

MINUTES - BOROUGH OF SEA GIRT
September 13, 2023

The regular/virtual meeting of the Borough of Sea Girt Council was called to order by Mayor Don Fetzter at 7:00 PM on Wednesday, September 13, 2023. Mayor Fetzter asked for a moment of silence to remember those who lost their lives on September 11th; he then led those participating in the Pledge of Allegiance.

The Municipal Clerk read the compliance statement: This meeting is called pursuant to the provisions of the Open Public Meetings Act, Chapter 231, P.L.1975: adequate notice of this meeting has been given by posting the Notice on the Borough’s Bulletin Board and by transmitting 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
Council President Anthony	X	
Councilman Clemmensen	X	
Councilman Downey	X	
Councilman Perry	X	
Councilwoman Richman		X
Councilman Zakin	X	
Mayor Fetzter	X	

2. CONSENT AGENDA - UPON MOTION of Councilman Clemmensen, seconded by Council President Anthony, carried, that the following Resolutions be and the same are hereby adopted:

- **R-129-2023: Appoint Class II Special Law Enforcement Officer’s**

WHEREAS, the Borough of Sea Girt Police Department is in need of the services of additional Class II Special Law Enforcement Officer’s to support its 2024 operations; and,

WHEREAS, the Chief of Police has reviewed the applications and references of qualified candidates, and recommends the following appointments to attend Atlantic County Police Academy Basic Course for Class II Special Law Enforcement Officers beginning October 30th through May 10th, 2024:

- Kevin Kile
- Teresa Yeager
- John Christ
- Alistair Hall
- Josiah Gliddon

and,

NOW, THEREFORE, BE IT RESOLVED that the above candidates be appointed as Class II Special Law Enforcement Officers for the Borough of Sea Girt.

- **R-130-2023: Authorize c.159 – Clean Communities Grant**

WHEREAS, N. J. S. A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Sea Girt hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Current Fund budget for the year 2023 in the sum of \$8,750.82 which is now available as a revenue from the State of New Jersey, Clean Communities Grant in the same amount.

BE IT FURTHER RESOLVED that the like sum of \$8,750.82 is hereby appropriated under the caption Clean Communities Grant; and

- **R-131-2023: Authorize c.159 - NJ Career Accelerator Internship Grant**

WHEREAS, N. J. S. A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Sea Girt hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Current Fund budget for the year 2023 in the sum of \$3,000.00 which is now available as a revenue from the Office of the Secretary of Higher Education, NJ Career Accelerator Internship Grant, in the same amount.

BE IT FURTHER RESOLVED that the like sum of \$3,000.00 is hereby appropriated under the caption NJ Career Accelerator Internship Grant; and

- **R-132-2023: Authorize the Hiring of Substitute Crossing Guard – Kevin Hanley**

WHEREAS, the Police Department is in need of the services of a person to serve as a substitute Crossing Guard on an as-needed basis; and,

WHEREAS, it is the recommendation of the Chief of Police that Kevin Hanley be hired to fill this position.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Sea Girt that Kevin Hanley is hereby appointed to serve as a Substitute Crossing Guard on an as-needed basis effective immediately at the rate of \$19.67 per hour.

Recorded Vote:

	AYES	NAYS	ABSENT	ABSTAIN
Council President Anthony	X			
Councilman Clemmensen	X			
Councilman Downey	X			
Councilman Perry	X			
Councilwoman Richman			X	
Councilman Zakin	X			

3. APPROVE MINUTES:

- **R-133-2023: Approve Regular Meeting Minutes of August 9, 2023**

UPON MOTION of Councilman Zakin, seconded by Councilman Perry, carried, that the Regular Minutes of the Regular Meeting held August 9, 2023 be and the same are hereby approved.

Recorded Vote:

	AYES	NAYS	ABSENT	ABSTAIN
Council President Anthony	X			
Councilman Clemmensen	X			
Councilman Downey	X			
Councilman Perry	X			
Councilwoman Richman			X	
Councilman Zakin	X			

- **R-134-2023: Approve Executive Session Minutes of August 9, 2023**

UPON MOTION of Councilman Zakin, seconded by Councilman Perry, carried, that Executive Session Minutes of the Regular Meeting held August 9, 2023 be and the same are hereby approved.

Recorded Vote:

	AYES	NAYS	ABSENT	ABSTAIN
Council President Anthony	X			
Councilman Clemmensen	X			
Councilman Downey	X			
Councilman Perry	X			
Councilwoman Richman			X	
Councilman Zakin	X			

4. OPEN DISCUSSION:

Council President Anthony thanked those who participated and organized the beautiful 911 Ceremony. Mayor Fetzer commented he was also pleased with the successful event.

5. UNFINISHED BUSINESS:

ORDINANCE No. 09-2023: The Mayor to read the said Ordinance by Title:

ORDINANCE APPROVING DEED OF OPEN SPACE EASEMENTS FOR BLOCK 84, LOT 20, BLOCK 78, LOT 1, BLOCK 91, LOT 1 AND BLOCK 84 LOT 1

WHEREAS, the Borough was the subject of a Mount Laurel exclusionary zoning suit filed in the Superior Court of New Jersey entitled 501 Washington Blvd, LLC, 503 Washington Blvd., LLC, Sea Girt Fifth Avenue LLC, Sitco Sea Girt, LLC v. Borough of Sea Girt, Borough Council of Sea Girt, and Sea Girt Planning Board, (the plaintiffs shall be collectively referred to as the “Developer”), Docket No. MON-L-000102-20, seeking to compel the Borough to provide a realistic opportunity for the construction of housing affordable to low and moderate-income households and their fair share of the housing region’s need for such housing, (the “Builder’s Remedy Action”); and

WHEREAS, the Borough instituted a declaratory judgment action entitled In the Matter of the Application of the Borough of Sea Girt, Superior Court of New Jersey, Law Division-Monmouth County, Docket No. L-2312- Minutes – September 13, 2023

2020 (the “Mt. Laurel Litigation) wherein the Borough sought a declaration as to its affordable housing obligation and the opportunity to develop a plan to meet its constitutional obligation to provide for its fair share of affordable housing so as to prevent additional builder’s remedy lawsuits; and

WHEREAS, the Borough and the Borough Planning Board entered into a Settlement Agreement with the Developer in the Builder’s Remedy Action and the Court approved the Settlement Agreement after conducting a Fairness Hearing on June 3, 2021 finding it fair, reasonable and adequately protecting the interests of very low, low and moderate-income households in the region; and

WHEREAS, the Fair Share Housing Center (“FSHC”) has been recognized by the Supreme Court in Mt. Laurel IV as an interested party that may participate as a matter of right in all cases filed by municipalities seeking a declaration as to their affordable housing obligation, including the Borough of Sea Girt; and

WHEREAS, the Borough adopted Resolution No. 51-2023 approving a Settlement Agreement with FSHC resolving the Mt. Laurel Litigation which required in part that the Borough execute Deeds of Open Space Easements restricting the properties identified as Block 84, Lot 1, Block 91, Lot 1, Block 78, Lot 1 and Block 84 Lot 20 on the tax map of the Borough of Sea Girt (the “Open Space and Recreation Properties”) for the exclusive purposes of public park, recreation and open space purposes; and

WHEREAS, the Court conducted a Fairness Hearing on July 25, 2023 and approved the Settlement Agreement with Fair Share Housing Center and a condition of the approval included the requirement to execute and record the Open Space and Recreation Easements; and

WHEREAS, The Borough became vested in said properties for the purpose of, and always intended to restrict the Open Space and Recreation Properties, for public park, recreation and open space purposes; and

WHEREAS the Borough Council believes it is in the best interest of the Borough to comply with the Court’s requirements of the Settlement Agreement and to preserve the properties for public park, recreation, and open space purposes.

NOW THEREFORE BE IT ORDAINED by the Borough Council of the Borough of Sea Girt, County of Monmouth, State of New Jersey, that it hereby approves and authorizes the mayor to execute the Deed of Open Space Easements for public park, recreation and open space purposes for the following properties identified on the Borough’s tax map as follows: Block 84, Lot 20, Block 78, Lot 1, Block 91, Lot 1 and Block 84, Lot 1.

BE IT FURTHER ORDAINED, that

- A. All other Ordinances or provisions of the Code of the Borough of Sea Girt or parts thereof, which are inconsistent with any provisions in this Ordinance, are hereby repealed to the extent of such conflict or inconsistency.
- B. If any provision or portion of this Chapter is held to be unconstitutional, preempted by Federal or State Law or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this chapter shall not be invalidated.
- C. This Ordinance shall take effect upon its passage and publication as required by law.

UPON MOTION of Councilman Clemmensen, seconded by Council President Anthony, carried, that the meeting be opened to the public for comments on the said Ordinance only. Norm Hall, Baltimore Boulevard asked if Baltimore Park was on included in the deed list and Borough Attorney Ray Bogan responded to his recollection it is not. There were no further comments from the public. **UPON MOTION** of Councilman Downey, seconded by Councilman Zakin, carried, the public hearing was closed.

UPON MOTION of Councilman Perry, seconded by Councilman Clemmensen, carried, that the said Ordinance No. 09-2023 be adopted on final reading, directing the Clerk to post and publish as required by law.

Recorded Vote:

	AYES	NAYS	ABSENT	ABSTAIN
Council President Anthony	X			
Councilman Clemmensen	X			
Councilman Downey	X			
Councilman Perry	X			
Councilwoman Richman			X	
Councilman Zakin	X			

6. NEW BUSINESS

ORDINANCE No. 10-2023: The Mayor to read the said Ordinance by Title:

AN ORDINANCE CREATING THE POSITION OF POLICE CHAPLAIN FOR THE SEA GIRT POLICE DEPARTMENT

Police Chief Macko commented towns are required to have said ordinance in place to have a trained Chaplain for the respective departments.

WHEREAS, N.J.S.A. 48:14-141 provides that the governing body of the Borough of Sea Girt by Ordinance may provide for the appointment of one or more Chaplains to the Police Department; and

WHEREAS, Police Chaplains serve an integral role in providing comfort to members of the Police Department as well as the public and aid in community policing; and

WHEREAS, the Council finds it in the best interest of the Borough of Sea Girt;

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Sea Girt that as follows:

1. **POSITION CREATED.** The position of Police Chaplain for the Borough of Sea Girt Police Department is hereby created in accordance with 40A:14-141. The position will be a volunteer position. The position of Chaplain shall be under and subject to the control of the Chief of Police.
2. **QUALIFICATIONS.** Any person appointed as Chaplain shall be an ordained clergyman in good standing in the religious body from which he/she is selected. The Chaplain shall have basic training and shall be a certified Police Chaplain credentialed in accordance with the rules and regulations of the Borough of Sea Girt Police Department and shall be qualified in accordance with N.J.S.A. 40A:14-141.
3. **DUTIES OF POLICE CHAPLAIN.** The duties of Police Chaplain shall include, but not be limited to assisting the Borough of Sea Girt Police Department in death notifications, station house adjustments and any other duties that may be assigned by the Chief of Police.
4. **RANK AND SALARY.** Any person appointed as Chaplain shall serve in that capacity without Rank or Salary.
5. **TERM OF OFFICE.** A person appointed as Chaplain shall serve for a period of one (1) year from date of appointment and shall continue to serve in that capacity until he/she is either terminated or reappointed with the recommendation of the Chief of Police.
6. **APPOINTMENT.** The Chief of Police may recommend to the mayor persons that he/she believes meet the qualifications of N.J.S.A. 40A:14-141 as well as the rules and regulations of the Borough of Sea Girt Police Department with reference to Chaplains, if any. All applicants for the position of Chaplain shall be reviewed by the Chief of Police and The Public Safety Committee to determine

his/her qualifications in accordance with this Ordinance and shall make recommendations to the mayor regarding the appointment as Chaplain. The mayor shall appoint Chaplains in accordance with this Ordinance with the advice and consent of Borough Council.

UPON MOTION of Councilman Clemmensen, seconded by Councilman Perry, carried, that the said Ordinance No. 10-2023 be adopted on first reading, directing the Clerk to post and publish as required by law and setting the date for the public hearing on October 11, 2023.

Recorded Vote:

	AYES	NAYS	ABSENT	ABSTAIN
Council President Anthony	X			
Councilman Clemmensen	X			
Councilman Downey	X			
Councilman Perry	X			
Councilwoman Richman			X	
Councilman Zakin	X			

- **R-135-2023: Authorize ESCNJ contract Purchase, 20/21-09, 2023 Chevrolet Tahoe for Sea Girt Police Department from Mall Chevrolet**

Councilman Zakin noted he supports getting full life of our borough vehicles.

UPON MOTION of Councilman Clemmensen, seconded by Councilman Downey, carried, that the following Resolution be and the same is hereby adopted:

WHEREAS, the Sea Girt Police Department is in need of an 4WD utility vehicle; and

WHEREAS, the State Procurement Bureau has advised that there is a Cooperative Contract, ESCNJ #20/21-09, available, under the provisions of which the vehicle and certain accessories can be acquired at a pre-negotiated price of \$50,507.45; and,

WHEREAS, the State Procurement Bureau rules now require the adoption of a Resolution of the governing body for certain purchases; and,

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

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sea Girt that the purchase of a 2023 Chevrolet Tahoe Vehicle, in the total amount of \$50,507.45, be and the same is hereby authorized.

Recorded Vote:

	AYES	NAYS	ABSENT	ABSTAIN
Council President Anthony	X			
Councilman Clemmensen	X			
Councilman Downey	X			
Councilman Perry	X			
Councilwoman Richman			X	
Councilman Zakin	X			

- **R-136-2023: Authorize the Appointment of Megan Thompson as Deputy Tax Collector and Utility Collector**

UPON MOTION of Councilman Downey, seconded by Councilman Perry, carried, that the following Resolution be adopted:

WHEREAS, the Borough of Sea Girt is in need of the services of a Deputy Tax Collector and Utility Collector, and

WHEREAS, Megan Thompson currently serves as the Borough’s Assistant Finance Officer, and

WHEREAS, Megan Thompson will assume the additional duties of Borough Deputy Tax Collector and Borough Utility Collector as additional titles for the compensation of \$6,000 respectively, for a total of \$12,000 annually effective retroactively to September 1, 2023, and

WHEREAS, the Personnel Committee has reviewed and endorsed this administrative recommendation.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sea Girt that Megan Thompson be and he is hereby appointed to serve in the position of Deputy Tax Collector and Utility Collector.

Recorded Vote:

	AYES	NAYS	ABSENT	ABSTAIN
Council President Anthony	X			
Councilman Clemmensen	X			
Councilman Downey	X			
Councilman Perry	X			
Councilwoman Richman			X	
Councilman Zakin	X			

- **R-128-2023: Authorize Agreement Between the Borough of Sea Girt and The Township of Wall for The Construction & Maintenance of An Inter-Connection Between the Two Water Utility Systems**

UPON MOTION of Councilman Perry, seconded by Councilman Clemmensen, carried, that the following Resolution be adopted:

Whereas, the Borough of Sea Girt and the Township of Wall are municipal corporations formed in compliance with applicable statutes of the State of New Jersey, and

Whereas, it has become evident that during certain times the Borough of Sea Girt and to some extent Wall Township, is susceptible to water shortages or low pressure without a sufficient back-up system, and

Whereas, a cost effective mutually beneficial remedy to this potential problem is the establishment of an inter-connect to provide for the flow of water between the communities to meet the current and any future needs or emergencies relative to their respective water supply systems, and

Whereas, it is deemed to be in the public interest of the residents and property owners of both municipalities to enter into an agreement to effectuate the development of a water systems inter-connect.

NOW THEREFORE BE IT AGREED:

The Borough of Sea Girt has undertaken the initial cost and construction of an interconnection to the Wall Township water system, located on Eighth Avenue in Sea Girt. The interconnection was completed in 2019 and bears the NJDEP Bureau of Water Systems Engineering permit to construct number WCP190001. Wall Township, as a partner in this improvement project, shall cooperate in this endeavor where necessary. The operation and maintenance of the connection shall be the sole responsibility of the Borough of Sea Girt.

The interconnection shall be used during emergency conditions, including where a water shortage or low pressure is experienced by either of the towns to provide water for the Sea Girt distribution system. The interconnection is not intended for normal water supply operations. Maintenance of the interconnection shall be performed on an annual basis by Sea Girt staff on a schedule that is acceptable to both entities.

The ultimate ownership of the line located within the Township of Wall's boundary, and interconnect, shall remain with Wall Township. Ownership of the lines located within the Borough of Sea Girt's boundary shall remain with Sea Girt.

During the maintenance period following the completion of construction, the Borough of Sea Girt agrees to indemnify and hold harmless the Township of Wall regarding any damages which arise from the conduct of the Borough of Sea Girt's employees, agents, professionals, contractors. The Township of wall shall hold the borough of Sea Girt harmless for any damages which may arise from the conduct of the Township of Wall's employees, agents, professionals or contractors.]

The term of this agreement is twenty years.

This agreement will bind future successors in interest including private water purveyors to the terms of this contract. This contract is assignable only by the mutual consent of the parties.

This agreement shall take effect immediately upon acceptance by the respective Governing Bodies as evidenced by the signature of the Municipal Administrators of Sea Girt Borough and Wall Township. The execution of this agreement shall be attested to by the Municipal Clerks.

The parties agree to enter into this agreement pursuant to N.J.S.A. 40A:65-1 et seq., the Uniform Shared Services Act.

The parties agree that if any portions of this agreement are deemed unenforceable, the remaining portions shall remain enforceable.

Any disputes arising out of the terms of this agreement shall be adjudicated within the New Jersey Court System.

Recorded Vote:

	AYES	NAYS	ABSENT	ABSTAIN
Council President Anthony	X			
Councilman Clemmensen	X			
Councilman Downey	X			
Councilman Perry	X			
Councilwoman Richman			X	
Councilman Zakin	X			

Board of Rec Trust	\$	110,932.28
Current Fund	\$	663,851.88
Dog License Trust	\$	5.40
General Capital	\$	27,788.17
Trust Other	\$	19,104.00
Unemployment Comp Trust	\$	348.00
Water Operating	\$	103,999.45

Recorded Vote:

	AYES	NAYS	ABSENT	ABSTAIN
Council President Anthony	X			
Councilman Clemmensen	X			
Councilman Downey	X			
Councilman Perry	X			
Councilwoman Richman			X	
Councilman Zakin	X			

10. PUBLIC PARTICIPATION ON ANY SUBJECT (Comments limited to 5 minutes)

Ann Britt, Seaside Place reminded residents of the Sea Girt Market on Saturday from 10 am to 2:00 pm at the Plaza which will be an amazing event including live entertainment, food trucks and over 40 vendors.

There being no further business, and **UPON MOTION** of Councilman Clemmensen, seconded by Councilman Perry, carried, that the meeting be finally and immediately adjourned at 7:35 PM.

Dawn Harriman

Dawn Harriman, RMC