

MINUTES – REGULAR/VIRTUAL MEETING
August 10, 2022 - 7:00 PM

The Regular/virtual Meeting of the Borough of Sea Girt Council was called to order by Mayor Don Fetzer at 7:06 PM on Wednesday, August 10, 2022. Mayor Fetzer asked for a moment of silence; he then led those participating in the Pledge of Allegiance.

The Borough 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
Mayor Fetzer	X	
Councilman Clemmensen	X	
Councilman Perry	X	
Councilman Zakin	X	
Council President Anthony	X	
Councilman Downey	X	
Councilwoman Richman	X	

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

- **R-125-2022: Acknowledge Successful Completion of Probationary Period of James Szewczuk in The Sea Girt Police Department**

WHEREAS, the Borough of Sea Girt Council appointed James Szewczuk to a position as a Probationary Patrolman with the Borough of Sea Girt Police Department effective July 14, 2021; and,

WHEREAS, Chief Justin Macko has advised that Probationary Patrolman Szewczuk has successfully met all the requirements of the Department during his probationary period and has achieved the status of Patrolman.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council hereby acknowledges and congratulates James Szewczuk on the successful completion of all the requirements of the Sea Girt Police Department to achieve status as Patrolman effective July 14, 2022.

- **R-126-2022: Appoint Class II Special Law Enforcement Officer - David Galarza; Sea Girt Police Department**

WHEREAS, the Borough of Sea Girt Police Department is in need of the services of a Class II Special Law Enforcement Officer’s for the period January 14, 2022 through December 31, 2022, inclusive; and,

WHEREAS, the Chief of the Sea Girt Police Department recommends the following for the position in need at the rate of \$17.00 per hour:

NOW, THEREFORE, BE IT RESOLVED that David Galarza be appointed as Class II Special Law Enforcement Officers for the period January 14, 2022 through December 31, 2022, inclusive, at the hourly rate noted above for hours worked.

- **R-127-2022: Authorize The Use of North Beach by The Sea Girt School Booster Club for Purposes of Conducting Kids Soft Top Surf Jam on Friday, August 19, 2022**

WHEREAS, Sea Girt School Booster Club has requested permission to hold a Kids Soft Top Surf Jam at North Beach on Friday, August 19, 2022, weather and tides permitting, from 8:00 AM to 2:00 PM; if necessary, the alternate date shall be schedule for August 26th; and,

WHEREAS, said request received the submission of a Certificate of Insurance naming the Borough of Sea Girt as an additional insured and the execution of a Hold Harmless Agreement by an official of the organization.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sea Girt that after due consideration, the said request of the Sea Girt School Booster Club to hold a Kids Soft Top Surf Jam at North Beach on Friday, August 19, 2022, weather and tides permitting, from 8:00 AM to 2:00 PM, is hereby approved.

- **R-128-2022: Authorize Seasonal Cooling/Heating Maintenance Agreement - Beach Pavilion**

WHEREAS, the Borough has a need for an annual Maintenance Agreement with Experts, Inc. for maintenance services at Lifeguard Headquarters; and

WHEREAS, the agreement is effective July 8, 2022 through July 8, 2023;

NOW, THEREFORE, BE IT RESOLVED that the Borough approves an agreement with Air Experts, Inc. for maintenance services.

- **R-129-2022: Authorize Sea Girt Elementary School PTO to Sell Raffle Tickets on Borough Boardwalk**

WHEREAS, The Sea Girt Elementary School PTO has requested permission to sell raffle tickets on the Borough Boardwalk during the month of August and September for the purpose of fundraising.

NOW, THEREFORE, BE IT RESOLVED, that permission is hereby granted to the Sea Girt Elementary School PTO to sell raffles on the Borough Boardwalk during the month of August and September for the purpose of fundraising.

- **R-130-2022: Authorize Additional Beach Staff; Fred Sullivan and Gabriel Carrion – Beach Crew**

WHEREAS, the Beach Manager has advised that there are changes to staff for the 2022 season as noted below.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sea Girt that the following changes to beach staff be and the same are hereby approved:

Add Staff Members: Fred Sullivan and Gabriel Carrion - \$11.90/hour respectively

- **R-131-2022: Authorize Renewal of Monmouth Municipal Joint Insurance Fund**

WHEREAS, the **Monmouth Municipal Joint Insurance Fund** (hereinafter the Fund) is a duly chartered Municipal Insurance Fund as authorized by NJSA 40A:10-36 et seq., and;

WHEREAS, Sea Girt is currently a member of said Fund, and;

WHEREAS, effective December 31, 2022, said membership will expire unless earlier renewed, and;

WHEREAS, the Mayor and Council of Sea Girt has resolved to renew said membership;

NOW THEREFORE, it is agreed as follows:

1. Sea Girt hereby renews its membership in the Monmouth Municipal Joint Insurance Fund for a three (3) year period, beginning January 1, 2023 and ending December 31, 2025*.

*12:01 am

2. Sea Girt hereby ratifies and reaffirms the Indemnity and Trust Agreement, Bylaws and other organizational and operational documents of the Monmouth Municipal Joint Insurance Fund as from time to time amended and altered by the Department of Insurance in accordance with the Applicable Statutes and administrative regulations as if each and every one of said documents were re-executed contemporaneously herewith.
3. Sea Girt agrees to be a participating member of the Fund for the period herein provided for and to comply with all of the rules and regulations and obligations associated with said membership.
4. In consideration of the continuing membership of Sea Girt in the Monmouth Municipal Joint Insurance Fund, the Fund agrees, subject to the continuing approval of the Commissioner of Insurance, to accept the renewal application of Sea Girt
5. Executed the 10 day of August, 2022 as the lawful and binding act and deed of Sea Girt, which execution has been duly authorized by public vote of the governing body.

- **R-132-2022: Approve Accepting and Adopting a Policy Addressing Remote Access to The Borough of Sea Girt's Network as Recommended by The Borough's Information Technology Provider**

WHEREAS, the Borough of Sea Girt is a member of the Monmouth County Municipal Joint Insurance Fund (MONMOUTH JIF) and the Municipal Excess Liability Joint Insurance Fund (MEL); and,

WHEREAS, the Administrator and Information Technology provider of The Borough of Sea Girt has reviewed this Policy Addressing Remote Access to the Borough of Sea Girt's Network; and,

WHEREAS, it is necessary to circulate and adopt this policy as a matter of securing Cyber Risk Management Certification with the Municipal Excess Liability (MEL) of the Joint Insurance Fund (JIF),

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Sea Girt, County of Monmouth, State of New Jersey that the Policy Addressing Remote Access to the Borough Network be adopted by the Borough of Sea Girt.

- **R-133-2022: Authorize C.159 Clean Communities Grant - \$7,801.97**

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

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

amount, and

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Sea Girt hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Current Fund budget for the year 2022 in the sum of \$7,801.97 which is now available as a revenue from the State of New Jersey, Clean Communities Grant in the same amount.

BE IT FURTHER RESOLVED that the like sum of \$7,801.97 is hereby appropriated under the caption Clean Communities Grant; and

- **R-134-2022: Authorize C.159 Drunk Driving Enforcement Fund - \$19,305.00**

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

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

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Sea Girt hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Current Fund budget for the year 2022 in the sum of \$19,305.00 which is now available as a revenue from the State of New Jersey, Drunk Driving Enforcement Fund Grant in the same amount.

BE IT FURTHER RESOLVED that the like sum of \$19,305.00 is hereby appropriated under the caption Drunk Driving Enforcement Fund Grant; and

BE IT FURTHER RESOLVED that the Municipal Clerk will forward two copies of this resolution to the Director of Local Government Services and the Chief Financial Officer for her file.

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

- **R-135-2022: Approve Minutes, July 13, 2022 – Regular/Virtual Meeting**

UPON MOTION of Councilman Clemmensen, seconded by Councilwoman Richman, carried, that the Minutes of the Virtual Regular Meeting held July 13, 2022 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-136-2022: Approve Executive Session Minutes - January 5, 2022, February 9, 2022, April 27, 2022, and May 11, 2022**

UPON MOTION of Councilman Clemmensen, seconded by Councilwoman Richman, carried, that the Executive Session Minutes of the Virtual Regular Meeting held January 5, 2022, February 9, 2022, April 27, 2022, and May 11, 2022 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

Council President Anthony noted she attended the 56th Commission Ceremony along with Councilpersons Richman, Downey and Zakin whom were honored to be attendance. Council President Anthony, Mayor Fetzer, Councilpersons Richman, Zakin and Administrator Gant attended a presentation by The NJ Department of Military and Veteran Affairs; topics included environmental management covering topics such as wetland restoration, evasive species and pest management among others. The Sea Girt Conservancy has provided the funding for the membership of the NJ Environmental Commission Association. Council President Anthony also noted the nonnative Spotted Lantern Fly is very destructive; if seen please stomp them out. St. Marks Church is having a blood drive on August 17th; please contact the red cross blood drive for more details. Per Governor Murphy Administration, please conserve water as we enter a drought watch. C/P Anthony commented she was not in attendance at the July 20th Planning Board meeting, but listened to the audio recording. She addressed her concern on discussions had by members of the Planning Board regarding the Sea Girt Master Plan.

Attorney Ray Bogan commented the position taken by the Planning Board that councilmembers have violated the principles of the Master Plan is incorrect; the Master Plan has taken into consideration both active and passive recreation which has long been a characterization of the Borough and consistent with the Master Plan. Mr. Bogan also noted his concern with the Planning Board’s actions suggesting this matter be brought to a ballot which is outside the purview of the Planning Board.

Councilman Zakin commented he was proud to attend the ceremonies at the National Guard Training Center. He also commented his concern regarding the Planning Board’s position that the additional Paddle Court is not consistent with the Master Plan; he noted several observations in the master plan including the comprehensive goals, encourage the development of active and passive recreation opportunities; promote the health, safety and welfare of residents recognizing natural made hazards and engage in hazardous mitigation planning; he further noted the council is making progress eliminating evasive species and promoting open space; he further continued siting observations in the master plan. Mr. Zakin commented that a change was made to the Stewardship Plan after a vote that parks should only be used for passive recreation, this was the defective Stewardship Plan which didn’t identify factual elements of active recreation, which falsely seemed as if there were only passive recreation, when there has been a tradition of tennis courts and a paddle court.

Mayor Fetzer commented during the Planning Board meeting there was no discussion of handicap parking provided; he asked Peter Avakian to inquire if necessary to provide before the bid process is underway.

5. UNFINISHED BUSINESS

1. **Ordinance No. 07-2022:** – introduction/possible adoption: The Mayor to read the said Ordinance by Title:

BOND ORDINANCE PROVIDING FOR VARIOUS 2022 CAPITAL IMPROVEMENTS BY AND IN THE BOROUGH OF SEA GIRT, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$1,505,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,429,750 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 \$1,505,000, which sum includes \$75,250 as the aggregate amount of down payments for said improvements or purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 *et seq.* (the “Local Bond Law”). Said down payments are now available therefor by virtue of appropriations in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$1,505,000 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 \$1,429,750 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 \$1,429,750 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>Borough Hall</u> – Various Improvements And Renovations To Borough Hall Including, But Not Limited To, Electrical, Plumbing, HVAC, Roof, Fire Code And Entranceway Improvements; And	\$600,000	\$570,000	\$30,000	15.00 years
(ii) <u>Police Department</u> – Acquisition, And Installation, As Applicable, Of Various Equipment Including, But Not Limited To, Radios, Radar And Speed Trailer, Computer Hardware and Software and Firearms; And	\$94,000	\$89,300	\$4,700	5.00 years
(iii) <u>Roadways and Drainage Improvements</u> - Improvements To Roadways In And Throughout The	\$400,000	\$380,000	\$20,000	20.00 years

<u>Description</u>	<u>Appropriation</u>	<u>Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
Borough Which Roadways Include, But Shall Not Be Limited To, 5 th Avenue (Phase I), 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				
(iv) <u>Public Works Department</u> – Acquisition, And Installation, As Applicable, Of Various Equipment Including, But Not Limited To, Skid Steer, Containers and Mini Excavator; And	\$206,000	\$195,700	\$10,300	10.00 years
(v) <u>Fire Department</u> – Acquisition, And Installation, As Applicable, Of Various Equipment Including, But Not Limited To, Radios, Hoses And Turn-Out Gear, And The Completion of Various Improvements to the Fire Department Building Including, But Not Limited to, Flooring and Driveway Ramp Improvements; And	\$145,000	\$137,750	\$7,250	11.89 years
(vi) <u>Borough Offices</u> – Acquisition, And Installation, As Applicable, Of Various Equipment Including, But Not Limited To, Furnishings and Computer Hardware and Software; And	\$10,000	\$9,500	\$500	5.00 years
(vii) <u>Environmental Remediation</u> – Invasive Vegetation Removal, Testing, Permitting, Replanting, Revegetation, And Restoration Of Various Areas In The Borough.	\$50,000	\$47,500	\$2,500	5.00 years
TOTALS	<u>\$1,505,000</u>	<u>\$1,429,750</u>	<u>\$75,250</u>	

(b) All such improvements or purposes set forth in Section 3(a) shall include, but are not limited to, as applicable, all engineering, architectural and design work, title searches, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and also shall include 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 \$1,429,750.

(d) The estimated cost of said improvement or purpose is \$1,505,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor, being the amount of \$75,250, is the down payment for said improvement or purpose.

SECTION 4. 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 14.32 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 \$1,429,750 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 \$300,000 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 Councilman Clemmensen, seconded by Council President Anthony, carried, that the meeting be opened to the public for comments on the said Ordinance only. There were no comments from the public participating and **UPON MOTION** of Councilman Perry, seconded by Councilman Clemmensen, carried, the public hearing was closed. **UPON MOTION** of Councilman Clemmensen, seconded by Council President Anthony, carried, that the said Ordinance No. 07-2022 be adopted on final reading, directing the Clerk to post and publish as required by law.

Recorded Vote:

	Ayes	Nays	Absent	Abstain
Councilman Clemmensen	X			
Councilman Perry				X
Councilman Zakin	X			
Council President Anthony	X			
Councilman Downey	X			
Councilwoman Richman	X			

2. **Ordinance No. 08-2022** – introduction: The Mayor to read the said Ordinance by Title:

BOND ORDINANCE PROVIDING FOR VARIOUS 2022 WATER AND SEWER UTILITY IMPROVEMENTS BY AND IN THE BOROUGH OF SEA GIRT, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$130,000 THEREFOR FROM THE WATER AND SEWER UTILITY OF THE BOROUGH AND AUTHORIZING THE ISSUANCE OF \$130,000 IN 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 to be undertaken by the Water And Sewer Utility of the Borough of Sea Girt, in the County of Monmouth, State of New Jersey (the “Borough”) as general improvements. For the said improvements or purposes stated in Section 3, there is hereby appropriated the principal amount of \$130,000 from the Water And Sewer Utility of the Borough. Pursuant to the provisions of N.J.S.A. 40A:2-7(h) and 40A:2-11(c) of the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the “Local Bond Law”), no down payment is required as the Water and Sewer Utility of the Borough is self-liquidating.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof, negotiable bonds of the Water And Sewer Utility of the Borough are hereby authorized to be issued in the aggregate principal amount not exceeding \$130,000 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 an aggregate principal amount not exceeding \$130,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said obligations are to be issued are Various Water And Sewer Utility Improvements including, but not limited to, improvements to the Chicago Boulevard Sewer System, Phase I.

(b) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$130,000.

(c) The aggregate estimated cost of said improvements or purposes is \$130,000.

(d) The above improvements and purposes shall also include, but are not limited to, the following, as applicable, surveying, construction planning, engineering and design work, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, environmental testing and remediation and also all work, materials, equipment, labor and appurtenances as necessary therefor or incidental thereto.

SECTION 4. In the event the United States of America, the State of New Jersey, and/or the County of Monmouth 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, and/or the County of Monmouth. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, and/or the County of Monmouth 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 time 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 of the Borough 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, the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The capital budget of the Water And Sewer Utility of the Borough is hereby amended to conform with the provisions of this bond ordinance, and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Director of the Division of Local Government Services in the 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 purposes described in Section 3 of this bond ordinance are not current expenses and are improvements or purposes which the Borough may lawfully undertake as general improvements or purposes, 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 said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 40.00 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 in the 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 \$130,000 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$26,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements hereinbefore described.

SECTION 8. Unless paid from other sources, the full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. Unless paid from other sources, the obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of the obligations 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 Commission⁴ (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, as provided by the Local Bond Law.

UPON MOTION of Council President Anthony, seconded by Councilman Downey, carried, that the meeting be opened to the public for comments on the said Ordinance only. There were no comments from the public participating and **UPON MOTION** of Councilman Downey, seconded by Council President Anthony carried, the public hearing was closed. **UPON MOTION** of Councilman Clemmensen, seconded by Council President Anthony, carried, that the said Ordinance No. 08-2022 be adopted on final reading, directing the Clerk to post and publish as required by law.

Recorded Vote:

	Ayes	Nays	Absent	Abstain
Councilman Clemmensen	X			
Councilman Perry				X
Councilman Zakin	X			
Council President Anthony	X			
Councilman Downey	X			
Councilwoman Richman	X			

3. **Ordinance No. 09-2022** – introduction/possible adoption: The Mayor to read the said Ordinance by Title:

BOND ORDINANCE PROVIDING FOR VARIOUS 2022 BEACH UTILITY IMPROVEMENTS BY AND IN THE BOROUGH OF SEA GIRT, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$130,000 THEREFOR FROM THE BEACH UTILITY OF THE BOROUGH AND AUTHORIZING THE ISSUANCE OF \$130,000 IN 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 to be undertaken by the Beach Utility of the Borough of Sea Girt, in the County of Monmouth, State of New Jersey (the “Borough”) as general improvements. For the said improvements or purposes stated in Section 3, there is hereby appropriated the principal amount of \$130,000 from the Beach Utility of the Borough. Pursuant to the provisions of N.J.S.A. 40A:2-7(h) and 40A:2-11(c) of the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the “Local Bond Law”), no down payment is required as the Beach Utility of the Borough is self-liquidating.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof, negotiable bonds of the Beach Utility of the Borough are hereby authorized to be issued in the aggregate principal amount not exceeding \$130,000 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 an aggregate principal amount not exceeding \$130,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said obligations are to be issued are Various Beach Utility Improvements including, but not limited to, the construction of a Beach Ramp compliant with the Americans with Disabilities Act (ADA).

(b) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$130,000.

(c) The aggregate estimated cost of said improvements or purposes is \$130,000.

(d) The above improvements and purposes shall also include, but are not limited to, the following, as applicable, surveying, construction planning, engineering and design work, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, environmental testing and

remediation and also all work, materials, equipment, labor and appurtenances as necessary therefor or incidental thereto.

SECTION 4. In the event the United States of America, the State of New Jersey, and/or the County of Monmouth 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, and/or the County of Monmouth. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, and/or the County of Monmouth 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 time 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 of the Borough 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, the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The capital budget of the Beach Utility of the Borough is hereby amended to conform with the provisions of this bond ordinance, and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Director of the Division of Local Government Services in the 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 purposes described in Section 3 of this bond ordinance are not current expenses and are improvements or purposes which the Borough may lawfully undertake as general improvements or purposes, 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 said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 15.00 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 in the 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 \$130,000 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$26,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements hereinbefore described.

SECTION 8. Unless paid from other sources, the full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. Unless paid from other sources, the obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of the obligations 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, as provided by the Local Bond Law.

UPON MOTION of Councilwoman Richman, seconded by Council President Anthony, carried, that the meeting be opened to the public for comments on the said Ordinance only. There were no comments from the public participating and **UPON MOTION** of Councilman Downey, seconded by Councilwoman Richman carried, the public hearing was closed. **UPON MOTION** of Councilman Clemmensen, seconded by Councilwoman Richman, carried, that the said Ordinance No. 09-2022 be adopted on final reading, directing the Clerk to post and publish as required by law.

Recorded Vote:

	Ayes	Nays	Absent	Abstain
Councilman Clemmensen	X			
Councilman Perry				X
Councilman Zakin	X			
Council President Anthony	X			
Councilman Downey	X			
Councilwoman Richman	X			

6. NEW BUSINESS

- **R-137-2022: Authorize the Sale of Borough Property No Longer Needed For Public Use At Public Auction**

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

WHEREAS, the Borough of Sea Girt has determined that certain Borough property as described on the attached “Schedule A” is no longer needed for public purposes; and,

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

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

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-138-2022: Authorize International Overdose Awareness Day**

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

WHEREAS, each year we lose thousands of people from drug overdose globally. Some survive but suffer a permanent injury, with devastating impact to their families and friends; and

WHEREAS, Sea Girt Borough is not immune. You may have seen it, it has happened to people around you. Tomorrow, it could happen to someone you love. This is not an invisible issue; and

WHEREAS, International Overdoes Awareness Day provides an opportunity for us to reflect on practical ways to prevent overdose in our community. Overdose is preventable. Knowing the real facts about drugs and what to do when you see someone experiencing an overdose DOES save lives. International Overdose Awareness Day events that aim to educate our communities about drugs can really help.

NOW, THEREFORE, the Borough Council of the Borough of Sea Girt hereby proclaims August 31, 2022 *Overdose Awareness Day by Proclamation*.

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-139-2022: Authorize Sea Girt Conservancy Fun Event - September 24th; - 11 AM to 2:00 PM; Green Space Area Sea Girt Library**

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

WHEREAS, the Sea Girt Conservancy has offered to sponsor an event for Sea Girt residents only on September 24, 2022 on the Boston Green grassy area north of the library from 11:00 AM to 2:00 PM including a petting zoo, face painting, spotted Lanternfly trap demonstration among other activities.

WHEREAS, the cost of the event will be covered by Sea Girt Conservancy and Certificates of Insurance naming the Borough of Sea Girt as an additional insured has been received from the Sea Girt Conservancy; and,

NOW, THEREFORE, BE IT RESOLVED that the offer of The Sea Girt Conservancy to sponsor the Celebrate Your Environment – Family fun Day at no cost to the Borough be and the same is hereby accepted, limiting the event to Sea Girt residents only.

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-140-2022: Authorize American Rescue Plan Firefighter Grant (ARPFPG)**

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

WHEREAS, the Borough Council of the Borough of Sea Girt desires to apply for and obtain a Grant from the New Jersey Department of Community Affairs for approximately \$85,000.000 to carry out a project for the installation of new protection equipment washer and dryer for the purpose of prolonging the life of our existing gear and promoting the health of our Firefighters; and

BE IT THEREFORE RESOLVED, that the Borough of Sea Girt does hereby authorize the application for such a grant; and

BE IT THEREFORE RESOLVED, the Borough of Sea Girt recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between The Borough of Sea Girt and the New Jersey Department of Community Affairs.

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			

COUNCIL REPORTS: Councilman Zakin had no report.

Councilman Clemmensen thanked DPW for their efforts installing acoustical netting for the pickleball courts, filling potholes and painting of curbs all while maintaining the rest of the town; September 5th DPW is closed for Labor Day; September 6th zone 1 and 2 trash pickup will be combined; September 12th is bulk pickup day; September 14th is the last day of full weekly recycling; please place leaves in barrels to avoid blocking sewer drains.

Public Safety - JCP&L is aware of seven lights out in town; EMS responsive time has been working extremely well; he commends all involved for getting the program successfully up and running.

Councilman Perry reported the Sea Girt 5K was a great success; charitable cause this year was the Ashley Lauren Foundation; he thanked all the volunteers, Borough Employees and the 5K Committee for their efforts.

Councilwoman Richman thanked the beach staff for all their efforts maintaining the beach; badges sales are ahead for 5-year average; junior lifeguards had another successful season; lifeguards did a great job keeping the beach goers safe during the season especially in extreme heat; EMS services have been great for beach patrons and residents. Lifeguards and Police have expressed opening the south end beach access, it would be beneficial for south end emergency vehicle access; DEP supports a pedestrian path for beach access; she further noted benefits of opening access at Sea Girt Avenue.

BOE – meeting provided updates on their successful summer programs; next BOE meeting is August 25th; school begins on September 6th; PTO selling raffles for a jeep wrangler, please support the PTO.

Councilman Downey reported that The Planning Board Ordinance Review Committee is addressing concerns about current land use and zoning ordinances. The committee has only the power of suggestion and any adoption would go through the standard process of review; if anyone would like to participate or contribute ideas, please visit sgplanning@seagirtboro.com.

Council President Anthony reported the Buildings and Grounds Committee hopes to have a report at the next council meeting on the Borough Hall renovations. She also commented that their will be a professional design plan at the east side of The Terrace with collaboration of the Sea Girt Borough, SG Conservancy and US Fish and Wildlife with a suggestion that this project will be showcased as example of removal of non-native and invasive Japanese Knotweed and replacing with NJ native coastal plant materials.

Mayor Fetzer reported the Library Strategic Plan is winding down and hopes to submit a presentation before the end of the year; the library was very pleased with the responses they received from residents. He commented there has been a big increase in water usage and asked residents to please conserve water when possible; DPW is doing a great job replacing pumps, impellers and filters to maintain service.

7. ADMINISTRATOR REPORT

Mr. Gant reported Governor Murphy has legislation forthcoming to extended outdoor dining through 2023 and consideration beyond 2024. Chief Macko reminded residents that golf carts must follow all applicable motor vehicle laws; scooters have applicable laws as well; please be cautious.

8. R-141: PAY 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 July 20, 2022, August 1, 2022 and August 10, 2022 in the totals as follows:

Current Fund	\$ 203,266.73
Water Operating Fund	\$ 20,535.25
Beach Operating Fund	\$ 42,885.87
General Capital	\$ 31,970.96
Grant Fund	\$ 19,305.00

Trust Other	\$ 9,515.00
Board of Recreation Trust	\$ 62,912.27
Dog License Trust	\$ 6.00
Water Capital	\$ 4,750.00

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			

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

Sean Frisco, Crescent Parkway appeals for assistance with the overflow parking from Rod’s Tavern on Crescent Parkway.

Megan Paccetti, Washington Boulevard asked the amount of revenue raised from the 5K Race; Councilman Perry responded he did not have a final amount at this time; she thanked Chief Macko for his assistance keeping Washington Boulevard safe during construction.

Ray Bogan, Borough Attorney commented there has been a considerable lawsuit filed by resident Mr. Vasan against the Borough in order to block the placement of a platform tennis court in Crescent Park.

There being no further comments from the public and by consensus, the public hearing was closed at 8:10 PM. Mayor Fetzer advised that Council has matters to discuss in Executive Session, and requested a motion to adjourn for purposes of the discussion; he further noted that action may be taken by Council upon return to public session and that the public is invited to remain outside and may return to the meeting room when the Council returns to public session. **UPON MOTION** of Councilwoman Richman, seconded by Council President Anthony, carried, that the following **Resolution No. 142-2022** 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 potential litigation
3. It is anticipated at this time that the subject matters will be made public, if and when, confidentiality is no longer necessary. Action may be taken upon return to public session
4. This Resolution shall take effect immediately.

Recorded Vote:

	Ayes	Nays	Absent	Abstain
Councilman Clemmensen	X			
Councilman Perry	X			

Councilman Zakin	X			
Council President Anthony	X			
Councilman Downey	X			
Councilwoman Richman	X			

UPON MOTION of Councilwoman Richman, seconded by Councilman Zakin, the Council returned to public session at 9:20 PM. Mayor Fetzner advised during executive session councilmembers discussed litigation. **UPON MOTION** of Councilman Perry, seconded by Councilwoman Richman, carried, that the following **Resolution No. 143-2022** be and he same is hereby adopted:

BE IT RESOLVED by the Borough Council of Sea Girt that Borough Attorney, Ray Bogan is and hereby directed to accept receipt and answer law suit filed by Connell Foley on behalf of Mr. Vasan.

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			

There being no further business, and **UPON MOTION** of Councilman Perry, seconded by Councilman Clemmensen carried, that the meeting be finally and immediately adjourned at 9:20 PM.

Dawn Harriman

Dawn Harriman, RMC
Municipal

NEXT SCHEDULED MEETING IS SEPTEMBER 14, 2022