

MINUTES - BOROUGH OF SEA GIRT
REGULAR/VIRTUAL MEETING
December 13, 2023 - 7:00 PM

The regular/virtual meeting of the Borough of Sea Girt Council was called to order by Mayor Don Fetzer at 7:05 PM on Wednesday, December 13, 2023. Mayor Fetzer 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. PRESENTATIONS:

- Administrator Gant presented the New Jersey Municipal Management Association Internship Service Award to Vincent Mangano; he thanked Vinnie for his outstanding efforts during his summer internship.
- Mike Meixsell reported his quarterly SMRSA report.
- Mayor Fetzer commented on this being Councilman Clemmensen's last council meeting; he thanked him profusely for his many jobs well done in the Borough; he presented him with a proclamation on behalf of the councilmembers.
- Chief Macko commented he is grateful for his full support in representing the Police Department and the community; he was a great mentor and will be missed; he presented him with departing gifts on behalf of the Police Department.
- Councilman Clemmensen thanked the residents for their support while serving Sea Girt; past and present governing bodies as well as its employees make Sea Girt a special place; he is proud of the dynamics between the Borough and NGTC and the agreement which stabilizes both entities.
- Mayor Fetzer informed Councilman Clemmensen that his services were recognized by Former Governor Christie by awarding him the New Jersey Civilian Commendation Medal.

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

- **R-158-2023: Approve Associated Humane Societies – Animal Control Contract**

WHEREAS, the Borough of Sea Girt is in need of animal control services for the municipality; and,

WHEREAS, Sea Girt Borough has entered into animal control agreements previously and wishes to renew its contract for the year 2024; and,

WHEREAS, the Associated Humane Societies, Inc. of Newark, NJ with offices in Tinton Falls, NJ has agreed to provide animal control services as outlined in their contract effective January 1, 2024 through December 31, 2024, inclusive; and,

WHEREAS, Associated Humane Societies, Inc. shall make their services as an animal control officer available to the Municipality on a daily basis, as need, for five days a week, Saturday, Sunday, Holidays and night emergency services as necessary.

NOW, THEREFORE BE IT RESOLVED, that the Borough Council of the Borough of Sea Girt, does hereby authorize the following:

- That is contract shall be in the amount of \$6,300.00 for the year; with payments of \$525.00 monthly.
- That the Mayor and Clerk are authorized to execute the Agreement between the Associated Humane Societies, Inc. and the Borough.

- **R-159-2023: Approve Governor’s Council on Alcoholism and Drug Abuse (GCADA) Grant**

The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative **UPON MOTION** of Councilwoman Richman, seconded by Councilman Downey, carried, that the following Resolution be and the same is hereby adopted:

FORM 1B

WHEREAS, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The Borough Council of the Borough of **SEA GIRT**, County of Monmouth, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore, has an established Municipal Alliance Committee; and,

WHEREAS, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Borough Council has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Monmouth;

NOW, THEREFORE, BE IT RESOLVED by the Borough of Sea Girt, County of Monmouth, State of New Jersey hereby recognizes the following:

1. The Borough Council does hereby authorize submission of a strategic plan for the **Shore** Municipal Alliance grant for fiscal year **2025** in the compliance and audit requirements.

- **R-160-2023: Approve Appointment of Gianni D’Acquisto – Full Time DPW Laborer**

WHEREAS, the Borough of Sea Girt Department of Public Works is in need of the services of a full-time Laborer 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 Gianni D’Acquisto to the position.

NOW, THEREFORE, BE IT RESOLVED that the appointment of Gianni D’Acquisto as full-time laborer for the Department of Public Works of the Borough of Sea Girt, at the hourly rate of \$21.03 per hour for 40 hours per week, be and the same is hereby approved effective December 18, 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. D’Acquisto shall be considered an introductory employee for a six-month period from the date of original appointment.

- **R-161-2023: Approve Appointment of Thomas Pollock – Full Time DPW Laborer**

WHEREAS, the Borough of Sea Girt Department of Public Works is in need of the services of a full-time Laborer 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 Thomas Pollock to the position.

NOW, THEREFORE, BE IT RESOLVED that the appointment of Thomas Pollock as full-time laborer for the Department of Public Works of the Borough of Sea Girt, at the hourly rate of \$21.03 per hour for 40 hours per week, be and the same is hereby approved effective December 4, 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. Pollock shall be considered an introductory employee for a six-month period from the date of original appointment

- **R-162-2023: Approve Appointment of Mark Rosendin – Full Time DPW Laborer**

WHEREAS, the Borough of Sea Girt Department of Public Works is in need of the services of a full-time Laborer 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 Mark Rosendin to the position.

NOW, THEREFORE, BE IT RESOLVED that the appointment of Mark Rosendin as full-time laborer for the Department of Public Works of the Borough of Sea Girt, at the hourly rate of \$21.03 per hour for 40 hours per week, be and the same is hereby approved effective December 18, 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. Rosendin shall be considered an introductory employee for a six-month period from the date of original appointment.

- **R-163-2023: Opposing Assembly Bill 5659 due to its Impact on Workers’ Compensation/Insurance Premiums**

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

WHEREAS: Local Government is facing the largest budget increase for property/casualty insurance since the mid-1980s; and

WHEREAS: The property/casualty budget for the typical municipality has already experienced a 20% to 25% increase since 2021 and will experience another 12% to 20% increase in 2024; and

WHEREAS: New Jersey now has the highest workers' compensation premium rates in the country based on data from the U.S. Bureau of Labor Statistics; and

WHEREAS: Workers' Compensation escalated because New Jersey judges are now reopening cases up to four and five times, whereas in the past they rarely reopened a case more than once; and

WHEREAS: Workers' Compensation also escalated because of a 2021 Department of Labor decision that directed workers' compensation to pay many accidental disability claims that previously were paid by the pension plans; and

WHEREAS: Another recent law created a presumption that firefighters diagnosed with cancer are eligible for workers' compensation; and

WHEREAS: During the COVID 19 Pandemic, the Legislature approved a law that made COVID contracted by first responders and essential employees compensable under New Jersey's workers' statute resulting in the COVID cost per employee being the second highest in the country; and

WHEREAS: Liability has increased because of the erosion of Title 59 protections in New Jersey's courts. Judges are now reluctant to grant summary judgement dismissing even frivolous claims because of the 2021 New Jersey Supreme Court decision in Gonzalez v. Jersey City; and

WHEREAS: The recent amendment in the sexual molestation statute of limitations also increased Title 59 liability costs. In some cases, towns are being sued based on allegations going back to the 1970s; and

WHEREAS: Property premiums are increasing rapidly because the world-wide frequency of large natural disasters has almost tripled since 2000. New Jersey alone was hit with Hurricane Irene in 2011, Superstorm Sandy in 2012 and Tropical Storm Ida in 2021; and

WHEREAS: Property insurance premiums are also indexed to replacement values that have jumped because of supply chain issues and the labor shortage; and

WHEREAS: Cyber liability premiums have more than doubled in recent years. Organizations without strong cyber risk controls are finding it difficult to purchase any coverage.

NOW THEREFORE BE IT RESOLVED BY THE NEW JERSEY LEAGUE OF MUNICIPALITIES THAT:

- 1) The Legislature is urged to adopt budget and levy cap exemptions for property/casualty insurance and claims; and
- 2) The Administration and the Legislature should not adopt additional legislation or regulations that will increase municipal claims without a thorough and complete analysis of the cost; and
- 3) The New Jersey Department of Labor, the New Jersey Department of Banking and Insurance and the New Jersey Department of Community Affairs should meet with representatives of municipal government to discuss ways to reduce property/casualty costs.

Recorded Vote:

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

3. APPROVE MINUTES: (consensus vote)

- **R-164-2023: Approve Regular Meeting Minutes of November 8, 2023**

UPON MOTION of Councilwoman Richman, seconded by Councilman Perry, carried, that the Minutes of the Regular Meeting held November 8, 2023 be and the same are hereby approved.

Recorded Vote:

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

- **R-165-2023: Approve Executive Session Minutes of November 8, 2023**

UPON MOTION of Councilwoman Richman, seconded by Councilman Perry, carried, that the Executive Session Minutes of the Regular Meeting held November 8, 2023 be and the same are hereby approved.

Recorded Vote:

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

4. OPEN DISCUSSION:

Jim Gant read his statement of resignation and appreciation to the Borough of Sea Girt. Councilmembers all expressed their great appreciation and gratitude for what he has accomplished here and while disappointed he is leaving; they respect his next career opportunity; councilmembers wished him well and noted he will be sorely missed.

Mayor Fetzer thanked Rick Lyster for his efforts correcting his email issue; he apologized his mail had been going into his junk mailbox. He also thanked Mary Schneiderman for her heartfelt letter in the Coast Star newspaper. Mayor Fetzer further noted that Sea Girt continues to oppose Wind Turbine Farms until we

have a better understanding of its effects on the environment. He thanked Chief Macko for his public forum with residents on recent crime activity in the borough.

5. UNFINISHED BUSINESS:

ORDINANCE No. 11-2023: The Mayor to read the said Ordinance by Title:

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 17 ZONING, ARTICLE 17-5.4, MECHANICAL EQUIPMENT OF THE BOROUGH CODE OF THE BOROUGH OF SEA GIRT

EXISTING

17-5.4 Mechanical Equipment.

[Ord. #855, § 4-1; Ord. No. 20-2018; amended 10-26-2021 by Ord. No. 14-2021]

All exterior mechanical equipment, including units for heat, ventilation, air- conditioning, pool pumps and accessories, heat pumps, other than individual air- conditioners and permanently installed generators, to serve a building shall be located in the rear yard and/or on the top story of either the principal building or accessory buildings, either inside or outside. If installed in the yard, they shall comply with the rear yard and setback provisions. If installed on the buildings they shall not be visible from the front or side street and shall be located behind physical buffer such as a parapet wall or solid short fence so as to dampen noise effects on neighboring properties.

REVISIONS

~~Strikeout~~ - Remove

Underline - New

17-5.4 Mechanical Equipment.

[Ord. #855, § 4-1; Ord. No. 20-2018; amended 10-26-2021 by Ord. No. 14-2021]

- a. All exterior mechanical equipment, including units for heat, ventilation, air- conditioning, pool pumps and accessories, heat pumps, other than individual air- conditioners ~~and permanently installed generators~~, to serve a building property shall be located in the rear yard and/or on the top story of either the principal building or accessory buildings, either inside or outside. If installed in the yard, they shall comply with the rear yard and setback provisions. If installed on the buildings they shall not be visible from the front or side street or from ground level of immediately adjacent properties and shall be located behind a solid non-transparent physical buffer such as a parapet wall or solid short fence so as to dampen noise effects on neighboring properties. Such wall or fence shall not be higher than the ridgeline of the structure to which it is placed.
- b. Permanently installed generators shall be located in the rear yard, and shall be installed at grade.
 1. In the event of permanently installed generators being installed within a flood zone, they are permitted to be installed on a platform no higher than one (1) foot above the established base flood elevation for the property, and shall be located behind a solid non-transparent physical buffer to shield from view and to dampen noise effects on neighboring properties.

UPON MOTION of Councilman Zakin, seconded by Council President Anthony, carried, that the meeting be opened to the public for comments on the said Ordinance only. Mr. Geiss, Brooklyn Boulevard voiced his opinion in opposition of the proposed ordinance; he also opposes off shore wind turbines. Mayor Fetzter noted this ordinance has been vetted by the Ordinance Review Committee. **UPON MOTION** of Councilman Clemmensen, seconded by Council President Anthony, carried, the public hearing was closed.

UPON MOTION of Councilman Downey seconded by Council President Anthony, carried, that the said Ordinance No. 11-2023 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:

- **R-166-2023: Authorize the Public Bidding for The Sea Girt Boardwalk Concession Stand for Summer Season of 2024 (Option Years 2025 and 2026 Respectively)**

Councilman Zakin asked how the minimum bid was arrived; Mr. Gant responded the 2021 Beach Committee agreed on the minimum bid pricing to obtain additional interested parties to run the concession.

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

WHEREAS, The Borough Council of the Borough of Sea Girt deem it advisable to solicit bids for the lease of the Borough's Boardwalk Concession stand located adjacent at the intersection of Beacon Boulevard and Ocean Avenue in the Borough of Sea Girt for the summer season 2024 (option years 2025 and 2026); and

WHEREAS, The award shall be made to the highest responsible bidder meeting the minimum bid requirements, with at least two (2) years prior concession stand or equivalent experience with demonstrated financial stability, ability to perform, net assets exceeding liabilities by a minimum of \$20,000.00, and that bankruptcy has not been declared during the past three (3) years; 2024: The minimum bid shall be forty two thousand, five hundred dollars (\$42,500.00) and at the conclusion of the 2024 season, the Borough Council may, at their option, renew the contract of the successful bidder for up to two additional seasons (2025, 2026) with the annual rent for 2024 and 2025 to be determined at the time of the optional renewal.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Sea Girt that the following creation of the required bid specifications, the Borough Clerk is directed to advertise for sealed bids for the lease of the Borough's Boardwalk Concession Stand. Bids to be received by the Borough Clerk and opened and read in public in the Borough Hall Municipal Building, 321 Baltimore Boulevard, Sea Girt, NJ 08750 at a date and time established by the Borough Clerk.

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-167-2023: Reject Bid Request for The Installation of a New Fire Suppression and Detection System for The Sea Girt Municipal Building as it Substantially Exceeds the Amount Estimated for the Services**

Council President Anthony commented she has met with members of the committee on how to move forward with the improvements to ensure safety within the Borough Hall; the committee has committed to the improvements for sewer, electrical and second floor egress; she asked patience from employees and the residents as we move forward with upgrades. Jim Gant commented there are many items that need to be addressed, the conversation being discussed is do we continue with the current project or reimagine our obligations for the future of Borough Hall.

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

WHEREAS, the Borough of Sea Girt advertised a Notice to Bidders for “The Installation of New Fire Suppression and Detection System for The Sea Girt Municipal Building” to be provided within the Borough on October 19, 2023; and,

WHEREAS, the Borough received two responses by the date and time specified for the receipt of bids, as follows:

BIDDER	BASE BID
K&D Contractors, 31 Monroe Avenue, Kenilworth NJ 07033	\$492,000

WHEREAS, the bids that were submitted substantially exceeds the estimated cost of services, and as such the Borough Council of the Borough of Sea Girt wishes to reject all bids in accordance with N.J.S.A. 40A:11-13.2; and

THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sea Girt, that pursuant to N.J.S.A. 40A:11-13.2, the bids received in response to the Request for Proposal for The Installation of New Fire Suppression and Detection System for The Sea Girt Municipal Building.

THEREFORE, BE IT FURTHER RESOLVED that The Request for Proposal for The Installation of New Fire Suppression and Detection System for the Sea Girt Municipal Building and the same is hereby rejected as it substantially exceeds the amount estimated for the services.

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-168-2023: Approve Updates to the Personnel Policies and Procedures Manual**

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

WHEREAS, the Borough of Sea Girt adopted Ordinance No. 11-2010 adopting a revised Personnel Policies and Procedures Manual dated May 12, 2010 and said Ordinance authorizes the Borough Council to amend, revise, replace and supplement the Personnel Policies and Procedures Manual by duly adopted Resolution; and,

WHEREAS, the Borough Council of the Borough of Sea Girt, pursuant to guidance issued by the Municipal Excess Liability Fund (MEL), wishes to revise the existing Personnel Policies and Procedures Manual, and

WHEREAS, the revised and supplemented sections of the Personnel Policies and Procedures have been reviewed by the Borough's Labor Counsel and the required Risk Control Update Checklist has been executed by the Borough's Labor Counsel.

NOW, THEREFORE, BE IT RESOLVED that the Borough of Sea Girt Personnel Policies and Procedures Manual, as revised and dated December 13, 2023, is hereby approved by the Borough Council.

BE IT FURTHER RESOLVED that a certified copy of this Resolution, along with the required Checklist be and the same shall be supplied to the Municipal Excess Liability Fund, Parsippany, NJ and copies of the revised Personnel Policies and Procedures Manual shall be provided to all Borough employees.

BE IT FURTHER RESOLVED that these personnel policies and procedures shall apply to all Borough officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

BE IT FURTHER RESOLVED that this manual is intended to provide guidelines covering public service by Borough employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Borough Council

BE IT FURTHER RESOLVED that to the maximum extent permitted by law, employment practices for the Borough of Sea Girt shall operate under the legal doctrine known as "employment at will."

BE IT FURTHER RESOLVED that the Administrator and all managerial/supervisory personnel are responsible for these employment practices. The Administrator and the Labor Attorney shall assist the Administrator in the implementation of the policies and procedures in this manual.

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			

- **R-169-2023: Authorize State Aid Agreement between The Borough of Sea Girt for Construction of the Sandy Hook to Barnegat Inlet Section II Asbury Park to Manasquan, NJ Hurricane and Storm Damage Reduction Project First Renourishment**

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

WHEREAS, Construction of the Beach Erosion Control Project along the Atlantic Coast of New Jersey, Sandy Hook to Barnegat Inlet, hereinafter referred to as the "project" was authorized by the River and Harbor Act of 1958, Public Law 85-500, 85th Congress, Second Session, in accordance with **House Document 332, as subsequently amended by Section 854 of the Water Resources Development Act** of 1986, Public Law 99-662; Section 4 of the Water Resources Development Act of 1988, Public Law 100-676; and Section 102 (r) of the Water Resources Development Act of 1992, Public Law 102-580, and

WHEREAS, Section 103 of the Water Resources Development Act of 1986, Public Law 99-662, as amended, (33 U.S.C. 2213), which applies to the Project, specifies the cost sharing requirements applicable to the Project authorized by the federal government, hereinafter referred to as the "Government," through a delegation to the U.S. Army Corps of Engineers, hereinafter referred to as the "Corps," to extend Federal participation in the initial construction and periodic renourishment and construction of shore protection features of the Project for fifty years; and

WHEREAS, the periodic nourishment portion of the Project is authorized for fifty years at a six-year renourishment cycle, and

WHEREAS, the Office has the full authority to perform all of its responsibilities for the Project under New Jersey State Law P.L. 1992, c. 148; P.L. 1995, c. 19 and N.J.S.A. 12:6A-1, et seq.; and

WHEREAS, the Municipality has the full authority to perform all of its responsibilities for the Project under N.J.S.A. 40:56-1, et seq., 40:69A-1, et seq., and 40A:12-1, et seq. and the applicable municipal code, and the Mayor of the Municipality is duly authorized to enter this Agreement.

WHEREAS, the Office and the Municipality desire to enter into this State Aid Agreement for the construction of the first periodic renourishment of the Project within Sea Girt, Office file number 6072-SG-R1-23, from the National Guard Training Center property boundary north to Baltimore Avenue; and

WHEREAS, sand will be placed on the National Guard Training Center property, within Sea Girt, but is subject to a separate agreement with the National Guard; and

WHEREAS, the total renourishment cost for the first periodic renourishment within the Municipality, not including the cost of the project within the National Guard Training Center at Sea Girt, is estimated at \$7,143,238.45 with the Government's 65% share of such costs estimated to be \$4,643,104.99 and the non-federal 35% share estimated to be \$2,500,133.46 with the Department paying 75% of the non-federal share estimated to be \$1,875,100.09 and the Municipality's 25% share estimated to be \$625,033.37 as detailed in Appendix A. The cost includes an estimate for the placement of the optional item sand on the beach, mobilization and demobilization of the option item, and Engineering & Design/Supervision & Administration (E&D/S&A); and

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

- (1) The Mayor and Municipal Clerk be and they hereby are authorized to execute a State Aid Agreement for the Construction of The Sandy Hook to Barnegat Inlet Section II – Asbury Park to Manasquan, New Jersey, Hurricane and Storm Damage Reduction Project.
- (2) Said State Aid Agreement shall be annexed to and made part of this Resolution.

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-170-2023: Authorize Appointment of Interim Borough Administrator – Justin Macko**

Councilman Downey commented the Personnel Committee met and determined Justin Macko is the best individual to fill the position and thanked Ray Bogan for preparing an agreement. Councilman Zakin commented we are fortunate to have Chief Macko in this roll; he has strong management skills and knowledge of the community.

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

WHEREAS, the Borough of Sea Girt requires a Borough Administrator to coordinate the activities of the Borough's various departments for their efficient and economical operation and to assist the Mayor & Council in the continued efficient operation of the Borough; and

WHEREAS, the current Borough Administrator has submitted his resignation and his last work day will be December 31, 2023; and

WHEREAS, the Mayor & Council find it to be in the best interests of the Borough that an Interim Borough Administrator be appointed during the time period that a search for a permanent replacement is conducted; and

WHEREAS, there is a need to have an Agreement for the position of Interim Borough Administrator; and

WHEREAS, after negotiations, the Borough of Sea Girt and Justin E. Macko have reached a satisfactory Employment Agreement, effective January 1, 2024, and until termination of this agreement or a successor agreement is ratified by the Governing Body.

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

- 1.) Justin E. Macko is appointed Interim Borough Administrator, effective January 1, 2024.
- 2.) The mayor is authorized to execute the Employment Agreement with Justin E. Macko, for the position of Interim Borough Administrator attached herewith, effective January 1, 2024.

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-171-2023: Authorize Execution of Employment Agreement between Chief Justin Macko and Borough of Sea Girt**

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

WHEREAS, The Borough of Sea Girt hereby establishes the terms and conditions of employment for the position of Chief of Police, and

WHEREAS, by and between the Borough of Sea Girt and the Chief of Police, each party intending to be legally bound per employment agreement, and

BE IT RESOLVED by the Mayor and Council of the Borough of Sea Girt that, Mayor Don Fetzer be and his hereby authorized to execute The Employment contract between Justin Macko effective January 1, 2024 through December 31, 2028.

BE IT RESOLVED by The Borough Council of the Borough of Sea Girt, that Mayor Donald E. Fetzer be and his hereby authorized to execute employment agreement.

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-172-2023: Authorize the Acceptance of a Monetary Donation for Fencing at Baltimore Park**

Council President Anthony thanked Jim Gant, Councilman Zakin and Marilyn Trapani for their efforts upgrading the fencing along Baltimore Park; she thanked Ms. Trapani for her generous donation to improve Baltimore Park.

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

WHEREAS, the Borough of Sea Girt was approached by Sea Girt Resident Marilyn Trapani, wishing to replace the fencing in Baltimore Park along Forth Avenue and Baltimore Boulevard playground, and

WHEREAS, the Sea Girt Borough wishes to acknowledge the generosity of Marilyn Trapani, and

WHEREAS, it is acknowledged that the donation in the amount of \$8,995.00 will replace the existing chain link fence and improve this area with a commercial grade aluminum fence that will continue to provide security and a barrier between park patrons and Baltimore Boulevard, and

NOW THEREFORE BE IT RESOLVED by the Council of the Borough of Sea Girt that the Borough Council acknowledges and authorizes the acceptance of this generous donation to the Borough of Sea Girt.

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-173-2023: Authorize Transfer Budget Appropriations**

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

WHEREAS, the Local Budget Law (N.J.S.A. 40A:4-1, et seq.) permits the transfer of funds between appropriations during the last two months of the budget year; and,

WHEREAS, the Chief Financial Officer has determined that certain 2023 appropriations of the Borough of Sea Girt require additional funds while other appropriations have an available balance not needed for its original purposes.

WHEREAS, the schedule of proposed transfers is listed below:

Account No.	Appropriation Title	From	To
Current:			
3-01-20-120-258	Clerk – OE	\$3,000.00	
3-01-20-100-011	Administrative – S&W		\$3,000.00
3-01-20-155-029	Legal	\$30,000.00	
3-01-35-470-020	Contingent	\$10,000.00	
3-01-25-240-013	Police – S&W		\$40,000.00
3-01-31-440-001	Telephone	\$5,000.00	
3-01-31-446-001	Gas		\$5,000.00
3-01-42-001-001	Interlocal – Wall Court	\$3,869.28	
3-01-36-545-001	Interlocal – Spring Lake Construction		\$3,869.28
3-05-55-502-024	Water/Sewer – OE	\$7,500.00	
3-05-55-50-014	Water/Sewer – S&W		\$7,500.00
	Total	\$54,869.28	\$54,869.28

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sea Girt that the preceding list of appropriations transfers 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-174-2023: Authorize Beach Utility Appropriation Cancellation**

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

WHEREAS, N.J.S.A 40A:4-60 provides for the cancellation of unexpended budget appropriation balances to budget operations prior to the end of the year; and

WHEREAS, the following Beach Utility Operating Fund budget appropriation balances remain unexpended:

Account ID	Account Description	Amount
3-09-55-228-501	Capital Improvement Fund	\$41,500.00
3-09-55-229-501	Beach Garbage – S&W	\$35,000.00
3-09-55-231-501	Beach – Tipping Fees	\$35,000.00
3-09-55-290-011	Beach Roads – S&W	\$40,000.00

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be credited to Surplus:

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sea Girt that the above listed unexpended balances of the Beach Utility Operating Fund be canceled.

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-175-2023: Authorize the Purchase of Equipment for DPW under the Sourcewell Cooperative Purchasing Agreement**

UPON MOTION of Councilwoman Richman, seconded by Councilman Perry, 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, 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 Roll Off Truck; and

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

WHEREAS, the Supervisor of Public Works recommends award of a contract to Allegiance Trucks in the amount of \$209,849.25; and

WHEREAS, The Chief Financial Officer has certified funds in the amount of \$209,849.25 are available through Appropriation No. C-04-55-567-501 for the Roll Off Truck; and

NOW, THEREFORE, BE IT RESOLVED, by The Borough Council of the Borough of Sea Girt, hereby authorizes the purchase of one (1) International Roll Off Truck, under Sourcewell CO-OP #060920-NVS for a total expenditure of \$209,849.25 is hereby approved, subject to the issuance of the appropriate purchase orders to Allegiance Trucks.

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 thanked Chief Macko and his officers for his presentation to the community on safety; he recommends having forums twice a year to keep residents vigilant.

Councilman Downey thanked the personnel committee for their efforts implementing an Interim Business Administrator; he thanked Jim Gant for completing the Personnel Manual; his transitioning has been commendable; a search firm has been attained to replace him and posted on our website. DPW has three new hires starting in December.

Councilman Perry reported Finance Committee has recently met to discuss outstanding projects as well as current projects for 2024. The Recreation Committee emailed a survey to residents which has been engaging and positive; large interest in bocce courts as well as other great activities. Registration is open for the Patriot Polar Plunge on February 23; after party is at Rod's Tavern; sign up before January 25th for a hoodie; proceeds go towards Habitat for Humanity.

Councilwoman Richman had no report.

Councilman Zakin thanked Library Trustee Sue Blasi and Mayor Fetzer for serving on the Board of Trustees; their budget for 2024 is complete and will be incorporated into the municipal budget.

Council President Anthony thanked the Sea Girt Conservancy for their cleanup efforts along Edgemere Park and Route 71; she read a letter from The Monmouth County Planning Board whom awarded The Sea Girt Conservancy with the 2023 Planning Merit Award for the Edgemere Park Pollinator Garden and Revitalization project; she further thanked the Conservancy for hosting a US Fish & Wildlife Biologist presentation with speaker Danielle McCulloch who presented on the topic Healthy Coastal Habitat Supporting NJ's Fish, Wildlife and You. She further thanked the employees and the volunteers in the community who did a phenomenal job with our Christmas Tree and Menorah; she also thanked the volunteers who coordinated the fabulous holiday market.

Mayor Fetzer attended the library meeting where officers were elected for 2024; he encourages everyone to visit the library for many activities which are available for everyone. DPW Labor Negotiations completed a five-year contract. The Fire Department has had an active year with over 100 calls and participated in many community events; 2024 elections were held, the line officers return for another year, administrative officers moved up a step and Keith Helios will be President; he wished them well.

8. ADMINISTRATIVE REPORT

Jim Gant had no report.

Chief Macko thanked the community for the successful Faith in Blue Toy Drive; reaccreditation is scheduled for on January 7 and 8, 2024; he thanked the residents who attended the forum to discuss safety in the community; he thanked Mr. Gant on behalf of his employees and noted the Department could not have worked for a better person and wished him the best of luck going forward.

Ray Bogan commented he had the pleasure of serving both under and with Councilman Clemmensen as well as Administrator Jim Gant. He acknowledged Bob Ferguson as a premier volunteer and proud as a resident for what he has done in Sea Girt.

9. R-176-2023 - 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 November 29, 2023 and December 8, 2023 in the totals as follows:

Beach Operating	\$	8,819.26
Board of Rec Trust	\$	7,890.12
Current Fund	\$	832,120.34
General Capital	\$	16,413.95
Trust Other	\$	15,960.10
Unemployment Comp Trust	\$	667.71
Water Operating	\$	28,634.98

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)

Sue Blasi, New York Boulevard congratulated Councilman Clemmensen on his retirement. She also thanked Jim Gant for his many efforts helping with the Ukraine Relief Drive, he also had refurbished and re-installed a railroad historical marker by the Plaza and for his assistance on the library renovations; she wished him well.

Mike Meixsell, Chicago Boulevard read a statement from the Sea Girt Conservancy Board of Directors addressed to Jim Gant thanking him for his assistance and cooperation during his tenure.

Bob Ferguson, Philadelphia Boulevard commended Councilman Clemmensen for his outstanding contributions as councilman and to his wife Ginny for her support and advise during the years; he also commended Jim and wished him well; he commended Sue Blasi for her efforts in the community. He is grateful for the grant to upgrade memorial park; he would like to add monuments/boulders naming residents who were killed in action during war.

Hilary DiFeo, New York Boulevard thanked Councilman Clemmensen for his time, support and enthusiasm making Sea Girt a special place to live; she thanked Jim Gant and Bob Ferguson and wished them well.

Charles Gormally, New York Boulevard voiced his opinion on town wide assessments.

Tom Schnurr, Beacon Boulevard voiced his opinion regarding tax assessor methodology and town assessments. Attorney Ray Bogan responded tax assessors are checked by virtue of statutorily and regulatory compliance.

There being no comments from the public, and by consensus, the public hearing was closed. Borough Attorney, Ray Bogan 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. 177-2023** 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 pending 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.
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 9:57 PM. The mayor advised that Council had discussed pending litigation matters and to take action as follows:

UPON MOTION of Councilman Clemmensen, seconded by Council President Anthony, carried that the following **Resolution No. 178-2023** be and the same is hereby adopted:

WHEREAS, the Borough of Sea Girt holds the continued health and safety of its citizens in the utmost regard; and,

WHEREAS, the Township has learned that various municipalities and public entities are in the process of engaging in a class action lawsuit regarding PFAS, PFOS, and PFOA toxic chemicals (“forever chemicals”) against various entities that designed, manufactured, marketed, distributed and or sold the aforementioned forever chemicals; and,

WHEREAS, the defendant entities include, among others, 3M Company (f/k/a Minnesota Mining and Manufacturing Company, AGC Chemicals Americas Inc., Amerex Corporation, Archroma U.S., Inc., Arkema, Inc., Buck Eye Fire Equipment Company, Carrier Global Corporation, Chemdesign Products, Inc., Chemguard, Inc., Chemicals, Inc., Chemours Company FC, LLC, Chubb Fire, LTD, Clariant Corp., Corteva, Inc., Deepwater Chemicals Inc., Du Pont De Nemours Inc. (f/k/a Dowdupont Inc.), Dynax Corporation, E.I. Du Pont De Nemours and Company, Kiddie-Fenwal, Inc., Kiddie PLC, Nation Ford Chemical Company, National Foam, Inc., Chemours Company, Tyco Fire Products LP as success-in-interest to Ansul Company, United Technologies Corporation, and UTC Fire & Security Americas Corporation, Inc. (f/k/a GE Interlogix, Inc.); and,

WHEREAS, although the levels in the Borough’s wells are at the present time undetectable or nominal, the Borough does have an agreement to draw water from SMMUA, when and if necessary, and the governing body has determined that it is in the best interest of the Borough of Sea Girt and its citizens to retain and appoint special counsel for legal representation for potential claims as part of the Borough’s participation in a class action lawsuit regarding the aforementioned chemicals on a contingent fee basis; and,

WHEREAS, the Township desires to retain and appoint, to represent the Township’s interest, pursuant to N.J.S.A. 19:44A-20.5, through the non-fair and open process on a contingency fee basis; and

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE BOROUGH OF SEA GIRT:

1. That the Borough shall retain WILENTZ, GOLDMAN AND SPITZER, P.A. and the LAW OFFICES OF MICHAEL D. FITZGERALD as special counsel for the Borough of Sea Girt for the class action litigation addressing “forever chemicals”, including but not necessarily limited to, PFAS, PFOS, and PFOA, on a contingency fee basis.
2. The mayor is hereby authorized to execute the retainer agreement for the above-listed Special Counsel.
3. All Township officials including, but not limited to the Mayor, the Borough Administrator, and the Municipal Clerk, are hereby authorized and directed to take such ministerial actions as are necessary to effectuate the provisions of this resolution.

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			
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There being no further business, and **UPON MOTION** of Councilman Perry, seconded by Councilwoman Richman, carried, that the meeting be finally and immediately adjourned at 10:00 PM.

Dawn Harriman, RMC
Municipal Clerk