

MINUTES
RE-ORGANIZATION/REGULAR/VIRTUAL MEETING
January 3, 2024 - 7:00 PM

The Regular/virtual Meeting of the Borough of Sea Girt Council was called to order by Mayor Don Fetzer at 7:00 PM on Wednesday, January 3, 2024. Mayor Fetzer led those participating in the Pledge of Allegiance.

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 | |
| Councilwoman DiFeo | X | |
| Councilman Downey | X | |
| Councilman Perry | X | |
| Councilwoman Richman | | X |
| Councilman Zakin | X | |
| Mayor Fetzer | X | |

Clerk, Dawn Harriman Administered the Oath of Office to Donald E. Fetzer – Mayor – full term through December 31, 2027

Mayor Fetzer noted there will be no oaths administered to the Fire Department due to illnesses; he then administered the following Oath of Office to:

- Diane Anthony – Council Member – full term through December 31, 2026
- Hilary DiFeo – Council Member – full term through December 31, 2026

2. ELECTION OF COUNCIL PRESIDENT - UPON MOTION of Councilman Perry, seconded by Councilman Downey, carried, that Diane Anthony be and she is hereby appointed as Borough Council President for the year 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 | | | |

3. R-01-2024 - REORGANIZATIONAL ASSIGNMENTS (read aloud by the Municipal Clerk)

| PUBLIC SAFETY | |
|----------------------|---------------|
| Chair | Tom Downey |
| Member | Alan Zakin |
| Member | Donald Fetzer |
| Police | Tom Downey |
| Fire | Donald Fetzer |

| | |
|---|-------------------|
| Zoning-Code Enforcement | Alan Zakin |
| | |
| PERSONNEL/ADMINISTRATION/LEGISLATION | |
| Chair | Tom Downey |
| Member | Hilary DiFeo |
| Member | Diane Anthony |
| | |
| PUBLIC BUILDINGS/GROUNDS/LANDSCAPING | |
| Chair | Diane Anthony |
| Member | Dr. Maria Richman |
| Member | Bryan Perry |
| | |
| PUBLIC WORKS | |
| Chair | Alan Zakin |
| Member | Diane Anthony |
| Member | Donald Fetzer |
| | |
| WATER/SEWER DEPARTMENT | |
| Chair | Hilary Difeo |
| Member | Don Fetzer |
| Member | Alan Zakin |
| | |
| BEACHFRONT MANAGEMENT | |
| Chair | Dr. Maria Richman |
| Member | Hilary DiFeo |
| Member | Bryan Perry |
| | |
| LIBRARY | |
| Chair | Alan Zakin |
| Member | Diane Anthony |
| Member | Bryan Perry |
| | |
| ENVIRONMENTAL/WETLANDS CONSERVATION | |
| Chair | Diane Anthony |
| Member | Dr. Maria Richman |
| Member | Alan Zakin |
| | |
| INSURANCE/LABOR NEGOTIATIONS | |
| Chair | Maria Richman |
| Member | Alan Zakin |
| Member | Hilary DiFeo |
| | |
| FINANCE/CAPITAL IMPROVEMENTS/EQUIPMENT | |
| Chair | Bryan Perry |
| Member | Tom Downey |
| Member | Donald Fetzer |
| | |
| SPECIAL COMMITTEES: | |

| | |
|--|------------------------------------|
| JIF SAFETY COMMITTEE | |
| Administration | OPEN |
| Police Department | Chief Justin Macko |
| Fire Department | Fire Chief Brandon Fetzer |
| Public Works Department | Michael McArthur |
| Beach Department | James Freda |
| LOCAL EMERGENCY PLANNING COMMITTEE | |
| Mayor and Director | Donald Fetzer |
| Public Safety | Tom Downey |
| Member | Ray Bogan |
| Emergency Management Coordinator (3-year term) | Timothy Harmon |
| Deputy Emergency Management Coordinator (3-year term) | Chief Justin Macko |
| Administration Representative | OPEN |
| Finance Representative | Amy Spera |
| Law Enforcement Representative | Chief Justin Macko |
| Fire Department Representative/Safety Officer | Brandon Fetzer |
| Shared Service EMS | Rob DeMartin |
| EMS Representative | Nancy Weeks, (Manasquan First Aid) |
| Public Works Representative | Michael McArthur |
| Oceanfront Water Ops | James Freda |
| Health Department Representative | Diane Anthony |
| Sea Girt School Representative | Rick Papera |
| MONMOUTH MUNICIPAL JOINT INSURANCE FUND (2 Year Term) | |
| Fund Commissioner through 12/31/2024 | Justin Macko |
| Alternate Fund Commissioner through 12/31/2024 | Dawn Harriman |
| R-02-2024 APPOINTMENTS AFFIRMED BY COUNCIL: | |
| ADA Coordinator/Alternate | OPEN/Michael McArthur |
| CDBG Representative/Alternate | OPEN/Megan Thompson |
| Clean Communities Coordinator | Michael McArthur/Trevor Palmer |
| Designated Employer Representative - (Drug/Alcohol Testing) | Richard Lyster |
| Fire Official | Christopher Willms |
| Public Agency Compliance Officer (PACO) | Amy Spera |
| Recycling Coordinator | Trevor Palmer |
| SMMUA Representative/Alternate (5-year term through 2027) | OPEN/Michael McArthur |
| SMRSA Representative (5-year term expires December, 2027) | Mike Meixsell |
| Board of Education Liaison | Dr. Maria Richman |
| Sea Girt Conservancy Liaison | Diane Anthony |
| Sea Girt Library | Alan Zakin |

| | | |
|--|------------------|-------------------|
| Sea Girt Recreation Commission Liaison | Hilary DiFeo | |
| Sea Girt Lighthouse Citizen Committee Liaison | Alan Zakin | |
| JERSEY SHORE REGIONAL HEALTH COMMISSION Representative | Diane Anthony | |
| BOARDS AND COMMISSIONS: | | |
| | | |
| PLANNING/ZONING BOARD | | |
| Class I Mayor | Don Fetzer | December 31, 2024 |
| Class II (1 year term) | Karen Brisben | December 31, 2024 |
| Class III (1year term) | Diane Anthony | December 31, 2024 |
| Class IV 4-year term | Carla Abrahamson | December 31, 2024 |
| Class IV 4-year term | Jake Casey | December 31, 2024 |
| Class IV – 4-year term | Norman Hall | December 31, 2025 |
| Class IV – 4-year term | Eileen Laszlo | December 31, 2024 |
| Class IV- 4-year term | Robert Walker | December 31, 2026 |
| Class IV – 4-year term | John Ward | December 31, 2024 |
| Alternate #1 – 2-year term | Stan Koreyva | December 31, 2025 |
| Alternate #2 – 2-year Term | Tom Britt | December 31, 2024 |

| | | |
|--|----------------|-------------------|
| BOARD OF HEALTH/JERSEY SHORE REGIONAL HEALTH COMMISSION (Three Year Term) | | |
| Chairperson | Diane Anthony | December 31, 2025 |
| Member | Justin Macko | December 31, 2025 |
| Member | Dawn Harriman | December 31, 2025 |
| | | |
| BOARD OF RECREATION COMMISSION (Five Year Term) | | |
| Chairman | M. D’Altrui | December 31, 2024 |
| Member | Mark Leddy | December 31, 2026 |
| Member | Jennifer Perry | December 31, 2024 |
| Member | Lori Loughlin | December 31, 2024 |
| Member | Kevin Reid | December 31, 2026 |
| | | |
| SHADE TREE COMMISSION (Five Year Term) | | |
| Chairman | R Strang-Wolf | December 31, 2028 |
| Member | Bill Drew DPW | December 31, 2028 |
| Member | Alex Fatenko | December 31, 2028 |
| Member | Clark Lydic | December 31, 2025 |
| Member | Conrad Yauch | December 31, 2025 |
| | | |
| SHORE COMMUNITY ALLIANCE | | |
| Member | Maria Richman | December 31, 2024 |
| Member | Justin Macko | December 31, 2024 |

| | | |
|----------------------------------|-----------------|-------------------|
| Member | Rick Papera | December 31, 2024 |
| LIBRARY BOARD OF TRUSTEES | | |
| Member | Don Fetzer | December 31, 2024 |
| Member | Susan Blasi | December 31, 2026 |
| Member | Patricia Connor | December 31, 2027 |
| Member | Jean McFadden | December 31, 2024 |
| Member | James Mulvihill | December 31, 2024 |
| Member | Devon Smith | December 31, 2025 |
| Member | Rick Papera | December 31, 2024 |

E. OTHER APPOINTMENTS:

2024 Sea Girt Fire Company Roster:

Line Officers:

Chief of Department: Brandon Fetzer
Assistant Chief: Carl Scipione
Captain: Devon Clancy
First Lieutenant: Tim Harmon
Second Lieutenant: Neil Robinson
Chief Engineer: Edward Sidley
Assistant Engineers: William Baeszler, Pat Cavanaugh, William Loughran, Chris Willms
Fire Police Captain: Clark Lydic
Fire Police Lieutenant: Wayne Dreyer
Fire Police Officers: Ted Griffin, Norm Hall, John Luke and Larry O’Connell, John Reilly, Rich Stafford

Fire Department Active Members:

Joseph Accurso, William Baeszler, Douglas Bohrer, Alex Branch, Thomas Branch, Dan Brennan, John Broskey, Jason Castillo, Pat Cavanaugh, Devon Clancy, Thomas Crawley, Jack deCastro, Brandon Fetzer, Donald Fetzer, John Gibbs, Kevin Hanley, Timothy Harmon, Keith Heilos, Edward Hill, Luke Iannacone, Paul Johnson, Dan Laili, William Loughran, Matt Mastroilli, Thomas McNamara, Martin Minkowicz, George Molyneaux, Dylan Ownes, Christopher Randazzo, Neil Robinson, Carl Scipione, Edward Sidley, Ray Thorn, Christopher Willms, Marcello Zilioli,

Fire Department Junior Members:

Ryan Prior

Fire Department Approved Drivers of Apparatus:

Joseph Accurso, William Baeszler, Pat Cavanaugh, Devon Clancy, Thomas Crawley, Jack deCastro, Brandon Fetzer, Timothy Harmon, Keith Heilos, William Loughran, George Molyneaux, Neil Robinson, Carl Scipione, Edward Sidley, Christopher Willms

Police Department:

SLEO I’s: Thomas Murtha, Jacob Gold, Kenneth Malloy and Kevin Budge

SLEO II’s: Jacob Glantzman, James McGee, Kevin Kile, Teresa Yeager, Alistar Hall and Cole Duhigg, Brendan Parke and Carmine Pannullo III

Crossing Guards: Dawn Sherman, Sandra Bolchune, Carol Hanley, Lisa DeBoer, Kevin Hanley

Matrons: Lisa DeBoer, Dawn Sherman, Sandra Bolchune, Jennifer Fary

4. **CONSENT AGENDA – UPON MOTION** of Councilman Zakin, seconded by Council President Anthony, carried, that the following Resolutions be and the same is hereby adopted:

▪ **R-04-2024: Conduct of Council Meetings**

WHEREAS, the Governing Body of the Borough of Sea Girt recognizes the right of any member of the public to address the Council on matters of public concern, and wishes to ensure the orderly conduct of Council meetings in an atmosphere of civility and decorum, the following rules are established.

1. Any person wishing to address Council must first be recognized by the mayor or presiding officer.
2. Upon being recognized such person shall advance to the lectern facing the Governing Body and, using the microphone, state his or her name and address.
 - A. Persons addressing Council shall be limited to 5 minutes for Public Participation (on agenda items), and shall confine their comments to the issue at hand.
 - i. This time limitation may be extended by the presiding officer in exceptional situations, or where the mayor or presiding officer determines that the topic or circumstances warrant allotting more time for the speaker.
 - B. Persons addressing Council shall be limited to 5 minutes for Public Participation on any Subject.
 - C. Person addressing Council shall be limited to 4 minutes for Public Hearing comments.
 - D. The public comment portion of our meeting is not structured as a question-and-answer session.
 - E. The Council will respect the public’s time by refraining any comment until the speaker has finished with their allotted time.
3. All statements or questions shall be directed to the Council as a body and not to any individual Council member. No person other than a member of Council shall enter into any discussion with the person having the floor without the express permission the presiding officer.
4. Persons addressing Council may not approach the Council table without first obtaining permission from the presiding officer and shall not leave the lectern to disseminate any material to other members of the Public in attendance.
5. All statements or questions shall be expressed in a non-belligerent and civil manner, and no person addressing the council shall conduct him or herself in a boisterous manner, nor shall a person engage in any other behavior which disrupts or otherwise interferes with the conduct of a meeting.
6. Violation of any of these rules may result in a direction that the offending person resume his or her seat so that the meeting can proceed in an orderly manner, except that if the speaker shall submit to proper order under these rules, permission for him or her to continue may be granted by a majority of the Council.
7. Refusal to comply with these rules may result in the expulsion of the offender from the meeting.
8. At the request of the mayor or presiding officer, the Sea Girt Police Department shall designate a member of the Department to serve as sergeant-at-arms at Council meetings and he or she shall carry out all orders and instructions given by the mayor or presiding officer for the purpose of maintaining order and decorum at such meetings.
9. Each Council member shall cooperate with the mayor and presiding officer in preserving order and decorum, and no member shall, by conversation or otherwise, delay or interrupt the proceedings of the Council, nor disturb any member, or fail to abide by the orders of the mayor or presiding officer, unless granted permission to do so by the mayor or presiding officer.
10. The Borough Administrator will regulate the time during the comment portion of the meeting.

11. The Mayor and Council will often times direct the Borough Administrator to review the speaker's comments and/or concerns to assign the respective Department Head for follow up after the meeting was adjourned

▪ **R-05-2024: Award Professional Services**

WHEREAS, N.J.S.A. 40A:11-5 (1) (a) (1) permits the governing body to award a professional services contract without publicly advertising for bids and bidding therefor; and

WHEREAS, the borough council has determined that there is a need for professional services during the 2024 calendar year; and

WHEREAS, the borough council has determined to provide the need to acquire these professional services as a fair and open contract pursuant to the provisions of N. J. S. A. 19:44A-20.4; and

WHEREAS, the Chief Financial Officer of the municipality has determined and certified in writing that the value of these professional services may exceed \$17,500; and

WHEREAS, the anticipated term of these contracts is one year (January 1, 2024 to December 31, 2024); and

WHEREAS, the following professional services providers have or will submit contracts to be reviewed for completeness and approval by the borough attorney indicating that they will provide their services for the agreed upon rate (s) that are contained in their contracts that are on file in the Clerk's Office.

- Auditor – Robert A. Hulsart
- Borough Engineer Leon S. Avakin, Inc.
- Bond Counsel – John Cantalupo of Archer & Greiner
- Borough Attorney – Raymond Bogan of the Firm Sinn, Fitzsimmons, Cantoli, Bogan, West & Steuerman
- Labor Attorney – Mark S. Ruderman of the firm Ruderman and Roth
- Municipal Water & Sewer Engineer – Patrick Cole, H2M
- Information Technology Services (IT)
- Municipal Prosecutor, James Carton
- Alternate Municipal Prosecutor - Michael Lynch
- Public Defender - Donald Greer
- Employee Assistance Program – Dr. White

These appointments are made pursuant to N. J. S. 2B:12-1 et seq.

▪ **R-06-2024: Council Meeting Schedule**

WHEREAS, it is required pursuant to the Laws of the State of New Jersey that the Governing Body of a municipality meet regularly at a place and time so designated or virtually via Zoom platform. The login information for each meeting shall be advertised at least 48 hours in advance by posting on the Borough website: www.seagirtboro.com.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sea Girt, that Regular Meetings of the Borough Council be held during 2024 as follows:

ANNUAL MEETING NOTICE

In compliance with the "Open Public Meetings Act (N.J.S.A. 10:4-6, et seq.) please find the following schedule of Regular Meetings for the year 2024. All meetings are open to the public, and all meetings may require that the Mayor and Council of the Borough of Sea Girt recess into Executive Session. These meetings will be held at the Sea Girt Elementary School and virtually via the Zoom

platform at 7:00 PM until further notice. Official action shall be taken at each of the meetings of the Sea Girt Borough Council. The meeting dates shall be as follows: January 3, 2024, February 7, 2024, March 13, 2024, April 10, 2024, May 8, 2024, June 12, 2024, July 10, 2024, August 14, 2024, September 11, 2024, October 9, 2024, November 13, 2024 and December 11, 2024

BE IT FURTHER RESOLVED that the 2025 Reorganization Meeting of the Borough Council will be held on January 8, 2025 at 7:00 PM; when in person meetings are held, it will be at the Sea Girt Elementary School, Bell Place, Sea Girt; if the meeting is virtually only, it will be held via the Zoom platform and meeting login information will be advertised and posted as required.

▪ **R-07-2024: Designate Official Newspapers – *Asbury Park Press & Coast Star***

WHEREAS, Section 3(d) of the open Public Meetings Act, Chapter 231, P.L. 1975, requires that notice of meetings be submitted to two (2) newspapers, designated as the official newspapers of the Borough.

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 Coast Star* and *The Asbury Park Press* shall be designated as the official newspapers of the Borough of Sea Girt for the year 2024.

▪ **R-08-2024: Mayor to Effectuate Proper Decorum, Assign the Seating Arrangement**

WHEREAS, Chapter 2 of the Borough of Sea Girt Municipal Code states the council shall meet for organization on the first day of January or within the first 7 days in January in any year at such time and place as council may direct; and

WHEREAS, as Chapter 2-3 under the Powers and Duties of Mayor shall maintain peace and good order; and

WHEREAS, Chapter 2-3.1 states the mayor shall on all occasion preserve order and decorum; and

WHEREAS, Chapter 2-5.1 states the deliberations of the council shall be governed by Roberts Rules of Order; and

NOW, THEREFORE, BE IT RESOLVED, that they Mayor, in order to effectuate proper decorum, assigns the seating arrangement for the year beginning 2024 for the members of council as follows:

- Council President Anthony
- Councilwoman DiFeo
- Councilman Downey
- Councilman Perry
- Councilwoman Richman
- Councilman Zakin

▪ **R-09-2024: CDBG Representative**

WHEREAS, the Monmouth County Community Development Program requires that a representative and/or an alternate representative for the Borough of Sea Girt be appointed by resolution.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Sea Girt that Justin Macko, be and is hereby appointed as the representative to the Monmouth County Community Block Grant Development Program effective January 1, 2024 through December 31, 2024; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that Megan Thompson, be appointed as the Deputy Representative, respectively, for the Borough of Sea Girt to the Monmouth County Community Development Program.

▪ **R-10-2024: ADA Coordinator**

WHEREAS, Section 504 of the Rehabilitation Act of 1973 requires that participants in the Community Development Block Grant Program appoint a Section 504 - ADA Coordinator and Deputy Coordinator.

NOW, THEREFORE, BE IT RESOLVED, that Justin Macko be and he is hereby appointed as Section 504 - ADA Coordinator for the Borough of Sea Girt.

▪ **R-11-2024: Setting Mileage Reimbursement Rate**

WHEREAS, the Mayor and Council of the Borough of Sea Girt reimburse officials, officers and employees for automobile business usage; and

WHEREAS, the Mayor and Council are desirous of setting a rate for automobile business usage; and

WHEREAS, the State of New Jersey reimbursement rate for standard mileage expense rate for automobile business usage for Fiscal Year 2024 will be \$0.67 per mile.

▪ **R-12-2024: Depositories for Borough Funds**

BE IT RESOLVED by the Borough Council of the Borough of Sea Girt that the Chief Financial Officer is hereby designated custodian of all funds of the Borough of Sea Girt and is directed to deposit such funds in one or more of the following banks, their successors or assigns, pending investment or reinvestment thereof:

Amboy Bank
Investors Savings Bank
Manasquan Bank
Provident Bank
TD Bank NA

BE IT FURTHER RESOLVED that the Chief Financial Officer is authorized to invest idle funds periodically, provided that he shall report such investment to the Governing Body in accordance with *N.J.S.A.* 40A:5-15 and such reports shall be noted in the Minutes of a Regular Meeting of the Governing Body.

▪ **R-13-2024: Designate Signatories on Borough's Bank Accounts – Mayor, Clerk, Tax Collector, CFO**

BE IT RESOLVED, by the Council of the Borough of Sea Girt that, in addition to those previously authorized (Borough Administrator, Amy Spera, Karen Brisben and Don Fetzler), the following Borough representative is hereby authorized to sign checks or withdrawal slips; a single signature is required for payroll checks and any two of the authorized signatures are required for all other checks:

Megan Thompson

BE IT FURTHER RESOLVED that the signature cards with the signatures of the persons authorized to sign be forwarded to Manasquan Bank.

▪ **R-14-2024: Public Agency Compliance Officer (PACO)**

WHEREAS, the State of New Jersey Department of Treasury has advised the Borough of Sea Girt that a Public Agency Compliance Officer (PACO) needs to be appointed for the Borough in relation to Affirmative Action in Public Contracts; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sea Girt that Amy Spera is hereby appointed Public Agency Compliance Officer for the Borough of Sea Girt for the one-year term through December 31, 2024 and until his successor be appointed.

▪ **R-15-2024: Set the fee for non-negotiable instruments submitted to the Borough - \$20.00**

WHEREAS, the Borough Council of the Borough of Sea Girt has been asked by the Municipal Court, Tax, Licensing, Beach and Water and Sewer Depts. to adopt fees and charges according to law for returned checks and instruments payable to the Borough of Sea Girt and its public persons and related entities which are not in fact paid as a result of same failing to comply with appropriate provisions of the Banks upon which they are drawn and/or by reason including *N.J.S. 40:5-18*; and,

WHEREAS, the Borough Council deems it in the best interest of the Borough that these costs and charges should be paid by and passed on to the person or persons or entities writing said instruments and/or utilizing said instruments in an attempt to pay for services and/or fines and/or other obligations owing to the Borough of Sea Girt.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Sea Girt in the County of Monmouth and State of New Jersey does hereby adopt this Resolution setting forth as a fee for uncollected checks, checks with insufficient funds and other financial instruments and per *N.J.S. 40:5-18* and other legal authority and the power therein set forth enabling a municipality to adopt and set said fee by Resolution and/or Ordinance and the Borough deeming it sufficient to do same by Resolution.

BE IT FURTHER RESOLVED that a Twenty Dollar (\$20.00) fee shall be and is hereby set per check or other instrument for a service charge and same shall be payable to the Borough of Sea Girt and/or Municipal Court of the Borough of Sea Girt as appropriate and deposited in the appropriate accounts pursuant to law.

▪ **R-16-2024: Change Funds – Beach, Administrative Offices**

WHEREAS, it has been deemed necessary to establish a change fund for the use of the Beachfront Office of the Beach Utility, and said fund will be maintained during the summer season and terminated at the close of the Beachfront Office in September; and,

WHEREAS, it has been deemed necessary to establish a change fund for the use of the Administrative and Collection Offices of the Borough of Sea Girt.

NOW, THEREFORE, BE IT RESOLVED, that a check be drawn to the Beach Cashier in the amount of Three Thousand Five Hundred Dollars (\$3,500.00) for the establishment of a Beachfront Change Fund.

BE IT FURTHER RESOLVED, that a check be drawn to the Municipal Clerk for use of the Borough Administrative and Collection Offices of the Borough of Sea Girt in the amount of One Hundred Dollars (\$100.00) for the continuation of a Municipal Operations and Tax Collections Change Fund.

▪ **R-17-2024: Payment of Certain Bills Prior to Council Meetings**

WHEREAS, due to the meeting schedule of the Mayor and Council, the payment of certain bills is occasionally necessary in advance of the Regular Meeting date.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Sea Girt that the authorized signatories are hereby authorized to sign checks for the following purposes, subject to approval at the next meeting of Council, and subject to the availability of funds:

1. *School Taxes*
2. *County Taxes*
3. *Payrolls – all obligations*
4. *Health Benefits*
5. *Insurance Premiums*
6. *Employee related contractual obligations, garnishments, liens, unemployment, disability, etc.*
7. *Postage – replenish meter*
8. *Recreation Trust Fund Expenses*
9. *Debt Service*
10. *Petty Cash Fund*
11. *Petty Cash Fund – replenish fund*
12. *Gasoline Purchases*
13. *Trust Fund – TTL Redemptions*
14. *Government Fees, Applications, Etc.*
15. *Dated Bills carrying Interest or Late Charges*

▪ **R-18-2024: Set Grace Period for Property Tax Payments; set interest rates for Delinquent Property Tax Payments**

WHEREAS, property taxes are due and payable according to law, on the first of February, May, August and November of the calendar year; and,

WHEREAS, pursuant to the provisions of *N.J.S.A. 54:4-67*, the governing body of the Borough of Sea Girt has determined that it is appropriate to set a grace period for the payment of taxes until the 10th day of February, May, August and November after which the payments shall become delinquent with interest due and payable from the first day of the quarter; and,

WHEREAS, Chapter 75, P.L. 1991, provides for a six percent flat penalty at the close of the fiscal year to be charged on delinquencies over \$10,000; delinquencies being defined as all unpaid property taxes and municipal charges;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sea Girt, that the Tax Collector shall charge interest on delinquent taxes from the date that same were first due and payable at 8% per annum on the first \$1,500.00 of the delinquency and 18% per annum on any amount in excess of \$1,500.00.

BE IT FURTHER RESOLVED, that the Borough Council authorizes the Tax Collector to charge a six (6%) percent flat penalty at the close of 2024 on delinquencies over \$10,000.00.

WHEREAS, the application to establish a Petty Cash Fund in the Office of the Borough Clerk, of the Borough of Sea Girt has been approved by the Director of Local Government Services, now therefore,

BE IT RESOLVED, by the Mayor and Council of the Borough of Sea Girt that Amy Spera, Chief Financial Officer, is hereby authorized to draw checks as follows:

\$100.00 which sum is to be utilized as a Petty Cash Fund in the Office of the Borough Clerk

BE IT FURTHER RESOLVED, that the said Amy Spera, Chief Financial Officer, is hereby authorized to draw similar checks in the future, pursuant to the guidelines established in the approved application at whatever times the said Petty Cash Fund required additional monies.

▪ **R-19-2024: Petty Cash Fund**

WHEREAS, the application to establish a Petty Cash Fund in the Office of the Borough Clerk, of the Borough of Sea Girt has been approved by the Director of Local Government Services, now therefore,

BE IT RESOLVED, by the Mayor and Council of the Borough of Sea Girt that Amy Spera, Chief Financial Officer, is hereby authorized to draw checks as follows:

\$100.00 which sum is to be utilized as a Petty Cash Fund in the Office of the Borough Clerk

BE IT FURTHER RESOLVED, that the said Amy Spera, Chief Financial Officer, is hereby authorized to draw similar checks in the future, pursuant to the guidelines established in the approved application at whatever times the said Petty Cash Fund required additional monies.

▪ **R-20-2024: Cash Management Plan**

BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Sea Girt County of Monmouth, New Jersey, that for the year 2024 the following shall serve as the cash management plan of the Borough of Sea Girt.

The Chief Financial Officer is directed to use this cash management plan as the guide in depositing and investing the Borough of Sea Girt funds.

The following are suitable and authorized investments.

Interest-bearing bank accounts and certificates of deposit in authorized banks, listed below, for deposit of local unit funds.

Government money market mutual funds as comply with N.J.S.A 40A:5-15.1 (e)

Local government investment pools which pools which comply with N.J.S.A. 40A:5-15.1 (e) and conditions set by the Division of Local Government Services.

New Jersey State Cash Management Fund.

(a) Repurchase agreements (repos) of fully collateralized securities which comply with N.J.S.A. 40A:5-15.1

The following Government Unit Depository Protection Act approved banks are authorized depositories for the deposit of funds.

Manasquan Savings Bank

205 Main Street
Manasquan, NJ 08736

The CFO shall report to the governing body and account that does not earn interest.

▪ **R-21-2024: Cash Management Policy**

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Sea Girt, County of Monmouth, New Jersey, that the Chief Financial Officer shall administer the cash management plan adopted on January 3, 2024 through compliance with 40A:5-1 et seq, prudent application of these cash management policies, which shall not conflict the plan in any way.

I. Objectives: the priority of investing practices shall be, in order of descending importance, **security, liquidity, and yield.**

- A. **Security:** The safety of principal is the foremost objective of the cash management plan. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The objective is to mitigate credit risk and interest rate risk.
1. **Credit Risk:** Credit risk is the risk of loss due to failure of the security issuer or backer. Credit risk may be mitigated by:
 - a. Limiting investments to the safest types of securities.
 - b. Pre-qualifying the financial institutions, broker/dealers, intermediaries, and advisors with which an entity will do business.
 2. **Interest Rate Risk:** Interest rate risk is the risk that the market value of the securities in the portfolio will fall due to changes in general interest rates. Interest rate risk may be mitigated by:
 - a. Structuring the investment portfolio so that securities mature to meet cash requirements for ongoing operations, thereby avoiding the need to sell securities on the open market prior to maturity, and
 - b. By investing operating funds primarily in shorter-term securities.
- B. **Liquidity:** The portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated. Investments of various funds should be structured so that they match the potential need. Thus, investments of operating funds should be kept in investments with a maturity of not more than one year. Investments of a capital, or long term trust fund nature should match the expected use of the funds, but not to exceed five years. Investments should consist of securities with active secondary markets or in mutual funds that permit liquidation at net asset value. Securities shall not be sold prior to maturity with the following exceptions:
1. A declining credit security could be sold early to minimize the loss of principal.
 2. A security swap would improve the quality, yield, or target duration in the portfolio.
 3. Liquidity needs of the local unit require that the security be sold.
- C. **Yield:** The investment portfolio must be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and liquidity needs. Return on investment is of least importance compared to the safety and liquidity objectives described above. The core of investments is limited to relatively low risk securities in anticipation of earning a fair return relative to the risk being assumed. The chief financial officer shall carefully evaluate the legality, security, and yield attributes of any investment offering above market yields.

II. Standards of Care

A. Prudence

The standard of prudence to be used by investment officials shall be the "prudent person" standard and shall be applied in the context of managing an overall portfolio in accordance with State law and this policy. Chief financial officers acting in accordance with the cash management plan and policy shall be relieved of any liability for loss of such moneys due to the insolvency or closing of any depository designated by, or the decrease in value of any investment authorized by, the cash management plan.

Investment shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

B. Ethics and Conflicts of Interest

Officers and employees involved in the investment process shall not have personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions. Employees and investment officials shall disclose any material investment in financial institutions with which they conduct business. They shall disclose any personal financial/investment positions that could be related to the performance of the investment portfolio. Employees and officers shall refrain from undertaking personal investment transactions with the same individual with whom business is conducted on behalf of their entity. Personnel involved in investment activities shall comply with the Local Government Ethics Law.

C. Delegation of Responsibility and Authority

Responsibility and authority to manage the cash management plan and policy is granted to the chief financial officer pursuant to N.J.S.A. 40A:5-14. No person may engage in an investment transaction except as provided under the terms of the policy and the written procedures established by the chief financial officer. The chief financial officer shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials.

III. Safekeeping and Custody

A. Authorized Banks for Deposit of Governmental Funds

The cash management plan shall list all authorized banks for deposit of governmental funds. Only banks approved by the Department of Banking and Insurance under the Government Unit Depository Protection Act (GUDPA) can be approved depositories.

B. Internal Controls

1. The governing body shall act to provide that the agency has an internal control structure that is established, defined and maintained to ensure that the assets of the entity are protected from loss, theft or misuse. The chief financial officer shall develop written internal controls and submit them to the governing body for approval. The internal control structure shall be designed

to provide reasonable assurance that the assets of the entity are protected from loss, theft or misuse. The concept of reasonable assurance recognizes that:

- a. the cost of a control should not exceed the benefits likely to be derived.
- b. the valuation of costs and benefits of internal controls requires estimates and judgments by management.

C. Delivery vs Payment

All trades where applicable will be executed by delivery vs payment (DVP). This ensures that securities are deposited in the eligible financial institution prior to the release of funds. Securities will be held by a third-party custodian as evidenced by safekeeping receipts.

IV. Policy

The cash management plan must be approved by the governing body, by resolution, on an annual basis, and may be amended at any time during the year to reflect changes due to changes in laws, depositories, funds or investments.

- **R-22-2024: Permit Tax Collector and Chief Financial Officer to cancel small balances or process refunds less than \$10 with no further action of Council**

WHEREAS, P.L. 1983, c.568, permits the governing body to authorize a municipal employee to cancel a small balance or process a property tax refund of less than \$10.00 with no further action of the governing body required; and,

WHEREAS, P.L. 2013, C.54 effective May 9, 2013 (amending P.L. 1983, c.568) permits the governing body to authorize a municipal employee to cancel a small balance or process a refund of fees and charges imposed by the municipality of less than \$10.00 with no further action of the governing body required.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sea Girt that Karen Brisben, Tax Collector and Chief Financial Officer, be and they are hereby authorized to cancel small balances or process refunds of fees and charges imposed by the municipality of less than \$10.00 with no further action of the Borough Council required.

- **R-23-2024: Set Fee for Individual Meeting Notice**

WHEREAS, Section 14 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the public body to fix a reasonable sum to be charged to persons who request that notice of meetings as required under the Act be mailed to them individually; and;

WHEREAS, said sum is to cover the costs of providing such notice; and;

WHEREAS, said section further permits the public body to provide such notices free of charge to news media who so request said notice.

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. Each person who requests that individual notice as required under the Act be mailed to him or her shall pay annually to the Borough of Sea Girt the sum of \$25.00 to cover the costs thereof.

2. Requests for such individual notice made by news media shall be granted without cost.
3. The sum herein designated is subject to change upon the adoption of a superseding resolution by this public body.
 - **R-24-2024:** Providing Defense fees for Police

WHEREAS, *N.J.S.A.* 40A:14-155 provides that the governing body of a municipality shall provide police officers with the necessary means of defense of an action or proceeding brought against them arising out of and directly related to the lawful exercise of police powers and in the furtherance of his official duties;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Sea Girt that the Public Safety Sub-Committee is authorized to consent to a police officer's request for representation by private defense counsel provided, however, that the Borough of Sea Girt will be responsible for the payment of the attorneys fees only if it is determined that the acts charged against him were directly related to the lawful exercise of police powers in the furtherance of the officer's official duties. In no event will such fees exceed \$200.00 per hour for preparation and consultation or \$750.00 per court appearance.

- **R-25-2024:** Governing Body Certification of Compliance with the United States Equal Employment Opportunity Commission

WHEREAS, *N.J.S.A.* 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, That the Borough Council of the Borough of Sea Girt, hereby states that it has complied with *N.J.S.A.* 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

- **R-26-2024:** 2024 Clean Ocean Action Cleanup Dates – April 13th and October 19th

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

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

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

NOW, THEREFORE BE IT RESOLVED, the Borough Council of the Borough of Sea Girt, does hereby authorize the following Beach Sweeps on April 13 and October 19, 2024 from 9:00am to 12:30 pm, respectively, subject to the following:

1. Clean Ocean Action will provide a Beach Captain to help organize the clean-up, direct volunteers and ensure proper collection by categorizing and separating debris, and
2. The Beach Captain will coordinate with the Public Works Department Manager before the event to make the necessary trash pick-up and recycling arrangements.
3. Clean Ocean Action shall provide to the Borough of Sea Girt a Certificate of Insurance naming the Borough of Sea Girt as an additional insured with General Liability Insurance in the amount of a Combined Single Limit of \$1,000,000.00; proof of said policy shall be provided to the Borough prior to April 1, 2024.
4. Volunteers will not be permitted in the closed areas of the beach in order to protect the nesting grounds of endangered species.

Recorded Vote:

| | Ayes | Nays | Absent | Abstain |
|---------------------------|-------------|-------------|---------------|----------------|
| Council President Anthony | X | | | |
| Councilwoman DiFeo | X | | | |
| Councilman Downey | X | | | |
| Councilman Perry | X | | | |
| Councilwoman Richman | | | X | |
| Councilman Zakin | X | | | |

5. **OTHER BUSINESS:** None at this time.
6. **ADJOURN to Regular Meeting – UPON MOTION** of Councilman Perry, seconded by Councilman Downey, carried, the Re-Organizational meeting be adjourned. The Borough council moved immediately to the agenda for the regular meeting.

REGULAR MEETING

- **The Borough Clerk advised the presence of councilpersons, except Councilwoman Richman who is absent.**

5. APPROVE MINUTES: (consensus)

- **R-27-2024: Approve Minutes, December 13, 2023**

UPON MOTION of Councilman Zakin, seconded by Councilman Perry, carried, that Executive Session Minutes of the Regular Meeting held December 13, 2023 be and the same are hereby approved.

Recorded Vote:

| | AYES | NAYS | ABSENT | ABSTAIN |
|---------------------------|-------------|-------------|---------------|----------------|
| Council President Anthony | X | | | |
| Councilwoman DiFeo | X | | | |
| Councilman Downey | X | | | |
| Councilman Perry | X | | | |
| Councilwoman Richman | | | X | |
| Councilman Zakin | X | | | |

- **R-28-2023: Approve Executive Session Minutes of December 13, 2023**

UPON MOTION of Councilman Zakin, seconded by Councilman Perry, carried, that Executive Session Minutes of the Regular Meeting held December 13, 2023 be and the same are hereby approved.

Recorded Vote:

| | AYES | NAYS | ABSENT | ABSTAIN |
|---------------------------|------|------|--------|---------|
| Council President Anthony | X | | | |
| Councilwoman DiFeo | X | | | |
| Councilman Downey | X | | | |
| Councilman Perry | X | | | |
| Councilwoman Richman | | | X | |
| Councilman Zakin | X | | | |

6. **OPEN DISCUSSION:** Mayor Fetzer welcomed Councilwoman DiFeo who is replacing Councilman Clemmensen. He commented that the borough isn't against alternative energy, but against their forceful approach they are asserting. The presentation by our Tax Assessor, Scott Kineavy has been postponed tonight and rescheduled for our February 7th meeting. DOT funding is approved for our 2024 road project which includes Third Avenue and The Crescent; a goal for 2024 is to get stormwater management underway and basis covered.

7. **UNFINISHED BUSINESS:** None

4. NEW BUSINESS

- **R-29-2024: Reappointment of Municipal Clerk – Dawn Harriman**

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

WHEREAS, N.J.S.A. 40A:9-133 provides that in every municipality there shall be a municipal clerk appointed by the governing body for a three-year term and that no person shall be appointed or reappointed as a municipal clerk unless that person holds a registered municipal clerk certificate; and

WHEREAS, Dawn Harriman, a certified municipal clerk is currently serving as Borough Clerk and has been since February 1, 2021; and

WHEREAS, the Borough Council is desirous of reappointing Dawn Harriman as the Borough's Municipal Clerk effective January 1, 2024.

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 re-appointment of Dawn Harriman to serve as Borough Clerk, is effective January 1, 2024 and is hereby confirmed for a term of three (3) years.
2. The Borough Clerk shall be compensated in accordance with the Borough's current salary and wage ordinance.

Recorded Vote:

| | AYES | NAYS | ABSENT | ABSTAIN |
|---------------------------|------|------|--------|---------|
| Council President Anthony | X | | | |
| Councilwoman DiFeo | X | | | |
| Councilman Downey | X | | | |
| Councilman Perry | X | | | |
| Councilwoman Richman | | | X | |
| Councilman Zakin | X | | | |

- **R-30-2024: Engineering Proposal for Improvements to Third Avenue, Phase I and Improvements to Third Avenue – Phase II and The Crescent**

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

BE IT RESOLVED by the Borough Council of the Borough of Sea Girt, County of Monmouth, State of New Jersey that the Borough of Sea Girt retains the Professional Engineering services of Leon S. Avakian, 788 Wayside Road, Neptune, New Jersey 07753, for providing engineering services Improvements to Third Avenue – Phase I and Improvements to Third Avenue – Phase II and The Crescent: The fee is as follows:

- o DESIGN AND PUBLIC BIDDING
- o CONSTRUCTION ADMINISTRATION AND OBSERVATION
- o FEE PROPOSAL

The total not to exceed Cost for Engineering Design Services for this Project is \$109,400 based on the estimates provided and the above tasks; and

BE IT FURTHER RESOLVED by the Borough Council of the Borough of Sea Girt, County of Monmouth, State of New Jersey, that the Borough authorizes the scope of work as outlined in the submitted proposal with the provision that any subsequent work shall require additional authorization subject to the recommendation of the Governing Body.

Recorded Vote:

| | AYES | NAYS | ABSENT | ABSTAIN |
|---------------------------|------|------|--------|---------|
| Council President Anthony | X | | | |
| Councilwoman DiFeo | X | | | |
| Councilman Downey | X | | | |
| Councilman Perry | X | | | |
| Councilwoman Richman | | | X | |
| Councilman Zakin | X | | | |

- **R-31-2024: Grant Agreement – 2023 NJUCF Stewardship Grant**

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 desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately \$15,000 to fund the 2023 NJUCF Stewardship Grant – Canopy Resiliency, and

BE IT RESOLVED the governing body resolves that Mayor Fetzter or the successor to the office of Mayor is authorized (a) to make application for such a grant, (b) if awarded, to execute (print title of authorized official) a grant agreement with the State for a grant in an amount not less than \$0.00 and not more than \$15,000.00, and (c) to execute any amendments thereto any amendments thereto which do not increase the Grantee’s obligations.

BE IT RESOLVED the Sea Girt Borough council authorizes and hereby agrees to match 20% of the Total Project Amount, in compliance with the match requirements of the agreement. The availability of the match for such purposes, whether cash, services, or property, is hereby certified. Up to 100% of the match will be made up of in-kind services (if allowed by grant program requirements and the agreement).

Recorded Vote:

| | AYES | NAYS | ABSENT | ABSTAIN |
|---------------------------|------|------|--------|---------|
| Council President Anthony | X | | | |
| Councilwoman DiFeo | X | | | |
| Councilman Downey | X | | | |
| Councilman Perry | X | | | |
| Councilwoman Richman | | | X | |
| Councilman Zakin | X | | | |

- **R-32-2024: Appoint Water Sewer Engineer – H2M**

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

WHEREAS, the Borough of Sea Girt has a need to acquire services for a Water-Sewer Utility Engineer, as a non-fair and open contract pursuant to the provisions of *N.J.S.A.* 19:44A-20.4 or 20.5; and,

WHEREAS, the Borough Clerk has determined and certified in writing that the value of the services to be provided will exceed \$17,500.00; and,

WHEREAS, the anticipated term of this contract is effective retroactively to January 1, 2024 through December 31, 2024, inclusive, and may be extended as many times as approved by this governing body; and,

WHEREAS, the firm H2M Associates, Inc., submitted a proposal indicating they will provide said services and have provided a Business Entity Disclosure Certification which certifies that members of the firm have not made any reportable contribution to a political or candidate committee in the Borough of Sea Girt in the previous one year, and that the contract will prohibit each entity from making any reportable contribution throughout the term of the contract; and

WHEREAS, with regards to Affirmative Action, incorporated into such agreement shall be the mandatory language of Section 5.3 of the regulations promulgated by the Treasurer of the State of New Jersey pursuant to P.L. 1975, and

WHEREAS, funds are available for this purpose in the 2024 temporary budget and provision will be made in the 2024 and succeeding years’ budgets of the Borough as finally adopted, and

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Sea Girt hereby authorizes the Mayor and Clerk to execute a contract with the professional as described herein.

Recorded Vote:

| | AYES | NAYS | ABSENT | ABSTAIN |
|---------------------------|------|------|--------|---------|
| Council President Anthony | X | | | |
| Councilwoman DiFeo | X | | | |
| Councilman Downey | X | | | |
| Councilman Perry | X | | | |
| Councilwoman Richman | | | X | |
| Councilman Zakin | X | | | |

- **R-33-2024: Temporary Budget – Current, Water and Utility Fund**

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

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Sea Girt, County of Monmouth that the following appropriations be approved pursuant to the attached schedule and that a certified copy of this resolution be supplied to the Chief Financial Officer for his information and further action.

Recorded Vote:

| | AYES | NAYS | ABSENT | ABSTAIN |
|---------------------------|------|------|--------|---------|
| Council President Anthony | X | | | |
| Councilwoman DiFeo | X | | | |
| Councilman Downey | X | | | |
| Councilman Perry | X | | | |
| Councilwoman Richman | | | X | |
| Councilman Zakin | X | | | |

- **R-34-2024: 2024 Temporary Capital Budget**

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

WHEREAS, the 2024 Capital Budget of the Borough of Sea Girt has not been adopted as of January, 3, 2024, and

WHEREAS, it is desired to adopt said 2024 Temporary Capital Budget relative to the Third Ave Roadway Improvements and Beach Replenishment.

NOW THEREFORE, be it resolved by the Borough Council of Sea Girt of the County of Monmouth, that the following adoption of the 2024 Capital Budget be made:

**TEMPORARY CAPITAL BUDGET OF THE BOROUGH OF SEA GIRT
2024**

| <u>Project Title</u> | <u>Estimated Total Cost</u> | <u>CIF</u> | <u>Debt Authorized</u> |
|-----------------------------------|---------------------------------|--------------------|----------------------------------|
| Third Avenue Roadway Improvements | \$715,000.00 | \$0 | \$715,000.00 Beach Replenishment |
| | \$650,000.00 | \$32,500.00 | \$617,500.00 |
| Total All Projects | <u>\$ 1,365,000.00</u> | <u>\$32,500.00</u> | <u>\$1,332,500.00</u> |

Recorded Vote:

| | AYES | NAYS | ABSENT | ABSTAIN |
|---------------------------|------|------|--------|---------|
| Council President Anthony | X | | | |
| Councilwoman DiFeo | X | | | |
| Councilman Downey | X | | | |
| Councilman Perry | X | | | |
| Councilwoman Richman | | | X | |
| Councilman Zakin | X | | | |

a. Ordinance No. 01-2024: The Mayor to read the said Ordinance by Title:

ORDINANCE NO. 01-2024

BOND ORDINANCE PROVIDING FOR VARIOUS 2024 CAPITAL IMPROVEMENTS BY AND IN THE BOROUGH OF SEA GIRT, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$1,365,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,332,500 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF SEA GIRT, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), **AS FOLLOWS:**

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Borough of Sea Girt, in the County of Monmouth, State of New Jersey (the “Borough”). For the said improvements or purposes stated in Section 3, there is hereby appropriated the aggregate sum of \$1,365,000, which sum includes \$32,500 as the aggregate amount of down payment for the Beach Replenishment improvements or purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 *et seq.* (the “Local Bond Law”). The Borough anticipates receiving one or more grants from the New Jersey Department of Transportation in the aggregate amount of \$374,088 (\$164,560 allocable to the Third Avenue – Phase I Rehabilitation Project and \$209,528 allocable to the Third Avenue – Phase II Rehabilitation Project) (collectively, the “Grants”). As such, no down payment is required for the Road improvements pursuant to the provisions of 40A:2-11(c) of the Local Bond Law as said improvements or purposes are to be funded, in part, by the Grants.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$1,365,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$1,332,500 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in a principal amount not exceeding \$1,332,500 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said obligations are to be issued include, but are not limited to, the following:

| <u>Description</u> | <u>Appropriation</u> | <u>Authorization</u> | <u>Down Payment</u> | <u>Useful Life</u> |
|--|----------------------|----------------------|--|--------------------|
| (i) <u>Road Improvements</u> – Improvements To Roadways In And Throughout The Borough Which Roadways Include, But Shall Not Be Limited To, Third Avenue (Phase I) And Third Avenue (Phase II) Including The Crescent From Washington | \$715,000 | \$715,000 | \$0 (No down payment is required pursuant to 40A:2-11(c) of the Local | 20.00 years |

| <u>Description</u> | <u>Appropriation</u> | <u>Authorization</u> | <u>Down Payment</u> | <u>Useful Life</u> |
|---|---------------------------|---------------------------|--|--------------------|
| Boulevard to Trenton Boulevard, Which Improvements Shall Include, But Not Be Limited To, As Applicable, Excavation, Milling, Paving, Reconstruction And Boxing Out And Resurfacing Or Full Depth Pavement Replacement, And Where Necessary, The Sealing Of Pavement Cracks, And Associated Repairing And/Or Installation Of Curbs, Curb Ramps, Sidewalks, Driveway Aprons, Resetting Of Utility Castings And Drainage Improvements, Roadway Painting, And Aesthetic Improvements; And | | | Bond Law as said improvements or purposes are to be funded, in part, by the Grants.) | |
| (ii) <u>Beach Replenishment</u> – Construction of The Beach Erosion Control Project Along The Borough Of Sea Girt Beach. | \$650,000 | \$617,500 | \$32,500 | 10.00 years |
| TOTALS | <u>\$1,365,000</u> | <u>\$1,332,500</u> | <u>\$32,500</u> | |

(b) All such improvements or purposes set forth in Section 3(a) shall include, but are not limited to, as applicable, all work, materials, equipment, accessories, labor and appurtenances necessary therefor or incidental thereto.

(c) The aggregate estimated maximum amount of bonds or notes to be issued for said purposes is \$1,332,500.

(d) The estimated cost of said improvement or purpose is \$1,365,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor, being the amount of \$32,500, is the down payment for said improvement or purpose.

SECTION 4. Including the Grants, in the event the United States of America, the State of New Jersey, the County of Monmouth and/or a private entity make a contribution or grant in aid to the Borough for the improvements and purposes authorized hereby and the same shall be received by the Borough prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, the County of Monmouth and/or a private entity. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, the County of Monmouth and/or a private entity shall be received by the Borough after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Borough as a result of using funds from this bond ordinance as “matching local funds” to receive such contribution or grant in aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough, provided that no note shall mature later than one (1) year from its date unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond

ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The Capital Budget or Budgets of the Borough are hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget or Budgets and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs will be on file in the office of the Clerk and will be available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements which the Borough may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 15.60 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$1,332,500 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$275,000 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the purposes or improvements hereinbefore described.

SECTION 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the bonds or notes authorized by this bond ordinance. The bonds or notes shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the bonds or notes and the interest thereon without limitation as to rate or amount.

SECTION 9. The Borough hereby declares the intent of the Borough to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 9 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

SECTION 10. The Borough Chief Financial Officer is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The Borough Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 11. The Borough covenants to maintain the exclusion from gross income under section 103(a) of the Code of the interest on all bonds and notes issued under this ordinance.

SECTION 12. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption and approval by the mayor, as provided by the Local Bond Law.

UPON MOTION of Council President Anthony, seconded by Councilman Zakin, carried, that the said Ordinance No. 01-2024 be adopted on first reading, directing the Clerk to post and publish as required by law and setting the date for the public hearing on February 7, 2023.

Recorded Vote:

| | AYES | NAYS | ABSENT | ABSTAIN |
|---------------------------|------|------|--------|---------|
| Councilwoman DiFeo | X | | | |
| Councilman Perry | X | | | X |
| Councilman Zakin | X | | | |
| Council President Anthony | X | | | |
| Councilman Downey | X | | | |
| Councilwoman Richman | X | | X | |

5. COUNCIL REPORTS: Councilwoman DiFeo had no report.

Councilman Downey commented there is a search in process to replace Business Administrator Jim Gant; interviews are slated to start next week with qualified candidates. No report for water/sewer.

Councilman Perry reported Amy Spera will be closing out 2023 and preparing for 2024 budget. He noted Recreation is offering a Boating Safety class on January 20 and 21st; 2024 paddle ball permits are available for renewal; paddle clinics will begin in February; Polar Plunge is February 3rd; please register through community pass for the above events.

Councilman Perry reported on behalf of Councilwoman Richman – Army Corps of Engineers began beach replenishment; there will be a beach meeting this month to start preparations for the 2024 season; 2024 pre-season badges were a success.

Councilman Zakin reported he is looking forward to working with Chris Wilms on the Public Safety Committee/Zoning-Code Enforcement and Mike McArthur and Trevor Palmer in Public Works.

Council President Anthony thanked Public Works for their efforts during the winter season with our parks/open spaces and leaf collection. The Monmouth County Health Commission is now named The Jersey Shore Regional Health Commission; she reminded us that we are in flu, RSV, pneumonia, and gastrointestinal viruses’ illnesses and to be diligent with hand washing; she encourages those to stay home if sick. The Sea Girt Conservancy is meeting to discuss a strategic landscape plan for the borough; they hope to present findings at their February or March meeting.

Mayor Fetzer reported he attended the library re-org meeting today; the board will be reporting in February on their strategic plan; they are moving forward to authorize a design for the library addition.

ADMINISTRATIVE REPORT

Interim Administrator Justin Macko reported that beach replenishment started today; timeline is 4-6 weeks depending on weather; he and Tim Harmon have weekly updates on the project. He noted there is a Sea Girt Summer Recreation Director position available on our website. Police accreditation will take place January 6-7. Mayor Fetzer noted the outfall pipes are always a concern and appreciates the close communication between Army Corps of Engineers and the Borough.

6. R-35-2024: 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 December 27, 2023 and January 2, 2024 in the totals as follows:

| | | |
|--------------------------------|-----------|------------------|
| Beach Operating | \$ | 4,379.96 |
| Board of Rec Trust | \$ | 2,134.60 |
| Current Fund | \$ | 79,893.22 |
| Trust Other | \$ | 7,716.20 |
| Unemployment Comp Trust | \$ | 1,000.06 |
| Water Operating | \$ | 25,034.60 |

Recorded Vote:

| | Ayes | Nays | Absent | Abstain |
|---------------------------|-------------|-------------|---------------|----------------|
| Council President Anthony | X | | | |
| Councilwoman DiFeo | X | | | |
| Councilman Downey | X | | | |
| Councilman Perry | X | | | |
| Councilwoman Richman | | | X | |
| Councilman Zakin | X | | | |

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

There being no further business, and **UPON MOTION** of Councilman Perry, seconded by Councilman Downey, carried, that the meeting be finally and immediately adjourned at 7:55 PM.

Dawn Harriman

Dawn Harriman, RMC
Municipal Clerk