

MINUTES - REGULAR MEETING
February 14, 2018

The Regular Meeting of the Borough of Sea Girt Council was called to order by Mayor F. Ken Farrell at 7:00 PM on Wednesday, February 14, 2018 at the Sea Girt Elementary School, Bell Place, Sea Girt. Mayor Farrell asked for a moment of silence to remember Ellen Boyle, Bruce Boyle (no relation to Ellen), Mrs. Venino, Dick's wife passed away; and please keep the families in Parkland, Florida in your prayers; he then led those in attendance in the Pledge of Allegiance.

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 Meixsell	X	
Councilwoman Morris	X	
Council President Fetzer	X	
Councilman Mulroy	X	
Councilwoman Anthony	X	

2. **PRESENTATION** – Mayor Farrell introduced Borough Engineer Peter Avakian, here to present the revised plan on the Carriage Way rehabilitation (copy is attached to these Minutes). Mr. Avakian began his presentation by reviewing the proposed plans for Carriage Way. Mayor Farrell then introduced John McCormack, Principal, Dynamic Traffic; to present a synopsis of the issues related to Carriage Way and further discussed the proposed design.

Fire Chief Carl Scipione commented on the proposed revised plan stating that he had addressed his concerns with the Engineer and noted that this plan conforms to the requirements expressed by the Fire Company;

There were further comments by Peter Avakian on the specifics of the compromise plan.

Mayor Farrell thanked everyone for their efforts; he noted the plan improves public safety and the entire area. Mayor Farrell then opened the meeting for comments:

- Bill Martin, Ocean Avenue, supports proposed rehabilitation of the road, but is opposed to moving the alignment to the west;
- Rob Plum, Baltimore Blvd., criticized the plan;
- Buddy Robinson, stated that he appreciates what Council has done; good compromise;
- Ray Bogan, Beacon Blvd., asked if a resolution was adopted approving this plan; the response was yes, in 2016; Councilman Foley further explained that he had stated at that time that the public would be able to further comment on the plan before construction and this is the reason for these presentations;
- Councilwoman Anthony asked if there was a survey of road at the time of its dedication; Mr. Avakian responded that such a survey would not have been required. Councilwoman Anthony also asked about a plan for removal of brush and addressing line of site issues; she was advised that this would be part of the Crescent Parkway Forest Rehabilitation Plan;
- Council President Fetzer noted that the October, 2016 proposal showed the road going through the island and in November, 2016 Council passed a resolution authorizing the

design through the island; he also noted that he opposed to extending driveways for other properties; he prefers road to stay as is and favors the original alignment;

- Pat Raffetto, Trenton Blvd., stated that she would like to see the road continue as it is and suggested installing speed bumps; Peter Avakian noted speed bumps do not work on a stone road; John McCormick concurred;
- Councilman Meixsell asked about eastern configuration driveways and Fire Department access, In response, Chief Scipione noted that his concern is the ability of fire equipment to access homes; currently on the eastern spur, it would be difficult to access with fire equipment; he did state that the concerns were addressed with the revised plan presented tonight;
- Councilman Mulroy questioned configuration of originally approved plan compared with this plan and asked if is it too far over to the West; Peter Avakian responded that it is not;
- Council President Fetzer commented it was significantly more to the West and not through the middle of the island;
- Councilwoman Anthony questioned drainage costs; Mr. Avakian advised that they are included in the cost estimates and are an integral part of the design.

At the conclusion of the comments, Mayor Farrell thanked Mr. Avakian and Mr. McCormack for coming to tonight's meeting.

3. **PUBLIC PARTICIPATION ON ANY CONSENT AGENDA ITEM:** No comments from the public present.
4. **CONSENT AGENDA** – Council President Fetzer requested that the resolution opposing oil and gas drilling off the Atlantic Coast be pulled from Consent Agenda for further discussion.

Resolution No. 30-2018: UPON MOTION OF Councilman Meixsell, seconded by Councilman Foley, carried, that the following Resolution be and the same is hereby adopted:

- Proclaiming April 27th, 2018 as “Arbor Day”

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

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

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

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

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

NOW, THEREFORE, BE IT MEMORIALIZED by the Mayor and Borough Council of the Borough of Sea Girt that April 27th, 2018 is celebrated as

ARBOR DAY

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

- Authorizing participation in Clean Ocean Action Spring and Fall Beach Sweeps, April 21 and October 20, 2018, respectively, from 9:00 am to 12:30 pm, subject to submission of Certificate of Insurance naming the Borough as an additional insured;

WHEREAS, the Borough of Sea Girt has participated in helping the volunteer organization Clean Ocean Action in the past and would like to continue to do so; and,

WHEREAS, the organization is requesting permission to perform spring and fall clean-up at the Borough of Sea Girt’s beaches; and,

WHEREAS, a Beach Captain is assigned by Clean Ocean Action to lead the clean-up site and will help organize the clean-up at the Borough’s beach and direct volunteers at the event, and ensure the proper collection, categorizing and separation of the debris.

NOW, THEREFORE BE IT RESOLVED, the Borough Council of the Borough of Sea Girt, does hereby authorize the following Beach Sweeps on April 21 and October 20, 2018 from 9:00am to 12:30 pm, respectively, subject to the following:

1. Clean Ocean Action will provide a Beach Captain to help organize the clean-up, direct volunteers and ensure proper collection by categorizing and separating debris, and
2. The Beach Captain will coordinate with the Public Works Department Manager before the event to make the necessary trash pick-up and recycling arrangements.
3. Clean Ocean Action shall provide to the Borough of Sea Girt a Certificate of Insurance naming the Borough of Sea Girt as an additional insured with General Liability Insurance in the amount of a Combined Single Limit of \$1,000,000.00; proof of said policy shall be provided to the Borough prior to April 13, 2018.
4. Volunteers will not be permitted in the closed areas of the beach in order to protect the nesting grounds of endangered species.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be supplied to Clean Ocean Action, Jared McKittrick and Chief Kevin Davenport for their information.

- Resolution Authorizing Monmouth County Mosquito Control Division to Conduct Aerial Mosquito Control Operations in the Borough of Sea Girt during 2018.

WHEREAS, the Monmouth County Board of Chosen Freeholders, pursuant to *N.J.S.A. 26:9-27, et seq.*, has elected through its Mosquito Control Division to perform all acts necessary for the elimination of mosquito breeding areas and/or to exterminate mosquitoes within the County; and,

WHEREAS, the County has instituted an Integrated Pest Management Program consisting of surveillance, water management, biological control and chemical control to exterminate the mosquito population with the County of Monmouth; and,

WHEREAS, prior to conducting aerial dispensing operations over a designated “congested area”, the County is required, pursuant to Federal Aviation Administration Regulation (FAR Part 137.51), to

secure prior written approval from the governing body of the political subdivision under which the aircraft is to be operated; and,

WHEREAS, the Borough of Sea Girt is designated as a “congested area” by the Federal Aviation Administration and the County has requested that this governing body consent to its proposed aerial dispensing operations.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Sea Girt hereby authorizes the Monmouth County Mosquito Control Division or its agents to apply pesticides by aircraft for mosquito control in certain areas of the Borough of Sea Girt designated by the County as being either larval mosquito habitat or areas harboring high populations of mosquitoes constituting either a nuisance, a health hazard or both with the understanding that: after notifying the Borough of Sea Girt Police Department prior to each and every application a minimum of seven (7) days prior to the commencement of such operations:

- a. The County shall utilize pesticides, application equipment and aircraft that are approved for aerial application by the applicable Federal (USEPA) and State (NJDEP) agencies.
- b. Such operations will be performed in compliance with applicable Federal and State regulations.
- c. The County will notify the Police Department of each municipality over which aerial pesticide operations are planned at least seven (7) days prior to commencement of such operations.

5. APPROVE MINUTES

A. Resolution No. 31-2018: Approve Minutes, Regular Meeting held January 24, 2018

The following corrections were noted by Council members as follows:

1. Resolution No. 27-2018: The motion to second the resolution was offered by Councilman Foley, not Councilman Mulroy as noted in the Minutes presented to Council.
2. Ordinance No. 02-2018: The motion to open the meeting to the public for comments was moved by Councilwoman Morris, not Councilwoman Anthony as noted in the Minutes presented to Council.
3. Presentation on Carriage Way should have included a comment by Council President Fetzer that the design presented tonight was not in accordance with October 2016 presentation and November 2016 design authorization and requested that Fire Departments concerns be addressed in future plans.

UPON MOTION of Councilman Meixsell, seconded by Councilman Foley, carried, that the Minutes of the Regular Meeting held January 24, 2018 be and the same are hereby adopted as amended.

Recorded Vote:

	Ayes	Nays	Absent	Abstain
Councilman Foley	X			
Councilman Meixsell	X			
Councilwoman Morris	X			
Council President Fetzer	X			
Councilman Mulroy	X			
Councilwoman Anthony	X			

6. **OPEN DISCUSSION:** Council President Fetzer indicated his appreciation for the time Mayor and Council has put into the Carriage Way plan.

7. **OLD BUSINESS – None**

8. **NEW BUSINESS**

A. **Resolution No. 32-2018:** Opposing Off Shore Oil and Gas Activities

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

WHEREAS, on January 8, 2018, the federal Bureau of Ocean Energy Management (BOEM) announced in the Federal Register notice the release of their Draft Proposed Program (DPP) for the 2019-2024 Outer Continental Shelf Oil and Gas Leasing Program. BOEM is requesting public comment on the DPP as well as formal scoping for a Programmatic Environmental Impact Statement for the 2019-2024 Program; and,

WHEREAS, this new plan includes the entire Atlantic Ocean from Maine to Florida, including the waters off New Jersey within 3 miles of beaches, as well as including other ocean areas totaling some 90% of US ocean waters; and,

WHEREAS, New Jersey boasts over 127 miles of beautiful ocean coastline and hundreds of miles of back-bays, estuaries, and other waterways connected to the Atlantic Ocean; and,

WHEREAS, the Jersey Shore is essential to the health of the our communities, environment and the thriving economy of New Jersey; and,

WHEREAS, the physical, hydrodynamic, and biological characteristics of the ocean off the Jersey Shore are unique in the world, as more than 300 species of fish, nearly 350 species of birds, 5 species of sea turtles, and many marine mammals such as 20 species of whales and dolphins, 1 species of porpoise, and 4 species of seals, frequent this region. Nine endangered species, four of which are whales, can be found in these ocean waters, including the Atlantic Right Whale, one of the world's most endangered marine mammals. The region also serves as an essential migratory pathway for many of these species; and,

WHEREAS, the Jersey Shore sustains the economy of the region with its bounty of natural resources and intrinsic values for millions of people through tourism. Tourism brings more than \$32 billion to NJ's economy each year and provides jobs to more than 500,000 people; and

WHEREAS, recreational and commercial fisheries in NJ provide enormous economic benefits, including revenue, food production, and recreational activities. In 2014, recreational fishing supported nearly 20,000 jobs and resulted in \$2 billion of retail sales. Commercial fishing supports nearly 7,300 jobs and provides \$152 million in landings, not including restaurant and retail sales; and,

WHEREAS, current estimates of the amount of technically recoverable oil off the entire Atlantic coast from Maine to Florida would only last the nation approximately 229 days, and the amount of technically recoverable gas would only last approximately 562 days; and,

WHEREAS, offshore oil and gas development, causes substantial environmental impacts, including: (a) onshore damage due to infrastructure, (b) water pollution from drilling muds and the water brought-up from a well with oil and gas (called “produced waters”), (c) noise from seismic surveys, (d) air pollution, and (e) oil spills; and,

WHEREAS, the harmful environmental consequences of offshore oil and gas exploration and development are serious and threatens the environmental and economic assets of New Jersey; and,

WHEREAS, the BP Horizon disaster in the Gulf of Mexico (2010) is clear evidence of the dangers associated with offshore drilling, including costing the lives of 11 people, devastating coastal economies and countless livelihoods, and killing countless marine animals, as well as continuing to cause harm to marine life as documented by a steady flow of studies; and,

WHEREAS, Federal Administration officials are also weakening protections of ocean resources by undermining rules and regulations, cutting funding sources for spill response; and,

WHEREAS, oil spills travel vast distances, and the Gulf Stream and Labrador Ocean Current all flow toward New Jersey making the region vulnerable to impacts from spills anywhere in the Atlantic Ocean; and,

WHEREAS, Within 5 days of the release of the DPP Governor Scott from Florida was able to convince Department of Interior Secretary Zinke to remove Florida from further consideration for drilling due to the importance of coastal tourism to that state and NJ shares this same economic dependence on tourism and clean ocean economies; and,

WHEREAS, bi-partisan opposition against drilling off the New Jersey coast has included every Governor since 1985, and a majority of the congressional delegation and most coastal towns; and,

WHEREAS, energy conservation and efficiency measures can significantly reduce the nation’s need to explore and drill for nonrenewable resources, such as oil and natural gas; and,

WHEREAS, coastal municipalities have a profound interest in maintaining strong federal protections for our nation’s coastal environment, as well as the economic and social benefits it supports.

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Sea Girt Council hereby opposes offshore oil and gas exploration and drilling activities that would affect the coast of New Jersey, and calls upon Secretary of the Interior Ryan K. Zinke who oversees the Bureau of Ocean Energy Management to withdraw New Jersey and the entire Atlantic Ocean from consideration for the offshore oil and gas exploration, development, or drilling, subject to preparation of the environmental impact statement.

Recorded Vote:

	AYES	NAYS	ABSENT	ABSTAIN
Councilman Foley	X			
Councilman Meixsell	X			
Councilwoman Morris	X			
Council President Fetzer	X			
Councilman Mulroy	X			
Councilwoman Anthony	X			

B. Ordinances – Introduction

1. **Ordinance No. 03-2018:** Mayor Farrell stated that no action will be taken on this Ordinance this evening.
2. **Ordinance No. 04-2018:** Mayor to read the said Ordinance by Title:

ORDINANCE NO. 04-2018

AN ORDINANCE PROVIDING FOR IMPROVEMENTS TO OCEAN AVENUE AND PROVIDING FOR THE COST THEROF 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 Beach Utility of the Borough of Sea Girt as listed below:

DESCRIPTION OF IMPROVEMENT	ESTIMATED COST
Improvements to Ocean Avenue	\$300,000

2. The improvements as stated above are general improvements that the Borough may lawfully undertake and the amount appropriated therefor is \$300,000.

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 Councilman Mulroy, seconded by Council President Fetzer, carried, that the following Ordinance be and the same is hereby adopted on first reading, directing the Clerk to post and publish as required by law and setting the date of the public hearing as February 28, 2018.

Recorded Vote:

	Ayes	Nays	Absent	Abstain
Councilman Foley	X			
Councilman Meixsell	X			
Councilwoman Morris	X			
Council President Fetzer	X			
Councilman Mulroy	X			
Councilwoman Anthony	X			

3. **Ordinance No. 05-2018:** Mayor to read the said Ordinance by Title:

ORDINANCE NO. 05-2018

AN ORDINANCE TO AMEND CHAPTER IV, LICENSING AND BUSINESS REGULATIONS, SECTION 4-10.9, FEES, OF THE BOROUGH CODE OF THE BOROUGH OF SEA GIRT, COUNTY OF MONMOUTH

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. Section 4-10.9, Fees, is hereby amended as follows:

a. The annual fee for each taxi/autocab owner's license hereafter issued, or any renewal thereof, shall be one hundred fifty dollars (\$150.00) for from one (1) to up to five (5) taxi/autocabs licensed for each year, or portion of a year. (Any additional taxi/autocabs registered to the same owner and so licensed shall pay a reduced license fee of fifty (\$50.00) dollars per vehicle for such additional taxi/autocab.) The license is not transferable and is granted to a specific vehicle. If such vehicle is sold or conveyed during the license year, the owner may apply to the Borough for a substitute for the remainder of the license period.

1. In the event a person issued a taxi/autocab owner's license also makes application for a taxi/autocab driver's license, the fee of twenty-five (\$25.00) dollars shall be waived.

b. The annual fee for each taxi/autocab driver's license hereafter issued, or any renewal thereof, shall be twenty-five (\$25.00) dollars for each year, or portion of a year, for which the license is issued or renewed.

c. No fees shall be prorated nor any part thereof refunded for any reason.
(Ord. No. 13-2009 § 8; Ord. No. 19-2010 § 3)

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. 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 4. This Ordinance shall take effect upon publication in an official newspaper of the Borough, as required by and in conformance with law.

Council President Fetzer asked if it was possible to require a license from Uber and Lyft drivers; the Borough Attorney responded that it is very difficult. Councilman Mulroy noted that vans are the most productive way to move patrons from the area and suggested discounting van fees in 2019.

UPON MOTION of Councilman Foley, seconded by Councilman Meixsell, carried, that the following Ordinance be and the same is hereby adopted on first reading, directing the Clerk to post and publish as required by law and setting the date of the public hearing as February 28, 2018.

Recorded Vote:

	Ayes	Nays	Absent	Abstain
Councilman Foley	X			
Councilman Meixsell	X			
Councilwoman Morris	X			
Council President Fetzer	X			
Councilman Mulroy	X			
Councilwoman Anthony	X			

4. **Ordinance No. 06-2018:** Mayor to read the said Ordinance by Title:

ORDINANCE NO. 06-2018

AN ORDINANCE TO AMEND AND SUPPLEMENT SECTION 17-1.4, PROHIBITED USES, OF THE LAND USE VOLUME OF THE BOROUGH OF SEA GIRT CODE, CHAPTER XVII, ZONING, IN THE BOROUGH OF SEA GIRT, COUNTY OF MONMOUTH

WHEREAS, the Borough of Sea Girt, in the County of Monmouth and State of New Jersey (the “Borough”) has a comprehensive Master Plan and Development Ordinances implementing that Master Plan; and

WHEREAS, the Borough has determined that the sale of medicinal and recreational marijuana requires special concern for security, safety and location purposes; and

WHEREAS, the Borough desires to ensure that such facilities are not allowed within the vicinity of a school, church, or playground, or in any commercial or residential zone; and

WHEREAS, there is no area of the Borough which can safely house a business selling medicinal and/or recreational marijuana and/or the paraphernalia that facilitates the use of such marijuana.

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

SECTION 1. Chapter XVII of the Borough Code of the Borough of Sea Girt entitled “Zoning” at Section 17-1.4 entitled “Prohibited Uses” is hereby amended and supplemented as follows:

- A. The manufacture, growth or cultivation related to marijuana is prohibited in all zones.
- B. The sale of marijuana and/or the paraphernalia that facilitates the use of marijuana for any purpose, whether medicinal or recreational, is prohibited in all zones.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. 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 4. This Ordinance shall take effect upon publication in an official newspaper of the Borough, as required by and in conformance with law.

SECTION 5. A copy of this Ordinance shall be filed with the Monmouth County Planning Board pursuant to N.J.S.A. 40:55D-16.

SECTION 6. A copy of this Ordinance shall be filed with the Borough of Sea Girt Planning Board for review pursuant to N.J.S.A. 40:55D-64.

SECTION 7. A copy of this Ordinance shall be filed with adjacent municipalities pursuant to N.J.S.A. 40:55D-15(a).

UPON MOTION of Councilman Meixsell, seconded by Councilwoman Morris, carried, that the following Ordinance be and the same is hereby adopted on first reading, directing the Clerk to post and publish as required by law and setting the date of the public hearing as March 14, 2018.

Recorded Vote:

	Ayes	Nays	Absent	Abstain
Councilman Foley	X			
Councilman Meixsell	X			
Councilwoman Morris	X			
Council President Fetzer	X			
Councilman Mulroy	X			
Councilwoman Anthony	X			

- C. **Resolution No. 33-2018:** Memorialize purchase of John Deere Model #XUV590M for use by Sea Girt Police Department

UPON MOTION of Councilman Meixsell, seconded by Councilwoman Morris, carried, that the following Resolution be and the same is hereby adopted:

WHEREAS, the Borough of Sea Girt Police Department is in need of equipment to be used to ensure the health and safety of the public utilizing Borough beaches; and,

WHEREAS, the Beach Committee has reviewed this request and finds it reasonable; and,

WHEREAS, the equipment to be purchased is a John Deere vehicle, Model #XUV590M per Quote #16092553 available pursuant to a NJPA Contract #062117-DAC through Central Jersey Equipment, Marlboro, NJ at the cost of \$19,707.28.

NOW, THEREFORE, BE IT RESOLVED that the purchase of the John Deere vehicle, Model #XUV590M per Quote #16092553 available pursuant to a NJPA Contract #062117-DAC through Central Jersey Equipment, Marlboro, NJ at the cost of \$19,707.28 is hereby memorialized.

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

Recorded Vote:

	Ayes	Nays	Absent	Abstain
Councilman Foley	X			
Councilman Meixsell	X			
Councilwoman Morris	X			
Council President Fetzer	X			
Councilman Mulroy	X			
Councilwoman Anthony	X			

D. Resolution No. 34-2018: Refund of Planning Board Escrow Fees

UPON MOTION OF Councilman Meixsell, seconded by Councilwoman Morris, carried, that the following Resolution be and the same is hereby adopted:

WHEREAS, the following individuals have posted escrow for Planning Board application and the balances remaining in said accounts are as follows:

NAME OF APPLICANT	BLOCK #	LOT #	PROPERTY LOCATION	ACCOUNT BALANCE
Sanzari, David & Joni	12	2&3	1-3 New York Blvd.	\$2,817.63
Walsh, Lillian	20	15	104 Chicago Blvd.	\$3,264.00
Uzzolino, Peter & Ana (Applicant – Acres Holding, LLC)	53	1	301 Trenton Blvd.	\$1,695.50
Dowicz, Christopher & Virginia	61	4	407 Philadelphia Blvd.	\$140.00
Bott, Richard & Cynthia	84	8	617 Beacon Blvd.	\$3,375.50
O’Connell, Lawrence & Joan	103	3	705 Boston Blvd.	\$3,519.00

WHEREAS, all of the necessary fees applicable to this application have been paid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Sea Girt that the remaining escrow balances be refunded to the applicants listed in the amounts specified.

BE IT FURTHER RESOLVED that the Chief Financial Officer be and he is hereby authorized to issue the refunds specified to the applicants named.

Recorded Vote:

	AYES	NAYS	ABSENT	ABSTAIN
Councilman Foley	X			
Councilman Meixsell	X			
Councilwoman Morris	X			
Council President Fetzer	X			
Councilman Mulroy	X			
Councilwoman Anthony	X			

E. **Resolution No. 35-2018:** Appoint Class I SLEO, Courtney Pearce

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

WHEREAS, the Borough of Sea Girt Police Department is in need of the services of a Class I Special Law Enforcement Officer to support its 2018 operations; and,

WHEREAS, the Chief of Police has reviewed the applications and references of qualified candidates, and recommends the appointment of Courtney Pearce as Class I Special Law Enforcement Officer:

NOW, THEREFORE, BE IT RESOLVED that the above-named individual be appointed as Class I Special Law Enforcement Officers for the Borough of Sea Girt, at the hourly rate of \$12.00 per hour, effective immediately.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be supplied to Chief Davenport for his information and the Chief Financial Officer for his action.

Recorded Vote:

	AYES	NAYS	ABSENT	ABSTAIN
Councilman Foley	X			
Councilman Meixsell	X			
Councilwoman Morris	X			
Council President Fetzer	X			
Councilman Mulroy	X			
Councilwoman Anthony	X			

9. **ADMINISTRATOR REPORTS/DISCUSSION**

- Coffee with the Mayor, Saturday, March 24, 2018 at 9:00 AM, Fire Hall

10. **QPA REPORTS** (of activity since previous Council Meeting): Taylor Fence Company, Inc., \$12,443.66 for purchase of new fencing at DPW Campus.

11. **COUNCIL REPORTS:** Councilpersons Foley, Meixsell, Morris, and Anthony had no reports.

Councilman Mulroy reported as follows:

- Fire Department met to discuss budget, capital items, and Carriage Way;
- 103 days until Memorial Day.

Council President Fetzer reported as follows:

- NJ Water Supply Authority Water Consumer Confidence Report was issued; very good report;
- Water meeting last week to discuss H2M and GIS grant application status; project to change meters and MXU's are 50% complete;
- LSRP Agreement is pending;
- PBA negotiations are pending.

Mayor Farrell reported as follows:

- JIF Risk Management Seminar will be held on February 22nd at 6:30 pm in Wall Twp.; the Borough will receive a \$250 credit to our insurance premium for any member of Council who attends.

12. Resolution No. 36-2018: Payment of bills

BE IT RESOLVED, by the Borough Council of the Borough of Sea Girt that the bills be paid as appearing on the attached Bill Lists date February 9, 2018 in the totals as follows:

CURRENT FUND	\$ 1,792,848.94
WATER/SEWER OPERATING FUND	\$ 13,465.42
BEACH OPERATING FUND	\$ 5,083.45
TRUST FUND	\$ 5,806.50
RECREATION TRUST FUND	\$ 32.85
GENERAL CAPITAL	\$ 9,098.40

Recorded Vote:

	AYES	NAYS	ABSENT	ABSTAIN
Councilman Foley	X			
Councilman Meixsell	X			
Councilwoman Morris	X			
Council President Fetzer	X			
Councilman Mulroy	X			
Councilwoman Anthony	X			

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

Mr. Ron Gasiorowski, representing Ira Walker, stated that he noted at the January meeting that the Borough sued Mr. Walker; Mr. Montenegro, Borough Attorney, explains the technicality that the original litigation was brought by Mr. Walker; two subsequent municipal citations were issued by the Borough and appealed to Monmouth County which ordered the violation be combined with the existing action as a counterclaim.

Rob Plum, Baltimore Blvd. asked how much “surplus” is attributable to new construction; Councilman Foley explains; he also asked for Council member’s emails to be available on website.

There being no further comments, and by consensus, the public hearing was closed. Mayor Farrell advised that Council has matters to discuss in Executive Session, and requested a motion to adjourn for purposes of the discussion; he further noted that action may be taken by Council upon return to public session and that the public is invited to remain outside and may return to the meeting room when the Council returns to public session. **UPON MOTION** of Councilwoman Morris, seconded by Councilman Meixsell, carried, that the following **Resolution No. 37-2018** 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:
 - a. Ira Walker v. the Borough of Sea Girt, F. Ken Farrell, Individually and in his official capacity as Mayor; James Quigley, Individually and in his official capacity as Zoning and Code Enforcement Official (Note: complaints against Mayor Farrell and Mr. Quigley were dismissed by the Court on the motions for summary judgment filed by their respective Counsels);
 - b. Kenneth Hagel v. Kevin Davenport, Individually and in his official capacity as Chief of the Borough of Sea Girt Police Department; the Borough of Sea Girt Police Department and the Borough of Sea Girt;
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 Meixsell	X			
Councilwoman Morris	X			
Council President Fetzer	X			
Councilman Mulroy	X			
Councilwoman Anthony	X			

The Council returned to public session at 9:40 PM. There being no further business, and **UPON MOTION** of Council President Fetzer, seconded by Councilperson Mulroy, carried, that the meeting be finally and immediately adjourned at 9:45 PM.

Lorraine P. Carafa

LORRAINE P. CARAFA, RMC
Municipal Clerk