

MINUTES - REGULAR MEETING
September 8, 2021

The Virtual Regular Meeting of the Borough of Sea Girt Council was called to order by Mayor Fetzer at 7:03 PM with a moment of silence and a salute to the flag.

The Clerk read the compliance statement: 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 website and 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.

ROLL CALL:

	Present	Absent
Mayor Fetzer	X	
Councilman Clemmensen	X	
Councilman Perry	X	
Councilman Begley	X	
Council President		
Councilwoman Giegerich	X	
Councilwoman Anthony	X	

Resolution No. 157-2021: Approve the Appointment of Dr. Maria Richman to the Borough Council Seat vacated by Donald Fetzer.

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

WHEREAS, Dr. Maria Richman was appointed by the Sea Girt Borough Council to temporarily fill the vacancy on Council created by the resignation of Donald Fetzer, effective August 13, 2021; and

WHEREAS, the New Jersey Municipal Vacancy Law at *N.J.S.A. 40A:16-5(b)*, provides this vacancy may be filled until the next general election held not sooner than sixty (60) days after the occurrence of the vacancy; and

WHEREAS, pursuant to *N.J.S.A. 40A:16-11* the municipal clerk received three nominees from the Sea Girt Republican Committee from which Dr. Maria Richman was selected; and

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:

1. The temporary appointment of Maria Richman to fill the vacancy on the Borough Council created by the resignation of Donald Fetzer in accordance with the provisions of *N.J.S.A. 40A:16-1 et seq.*, the New Jersey Municipal Vacancy Law for the unexpired term which will expire December 31, 2021 is hereby affirmed.
2. This resolution has been adopted by a majority vote of the remaining members of the governing body.
3. The Borough Clerk is directed to forward a certified copy of this resolution to Dr. Maria Richman, The Sea Girt Municipal Republican Committee and County Clerk.

Recorded Vote:

	AYES	NAYS	ABSENT	ABSTAIN
Councilman Clemmensen	X			
Councilman Perry	X			

Councilman Begley	X			
Council President				
Councilwoman Giegerich	X			
Councilwoman Anthony	X			

PRESENTATIONS –

- **Planning Board** - Chairman, Norm Hall announced he is resigning as Planning Board Chairman effective January 1, 2022; he plans to support Sea Girt in other capacities. Mayor Fetzer thanked him for his 23 years of service; Councilwoman Anthony also thanked him for his service.
- **SMRSA Quarterly Report** – Ken Farrell commented all three co-generator engines are running; engines generate \$275,000-\$300,000 in electricity. Headworks Professional Services Contract to awarded to Hagen and Sawyer for the Scrubber Upgrade Investigation Project; 2020 Audit GASB75 Report is pending review; Human Resources approved Personnel Manual to allow employees to trade time to employees in need; flow rates 3.43% down 3.69% last month, he attributes lining pipes to the decrease.

PROCLAMATION HONORING F. KEN FARRELL

ELECTION OF COUNCIL PRESIDENT – by Nomination, by consensus, and **UPON MOTION** of Councilman Perry, seconded by Councilman Begley, carried, that Diane Anthony be and she is hereby appointed as Borough Council President through December 31, 2021.

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

Resolution No. 158-2021: Authorize a Concert Sponsored by Sea Girt Community Connections, Sea Girt Recreation Commission and The Sea Girt Farmer’s Market Committees – Library Plaza, September 11, 2021, 6:30-8:00 PM

WHEREAS, the Sea Girt Recreation, Sea Girt Community Connections and Sea Girt Farmer’s Market Committees have offered to sponsor an event on September 11, 2021: a concert at the Library Plaza from 6:30 PM to 8:00 PM performed by The Sentimental Journey; and,

WHEREAS, a Certificate of Insurance naming the Borough of Sea Girt as an additional insured from the participating vendor is on file; and,

NOW, THEREFORE, BE IT RESOLVED that the offer of Sea Girt Recreation, Sea Girt Community Connections and Sea Girt Farmer’s Market Committees to sponsor the event as identified above at no cost to the Borough be and the same is hereby accepted.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be supplied to Sea Girt Community Connections, Sea Girt Recreation and Sea Girt Farmer’s Market Committee for its information.

Resolution No. 159-2021: Authorize Zoning Escrow Fees and Street Opening Moratorium Escrow Fee;

WHEREAS, the following residents have posted escrow for Zoning application review and the balances remaining in said accounts are as follows:

NAME OF APPLICANT	BLOCK #	LOT #	PROPERTY LOCATION	ACCOUNT
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				BALANCE
Robert Davey	36	7	222 Philadelphia Boulevard	\$1,010.00
Robert Davey	52	10.01	306 Crescent Parkway	\$1,500.00
Patricia Knapp	13	14	205 Ocean Avenue	\$1,000.00

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

WHEREAS, the street opening at 205 Ocean Avenue has been restored to the satisfaction of The Department of Public Works; and

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

Resolution No. 160-2021: Authorizing the Award of a Non-Fair and Open Contract for Professional Engineering Services with CME Associates

WHEREAS, the Borough of Sea Girt has a need for professional Engineering services for a Facilities Condition Assessment of Borough Hall, Police Department and Fire Department; and

WHEREAS, such professional engineering services can only be provided by licensed professionals and the firm of CME Associates, 1460 Route 9 South, Howell, N.J.07731 is so recognized; and

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the proposal will not exceed \$10,000 and recommends the non-fair and open contract be awarded to CME Associates; and

WHEREAS, CME Associates will complete a documentation review, site visits, and a final report which will include prioritization, recommended repairs and upgrades and conceptual stage cost estimates; and

WHEREAS, CME Associates has completed and submitted a Business Entity Disclosure Certification which certifies that CME Associates has not made any reportable contributions to a political or candidate committee in the Borough of Sea Girt in the previous one year and that the contract will prohibit CME Associates from making any reportable contributions through the term of the project and agreement; and

WHEREAS, CME Associates has completed and submitted a Political Contribution Disclosure form in accordance with P.L. 2005, c 271; and

Recorded Vote:

	AYES	NAYS	ABSENT	ABSTAIN
Councilman Clemmensen	X			
Councilman Perry	X			
Councilman Begley	X			
Council President Anthony	X			
Councilwoman Giegerich	X			
Councilwoman Richman				X

APPROVE MINUTES

Resolution No. 161-2021: Approve Minutes, July 14, 2021 Regular Meeting – Virtual and Special meeting, August 4, 2021. **UPON MOTION** of Councilman Perry, seconded by Councilman Clemmensen, carried, that the following resolution be and the same is hereby approved.

Recorded Vote:

	AYES	NAYS	ABSENT	ABSTAIN
Councilman Clemmensen	X			
Councilman Perry	X			
Councilman Begley	X			
Council President Anthony	X			
Councilwoman Giegerich	X			
Councilwoman Richman				X

OPEN DISCUSSION: Mayor Fetzter asked Borough Attorney Ray Bogan to comment on the recent petition being circulated regarding Improvements to Crescent Park. Mr. Bogan commented that Sea Girt is a Borough Form of Government; the petition recently circulated falls under the Faulkner Act which is not the act which dictates the Borough Form of Government; the Initiative and Referendum provisions do not apply to the Borough Form of Government; the petition can be brought in for purposes of advisement and consideration of councilmembers; it is not a binding document that will be put on the ballot in November.

Administrator Gant noted the resolution awarding CME Associates is for engineering services to complete a Facilities Condition Assessment Report in the Borough Hall, Police and Fire Departments.

UNFINISHED BUSINESS:

1. **Ordinance No. 16-2021:** The Mayor to read the said Ordinance by Title, advising of its publication in its entirety in the Coast Star on August 19, 2021:

AN ORDINANCE TO AMEND CHAPTER 4, LICENSING AND BUSINESS REGULATIONS PARAGRAPH 4-2.5 “NO SOLICITING” SIGNS; VIOLATIONS IN THE BOROUGH CODE IN THE BOROUGH OF SEA GIRT

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF SEA GIRT, as follows:

Section 1. All Residents of the Borough of Sea Girt may register their address with the Municipal Clerk to be placed on the Do-Not-Knock-Registry, indicating that they do not want peddling, itinerant vending and door-to-door sales enterprises to approach their homes on their premise. Registration shall be by completion of a form made available by the Borough Clerks office.

Section 2. Residents shall remain on the Do-Not-Knock Registry until such time as they advise the Borough Clerk in writing that they wish to be removed from the list.

Section 3. The Municipal Clerk shall maintain the list, keep it current, and provide copies to the Police Department who shall be charged with enforcement and shall provide each solicitor, canvasser, hawker or groups thereof, with a copy of the list to ensure their compliance (Ord. #02-2011).

Section 4. It shall be unlawful for any person or entity required to obtain a permit pursuant to Chapter 4 to enter the approach and/or seek contact from a residence registered on the Do-Not-Knock-Registry.

Section 5. Any persons subject to this chapter who violates any provision of this section shall be subject to a maximum ordinance violation per offense as provided in Paragraph 4-2.9.

Section 6. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed, but only to the extent of such inconsistency.

Section 7. This Ordinance shall take effect twenty (20) days after adoption and final publication as required by law.

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

UPON MOTION of Council President Anthony, seconded by Councilman Perry carried, that the said Ordinance No. 16-2021 be adopted on final reading, directing the Clerk to post and publish as required by law.

Recorded Vote:

	AYES	NAYS	ABSENT	ABSTAIN
Councilman Clemmensen	X			
Councilman Perry	X			
Councilman Begley	X			
Council President Anthony	X			
Councilwoman Giegerich	X			
Councilwoman Richman				X

NEW BUSINESS:

Ordinance No. 17-2021: The Mayor to read the said Ordinance by Title:

BE IT ORDAINED, by the Governing Body of the Borough of Sea Girt that Chapter 12, Section 12-1.6 entitled “Construction Fees” is hereby repealed to be replaced by a new section to read as follows:

Section 12-1.6 Fees:

The Borough of Sea Girt is a participant in a Regional Construction Office. Therefore, in compliance with the regulations promulgated by the State of New Jersey Department of Community Affairs, all fees shall be in accordance with the master fee schedule as established by the community hosting the regional Construction Office. Currently that community is the Borough of Spring Lake.

All current and future fee schedules shall be in compliance with the master fee schedule for the duration of the Borough of Sea Girt’s membership in the Regional Construction Office.

BE IT FURTHER ORDAINED, that all ordinances or parts of ordinance inconsistent with the foregoing are hereby repealed, but only to the extent of the inconsistency.

BE IT FURTHER ORDAINED, that this ordinance shall take effect immediately upon passage and publication according to law.

UPON MOTION of Councilman Clemmensen, seconded by Council President Anthony, carried, that the said 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 October 13, 2021.

Resolution No. 162-2021: Authorizing The Purchase of Equipment for The Department of Public Works Under The Sourcewell Cooperative Purchasing Agreement for the purchase of a 33 Cubic Yard Loadmaster Rear Loader Packer from Navistar Contract #060920-NVS in the amount of \$224,785.08

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

WHEREAS, pursuant to N.J.S.A 52:34-6.2(b)(3) The Borough of Sea Girt as authorized the use of Sourcewell Co-Op, previously known as National Joint Powers Alliance or NJPA, to contract with various vendors for goods and services; and

WHEREAS, N.J.S.A 52:34-6(b)(3) permits the award of a contract without the necessity of competitive bidding; and

WHEREAS, The Borough of Sea Girt is in need of a 33 Cubic yard Loadmaster Rear Load Packer to replace the existing number four 1998 Volvo garbage truck; and

WHEREAS, Allegiance Trucks is an authorized vendor under Sourcewell CO-OP #060920-NVS; and

WHEREAS, the Supervisor of Public Works recommends award of a contract to Navistar (through Allegiance Trucking) in the amount of \$224,785.08; and

WHEREAS, The Chief Financial Officer has certified funds in the amount of \$224,785.08 for the Rear Load Packer; and

NOW, THEREFORE, BE IT RESOLVED, by The Borough Council of the Borough of Sea Girt, hereby authorizes the purchase of one (1) Packer - Rear Loader from Navistar (through Allegiance Trucks) under Sourcewell CO-OP #060920-NVS for a total expenditure of \$224,785.08 is hereby approved, subject to the issuance of the appropriate purchase orders to Allegiance Trucks, Robert Feldman, 525 West Linden Ave., Linden NJ 07036.

Recorded Vote:

	AYES	NAYS	ABSENT	ABSTAIN
Councilman Clemmensen	X			
Councilman Perry	X			
Councilman Begley	X			
Council President Anthony	X			
Councilwoman Giegerich	X			
Councilwoman Richman				X

Resolution No. 163-2021: Adopt a Schedule of Construction Related Fees for The Borough of Sea Girt which shall be consistent with the Construction Fee Schedules for the participating municipalities in Spring Lake's Regional Construction Office

This agenda reflects to the extent known at the time of the posting, pursuant to N.J.S.A. 10:4-8(d). The agenda is tentative and is subject to amendment, additions or deletions prior to the meeting.

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

WHEREAS, The Borough of Spring Lake has been designated as the host community for the regional construction office serving the Boroughs of Brielle, Sea Girt, Spring Lake and Spring Lake Heights; and

WHEREAS, The State DCA requires that each participating municipality in a regional construction office have a common fee schedule; and

WHEREAS, The Borough of Sea Girt's master fee schedule, which as adopted by ordinance, permits the Mayor and Council to establish fee schedules by Resolution.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Sea Girt in the County of Monmouth and State of New Jersey, hereby adopts the following master fee schedule as per attached take effect upon the adoption of resolution of all participating municipalities;

Recorded Vote:

	AYES	NAYS	ABSENT	ABSTAIN
Councilman Clemmensen	X			
Councilman Perry	X			
Councilman Begley	X			
Council President Anthony	X			
Councilwoman Giegerich	X			
Councilwoman Richman				X

COUNCIL REPORTS:

Councilman Clemmensen asked residents to refer to their DPW Sanitation and Recycling Calendar for important trash, recycling and brush pickup dates. Children are back to school, please drive with caution and cross where crossing guards are present. He reminded parents that helmets are required for children under 17 years of age. He also reminded residents to remove key fobs and valuables from their cars. He also asked residents to review hurricane season checklist and have a plan if evacuated. There are seven streetlights out and they have been reported to JCP&L.

Councilman Perry reported there was a deposit made from the Sea Girt 5K in the amount of \$41,720 to the recreation trust; he thanked Mr. D'Altrui and his committee for all their efforts; a contribution was made to the Reeve Foundation for \$17,500.00. He noted there is a concert Saturday night at the Plaza beginning at 6:30 pm; September 18th is a Farmer's Market in the green space area near the Library from 10 am – 2 pm; there is also the Luau from 6-8 pm at the Beach on Beacon Boulevard.

Councilman Begley reported the Finance Committee will meet to summarize the beach season financials.

Council President Anthony commented she is anticipating a report on mechanical, electrical and plumbing assessments with recommendations for improvements at the Borough Hall. She attended an Environmental meeting recently and discussed the box culverts from Wreck Pond to the ocean; they also discussed a program a recycling program "leave only your footprints." There will be herbicide applications in the areas of Crescent Park, Edgemere Park and The Terrace regarding the non-native invasives recently mowed to improve our parks the week of September 20th. She asked residents to be

cognitive of the devastating spotted lantern fly, there is information on our website and on the Sea Girt Conversancy website.

Councilwoman Giegerich read Jim Freda's beach summary; she thanked Jim Freda for his efforts during the summer season; he is recommending for next summer that Wi-Fi be available for the entire boardwalk, using wristband exclusively, eliminate community pass, family bathroom renovation, and five new bike racks. He also recommended additional mobi mats for easier wheel chair access; the Borough is applying for a grant through the Reeve Foundation. She then read a beach summary from Tim Harmon; weather permitting lifeguards will be on duty weekends only through the end of September. She thanked Tim Harmon and the lifeguards for assisting in Cape May incident and all their efforts during the summer.

Mayor Fetzer commented as a Library Trustee, he attended a meeting on The Monmouth County Library; he also commented as a member of the Planning Board that they do a great job.

ADMINISTRATOR REPORT:

Mr. Gant welcomed everyone to the 911 20th Remembrance Ceremony on Saturday at 8:30 am at the Plaza; that evening is also a Light Up The Shore event at 8:46 PM at Beacon Boulevard Beach. He noted council is trying to return to in-person/hybrid council meetings in October at the school. Westside Bike Path project should start by end of September. The Noise Ordinance is still being reviewed to address noise concerns in the Borough.

Resolution No. 164 -2021: 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 dated August 26, 2021 and September 3, 2021 in the totals as follows:

CURRENT FUND	\$	513,954.17
WATER/SEWER OPERATING FUND	\$	11,525.72
BEACH OPERATING FUND	\$	25,834.36
RECREATION TRUST FUND	\$	5,618.85
TRUST FUND	\$	1,503.00
DOG TRUST FUND	\$	3.60
GENERAL CAPITAL	\$	30,509.50
WATER CAPITAL	\$	15,631.00

Recorded Vote:

	AYES	NAYS	ABSENT	ABSTAIN
Councilman Clemmensen	X			
Councilman Perry	X			
Councilman Begley	X			
Council President Anthony	X			
Councilwoman Giegerich	X			
Councilwoman Richman				X

PUBLIC PARTICIPATION ON ANY SUBJECT: There were no comments from the public present.

Mayor Fetzer 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 may remain in the virtual meeting until

This agenda reflects to the extent known at the time of the posting, pursuant to N.J.S.A. 10:4-8(d). The agenda is tentative and is subject to amendment, additions or deletions prior to the meeting.

Council returns to public session. **UPON MOTION** of Councilman Clemmensen, seconded by Councilman Perry, carried, that the following **Resolution No. 165-2021** 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, including, but not limited to:
 - a. Litigation Matters
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 Clemmensen	X			
Councilman Perry	X			
Councilman Begley	X			
Council President Anthony	X			
Councilwoman Giegerich	X			
Councilwoman Richman				X

UPON MOTION of Councilman Clemmensen, seconded, Councilwoman Giegerich returned to public session at 9:10 pm. There being no further business, and **UPON MOTION** of Councilman Clemmensen, seconded by Councilman Begley, carried, that the meeting be finally and immediately adjourned at 9:10 PM.

Dawn Harriman

Dawn Harriman, Municipal Clerk