

MINUTES
October 11, 2023 - 7:00 PM

The regular/virtual meeting of the Borough of Sea Girt Council was called to order by Mayor Don Fetzer at 7:03 PM on Wednesday, October 11, 2023. Mayor Fetzer asked for a moment of silence; 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 Fetzer	X	

1. **PRESENTATION:** Council President Anthony presented a resolution to William Kastning, Executive Director of the Monmouth Conservation Foundation, Celebrating the Life and Legacy of Monmouth County Park System Director James Truncer. Mr. Truncer was a true visionary and respected leader. His enduring legacy will continue to inspire and enrich our Park System for generations to come.
2. **CONSENT AGENDA - UPON MOTION** of Councilman Clemmensen, seconded by Councilwoman Richman, carried, that the following Resolutions be and the same are hereby adopted:

- **R-139-2023: Authorize a Halloween Curfew**

WHEREAS, the Borough Council of the Borough of Sea Girt feels it would be in the best interests of the citizens of the Borough of Sea Girt to enact a curfew for the evenings of October 30th and 31st, 2023.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Sea Girt, County of Monmouth that a curfew be enacted beginning at 8:00 PM on October 30th through 7:00 AM on October 31, inclusive, and beginning at 9:00 PM on October 31 through 7:00 AM on November 1, inclusive, for all children under the age of 17, unless accompanied by an adult.

- **R-140-2023: Authorize Zoning Escrow Refunds**

WHEREAS, the following zoning application was submitted along with the required escrow deposit of \$1,500.00 for the listed property location; and,

WHEREAS, the application has been processed and necessary engineering fees were deducted from the escrow deposit, leaving unexpended funds; and,

WHEREAS, the Zoning Officer has advised that all of the fees associated with this application have been paid in full.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Sea Girt, that a refund of the unexpended escrow balance in the amount listed below be issued:

Property Location	Check Payable To	Address	Unexpended Balance
605 Brooklyn Blvd	Atlantic Modular	75 Taylor Ave Manasquan, NJ 08750	\$1,500.00

- **R-141-2023: Authorize the Sale of Personal Property No Longer Needed for Public Use for Auction**

WHEREAS, the Borough of Sea Girt has determined that certain personal property as described below is no longer needed for public purposes; and,

WHEREAS, pursuant to N.J.S.A.40A:11-36, “Sale or other disposition of personal property,” the governing body may authorize the public sale of municipal owned property no longer needed for public use; and

NOW, THEREFORE BE IT RESOLVED, by the Council of the Borough of Sea Girt, County of Monmouth that we do hereby declare that the personal property listed below is surplus and no longer needed for Borough use.

	Year	Make/Model	Vin#/Serial#	
PUBLIC WORKS	1998	Volvo	Garbage Truck	4VHJCLHE9WN861446
PUBLIC WORKS	1988	Case 885	Tractor	B650217B02511
PUBLIC WORKS	2009	Ford	Crown Victoria	2FAHP71V19X100274

- **R-142-2023: Approve New Jersey State Fireman’s Association Application for Membership – Lucas Iannaccone**

WHEREAS, the individual designated below has submitted applications for membership in the Sea Girt Fire Company; and

WHEREAS, Lucas Iannaccone has completed the required application procedures and have been approved for membership by the Fire Company.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sea Girt, in the County of Monmouth, State of New Jersey as follows:

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-143-2023: Approve Regular Meeting Minutes of September 13, 2023**

UPON MOTION of Council President Anthony, seconded by Councilman Zakin, carried, that the Minutes of the Regular Meeting held September 13, 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 congratulated The Sea Girt Conservancy whom received the Community Legacy Award from ANJEC, Association of NJ Environmental Commissions, for the pollinator garden project at Edgemere Park.

Mayor Fetzer noted the next Coffee with the Mayor is November 2nd at the Fire House from 4:00-5:30; he noted at the next meeting he would like to have a presentation/open discussion on Wind Turbines.

5. UNFINISHED BUSINESS:

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

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

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 Clemmenssen, seconded by Council President Anthony, carried, that the meeting be opened to the public for comments on the said Ordinance only. There were no comments from the public. **UPON MOTION** of Councilman Clemmenssen, seconded by Councilman Perry, carried, the public hearing was closed.

UPON MOTION of Councilman Downey, seconded by Councilman Clemmenssen, carried, that the said Ordinance No. 10-2023 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 Clemmenssen	X			
Councilman Downey	X			
Councilman Perry	X			
Councilwoman Richman	x			
Councilman Zakin	X			

6. NEW BUSINESS:

1. 2022 Audit Report

- Audit finds that the Borough's financial condition is excellent;
- Audit contains no comments or recommendations for improvement.

2. Resolution No. 144-2023: Governing Body Certification/Acceptance of Audit Report – governing body must certify that they are familiar with, at a minimum, the sections entitled “General Comments” and “Recommendation.”

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

WHEREAS, *N.J.S.A.* 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2022 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to *N.J.S.A.* 40A:5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, *R.S.* 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

WHEREAS, the Local Finance Board has promulgated *N.J.A.C.* 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New

Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled “General Comments” and “Recommendations”; and,

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “General Comments” and “Recommendations” as evidenced by the group affidavit form of the governing body attached hereto; and,

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to *N.J.A.C. 5:30-6.5*; and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and,

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of *R.S. 52:27BB-52*, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Sea Girt hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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-145-2023: Appoint Part-time Administrative Assistant Position – Kelly Florentine**

UPON MOTION of Council President Anthony, seconded by Councilman Zakin, carried, that the following Resolution be and the same is hereby adopted:

WHEREAS, the Borough of Sea Girt is desirous of appointing a part-time Administrative Assistant; and

WHEREAS, the Borough Administrator and Chief Financial Officer have conducted interviews for the position of part-time Administrative Assistant and have made their recommendation to the Governing Body to hire Kelly Florentine; and

WHEREAS, this appointment shall be anticipated effective October 11, 2023; and

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Sea Girt does hereby confirm the hiring of Kelly Florentine to the position of Part-Time Administrative Assistant at an hourly compensation of \$23/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			

▪ **R-146-2023: Appoint Full-time Mechanic for DPW – Joseph Waldeyer**

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

WHEREAS, the Borough of Sea Girt Department of Public Works is in need of the services of full-time mechanic to fill a vacancy within the Department; and,

WHEREAS, the Manager of the Department has reviewed the applications and references of qualified candidates, and recommends the appointment of Joseph Waldeyer to the position.

NOW, THEREFORE, BE IT RESOLVED that the appointment of Joseph Waldeyer as full-time mechanic for the Department of Public Works of the Borough of Sea Girt, at the hourly rate of \$27.03 per hour for 40 hours per week, be and the same is hereby approved, October 11, 2023.

BE IT FURTHER RESOLVED that pursuant to the provisions of the Collective Bargaining Agreement now in effect between the Borough and Teamsters Local No. 97, Mr. Waldeyer shall be considered an introductory employee for a six-month period from the date of original appointment.

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-147-2023: Authorize the Award of Competitive Contract #23-02 For Telecommunications Consultant 5G Siting and Capability Management To V-Comm LLC**

Councilman Zakin clarified in addition to negotiations they can also assist with federal laws which have to be abided by as well.

UPON MOTION Councilman Perry, seconded by Councilwoman Richman, carried that the following Resolution be and the same is hereby adopted:

WHEREAS, the Borough has authorized the competitive contract procurement for the hiring of a Telecommunications Consultant for the Borough of Sea Girt 5G Siting and Capability Management through Resolution; and

WHEREAS, the Borough received and opened in a public manner competitive contract responses on August 16, 2023, at 10:00 A.M.; and

WHEREAS, the Borough established a rating committee, rating the proposals upon the standards of Price and Other Factors, those factors being Technical, Managerial and Cost, in accord with N.J.A.C.5:34-4; and

WHEREAS, the Borough received two (2) proposals from Ace Telecom Consulting and V-Comm LLC and

WHEREAS, the report produced by the committee, recommended V-Comm LLC 2540 US Highway 130, Suite 101, Cranbury, New Jersey, 08512, and was made available to the public and governing body at least 48 hours prior to the meeting of the governing body in accord with N.J.S.A 40A:11-4.1 and N.J.A.C 5:34-4; and

WHEREAS, V-Comm LLC, 2540 US Highway 130, Suite 101, Cranbury, New Jersey, 08512 has provided a proposal deemed responsive and responsible under the New Jersey Local Publics Contract Law (N.J.S.A.40A:11-1 et. Seq.,) as well as most advantageous based upon Price and Other Factors (N.J.A.C. 5:34-4); and

WHEREAS, it is the recommendation that the Borough enter into an agreement for services under competitive contract with V-Comm LLC, 2540 US Highway 130, Suite 101, Cranbury, New Jersey, 08512, for a period of five (5) years under the terms and tenets as set forth in the competitive contract procurement CC# 23-02.

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. That the Mayor is authorized to execute contract with V-Comm LLC, 2540 US Highway 130, Suite 101, Cranbury, New Jersey, 08512 under the precepts of competitive contract CC# 23-02 for Cellular and Related Telecommunications Consultant.

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-148-2023: Authorize the Borough of Sea Girt's Civil Rights Policy with Respect to all Officials, Appointees, Employees, Prospective Employees, Volunteers, Independent Contractors, and Members of The Public that come into Contact with Municipal Employees, Officials and Volunteers**

UPON MOTION Council President Anthony, seconded by Councilman Zakin, carried that the following Resolution be and the same is hereby adopted:

WHEREAS, it is the policy of Sea Girt Borough to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act, and

WHEREAS, the governing body of Sea Girt Borough has determined that certain procedures need to be established to accomplish this policy

NOW, THEREFORE BE IT ADOPTED by the Governing Body of the Borough of Sea Girt that:

Section 1: No official, employee, appointee or volunteer of the Borough by whatever title known, or any entity that is in any way a part of the Borough shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the Borough's business or using the facilities or property of the Borough.

Section 2: The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Borough to provide services that otherwise could be performed by the Borough.

Section 3: Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

Section 4: The Borough Administrator shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

Section 5: No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

Section 6: The Borough Administrator shall establish written procedures that require all officials, employees, appointees and volunteers of the Borough as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

Section 7: The Borough Administrator shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.

Section 8: At least annually, the Borough Administrator shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Borough. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the Borough's web site.

Section 9: This resolution shall take effect immediately.

Section 10: A copy of this resolution shall be published in the official newspaper of the Borough in order for the public to be made aware of this policy and the Borough's commitment to the implementation and enforcement of this policy.

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			

7. COUNCIL REPORTS

Councilman Clemmensen reminded residents that garden trash pickup is on Thursday; bulk pickup is October 16th; DPW is short staffed and he asked residents to clear storm drains if possible; he credited the DPW for their care and maintenance of our equipment; he also reminded residents to wear helmets while on bicycles.

Councilman Perry thanked Amy Spera and Jim Gant for their efforts on the audit and budget. October 20th is the Halloween Hayride from 6:00 -8:00 pm at the firehouse, please bring a treat to share. Sea Girt Lifeguards and Recreation are hosting Photos with Santa on November 3rd between 1:00-3:00 pm at Beacon & Ocean Avenue; he noted Rec Basketball has gone by the way side and he encourages kids grade 3 through 8 to sign up on our website. October 18th council and employees of the borough areal participating in the Coast Habitat for Humanity effort.

Councilman Zakin reported October 14th is the Antique Car Show between 10:00 am to noon at the Plaza along with the Fire House Food Drive.

Councilman Downey thanked Mr. Gant for his efforts hiring two new employees for DPW and in Administration.

Councilwoman Richman reported the weather ended the beach season due to storms; beach staff is working diligently in the fall season in preparation for the winter; the borough was approached by students Hope and Charlotte Perry to bring cleanup stations to the borough's beach entrances with bags that are easily accessible for using to pick up beach debris and then disposing the debris in the garbage cans year-round. Clean Ocean Action beach sweep is October 21sst 9 – 12:30 am.

Council President Anthony reported she attended a community stakeholder meeting including Sea Girt Borough Council, Administration and Management as well as Sea Girt's Shade Tree Commission, Recreation Commission, Sea Girt Holly Club and The Sea Girt Conservancy on behalf of opportunities of improvements for Sea Girt's parks, beaches and open spaces. Council President Anthony congratulated Tim Harmon, Jim Gant and Amy Spera for their efforts obtaining a grant from the Monmouth County Open Space Grant Program which will be applied to the Memorial Park Plaza area. Jim Gant noted he received notice of the matching grant award last week and is excited for the improvements to area in 2024. She also thanked those involved in the planting of the dune grasses along The Terrace and The Fish & Wildlife for the donation of planting materials.

Mayor Fetzer reminded residents of the Firehouse Food Drive on October 14th at the Plaza. He noted residents asked the borough to contact the county to reduce speed limit on 8th Avenue; Chief Macko requested the county to prepare a traffic study of the area which resulted in a reduction of the speed limit to 25 mph as well adding a cross-walk; the county is also adding a pedestrian walkway at Washington Boulevard and Second

Avenue. He further thanked the participants of the Ordinance Review Committee; many ordinance changes were discussed to make improvements to the languages and allow easier enforcement.

8. ADMINISTRATIVE/POLICE REPORT

Jim Gant reported he emailed a DPW survey to all residents and there was a great response; the survey will provide responses and allow the borough a better understanding of the needs in the community.

Chief Macko thanked those who attended Coffee with a Cop last week; Officers will be trained next week on their Conducted Energy Devices; The Governor's Review is held at the NGTC on October 29th at 11:00 am; the public are allowed to watch from fence. He met the Monmouth County Engineering Department to discuss a crosswalk at Washington and Second Avenue; he spoke to the reduced speed limit on 8th Avenue; he further spoke to the improvement at Rt. 71 & Baltimore painted crosswalk design and cross walk at Rt. 71 and Beacon Boulevard.

9. R-149-PAYMENT OF BILLS

BE IT RESOLVED, by the Borough Council of the Borough of Sea Girt, County of Monmouth that the bills to be paid as appearing on the attached bill lists dated September 15, 2023; September 29, 2023; and October 10, 2023 in the totals as follows:

Beach Operating	\$	11,286.05
Board of Rec Trust	\$	16,431.88
Current Fund	\$	488,646.37
Dog License Trust	\$	252.20
General Capital	\$	65,701.20
Police Dept Escrow	\$	80.00
Trust Other	\$	1,705.00
Unemployment Comp Trust	\$	1,584.54
Water Operating	\$	40,863.36

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: There were no comments from the public participating.

There being no comments, and by consensus, the public hearing was closed. Mayor Fetzer advised that Council has pending litigation matters to discuss in Executive Session, and requested a motion to adjourn for purposes of litigation discussion. **UPON MOTION** of Councilman Clemmensen, seconded by Council President Anthony, carried, that the following **Resolution No. 150-2023** 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 litigation.
3. It is anticipated at this time that the subject matters will be made public, if and when, confidentiality is no longer necessary.
4. Action may be taken upon return to public session.
5. This Resolution shall take effect immediately.

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			

The Council returned to the public session at 8:30 PM. The mayor advised that Council had discussed pending litigation matters and to take action as follows:

UPON MOTION of Councilman Zakin, seconded by Councilman Perry, carried that the following **Resolution No. 151-2023** be and the same is hereby adopted:

BE IT RESOLVED the Borough of Sea Girt authorizes Borough Attorney, Ray Bogan, be and he is hereby given direction to asses potential legal action regarding H2M Class Action Law Suit accordingly as discussed in Executive Session.

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			

There being no further business, and **UPON MOTION** of Councilwoman Richman, seconded by Councilman Perry, carried, that the meeting be finally and immediately adjourned at 8:40 PM.

Dawn Harriman, RMC