

**MINUTES - REGULAR MEETING**  
**October 26, 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, October 26, 2022. Mayor Fetzer asked for a moment of silence; he then led those participating in the Pledge of Allegiance.

The Municipal Clerk read the compliance statement: This meeting is called pursuant to the provisions of the Open Public Meetings Act, Chapter 231, P.L.1975: adequate notice of this meeting has been given by posting the Notice on the Borough's Bulletin Board and by transmitting the Notice to the Borough's two official newspapers, *The Asbury Park Press* and *The Coast Star*, as required by law

**1. ROLL CALL**

	<b>Present</b>	<b>Absent</b>
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** – Council President Anthony requested to move “Reimbursement to Michael Keefe” under New Business. **UPON MOTION** of Councilman Perry, seconded by Councilman Zakin, carried, that the following Resolution be and the same is hereby adopted:

- **R-173-2022: Authorize Residential Dune Walkover; 1007 Ocean Avenue**

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

**WHEREAS**, Mr. Gabriel Rilopel of 1007 Ocean Avenue, has have submitted an application for a proposed dune walked over; the owners have paid in full appropriate fees required by the Borough; and

**WHEREAS**, Leon S. Avakian has reviewed the application for compliance with the Code of the Borough of Sea Girt IX entitled “Beaches, Boardwalk and Dunes” and find them acceptable as submitted; and

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Sea Girt that the plans for the dune walkover be accepted.

**Recorded Vote:**

	<b>Ayes</b>	<b>Nays</b>	<b>Absent</b>	<b>Abstain</b>
Councilman Clemmensen	X			
Councilman Perry	X			
Councilman Zakin	X			
Council President Anthony	X			
Councilman Downey	X			
Councilwoman Richman	X			

**3. APPROVE MINUTES**

- **R-174-2022: Approve Minutes, October 12, 2022 – Regular/Virtual Meeting**

**UPON MOTION** of Councilman Zakin, seconded by Councilman Clemmensen, carried, that the Minutes of the Virtual Regular Meeting held October 12, 2022 be and the same are hereby approved.

**Recorded Vote:**

	<b>Ayes</b>	<b>Nays</b>	<b>Absent</b>	<b>Abstain</b>
Councilman Clemmensen	X			
Councilman Perry	X			
Councilman Zakin	X			
Council President Anthony	X			
Councilman Downey				X
Councilwoman Richman	X			

- **R-175-2022: Approve Executive Session Minutes, October 12, 2022**

**UPON MOTION** of Councilman Zakin, seconded by Councilman Perry, carried, that the Minutes of the Virtual Regular Meeting held October 12, 2022 be and the same are hereby approved.

**Recorded Vote:**

	<b>Ayes</b>	<b>Nays</b>	<b>Absent</b>	<b>Abstain</b>
Councilman Clemmensen	X			
Councilman Perry	X			
Councilman Zakin	X			
Council President Anthony	X			
Councilman Downey				X
Councilwoman Richman	X			

**4. OPEN DISCUSSION**

Mayor Fetzer commented Coffee with the Mayor was a light turnout, but worthwhile.

**5. UNFINISHED BUSINESS – none**

**6. NEW BUSINESS**

- **R-175-2022 Authorize Reimbursement to Michael Keefe, 308 Stockton Boulevard for damage to property.**

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

**WHEREAS**, Mr. Keefe, 601 Beacon Boulevard, Sea Girt is seeking reimbursement for the replacement of fencing damaged on his property caused by a Borough Tree; the quote should not exceed \$945.08 per proposal /Contract #R22-01611-2; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough of Sea Girt agrees to reimbursement Mr. Keefe for the cost of the damaged fence; not to exceed \$945.08.

**Recorded Vote:**

	<b>Ayes</b>	<b>Nays</b>	<b>Absent</b>	<b>Abstain</b>
Councilman Clemmensen	X			
Councilman Perry	X			
Councilman Zakin	X			
Council President Anthony	X			

Councilman Downey	X			
Councilwoman Richman	X			

- **R-176-2022: Authorize State Contract Purchase, 20-Fleet-01189 And 17-Fleet-00761, 2022 Ford Utility Interceptor and Vehicle Accessories for Sea Girt Police Department**

Chief Macko commented this vehicle change is being purchased from the 2021 capital budget, the new vehicle is replacing a 2012 Tahoe which is being used at the Beach and also a 2009 Crown Victoria which is being used by our DPW. Councilman Zakin commented that the borough maximizes the use of our vehicles and only replacing them when it becomes efficient than operating older vehicles.

**Recorded Vote:**

	<b>Ayes</b>	<b>Nays</b>	<b>Absent</b>	<b>Abstain</b>
Councilman Clemmensen	X			
Councilman Perry	X			
Councilman Zakin	X			
Council President Anthony	X			
Councilman Downey	X			
Councilwoman Richman	X			

## 7. COUNCIL REPORTS

Councilman Clemmensen reported there is a Halloween curfew in place for the upcoming weekend; Chief Macko has allowed for participation in “No Shave November and December” to raise money for Tunnels to Towers Foundation; donations will be accepted at the Sea Girt Police Department. Leaf pickup is ongoing.

Councilman Perry reported Pictures with Santa is taking place on Beacon Boulevard Beach between 10am-12pm on October 29<sup>th</sup>; Veterans Breakfast is November 12<sup>th</sup> between 8am to 10am at The Firehouse; please contact Recreation Director Janeen Youdak to volunteer. There will also be tree plantings at Edgemere Park between 9am-12pm; please register on community pass to volunteer. November 5<sup>th</sup> between 9am-4pm is the Sea Girt Craft Market at the Elementary School. Mr. Perry thanked all volunteers and borough employees involved in the Haunted Hayride; it was a wild success.

Councilman Zakin had no report.

Councilwoman Richman reported Shore Community Alliance along with the elementary school is hosting Red Ribbon Week and teaming up against drugs; Coffee with a Cop is October 29<sup>th</sup> between 9-11am at Shore Pour; Spring Lake Heights, Sea Girt and Manasquan Police will attend. She thanked the volunteers for their efforts during the Clean Ocean Action Beach Sweep; it was a big success.

Councilman Downey reported a review in underway of the Borough’s Personnel Manual as well as an employee survey.

Council President Anthony reported there will be a Tree Health Pruning Safety Seminar in addition to a Forestall Health Seminar by The Sea Girt Conservancy, The Sea Girt Borough and the Shade Tree Commission on November 19<sup>th</sup> between 10am – 12pm; a venue has not been set, but a flyer will be distributed soon with details to register. Work is still being done along The Terrace regarding The Tree-of-Heaven trees and Spotted Lantern Flies. There are discussions with the US Fish and Wildlife regarding beach back dune on the east side of The Terrace with a plan and implementation of dune grass being temporarily planted in replacement of the Japanese Knotweed.

Mayor Fetzer reported there was a small incident at the water plant with a broken valve/leak which was quickly taken care of by DPW operators. The Strategic Plan for the Library is still being reviewed by the Library Trustees. The Fire House is hosting their annual food drive on October 29<sup>th</sup> a truck will be stationed at the Plaza.

Mayor Fetzer further commented there had been discussions regarding the Recreation Trust Account, The Recreation Commission and The Borough alleging the Borough was misleading the public; he noted the allegations are not true and the recreation trust will fund the additional paddle tennis court; DPW, Police and The Fire Company support many activities in town throughout the year; funds are not allocated under a particular budget item. The Sea Girt 5K files a tax form with the State which is public record and is not included in the borough audit; a portion of The Recreation Commission as well as other borough services are part of our audit.

## 8. ADMINISTRATOR REPORT

Mr. Gant reported he is pleased with new updated zoom platform; it was a needed operation to continue our public meetings and provide a better experience to the residents at home.

Chief Macko reported that on Saturday at the Police Headquarters between 10am-2:00pm is The National Prescription Drug Take Back Day which aims to provide a safe, convenient, and responsible means of disposing of prescription drugs. He congratulated Detective Sherman for completing 40 hours of Crisis Intervention Training. He encourages residents leaving their homes for the winter to take advantage of the key box program; please contact the police department to complete a form and your house will be looked after while your away; a house key may be stored at headquarters in case of an emergency. He asked residents to be vigilant and remove key fobs from cars and lock all doors.

## 9. R-177-2022: 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 October 26, 2022 in the totals as follows:

Current Fund	\$	81,603.19
Water Operating Fund	\$	25,695.70
Beach Operating Fund	\$	974.12
General Capital	\$	19,925.00
Trust Other	\$	7,562.00
Board of Recreation Trust	\$	3,635.46
Unemployment Comp Trust	\$	366.00

### 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			

## 10. PUBLIC PARTICIPATION ON ANY SUBJECT

Mike Bell, Philadelphia Boulevard, commented on an issue with the borough's mechanical equipment ordinance; he read the mission statement of the Ordinance Review Committee and hopes this will be addressed and resolved.

Anne Britt, Seaside Place commented she is keenly aware of the current events in Sea Girt and is actively involved in the upcoming election; she supports a stronger democracy.

Harvey Richman, Boston Boulevard commended council for their representation at the Governor's Review at the NGTC; he commented it was impressive to see the members on the podium being recognized for their involvement.

Mayor Fetzer noted the Greater Spring Lake Chamber of Commerce will be honoring Frankie Kineavy as 2022 Citizen of the Year Award; the Borough will present a proclamation.

There being no further comments from the public and by consensus, the public hearing was closed at 7:46 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 Council President Anthony, seconded by Councilman Clemmensen, carried, that the following **Resolution No. 178-2022** 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 hereinafterspecified subject matter.
2. The general nature of the subject matter(s) to be discussed is affordable housing; 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:**

	<b>Ayes</b>	<b>Nays</b>	<b>Absent</b>	<b>Abstain</b>
Councilman Clemmensen	X			
Councilman Perry	X			
Councilman Zakin	X			
Council President Anthony	X			
Councilman Downey	X			
Councilwoman Richman	X			

**UPON MOTION** of Council President Anthony, seconded by Councilman Clemmensen, the Council returned to public session at 8:15 PM. Mayor Fetzer advised that during executive session, council discussed litigation matters. **UPON MOTION** of Councilman Zakin, seconded by Councilman Clemmensen, carried, that the following resolution be and the same is hereby adopted:

- **Resolution No. 179-2022: R-179-2022- Authorize Mayor Fetzer to Execute Settlement Agreement in the Matter of Money/Lauzon vs. Sea Girt**

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

**WHEREAS**, the Borough has defended a lawsuit in Monmouth County Superior Court entitled BRIAN MANLEY, THERESA MANLEY, DENNIS LAUZON and CANDACE KADIMIK vs. The BOROUGH OF SEA GIRT, PARKER HOUSE, et als. related to the operation of the Parker House; and

**WHEREAS**, the parties have worked collaboratively to resolve the issues which formed the basis of said lawsuit; and

**WHEREAS**, the governing body has determined that it is in the best interests of the Borough and its residents to resolve the matter amicably despite its denial of Plaintiffs' claims; and

**WHEREAS**, the parties have come to a resolution of the lawsuit, as memorialized in a consent judgement and settlement agreement, and

**WHEREAS**, the Borough has committed to the continued enforcement of Borough Ordinances, and to support the Parker House application to allow a pick up/drop off zone for taxis on First Ave., adjacent to the Parker House property, and pick up/drop off for other ride share vehicles on Beacon Blvd., adjacent to the Parker House

**NOW, THEREFORE, BE IT RESOLVED,**

1. The consent judgment and settlement agreement resolving the subject lawsuit, BRIAN MANLEY, THERESA MANLEY, DENNIS LAUZON and CANDACE KADIMIK vs. The Borough of Sea Girt, Parker House et als. Are hereby approved and agreed to by the governing body.
2. The Mayor is hereby authorized to sign the consent judgment and settlement agreement on behalf of the Borough.

**Recorded Vote:**

	<b>Ayes</b>	<b>Nays</b>	<b>Absent</b>	<b>Abstain</b>
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 Clemmensen, seconded by Councilman Perry carried, that the meeting be finally and immediately adjourned at 8:20 PM.

**Recorded Vote:**

	<b>Ayes</b>	<b>Nays</b>	<b>Absent</b>	<b>Abstain</b>
Councilman Clemmensen	X			
Councilman Perry	X			
Councilman Zakin	X			
Council President Anthony	X			
Councilman Downey	X			
Councilwoman Richman	X			

*Dawn Harriman*

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Dawn Harriman, RMC  
Municipal Clerk