

**REGULAR MEETING – MARCH 26, 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, March 26, 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 led those in attendance in the Pledge of Allegiance.

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

**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	

**2. PUBLIC PARTICIPATION ON ANY AGENDA ITEM:** There were no comments from the public present.

**3. CONSENT AGENDA - Resolution 67-2014: Special Events**

All matters listed hereunder are considered to be routine in nature and will be enacted in one motion. With respect to item #3 referring to staff bikes on the boardwalk, Council President Fetzer asked if Chapter IX, Section 1.2 (m) of the Borough Code can be revoked if necessary by resolution; the Borough Attorney responded that it could. UPON MOTION of Councilperson \_\_\_\_, seconded by Councilperson \_\_\_\_, carried, that the following Resolutions be and the same are hereby adopted:

- **Resolution No. 67.1-2014 – Mother/Son Event, SG Elementary School PTO, Beach/Parking Lot, June 1, 2104 4:30 to 8:00 pm.**

**WHEREAS**, the Borough of Sea Girt Borough Council supports the efforts of the Sea Girt Elementary School Parent-Teacher Organization to foster relationships between parents and their children.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Sea Girt that the Sea Girt Elementary School Parent-Teacher Organization request to hold a Mother-Son Day of Fun at the Sea Girt Beach Pavilion/Parking Lot on Sunday, June 1, 2014 from 4:30 PM to 8:00 PM, inclusive.

**BE IT FURTHER RESOLVED** that set-up and clean-up of the area is the responsibility of the event sponsors.

**Resolution No. 67.1-2014** (continued)

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution shall be supplied to Beach Manager Freda and DPW Supervisor J. McKittrick for their information.

- **Resolution No. 67.2-2014 – Sgt. Nutter Run, Sgt. Samuel Nutter Organization, May 10, 2014 8:30 am to 12:30 PM (set-up May 9, 2014)**

**WHEREAS**, the Borough of Sea Girt Borough Council supports the goal of the Sgt. Samuel Nutter Organization to provide aid and assistance to military families.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Sea Girt that the Sgt. Samuel Nutter Organization request to hold the annual Sgt. Nutter Run within the Borough of Sea Girt and at the National Guard Training Center on May 10, 2014 from 8:30 AM to Noon with set-up scheduled for the evening of May 9, 2014.

**BE IT FURTHER RESOLVED** that set-up and clean-up of the area is the responsibility of the event sponsors.

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution shall be supplied to Chief Kevin Davenport and DPW Supervisor J. McKittrick for their information.

- **Resolution No. 67.3-2014 – Allow beach staff to ride bicycles on the Boardwalk during work hours.**

**WHEREAS**, the Borough of Sea Girt adopted Chapter IX entitled “Beaches, Boardwalk and Dune” of the Borough Code setting forth rules and regulations applicable thereto that may be amended from time to time by Resolution of the Borough Council; and,

**WHEREAS**, Chapter IX, Section 1.2 (m) of the Borough Code, as amended, permits bicycles on the Boardwalk between May 15 and September 15 between the hours of 5:00 AM and 9:00 AM only; and,

**WHEREAS**, the Borough Council has determined that it is in the best interests of the health and welfare of the patrons of the Borough Beach to permit authorized Borough staff members, during their scheduled work hours, wearing appropriate safety gear to ride bicycles on the Boardwalk at all times between May 15 and September 15.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Sea Girt that authorized Borough staff wearing appropriate safety gear to ride bicycles on the Boardwalk at all times between May 15 and September 15 during their scheduled work hours.

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution shall be supplied to the following for their information and action:

1. Borough of Sea Girt Police Department
2. Borough of Sea Girt Beach Manager

• **Resolution No. 67.4-2014 - Proclamation Recognizing National Public Health**

**WHEREAS**, the week of April 7-13, is National Public Health Week, and the same theme is “Public Health: Start Here”;

**WHEREAS**, since 1995, the American Public Health Association, through its sponsorship of National Public Health Week, has educated the public, policymakers and public health professionals about issues important to improving the public’s health;

**WHEREAS**, seven in 10 deaths in the U.S. are related to preventable diseases such as obesity, diabetes, high blood pressure, heart disease, and cancer. Another striking fact is that 75 percent of our health care dollars are spent treating such diseases. However, only 3 percent of our health care dollars go toward prevention; and,

**WHEREAS**, nearly one-third of all students in the United States do not graduate from high school on time. Students who don’t graduate face lifelong health risks and high medical costs, and more likely to engage in risky health behaviors. They are less likely to be employed and insured, and earn less – all of which continues the cycle of poverty and disparities; and,

**WHEREAS**, more than half of all cancer deaths could be prevented by making healthy choices like not smoking, staying at a healthy weight, eating right, keeping active, and getting recommended screening tests; and,

**WHEREAS**, foodborne contaminants cause an average of 5,000 deaths, 325,000 hospitalizations, 76 million illnesses and costs billions of dollars annually. The five most common foodborne pathogens cost the U.S. economy more than \$44 billion each year in medical costs and lost productivity; and,

**WHEREAS**, strong public health systems are critical for sustaining and improving community health

**NOW, THEREFORE, I, Paul D. Roman**, by virtue of the authority vested in me by the laws of **the Monmouth County Regional Health Commission No. 1**, do hereby proclaim the week of April 7-13, 2014, as National Public Health Week 2014 and call upon the residents of our member towns to observe this week by helping our families, friends, neighbors, co-workers and leaders better understand the value of public health and adopt preventive lifestyle habits in light of this year’s theme, **“Public Health: Start Here.”**

**IN WITNESS WHEREOF**, I have hereunto set my hand this 25<sup>th</sup> day of March, two thousand fourteen, and of the Independence of the United States of “America the two hundred and thirty-eighth.

**Recorded Vote:**

	<b>Aye</b>	<b>Nay</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. APPROVE MINUTES**

- **Resolution 68-2014:** March 12, 2014 Regular Meeting

**UPON MOTION** of Councilperson Buonocore, seconded by Councilperson Morris, carried, that the Minutes of the Regular Meeting held March 12, 2014 be and the same are hereby adopted 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:** There were no comments from Councilmembers at this time.

**6. OLD BUSINESS**

**A. Ordinances**

1. **Ordinance No. 02-2014:** The Mayor to read the said Ordinance by Title, advising of its publication in its entirety in *The Coast Star* on February 13, 2014 and that the Affidavit of Publication is on file in the Clerk’s Office. He noted that the public hearing was held as scheduled on March 12, 2014 at which time there were no objections to the Ordinance’s adoption from the public. The Ordinance was also submitted to the Borough of Sea Girt Planning Board and Monmouth County Planning Board as required and the Planning Board has responded with a recommendation that the Ordinance be adopted as presented

**ORDINANCE NO. 02-2014**

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

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

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

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

**Ordinance No. 02-2014** (continued)

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

- A. The existing Section 17-5.22.B.9 shall be amended and replaced with the following:
1. Swimming pools shall be completely surrounded by protective fencing with a minimum of four (4) feet in height, but no more than six (6) feet in height, which fencing shall include self-closing and self-latching gates. If pool fencing exceeds four (4) feet in height, it shall be set back from the rear lot line at least five (5) feet, and bounded by the side building lines. Such fences shall be suitably landscaped to minimize the visual impact on adjacent residential uses.

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

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

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

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

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

**UPON MOTION** of Council President Fetzer, seconded by Councilperson Morris, 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.

**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			

**Ordinance No. 04-2014:** The Mayor to read the said Ordinance by Title, advising of its publication in its entirety in *The Asbury Park Press* on March 14, 2014 and that the Affidavit of Publication is on file in the Clerk’s Office:

**Ordinance No. 04-2014** (continued)

**ORDINANCE NO. 04-2014**

**AN ORDINANCE CANCELING THE BALANCE OF  
VARIOUS GENERAL IMPROVEMENT AUTHORIZATIONS  
FINALLY ADOPTED BY THE BOROUGH OF SEA GIRT,  
IN THE COUNTY OF MONMOUTH, NEW JERSEY**

**WHEREAS**, the Borough Council of the Borough of Sea Girt, in the County of Monmouth, New Jersey (the "Borough"), has heretofore finally adopted various general capital improvement authorizations at various times; and,

**WHEREAS**, on the date of adoption of this ordinance, there remain balances in the various ordinances which are no longer necessary for the purposes authorized therein; and

**WHEREAS**, the Borough now desires to cancel the balances remaining in the Ordinances to Capital Fund Balance, the Capital Improvement Fund and the Recycling Trust Fund, respectively.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF SEA GIRT, IN THE COUNTY OF MONMOUTH, NEW JERSEY** that:

**Section 1.** The Borough hereby cancels the excess balances of the appropriations authorized under the various Ordinances shown below, said excess balances totaling \$4,974.83, to Capital Fund Balance to be available for other capital improvement purposes:

<b>ORDINANCE NO.</b>	<b>BALANCE CANCELED</b>
06-2010	\$ 53.55
07-2011	4,717.66
08-2012	203.62
<b>TOTAL</b>	<b>\$ 4,974.83</b>

**Section 2.** The Borough hereby cancels the excess balance of Ordinance No. 03-2012 (\$370.31) back to the Capital Improvement Fund, and the Chief Financial Officer is authorized to transfer said excess balance to be available for other capital improvement purposes.

**Section 3. 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 4. Effective Date**

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

**Ordinance No. 04-2014 (continued)**

By consensus, the meeting was opened for public comment on the said Ordinance only. There were no comments from the public present, and by consensus, the public hearing was closed.

**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.

**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			

- Ordinance No. 05-2014:** The Mayor to read the said Ordinance by Title, advising of its publication in its entirety in *The Asbury Park Press* on March 14, 2014 and that the Affidavit of Publication is on file in the Clerk’s Office:

**ORDINANCE NO. 05-2014**

**AN ORDINANCE PROVIDING FOR VARIOUS WATER-SEWER UTILITY IMPROVEMENTS IN THE BOROUGH OF SEA GIRT AND PROVIDING FOR THE COST THEREOF FROM FUND BALANCE, OF THE BOROUGH OF SEA GIRT, COUNTY OF MONMOUTH, NEW JERSEY WATER-SEWER UTILITY OPERATING FUND**

**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 water-sewer improvements in the Borough of Sea Girt as listed below:

DESCRIPTION OF IMPROVEMENT	ESTIMATED COST
Acquisition of various equipment for the Water-Sewer Department	\$190,000.00

**Section 2.** The improvements as stated above are general improvements that the Borough may lawfully undertake and the amount appropriated therefor is \$190,000.00.

**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 Water-Sewer Capital Improvement Fund and Fund Balance, respectively, of the Borough of Sea Girt.

**Ordinance 05-2014** (continued)

**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.

By consensus, the meeting was opened for comments on the said Ordinance only. There were no comments from the public present, and by consensus, the public hearing was closed.

**UPON MOTION** of Councilperson Foley, seconded by Councilperson Buonocore, 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.

**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			

3. **Ordinance No. 06-2014:** The Mayor to read the said Ordinance by Title, advising of its publication in its entirety in *The Asbury Park Press* on March 14, 2014 and that the Affidavit of Publication is on file in the Clerk's Office:

**BOND ORDINANCE NO. 06-2014**

**ORDINANCE REAPPROPRIATING \$190,000 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN ORDER TO PROVIDE FOR THE ACQUISITION OF EQUIPMENT FOR VARIOUS BOROUGH DEPARTMENTS AND OTHER RELATED EXPENSES, IN AND BY THE BOROUGH OF SEA GIRT, IN THE COUNTY OF MONMOUTH, NEW JERSEY.**

**BE IT ORDAINED** BY THE COUNCIL OF THE BOROUGH OF SEA GIRT, IN THE COUNTY OF MONMOUTH, NEW JERSEY (NOT LESS THAN TWO-THIRDS OF ALL MEMBERS THEREOF AFFIRMATIVELY CONCURRING) AS FOLLOWS:

**BOND ORDINANCE NO. 06-2014** (continued)

**Section 1.** Pursuant to N.J.S.A. 40A:2-39, it is hereby determined that \$190,000 of the proceeds of obligations originally made available pursuant to Section 3 of Bond Ordinances No. 06-2010, as amended by No. 09-2011, finally adopted on April 14, 2010 and April 13, 2011, respectively, and Bond Ordinance No. 11-2013 finally adopted on June 11, 2013 by the Borough of Sea Girt, in the County of Monmouth, New Jersey (the "Borough"), are no longer necessary for the purposes for which the obligations previously were authorized.

**Section 2.** The \$190,000 described in Section 1 and made available pursuant to N.J.S.A. 40A:2-39 is hereby reappropriated to provide for the acquisition of computers for various Borough departments, and equipment for the Department of Public Works, Police Department and Fire Department, and including all work and materials necessary therefor or incidental thereto.

**Section 3.** The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

**Section 4.** This ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

By consensus, the meeting was opened for comments on the said Ordinance only. There were no comments from the public present, and by consensus, the public hearing was closed.

**UPON MOTION**, Councilperson Foley, seconded, by Councilperson Buonocore, 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.

**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			

- Ordinance No. 07-2014:** The Mayor to read the said Ordinance by Title, advising of its publication in its entirety in *The Asbury Park Press* on March 14, 2014 and that the Affidavit of Publication is on file in the Clerk's Office. Councilman Mulroy commented that The Terrace at First Ave/Ocean Ave. is in bad shape but there is on-going construction in the area. Councilperson Morris asked if the DPW staff would be evaluating road conditions after this winter. Mayor Farrell noted that there is an allocation of \$10,000 in capital for this year to address road repair issues.

**ORDINANCE NO. 07-2014** (continued)

**BOND ORDINANCE NO. 07-2014**

**BOND ORDINANCE PROVIDING FOR ROAD IMPROVEMENTS TO BALTIMORE BOULEVARD, AND APPROPRIATING \$650,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$617,500 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF SEA GIRT, IN THE COUNTY OF MONMOUTH, NEW JERSEY.**

**BE IT ORDAINED** by the BOROUGH COUNCIL OF THE BOROUGH OF SEA GIRT, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvements described in Section 3 of this bond ordinance are hereby authorized as general improvements to be undertaken in and by the Borough of Sea Girt, in the County of Monmouth, New Jersey (the “Borough”). For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$650,000, said sum being inclusive of all appropriations heretofore made therefore, including the sum of \$32,500 as the down payment for the improvements or purposes required by the Local Bond Law. The down payment has been made available by virtue of provision for down payment or for capital improvement purposes from the Borough’s Capital Improvement Fund in one or more previously adopted budgets.

Section 2. In order to finance the costs of said improvements or purposes, negotiable bonds are hereby authorized to be issued in the principal amount not to exceed \$617,500, pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized to be undertaken consist of road improvements to Baltimore Boulevard in the Borough, together with all purposes necessary, incidental or appurtenant thereto, all as shown on and in accordance with plans, specifications or requisitions therefor on file with or through the Borough Chief Financial Officer, as finally approved by the governing body of the Borough.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes described in Section 3(a) hereof is \$617,500, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$650,000, which is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Borough, provided that no note shall mature later than one (1) year from its date. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer, who shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the

**ORDINANCE NO. 07-2014** (continued)

meeting next succeeding the date when any sale or delivery of such notes occurs, such report shall include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not a current expense and are improvements or purposes that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the improvements or purposes, within the limitations of the Local Bond Law and taking into consideration the amount of the obligations authorized for said purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is twenty (20) years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such Statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$617,500 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$125,000 for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.

(e) To the extent that moneys of the Borough are used to finance, on an interim basis, costs of said improvements or purposes, the Borough reasonably expects such costs to be paid or reimbursed with the proceeds of obligations issued pursuant hereto. This ordinance shall constitute a declaration of official intent for the purposes and within the meaning of Section 1.150-2(e) of the United States Treasury Regulations.

Section 6. The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Borough Clerk and is available there for public inspection.

Section 7. Any grant or similar moneys from time to time received by the Borough for the improvements or purposes described in Section 3 hereof, shall be applied either to direct payment of the cost of the improvements within the appropriation herein authorized or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are received and so used.

**ORDINANCE NO. 07-2014** (continued)

Section 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and, unless paid from other sources, the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation as to rate or amount.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

By consensus, the meeting was opened for comments on the said Ordinance only. Mr. O’Grady, 206 The Terrace, inquired about other roads. What materials will be used for repairs? He does not like stone, but doesn’t like asphalt either. Norm Hall, Baltimore Blvd., commented that the crack repairs are important to preventing potholes from forming. Maintenance is required and necessary. By consensus, the public hearing was closed.

**UPON MOTION** of Councilperson Foley, seconded by Councilperson Buonocore, 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.

**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. **Ordinance No. 08-2014:** The Mayor to read the said Ordinance by Title, advising of its publication in its entirety in *The Asbury Park Press* on March 14, 2014 and that the Affidavit of Publication is on file in the Clerk’s Office:

**ORDINANCE NO. 08-2014**

**AN ORDINANCE PROVIDING FOR THE PURCHASE OF EQUIPMENT NECESSARY TO THE BOROUGH’S RECYCLING PROGRAM AND PROVIDING FOR THE COST THEREOF FROM THE RESERVE FOR RECYCLING TRUST OF THE BOROUGH OF SEA GIRT, COUNTY OF MONMOUTH**

**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 purchase the necessary equipment to improve the Borough’s Recycling Program and to provide for the cost thereof from the Reserve for Recycling Trust Fund.

**ORDINANCE NO. 08-2014** (continued)

**Section 2.** The improvements as stated above are general improvements that the Borough may lawfully undertake and the amount appropriated therefor is \$40,000.00.

**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 Recycling Trust of the Borough of Sea Girt to the extent of \$40,000.00.

**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.

By consensus, the meeting was opened for comments on the said Ordinance only. There were no comments from the public present, and by consensus, the public hearing was closed.

**UPON MOTION** of Council President Fetzer, seconded by Councilperson Morris, 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.

**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			

6. **Ordinance No. 09-2014:** The Mayor to read the said Ordinance by Title, advising of its publication in its entirety in *The Asbury Park Press* on March 14, 2014 and that the Affidavit of Publication is on file in the Clerk's Office:

**ORDINANCE NO. 09-2014**

**AN ORDINANCE TO AMEND VARIOUS FEES AND PENALTIES OF THE BOROUGH CODE OF THE BOROUGH OF SEA GIRT, COUNTY OF MONMOUTH, NEW JERSEY.**

**Ordinance 09-2014** (continued)

**WHEREAS**, the Borough Code of the Borough of Sea Girt governs fees and penalties for the Borough of Sea Girt; and,

**WHEREAS**, based on an investigation conducted by the various Borough officials and professionals, the modification of fees and penalties attached hereto as Schedule A has been recommended, said modifications to be effective May 1, 2014.

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

**Section 1.** The Sections of the Code of the Borough of Sea Girt regarding fees and penalties as referenced in Schedule A attached hereto, are hereby amended, as more particularly set forth in Schedule A, a copy of which are on file in the office of the Borough Clerk.

**Section 2.** All amendments to said fees and penalties by this Ordinance shall be effective on May 1, 2014.

**Section 3.** If any articles, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared severable.

**Section 4.** All other Ordinances in conflict or inconsistent with this Ordinance are hereby repealed, but only to the extent of such conflict or inconsistency. In the event of any inconsistencies between the provisions of this Ordinance and any prior Ordinances, the provisions hereof shall be determined to govern.

**Section 5.** This Ordinance shall take effect twenty (20) days after adoption and final publication as required by law.

By consensus, the meeting was opened for public comment on the said Ordinance only. There were no comments from the public present, and by consensus, the public hearing was closed.

**UPON MOTION** of Councilperson Morris, seconded by Councilperson Buonocore, carried, that the following Ordinance be and the same is hereby adopted on final reading, directing the Clerk to post and publish as required as law.

**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			

- Ordinance No. 10-2014:** The Mayor to read the said Ordinance by Title, advising of its publication in its entirety in *The Asbury Park Press* on March 14, 2014 and that the Affidavit of Publication is on file in the Clerk's Office:

**ORDINANCE NO. 10-2014** (continued)

Councilman Foley questioned if the Ordinance was effective during the day only. The Clerk replied that the Ordinance would be in effect 24/7. Council President Fetzer asked if there is a designated area to smoke and suggested creating such an area. Councilman Mulroy didn't think it was a big issue to designate a smoking spot. Councilperson Morris commented the State also has an initiative and it could possibly be superseded by the State. Ordinance could be revisited if an issue. Mrs. Sharon Kregg, Brooklyn Blvd., is opposed to designating a smoking area.

**ORDINANCE NO. 10-2014**

**AN ORDINANCE TO AMEND AND SUPPLEMENT SECTION 9.2 OF CHAPTER IX OF THE BOROUGH CODE ENTITLED "BEACHES AND BOARDWALK" AND SECTION 3-13 ENTITLED "LITTER"**

**BE IT ORDAINED** by the Borough Council of the Borough of Sea Girt as follows:

**Section 1.** Section 9.1 of Chapter IX, "Beaches and Boardwalks" is hereby amended and supplemented as follows:

9.1(aa). No person shall smoke a cigar, cigarette, pipe or otherwise use tobacco products on the beachfront, boardwalk, beach or boardwalk access pathway at any time.

**Section 2.** Section 9-1.5 f. Upon conviction for a violation of subsection 9-1.aa, a fine of not less than two hundred fifty (\$250.00) dollars nor more than one thousand (\$1,000.00) dollars shall be imposed.

**Section 3.** Chapter 3, Section 3-13.2 Definitions, Litter is hereby expanded to include any debris or residue from a cigar, cigarette, pipe or other tobacco products.

**Section 4.** All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed, but only to the extent of such inconsistency.

**Section 5.** This Ordinance shall take effect twenty (20) days after adoption and final publication as required by law.

By consensus, the meeting was opened for public comment on the said Ordinance only. There were no comments from the public present, and by consensus, the public hearing was closed.

**UPON MOTION**, Councilperson Morris, seconded, by Councilman Buonocore, carried, that the following Ordinance be and the same is hereby adopted on final reading, directing the Clerk to post and publish as required as law.

**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			

**7. NEW BUSINESS**

1. **Ordinance No. 11-2014** – The Mayor to read the said Ordinance by Title:

**ORDINANCE NO. 11-2014**

**AN ORDINANCE TO AMEND AND SUPPLEMENT SECTION 10.3 OF CHAPTER X OF THE BOROUGH OF SEA GIRT CODE ENTITLED “PARKS AND RECREATION” OF THE BOROUGH OF SEA GIRT, MONMOUTH COUNTY**

**BE IT ORDAINED** by the Borough Council of the Borough of Sea Girt as follows:

**Section 1.** Section 10.3 of Chapter X, “Parks and Recreation” is hereby amended and supplemented as follows:

10-3.1.1 No person shall smoke a cigar, cigarette, pipe or otherwise use tobacco products on the municipal tennis courts or the Baltimore Boulevard Park and/or playground at any time.

**Section 2.** Section 10.3.2 is hereby supplemented as follows:

10-3.2.1 Upon conviction for a violation of Chapter X, subsection 3.1.1, a fine of not less than two hundred fifty (\$250.00) dollars nor more than one thousand (\$1,000.00) dollars shall be imposed

**Section 3.** All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed, but only to the extent of such inconsistency.

**Section 4.** This Ordinance shall take effect twenty (20) days after adoption and final publication as required by law.

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

**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			

1. **Resolution 69-2014** – Extend Acting Administrator appointment/compensation until further notice.

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

**WHEREAS**, the Borough of Sea Girt is in need of an Acting Administrator until further notice.

**Ordinance No. 69-2014** (continued)

**NOW, THEREFORE, BE IT RESOLVED** that the appointment of Lorraine P. Carafa as Acting Administrator be extended until further notice at the compensation rate of \$2,500 per month.

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

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

Recorded Vote:

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

**2. Resolution No. 70-2014** – Accepting and Adopting the Monmouth County Municipal Joint Insurance Fund’s 2014 Safety and Compliance program

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

**WHEREAS**, the Borough of Sea Girt is a member of the Monmouth County Municipal Joint Insurance Fund (MONMOUTH JIF); and

**WHEREAS**, it is the policy of the MONMOUTH JIF to achieve the best and most practical degree of freedom from accidents and/or injuries; and

**WHEREAS**, the MONMOUTH JIF endeavors to ensure that all of their members’ employees, volunteers and public are provided with a safe and healthy environment, free from any recognized hazards; and

**WHEREAS**, the MONMOUTH JIF endeavors to ensure that all of their members are in compliance with applicable safety and health requirements; and

**WHEREAS**, the MONMOUTH JIF’s Safety Committee is made up of volunteers representing many of the Fund’s Municipalities, along with the professionals employed by the Fund; and

**WHEREAS**, over the past year, the MONMOUTH JIF’S Safety Committee has worked hard to develop a new Safety and Compliance Program like none other in the State that will better represent the members of the Fund’s needs; and

**WHEREAS**, the new Program will assist all the Monmouth JIF’s members in becoming or maintaining compliance with all Public Employees Occupational Safety and Health (PEOSH) Requirements; and

**Resolution 70-2014** (continued)

**WHEREAS**, the MONMOUTH JIF has adopted the new 2014 SAFETY AND COMPLIANCE PROGRAM which should succeed in providing a safe, healthful and pleasant environment; and

**WHEREAS**, the Clerk/Acting Administrator of Borough of Sea Girt has reviewed this SAFETY AND COMPLIANCE PROGRAM and has recommended its adoption by the Governing Body; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Sea Girt, County of Monmouth, State of New Jersey that the Monmouth County Municipal Joint Insurance Fund SAFETY AND COMPLIANCE PROGRAM be adopted by the Borough of Sea Girt.

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			

**3. Resolution 71-2014: Resolution Authorizing Beach Fees for 2014 Season**

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

**WHEREAS**, the Borough of Sea Girt wishes to set the beach season fees, the season schedule and adopt Beach Regulations for 2014.

**NOW THEREFORE BE IT RESOLVED**, by the Council of the Borough of Sea Girt that the season schedule and fees for beach access be enacted for the 2014 Beach Season, said season to commence on May 24 through September 7, 2014, inclusive.

	<b><u>2014 Fees</u></b>
Season Badge	
*Credit card purchase	\$110.00
<b>*Discount for Cash Purchase - \$5.00</b>	<b>\$105.00</b>
Daily Badge	\$ 10.00
Senior Season Badge	
*Credit card purchase	\$ 60.00
<b>*Discount for Cash Purchase - \$5.00</b>	<b>\$55.00</b>
Bath House (includes 5 Season Badges)	
*Credit card purchase	\$1,025.00
<b>*Discount for Cash Purchase - \$25.00</b>	<b>\$1,000.00</b>
**Senior rate applies to Bath House – for every Senior Badge requested \$50 will be deducted from the total**	
Bath House Daily (weekday)	
*Credit card purchase	\$20.00
<b>*Discount for cash purchase - \$2.00</b>	<b>\$18.00</b>

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Bath House Daily (weekend & holiday)	
*Credit card purchase	\$23.00
<b>*Discount for Cash Purchase - \$3.00</b>	\$20.00
Catamarans – Deposit	\$100.00
Catamarans – Payments	\$410.00 to
	Include
	one seasonal beach badge
Kayak Storage	
*Credit card purchase	\$210.00
<b>*Discount for Cash Purchase - \$10.00</b>	\$200.00
\$25.00 (cash or check only) refundable deposit required in addition to storage fee	
10 Pack of Daily Badges	
*Credit card purchase	\$95.00
<b>*Discount for Cash Purchase - \$5.00</b>	\$90.00

**BE IT FURTHER RESOLVED** that the Beach Regulations for 2014 as identified on the attachment be and the same are hereby adopted.

Recorded Vote:

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

**4. Resolution 72-2014: Dune Walkovers – discuss/approve plans as presented.**

Council reviewed and after discussion, approved the plans and noted that the ADA-compliant ramp would be located at Seaside Boulevard with stairs to be installed at Neptune Boulevard per further discussions with the Borough Engineer; changes to the plans will be accomplished via a change order after the bid is awarded. Councilmembers also agreed that there is a need to create designated handicapped parking spots on Seaside Boulevard.

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

**WHEREAS**, the Borough of Sea Girt Council wishes to improve access and accessibility to the south end of the Borough’s beach to enhance the recreational opportunities afforded to residents and visitors to the Borough Beach; and,

**WHEREAS**, to accomplish this goal, the Borough Council authorized the Borough Engineer to prepare plans and specifications for the construction of two dune walkovers at Seaside and Neptune Boulevards along the beachfront where dunes have been constructed to allow access to the Boardwalk

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Sea Girt that the plans for the dune walkovers be accepted as presented and the project authorized for bidding as required by the provisions of the Local Public Contracts Law, *N.J.S.A. 40:11.1*, et seq.

**Resolution 72-2014 (continued)**

**BE IT FURTHER RESOLVED** that after discussion, the ADA compliant walkover will be constructed at Seaside Boulevard and the non-handicapped accessible walkover will be constructed at Neptune Boulevard.

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution shall be supplied to the Borough Engineer for his 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			

**5. Resolution 73-2014:** Approve 2014 Recreation Programs/fees for 2014

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

**WHEREAS**, the Board of Recreation Commissioners of the Borough of Sea Girt determined that there is a need to charge certain fees in connection with its activities in order to provide recreational programs to the residents of Sea Girt and has made such recommendation to the Borough Council; and

**WHEREAS**, the Borough Council has determined that the said fees are reasonable and necessary.

**NOW, THEREFORE BE IT RESOLVED**, by the Council of the Borough of Sea Girt that the fees for 2014 recreation be implemented as follows:

- **Summer Recreation Program:**

<b>Residents</b>	<b>Current Fees</b>
Full Season Campers	\$200.00
Weekly Campers	\$ 60.00
Daily Campers	\$ 15.00
Discount	\$10.00 for the second child (\$190.00), \$20.00 for the third child (\$180.00)

<b>Non-Residents</b>	<b>Current Fees</b>
Full Season Campers	\$260.00
Weekly Campers	\$ 75.00

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Daily Campers  
 Discount

\$ 20.00  
 \$5.00 for the second  
 child (\$255.00), \$10.00  
 for the third child  
 (\$250.00)

- All other programs:

PROGRAM	Current Fees		Proposed Fees	
	RESIDENT FEE	NON-RESIDENT FEE	RESIDENT FEE	NON-RESIDENT FEE
Adult Art (March 1 <sup>st</sup> , new class every 6 – 8 weeks	\$30.00	\$40.00	No change	
Munchkin Soccer (April 27 – June 8)	\$105.00		No change	
Spring Tennis (6 weeks, 1.5 hrs./session)	\$80.00	\$90.00	No change	
Cool Runners (July 2 – July 30) *Borough only receives \$10.00 per participant; will be requesting an increase to \$15.00 this year from sponsor)	\$105.00		No change	
Kid's Tennis	\$50.00	\$60.00	\$55.00	\$65.00
Teen Tennis	\$50.00	\$60.00	\$55.00	\$65.00
Kid's Basketball Clinic (residents only) late fee \$5.00	\$70.00		75.00	
Kid's Basketball League (residents only) late fee \$5.00	\$65.00		\$70.00	
Hip Hop Dance (new program) (July 7 – 11) late fee \$10.00	\$75.00	\$85.00	No change	
NO FEE PROGRAMS: Easter Egg Hunt Mother's Day Essay Contest				
<b>Late registration fee for all programs</b>			<b>\$10.00</b>	

Recorded Vote:

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

**6. Resolution 74-2014 – Appoint Recreation Program Dance Instructor**

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

**WHEREAS**, the Recreation Program wishes to sponsor dance classes for various age groups and is in need of an Instructor for these classes; and,

**WHEREAS**, the Recreation Director has recommended that Brianne Crines, Wall Township NJ be appointed as the instructor for the dance classes to held from July 7<sup>th</sup>, 2014 through July 11, 2014 inclusive; and,

**WHEREAS**, the term of employment shall be for the duration of the programs as identified above.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Sea Girt as follows:

1. Brianne Crines is hereby appointed as a temporary part-time employee of the Borough of Sea Girt for the Recreation Program's Summer 2014 dance classes for various age groups at the rate of \$45.00 per hour per class session not to exceed one hours per session per day and to include an extra half hour on the last day of the classes.

Recorded Vote:

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

**7. Resolution 75-2014: Approve Lapse of Snow Removal 2013 Appropriation Reserve to Trust Fund.**

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

**WHEREAS**, the Borough Council is permitted by the Local Budget Law to lapse the balance of reserve account 3-01-26-316-010 (\$14,572.23), Snow Removal, S/W to the Reserve for Snow Removal (Trust account).

**BE IT FURTHER RESOLVED** that said appropriation reserve in the amount of \$14,572.23 be and the same is hereby lapsed to the Reserve for Snow Removal (Trust Account).

**BE IT FURTHER RESOLVED** that a copy of this resolution shall be given to the Chief Financial Officer for appropriate action.

**Resolution No. 75-2014** (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			

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

1. **Coffee with the Mayor** will be held on Saturday, March 29, 2014 at 10:00 AM in the Fire Hall
2. **Manasquan First Aid Squad** is looking for volunteers – please consider helping them help us. Training is at no charge; additional information is available at [www.manasquanems.org](http://www.manasquanems.org).
3. **Easter Egg Hunt** sponsored by Sea Girt Recreation will be held on Saturday, April 12, 2014 at 10:30 AM; (rain date is April 13 at 1:00 PM)
4. **Wreck Pond** – Spring Lake has received partial funding from NJ Fish and Wildlife and the DEP to construct a box culvert with operational gates at the Ocean to allow for an open flow between the Pond and the Ocean and to create living shorelines (habitats) along the shore. The project requires additional funding and SL has proposed that the four communities adjoining the Pond submit applications for Monmouth County Open Space Grants (maximum of \$250,000 awarded, requires 50% matching funds from the municipality) and SL will fund the match requirement for all four communities. Cost to the Borough would be in the preparation and submission of the required application, including engineering fees. SL is only seeking a commitment of SG to apply for the grant. Councilperson Cerami asked if this would preclude the Borough from applying for a grant for another project. The Mayor responded that is would, if the application is filed, but that these grants are awarded on an annual basis and the Borough would be able to file an application in 2015. The Mayor also noted that there are Borough properties located along the southern shore of the Pond that would also benefit from improvements in water quality and the flow of water between the Pond and the Ocean.

**Resolution No. 76-2014: UPON MOTION** of Councilperson \_\_\_\_, seconded by Councilperson \_\_\_\_, carried, that the following Resolution be adopted:

**WHEREAS**, the Borough of Spring Lake has received partial funding from NJ Fish and Wildlife and the DEP to construct a box culvert with operational gates at the east end of Wreck Pond to allow for the flow of water between the Pond and the Atlantic Ocean; and,

**WHEREAS**, the project requires additional funding and Spring Lake has proposed that the four (4) communities (Spring Lake, Spring Lake Heights, Sea Girt and Wall Township) each submit applications to the Monmouth County Open Space Grant Program for maximum funding allowable (\$250,000) to supplement the original grant and has also committed to funding the matching funds requirement of the County program for each community; and,

**Resolution No. 76-2014** (continued)

**WHEREAS**, the Borough would incur the costs of engineering fees to prepare the required County Grant Program application.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Sea Girt that it hereby commits to submitting an application for a Monmouth County Open Space Grant in the maximum allowable amount for the Improvements to Wreck Pond, with the understanding that the Borough of Spring Lake will provide the matching funds required in the event the grant application is submitted and approved.

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution shall be supplied to W. Bryan Dempsey, Spring Lake Borough Administrator and Peter R. Avakian, Borough Engineer, 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			

5. **HMGP** – The Borough has tentatively been awarded \$100,000 to build a bulkhead in front of the Pavilion (east side) as part of the Hazard Mitigation Grant Program sponsored by FEMA. This would require 10% matching funds and the approval of Council to proceed with engineering design. The funding cannot be utilized for any other purpose. After discussion and **UPON MOTION** of Councilperson \_\_\_\_, seconded by Councilperson \_\_\_\_, carried, that the following **Resolution No. 77-2014**: be adopted:

**WHEREAS**, the Borough of Sea Girt has tentatively been awarded a FEMA Hazard Mitigation Grant for the purpose of constructing a bulkhead along the east side of the Pavilion at Beacon Blvd.; and,

**WHEREAS**, the Borough of Sea Girt has an on-going program to rebuild the dune system in front of the entire length of the Boardwalk, including the east side of the Pavilion that will provide significant protection to the Borough's infrastructure with a similar mitigation result.

**NOW, THEREFORE, BE IT RESOLVED** that the Borough Council hereby declines this FEMA Mitigation Grant for the construction of a bulkhead in front of the Beach Pavilion as noted above.

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution shall be supplied to Michael Oppegaard, Monmouth County Emergency Management Coordinator and Timothy Harmon, Borough of Sea Girt Emergency Management Coordinator, for their information and further action, if necessary.

**Resolution No. 77-2014** (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			

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

**10. COUNCIL REPORTS**

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

Councilperson Morris reported that the Library Committee is planning another Wine and Cheese Event on September 13, 2014, if there are no conflicts with any other events.

Council President Fetzer reported as follows:

- Water Tower rehabilitation plans and specs should be ready for bidding shortly to ensure a projected mobilization date just after Labor Day;
- A preliminary meeting was recently held with the PBA with no major issues identified; another meeting is planned within two weeks. A meeting with Teamster representatives should be scheduled shortly.

Mayor Farrell reported as follows:

- Holly Club is seeking permission to do have a fundraiser (raffle) to raise money for student scholarships and continue planting flowers, etc. They are checking their status with the State Legalized Games of Chance Commission who oversees non-profit raffles. They would also like to sell hats, t-shirts or coffee mugs on the Boardwalk. After discussion, the Acting Administrator will review the existing contract with the Pavilion concessionaire to verify that there are no conflicts with her operation. Council President Fetzer asked if Borough Ordinances must be amended to allow this to occur; Mr. Montenegro noted that permission could be granted by Resolution. Mayor Farrell will report back with specific information from Holly Club.
- He noted that coffee with the Mayor is scheduled for Saturday at the Fire Hall.

**11. Resolution 78--2014: Payment of Bills**

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

**BE IT RESOLVED**, by the Borough Council of the Borough of Sea Girt that bills be paid as appearing on the attached Bill List dated March 21, 2014 in the totals as follows:

**Resolution No. 78-2014** (continued)

CURRENT FUND	\$ 853,467.09
WATER/SEWER OPERATING FUND	\$ 102,251.94
BEACH OPERATING FUND	\$ 13.19
TRUST FUND	\$ 523.00
RECREATION TRUST	\$ 384.66
GENERAL CAPITAL	\$ 35,436.13
WATER CAPITAL	\$ 1,176.00

**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			

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

Ira Walker was present to provide information regarding an on-going zoning matter to Council; his Attorney, John Guinco spoke on Mr. Walker’s behalf and noted that the following:

- the former Business Administrator authorized clean-up of property west of the Walker property and gave authorization to install pool equipment/generator. Subsequently, Mr. Walker received a violation notice having to do with placement of the equipment but summonses have not yet been issued.
- Mr. Walker would like the Borough Council to consider allowing a lease or license agreement to keep his equipment on Borough property. Mr. Guinco made reference to a 1965 deed with respect to a common driveway for the three properties immediately south of Philadelphia Blvd. (Mrs. Walker’s and two adjacent properties).
- According to Mr. Guinco, a title search he recently ordered could not definitively confirm that the Borough owned the Crescent Park property.
- Mr. Guinco again noted that he would like Borough to consider letting Mr. Walker maintain his equipment on the property. If there is any risk to the Borough, Mr. Walker would agree to indemnify the Borough and provide adequate insurance. Mr. Walker would also agree to maintain the property in excellent condition. A deed restriction would be created so successor ownership would be advised of the status of the property and their obligations to maintain.
- The request is for 184 square feet in area of pool equipment be granted with run of the land.
- With respect to the 1965 deed, it is Mr. Guinco’s contention that no Borough Ordinance currently allows this situation to exist;
- Mr. Walker should be permitted to rely on the “apparent authority” of a Borough official (i.e., the former Business Administrator).

**PUBLIC PARTICIPATION** (continued)

- In the event the pool equipment is removed the property would be restored to its original landscaping.

Council President Fetzner asked whose land is driveway on now.

- Mr. Guinco replied that the land is dedicated to the Park, but never any formal dedication. Ownership is clouded.

Councilperson Foley commented that nothing can be built on that property.

- Mr. Guinco objected to classifying the driveway as a structure;
- Mayor Farrell commented that all three homes have internal garages which would constitute a structure.

Councilman Cerami asked if Mr. Walker is proposing any compensation to the Borough. Mr. Guinco replied no, but that this is a matter that could be discussed. Councilman Cerami asked what a fair resolution would be. There was further discussion on a “fair” settlement, including the possible relocation of the generator but not the pool equipment. There was further discussion of the driveway issue, and whether the installation of a driveway through Crescent Park would be acceptable to the neighbors.

Borough Attorney Montenegro questioned the following:

- the height of the fence in question. The response was that the fence could be up to 6 feet per ordinance along the back property line. Mr. Montenegro noted that the Zoning Official or Board of Adjustment have jurisdiction with respect to this matter.
- Installation of the pool equipment and relying on April 29 e-mail to Borough Administrator; prior to April, there were verbal communications in early April when equipment was installed in approximately December 2012.
- Was any written authority issued to have generator installed on Borough property? No.
- Was there any conversation or communication or any representations that if approval was given, Mr. Walker would have to go to Board of Adjustment? No
- leasing or licensing could be valuable. Mr. Guinco replied insurance and maintenance etc. could be valuable, too and that no other fee ever discussed.

Councilman Foley asked if it is Mr. Walker’s responsibility to replace the sidewalk or if it was Mr. Walker’s choice to replace the sidewalk. The sidewalk was replaced by choice.

Mr. Montenegro clarified that Mr. Walker, by virtue of previous applications for permits and variances had a reasonable knowledge of the process required in this matter, and chose to speak only to the Borough Administrator.

- Pool equipment was installed in April 2012.
- Mr. Montenegro noted that permission must be obtained from the Borough Council before constructing anything on Borough property, but that Board of Adjustment approval may also be required. .
- Norm Hall, Planning Board Chairman, offered some comments on his information regarding this matter: landscaping “street trees” was referred to Shade Tree Commission. Mr. Hall offered to stay for executive session.
- Mrs. Kregg questioned driveway goes to park driveway. Mayor Farrell discussed the Crescent Park Ordinance for driveways.

**PUBLIC PARTICIPATION** (continued)

After further discussion and by consensus, the Borough Council agreed that it would further consider the matter in Executive Session with the Borough Attorney before making any decision.

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. 79-2014** 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 and contract negotiations.
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			

There being no further business and **UPON MOTION** of Council President Fetzer, seconded by Councilwoman Morris, carried, that the meeting be finally adjourned at 10:45 PM.

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LORRAINE P. CARAFA, RMC  
MUNICIPAL CLERK