME OF THE BOROUGH OF SEA GIRT, COUNTY OF MONMOUTH, INCLUDING CHAPTERS XIV, XV, XVI, XVII AND XVIII AND REPEALING SECTION 15-6, GENERAL PENALTY FOR VIOLATIONS IN ITS ENTIRETY TO BE REPLACED AS NOTED

- a. Motion to open the meeting to the public for comments on the said Ordinance only
- b. Comments, if any
- c. Motion to close the public hearing
- d. Motion to adopt the said Ordinance on final reading, directing the Clerk to post and publish as required by law.

2. **Ordinance No. 14-2015** – The Mayor to read the said Ordinance by Title, advising of its publication in its entirety in The Coast Star on July 16, 2015 and that the Affidavit of Publication is on file in the Clerk’s Office:

ORDINANCE NO. 14-2015

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

- a. Motion to open the meeting to the public for comments on the said Ordinance only
- b. Comments, if any
- c. Motion to close the public hearing
- d. Motion to adopt the said Ordinance on final reading, directing the Clerk to post and publish as required by law.

12. NEW BUSINESS

- A. **Resolution No. --2015: Elevated Water Storage Tank Rehabilitation** - Approve final Change Order No. 1 (net reduction to contract of \$7,297.50 to new total of \$637,371.50) and authorize final payment (\$33,996.28); maintenance bond has been filed by U.S. Tank Painting, Inc. Millstone, NJ as required by Local Public Contracts Law, *N.J.S.A. 40A:11-1*, et seq.
- B. **Resolution No. _-2015: Award contract, Outfall Extension and Infrastructure Improvement Project, S340468-01** (contingent upon receiving written NJEIT authorization).

Five bids were received by the date and time specified:

VENDOR	BASE BID	ALTERNATE #1	TOTAL BID
Precise Construction, Inc., Freehold, NJ	\$2,256,700.00	\$307,500.00	\$2,564,200.00
Lucas Construction Group, Morganville	\$2,414,648.00	\$234,000.00	\$2,648,648.00
Pillari Bros. Construction, Farmingdale	\$2,386,190.00	\$359,675.00	\$2,745,865.00
Bird Construction, Bayville	\$2,497,708.10	\$353,850.00	\$2,851,558.10
Marbro, Inc., Long Branch	\$2,710,617.00	\$260,500.00	\$2,971,117.00

Bid documentation for low bidder was reviewed by our Engineer, Leon S. Avakian, Inc., for compliance with the provisions of the Local Public Contracts Law, *N.J.S.A. 40A:11-1*, et seq., and found to be in order; documentation was submitted to NJDEP on August 6, 2015 pursuant to their rules and regulations for awarding contracts.

Motion to award the contract to Precise Construction, Inc., Freehold, NJ in the Base Bid amount of \$2,256,700 contingent upon receiving written NJDEP authorization to award.

- C. **ABC License Renewals** for the period July 1, 2015 through June 30, 2016, inclusive; for all licensees, required State and Municipal fees have been remitted, applications submitted and tax clearance certificates received and on file (N.B. due to problems with the implementation of the State's on-line renewal system earlier this year, ALL licenses were extended from June 30 to September 18, 2015):
 - 1. **Resolution _-2015:** Jo-Yo, LLC. t/a Egan's Sea Girt Wines and Spirits, Plenary Retail Distribution License No. 1344-44-005-007
 - 2. **Resolution __-2015:** CG Jersey, Inc. t/a Fratello's, Plenary Retail Consumption License No. 1344-33-003-013
 - 3. **Resolution No. __-2015:** Emerald Shore, Inc. t/a Harrigan's, Plenary Retail Consumption License No. 1344-33-001-004
 - 4. **Resolution No. __-2015:** Rod's Olde Irish Ale House, Inc., Plenary Retail Consumption License No. 1344-33-002-005
- D. **Resolution No. __-2015:** Correct beach staff classifications and hourly rates for certain employees
- E. **Resolution No. __-2015:** Appoint supplemental Beach staff through Labor Day
- F. **Resolution No. __-2015:** Appoint August Tennis Clinic Instructor, Chelsea Molyneaux, \$30/hour, 15 hours (\$450.00 total)
- G. **Resolution No. _--2015:** Refund Planning Board escrow balance, Block 104, Lot 5, \$3,656.00
- H. **Resolution No. __-2015:** Refund Recreation Program fee, V. Nunez, \$105.00
- I. **Resolution No. __-2015:** Refund Beach Badge fees, C. Bott, \$525.00
- J. **Resolution No. __-2015:** Policy for use of Borough property by for-profit businesses; permission required for non-profit use of Borough property
- K. **Resolution No. __-2015:** Award contract to Standard and Poor for Public Issuer Credit Rating – new requirement of the NJEIT for our funding application; we are requesting a surveilled rating that would provide an exact rating category; the rating would be maintained for as long as the Borough wished and it could be withdrawn at any time. Cost is \$15,000

13. ADMINISTRATOR REPORTS/DISCUSSION

- A. **September 2015** has been designated as "Turn the Town Teal" month to promote awareness of ovarian cancer and its silent symptoms, permit the tying of teal ribbons to Boardwalk lamp posts for the period September 1 through September 30, inclusive, and permit a "Boardwalk Stroll in Memory of Teri Shibbles" on Sunday, September 13, 2015 beginning at 9:00 AM. Please contact Judith Gately at 732.449.2641 if you are interested in receiving ribbons for display.
- B. **2015 Beach Season:** to date, the Borough has realized 88.4% of the revenue anticipated (\$1,113,406 received; \$1,259,665 anticipated) for the season; daily badge sales have steadily increased over the past month as the weekend weather has improved. Beach will be open through Labor Day, September 7, 2015.
- C. **Recreation** – Movie on The Beach, Guardians of the Galaxy, August 24, at dusk (approximately 7:45 PM); suitable for all ages;

- D. **Road Projects Update:** we have provided the schedule for the in-kind projects that the Borough requested from the County; the County has confirmed that they will mill and pave Baltimore and The Terrace (east of First Avenue) in the late Fall.
- E. **Proposed Regulations:** Impervious Coverage – report prepared by our Engineer including current zoning regulations, typical single family development coverage and random lot coverage tabulations along with recommendations for consideration was provided for your review. His analysis has determined that the average impervious coverage, defined as the “square footage or other area measurement by which a building and/or structure occupies the land as measured on a horizontal plane. The maximum impervious surface coverage requirements permitted by this chapter shall be the total area of all buildings and structures as herein defined. Buildings and structures include, but are not limited to, buildings, structures, dwellings, accessory buildings, garages, storage sheds, tool sheds, recreation courts including but not limited to tennis and basketball courts, pools, pool houses, cabanas, decks, patios, porches, driveways, walkways and all other areas covered by pavers or impervious materials” of recent applications that have been reviewed by his office show impervious coverage ranges from a low of 39% to a high of 68%.

Current regulations allow for maximum 20% coverage for the principal dwelling and a maximum 500 square feet, or 6.7% coverage for the garage structure, which totals 26.7% building coverage. His recommended building coverage maximum, including both the principal dwelling and garage structures, is 25%, retaining the maximum 500 square foot garage floor area regulation. The recommendation for all other features other than the principal dwelling and garage would be another 25% of impervious coverage, which would include driveways, walkways, patios, decks, recreational facilities and courts, swimming pools, sheds, cabanas, porches and all other areas covered by pavers or impervious material, for a total of 50%.

- F. **Site Remediation** – additional treatments were conducted on July 23, July 30 and August 5, respectively; we are awaiting test results;
- G. **Water Treatment Plant** – final inspection by the NJDEP was conducted on July 7, 2015 and all construction and restoration work was found to be acceptable and the performance of the facilities was found to be satisfactory. The final bills have been received and forwarded to the NJEIT for reimbursement.
- H. **Elevated Water Storage Tank Rehabilitation** – as part of the Elevated Tank Rehabilitation project, the contractor was required to take pre- and post-construction soil samples to demonstrate that they adequately captured any lead material removed during the sand blasting operation. Both sets of samples comply with the NJDEP Residential Direct Contact Soil Remediation Standard (RDSCRS) of 400 mg/kg and the Non-Residential Direct Contact Soil Remediation Standard (NRDCRS) of 800 mg/kg. Additionally, the samples must comply with NJDEP’s Default Impact to Ground Water Soil Screening Level (IGWSSL), which is 90 mg/kg for lead. The concentrations from soil sample location #6 at the base of the tank riser exceeded the default IGWSSL in both the pre- and post-construction samples (140 mg/kg and 160 mg/kg, respectively). Since both of these results are above the 90 mg/kg level, the data shows that there was a ‘pre-existing condition’ (likely caused by paint chips falling off the tank and onto the soil over time), we cannot put the responsibility on the contractor for any contamination.

The Borough will be conducting an immobile chemical investigation next week; if it yields similar results, the next step would be for the Borough to report a discharge to NJDEP and then proceed with a remediation effort. This would likely involve the excavation and disposal of the hot spot of lead on site. We are not at that point yet, but I wanted to make you aware of the possibility. Funds are available to take care of the extra sampling and lab costs. If the samples come back clean, we will be able to close out the project. I will continue to keep you updated.

I. **Proposed Ordinance** - Outdoor storage of trucks, boats, etc.

Suggested provisions – please review:

a. Deleted

b. *Not Permitted Outdoors on Any Residential Lot in Residential Zones.* No truck exceeding 24 feet in length may be stored outdoors on any residential lot in residential zones in the Borough of Sea Girt. Boats or boat trailers less than 18 feet in length may be parked or stored outside the confines of an enclosed structure only in accordance with the following:

1. All boats or trailers shall be stored in rear yards only; no boat or trailer shall be parked in the front area of a lot. In the case of a corner lot, the smaller of the two lot lines co-existent with the street line shall be considered the front lot line.

2. Only one boat and one boat trailer may be stored on a residential lot.

3. The boat or boat trailer shall not exceed 18 feet in length, 6 feet in width or 4 feet in height from the ground.

4. To obscure any boat or boat trailer from view to the maximum extent possible, any boat or boat trailer stored in a rear yard and not in an enclosed structure shall be screened by plantings a minimum of four feet high.

5. Pre-existing, non-conforming businesses located in a residential district are excluded from the provisions of Paragraph b.

6. Personal watercraft is defined as a motorized recreational water vehicle normally ridden by straddling a seat, including but not limited to those vehicles commonly referred to as jet skis, jet boats or jet scooters and must comply with the provisions of §3-15-2(b1 through b5), inclusive.

c. Deleted.

d. Deleted.

e. *Parking on Street.* No truck exceeding 24 feet in length or trailer, personal watercraft or boat of any length shall be parked on any public street in the Borough of Sea Girt for more than 24 consecutive hours.

f. *Violation and Penalty.* Any person violating this subsection shall be liable for the penalty stated in Chapter I, Section 1-5.

g. *Enforcement.* This subsection shall be enforced by the Sea Girt Police Department or Zoning/Local Code Official. (Ord. No. 440 §§ 1–7).

J. **New Jersey Natural Gas** - will be working on Seaside and Neptune Places to install excess flow valves to all services; information will be communicated directly to affected residents by the company.

K. **Monmouth County Pilot Assessment Program Reminder** - Some of our taxpayers have received postcard notices indicating that Realty Data Services will be inspecting their home this summer as part of the Assessment Demonstration Program that is ongoing throughout Monmouth County. All properties in Sea Girt will be inspected three (3) times in the next 10 years as part of the new program. I understand that most properties in the Borough were inspected last year, and for some of you it will be twice in 2 years. The inspections will be an ongoing process for the next 5 years. At the end of 5 years, the process will begin again. I know that this may be a bit inconvenient, but I want

to emphasis that it is vitally important that the information on your property card is correct, if the assessment records are incorrect, the assessment will reflect that incorrect data.

NOTE - The Borough as well as the rest of Monmouth County will be **reassessed EVERY YEAR** going forward, and your assessment will represent 100% of the Market Value of your home. New Assessment Notice Cards will be mailed in November, 2015, and you are asked to review the new assessment as it will be different than the 2014 assessment.

Should you have any questions, please feel free to contact our Assessor, Bernie Haney at bhaney@seagirtboro.com.

14. **QPA REPORTS** (of activity since previous Council Meeting): None
15. **COUNCIL REPORTS**
16. **Resolution No. __-2015:** Payment of bills
17. **PUBLIC PARTICIPATION ON ANY SUBJECT** (Comments limited to 7 minutes)
18. **Resolution No. __-2015: Executive Session** (to discuss personnel and/or litigation) Please note that action may be taken by Council upon return to public session. The public is invited to remain outside and may return to the meeting room when the Council returns to public session.
19. **ADJOURN**