

MINUTES REGULAR/VIRTUAL MEETING

March 8, 2023 - 7:00 PM

The regular/virtual meeting of the Borough of Sea Girt Council was called to order by Mayor Don Fetzer at 7:05 PM on Wednesday, March 8, 2023. Mayor Fetzer led those participating in the Pledge of Allegiance.

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

1. ROLL CALL

	Present	Absent
Council President Anthony	X	
Councilman Clemmensen	X	
Councilman Downey	X	
Councilman Perry	X	
Councilwoman Richman	X	
Councilman Zakin	X	
Mayor Fetzer	X	

2. **PRESENTATION** – Recreation Commissioner Mike D'Altrui read a thank you note from Adrianna Fajardo thanking everyone who made this day special in honor of her late husband State Trooper and National Guardsman Juan Fajardo. He then introduced representatives from Habitat for Humanity who thanked councilmembers and volunteers for hosting the 2nd Annual Patriot Polar Plunge on February 7th.

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

- **R-28-2023: Authorize Clean Ocean Action for Spring Beach Sweeps on April 1st and Fall Beach Sweeps on October 21st**

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 1 and October 21, 2023 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, 2023.

4. Volunteers will not be permitted in the closed areas of the beach in order to protect the nesting grounds of endangered species.

- **R-29-2023: Authorize Surfrider Foundation Beach Cleanup on March 11th between 10 am-noon; rain date March 12th**

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

WHEREAS, a Beach Captain is assigned by Surfrider Foundation 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 cleanup on March 11th from 10:00am to 12:00 pm, (rain date March 12th), subject to the following:

1. Surfrider Foundation 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 March 11, 2023.
4. Volunteers will not be permitted in the closed areas of the beach in order to protect the nesting grounds of endangered species.

- **R-30-2023: Appoint Class I Special Law Enforcement Officers for the Borough of Sea Girt Police Department**

WHEREAS, the Borough of Sea Girt Police Department is in need of the services of a Class I Special Law Enforcement Officer to support its 2023 operations; and,

WHEREAS, the Chief of Police has reviewed the applications and references of qualified candidates, and recommends the appointments of the following to this position; and

1. Dayana Gonzales-Sanchez
2. Kevin Kile
3. Kevin Budge
4. Cole Duhigg
5. John Christ
6. Mary Russomanno
7. Cory Sutton
8. Jacob Gold
9. Teresa Yeager

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NOW, THEREFORE, BE IT RESOLVED that the above applicants be appointed as Class I Special Law Enforcement Officers for the Borough of Sea Girt, at the hourly rate of \$14.13 per hour effective March 8, 2023.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be supplied to Chief Macko for his information and the Chief Financial Officer for her action.

- **R-31-2023: Authorize Sea Girt 5K, Inc. for the Foot Race on August 5, 2023; waiving Noise Ordinance and Imposing Parking Restriction**

WHEREAS, in previous years the Borough of Sea Girt, a Municipal Corporation of the State of New Jersey, entered into Agreements with the Sea Girt 5K, Inc., a 501(c)3 corporation of the State of New Jersey, for the sponsorship of a 5K race; and,

WHEREAS, the Mayor and Council of the Borough of Sea Girt recognize the benefit of this special event to residents of and visitors to the Borough of Sea Girt; and,

WHEREAS, the Board of Recreation Commissioners of the Borough of Sea Girt, has determined that in order to provide funds, in whole or part, necessary to improve, maintain and police the playgrounds or recreation places under its control, it would be beneficial to jointly sponsor the Sea Girt 5K run on August 5, 2023; and,

WHEREAS, the Mayor and Council and Sea Girt 5K, Inc. wish to enter into an Agreement to jointly conduct the Sea Girt 5K in 2023.

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. Sea Girt 5K, Inc. will conduct the foot race to be held on August 5, 2023, not to exceed five kilometers, as well as children's races, live music and activities;
2. Sea Girt 5K, Inc. will provide acceptable insurance and a release to the Borough having the Borough named as additional insured against liability and property damage for the purpose of the event. Sea Girt 5K, Inc. shall deliver to the Borough prior to the event a certificate evidencing minimum coverage in the amounts of one million dollars (\$1,000,000) per occurrence.
3. Sea Girt 5K, Inc. will provide evidence satisfactory to the Borough that it is a validly organized not-for-profit corporation of the State of New Jersey and will be so as of the date of the event.
4. The Borough of Sea Girt will permit the use of its roadways, provide police, emergency, and public works department assistance and provide insurance under the terms of its general liability insurance policy on August 5, 2023, the day of the race.
5. Sea Girt 5K, Inc. will pay over to the Borough of Sea Girt not less than 90% of the net proceeds of the participation fees in the 5K Run/Walk and not less than 90% of the participation fees in the Kids' Races. The net proceeds of any remaining revenue collected by Sea Girt 5K, Inc. after deduction of the expenses set forth in Section 5, above shall be retained by the Sea Girt 5K, Inc. for use and or charitable donations to be made in the sole discretion of Sea Girt 5K, Inc. The Sea Girt Noise Ordinance is hereby waived between the hours of 7:30 AM to 8:00 AM, inclusive, on August 5, 2023.
6. The Sea Girt Police Department shall create a 'No Parking' Zone at the Plaza and along Washington Blvd. to Sixth Avenue from Midnight through 12:00 Noon, inclusive, on August 5, 2023.

- **R-32-2023: Authorize Refund of Planning Board Escrow Accounts**

WHEREAS, the following corporation has posted escrow for Planning Board application review and the balances remaining in said accounts are as follows:

NAME OF APPLICANT	PROPERTY LOCATION	ACCOUNT BALANCE
Paul Cerami	116 Baltimore Boulevard	\$2,240.00
Robert Davey	210 Washington Boulevard	\$1,315.00
Peter Bell	217 Washington Boulevard	\$1,676.40
Michael Sullivan	405 Boston Boulevard	\$3,432.70

WHEREAS, the Planning Board Secretary has advised that all of the fees associated with these applications have been paid in full and the application also has now been withdrawn.

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

- **R-33-2023:** Approve Regular Meeting Minutes of February 8, 2023 (Councilman Zakin abstained)
- **R-34-2034:** Approve Executive Session Minutes of February 8, 2023.

Recorded Vote:

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

3. OPEN DISCUSSION: Mayor Fetzer recognized Administrator James Gant with the following Proclamation:

PROCLAMATION

WHEREAS, on Saturday, January 28, 2023, James Gant along with his young son Jake and two of their friends attended a Monster Jam Truck Show at the Prudential Center in Newark, NJ where he shortly noticed an usher attending to a gentleman in distress; and

WHEREAS, Jim rushed to assist and found the victim unresponsive and suffering what appeared to be a cardiac episode. With assistance, Jim placed the victim flat on the ground checking for signs of life; he immediately began life saving measures while motioning for an Automated External Defibrillator (AED); and

WHEREAS, upon arrival of Emergency Medical Staff, Jim further assisted by placing the victim on a backboard and transporting the individual up 20 rows from the incident onto a stretcher; and

WHEREAS, the victim regained a pulse and was breathing prior to medical transport, and

WHEREAS, the victim was transported to the hospital and, due to the life-saving efforts of James Gant, the victim recovered.

NOW, THEREFORE, BE IT PROCLAIMED that I, Donald E. Fetzer, Mayor of Sea Girt Borough do hereby recognize with respect and gratitude, the heroic actions and selfless courage of James Gant in the act of saving a life. Although many people are trained in CPR, some become hesitant to respond in a real emergency. Jim was a hero on January 28th as he responded without hesitation and utilized his training to save a life.

4. OLD BUSINESS:

- A. Ordinance No. 01-2023:** The Mayor to read the said Ordinance by Title, advising of its publication in its entirety in the Coast Star on February 16, 2023:

AN ORDINANCE TO AMEND CHAPTER XIX, TREE PRESERVATION AND REMOVAL AND SETTING THE REQUIREMENTS FOR SAME IN THE BOROUGH CODE OF THE BOROUGH OF SEA GIRT, MONMOUTH COUNTY

19-1 PURPOSE. [Ord. No. 18-2018]

The purpose of this chapter is to prevent indiscriminate, uncontrolled, and excessive destruction, removal, and clear cutting of trees upon lots and tracts of land within the Borough of Sea Girt in order to maintain the aesthetic character of the Borough of Sea Girt, prevent erosion, and control actions that will substantially change drainage patterns, and restrict actions that will cause a hazard to persons or property.

§ 19-2 DEFINITIONS. [Ord. No. 18-2018]

As used in this chapter:

CLEAR CUTTING

Shall mean the removal of all standing trees on a site or portion of a site.

COMPETENT PUBLIC AUTHORITY

Shall mean the members of the Shade Tree Commission, the Code Enforcement Officer, Borough Engineer, members of the Sea Girt Police or Public Works Departments, or a N.J. Certified Tree Expert.

CONSTRUCTION

Any development on the property that requires a zoning permit, construction permit, or combination thereof.

DIAMETER AT POINT OF MEASURE (DPM)

Shall mean the diameter (caliper) of a tree at a point on the tree 54 inches above the actual ground level.

EMERGENCY

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Shall mean any unforeseen circumstance or occurrence, the existence of which constitutes a clear and immediate danger or hazard to person or property as determined by a N.J. Certified Tree Expert or competent public authority (Borough Engineer);

PUBLIC RIGHT-OF-WAY

Shall mean any street or road shown upon a map or plan filed in the Monmouth County Clerk's office or on the Official Map of the Borough of Sea Girt.

REMOVAL

Shall mean the actual removal of trees, or direct or indirect actions resulting in the effective removal of trees through damage or poison, or similar actions directly or indirectly resulting in the death of trees subject to the provisions of this chapter. Moving a tree to a different location on the same property does not constitute removal. Removal shall not include pruning for maintenance purposes.

SIGNIFICANT SPECIMEN TREES

Shall mean any tree with a diameter at point of measure exceeding 60% of that of the largest similar tree listed in either the Monmouth County's Largest Trees, prepared and annually updated by the Monmouth County Shade Tree Commission or New Jersey's Big Trees, prepared and updated bi-annually by the Division of Parks & Forestry of the New Jersey Department of Environmental Protection.

SITE

Shall mean any lot, tract, parcel or parcels of land within the Borough.

TREE

Shall mean any living deciduous or evergreen tree with a single trunk at a height of one foot above the root crown, with a normally anticipated mature height of 30 feet or greater (including, but not limited to: Norway; Silver and Sugar Maple; Sweetgum; London Plane; American Sycamore; White and Red Pin Oak; American Elm; Yellow and White Poplar; Copper Beech; Cedar; Spruce; Pine; and Fir).

TREE REMOVAL PERMIT

Shall mean a certificate issued by the Borough to remove trees as defined in this chapter.

UNDISTURBED AREA

Shall mean an area in which trees, shrubs, and understory will not be disturbed by filling, cutting or by any other means.

§ 19-3 TREE REMOVAL

PROHIBITED. [Ord. No. 18-2018]

No person shall remove, or cause to be removed any existing trees with a diameter of ~~six~~ four inches or greater caliper at point of measure, upon any lands within the Borough of Sea Girt without a tree removal permit except as follows:

- a. ~~Trees that are to be removed as the direct result of a development application that has been approved by the Borough of Sea Girt Planning Board;~~
- b a. Any trees cut or removed in accordance with a management plan developed by the New Jersey Department of Environmental Protection, Bureau of Forestry, filed with the Construction Official of the Borough;
- e b. Trees directed to be removed by municipal, County, State or Federal authority. No person shall remove any tree growing on ~~or over~~ a public right-of-way or public land without the express written consent of a competent municipal authority (Code Enforcement Officer, Borough Engineer, etc.) or Shade Tree Commission.

§ 19-4 TREE REMOVAL

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PERMIT. [Ord. No. 18-2018]

A Tree Removal Permit shall be required for the removal of any trees of ~~six~~ four inches or greater caliper at point of measure, as follows:

- a. ~~Trees that are dead, severely damaged by natural causes or accident to the point that the natural habit of the tree cannot be restored as determined by a N.J. Certified Tree Expert or competent public authority~~ trees that are severely diseased and require removal as certified by a N.J. Certified Tree Expert; or trees ~~that pose an imminent public safety hazard as determined by a N.J. Certified Tree Expert or a competent public authority (Police, Department of Public Works, Borough Engineer, etc.).~~
- b a. An application for zoning approval for the construction of new residences, additions to residences ~~in excess of 300 square feet, or, the construction of swimming pools, or other accessory buildings, or structures~~ improvements for the zoning permit ~~or to the Planning Board for a variance~~ shall include an inventory of all trees on the site. Such trees shall clearly be shown on the construction application plans and identified by size ~~and the removal of same shall be limited to no more than 30% of the total number of trees on the site and shall, in the opinion of the Construction Official or his designee, clearly be necessary for the construction of the subject building or structure. If no trees are to be removed as part of the improvement, then a permit shall not be required.~~
- c. ~~Trees required to be removed subject to a construction permit as issued by the Construction Official for construction of new residences, additions to residences in excess of 300 square feet, or the construction of swimming pools or other accessory buildings or structures that are not the subject of Planning Board application approvals. Such trees shall clearly be shown on the construction plans and identified by size and the removal of same shall, in the opinion of the Construction Official or his designee, clearly be necessary for the construction of the subject building or structure.~~
- d. ~~Trees removed by a property owner on his own property where no building permit for a new or replacement principal structure is sought.~~

§ 19-5 TREE REMOVAL PERMIT

REQUIREMENTS. [Ord. No. 18-2018]

- a. Application Form. An application form can be obtained from the Code Enforcement Officer or Borough Clerk and shall include the following information:
 - 1. Name and address (street and lot and block) of the owner of the premises and status of legal entity (individual, partnership, corporation).
 - 2. Description of the premises where removal is to take place, including lot and block numbers, and street address as assigned if different than the address of the owner.
 - 3. Purpose of tree removal.
 - 4. In addition to the application form, a survey showing the approximate location and size of all trees with a diameter at breast height of ~~six~~ four inches or greater caliper that exist on the lot, and identifying those trees to be removed. At the discretion of the Code Enforcement Officer or his/her designee, other appropriate documents may be substituted if a survey is not available.
 - 5. If a tree is removed under the requirements of Section **19-3** or Section **19-4** ~~paragraph b., c., or d.,~~ a mitigation plan must be submitted and approved by the Code Enforcement Officer or his/her designee prior to the issuance of any permit that will provide for the replacement ~~of at least 1/2 of all removed trees~~ by planting a tree of three inches to ~~3-1/2~~ 2 1/2 inches caliper or remitting a fee to the Borough of Sea Girt ~~in the amount of \$500 per tree removed. in accordance with the following:~~

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Tree Replacement Requirements

Size of Each Tree Removed	Replacement Trees Required
4 Inches but not more than 6 Inches	
1 Tree 6 Inches but not more than 10 Inches	
2 Trees	
10 Inches but no more than 16 Inches	
3 Trees 16 Inches or Greater	
4 Trees	

Tree Replacement Fund Requirements

Size of Each Tree Removed	Replacement Trees Value
4 Inches but not more than 6 Inches	\$500.00
6 Inches but not more than 10 Inches	\$750.00
10 Inches but no more than 16 Inches	\$1,000.00
16 Inches or Greater	\$1,500.00

b. Trees on a property line requested to be removed shall require written consent of adjoining property owners prior to any approvals or removal.

§ 19-6 FEES.

[Ord. No. 18-2018]

1. Upon the filing of an application with the Code Enforcement Officer for a tree removal permit under the terms of this chapter, the applicant shall pay an application fee of \$50 for any trees removed. ~~No fee is required for a tree removed under Section 19-4 paragraph a.~~
2. The applicant may elect, in lieu of planting replacement trees, to pay to the municipality a sum of money as set forth in Subsection 19-5.5 for each tree required to be planted pursuant to this subsection for the purpose of planting trees and maintenance elsewhere in the Borough. Said funds shall be deposited into the Tree Replacement Fund.
3. Tree Replacement Fund.
 - a. Where an applicant chooses to make a contribution to the Tree Replacement Fund in lieu of physically replacing the trees on said property as provided in 19-5.5, the amount of said contribution shall be as set forth in 19-5.5. The Tree Replacement Fund shall be in a separate fund with the dedicated purpose of tree replacement and maintenance within the Borough of Sea Girt

§ 19-7 PERMIT

APPROVAL. [Ord. No. 18-2018]

- a. Time Limits for Action.

1. The Code Enforcement Officer or his/her designee shall act on an application for a tree removal permit within 30 business days of the receipt of a complete application. Failure to act within 30 days shall be deemed to be an approval of the application and thereafter, a tree removal permit shall be issued.

b. Duration of Permits.

~~1. If granted for a lot or parcel of land for which no building permit is required, three months from the date of issuance.~~

2 ~~1.~~ If ~~When~~ granted for a lot or parcel of land for which a building or zoning permit is required ~~but for which no variance, subdivision, or site plan approval is required or has been approved by the Planning Board, until expiration of building permit granted with such tree removal permit.~~ permit shall remain open until applicant requests close out.

§ 19-8 COMPLETION.
[Ord. No. 18-2018]

1. The holder of a tree removal permit shall notify the Code Enforcement Officer when the tree removal has been completed. The Code Enforcement Officer shall review all cut trees and compare with application. Any deviations to the prior approval shall have the application modified, and any change in replacement tree planting or replacement fund requirements shall be identified and acknowledged by the applicant.

2. Upon construction project completion, a review of the application, replacement plan application, and an on-site review of all trees planted on the property shall be reviewed by the Code Enforcement Officer to ensure compliance.

3. No Certificate of Completion, Certificate of Approval, or Certificate of Occupancy from the Zoning Official or Construction Official shall be issued until all requirements of the replacement plan have been met

19-9 Removal Requirements

1. No tree or portion thereof shall be permitted to be felled, dropped, or further cut within the public right-of-way

2. Upon approval, the applicant shall not have any stumps, roots balls, or tree remains on the property for more than 30 days.

~~§ 19-9~~ **19-10 SIGNIFICANT SPECIMEN TREES.**
[Ord. No. 18-2018]

It is presumed that Significant Specimen Trees should only be removed in the most compelling and extraordinary circumstances. Removal will be permitted only after approval by a Hearing Panel, as described in Section ~~19-10~~ **19-11**. The loss of lot yield, building area, or profitability of developmental layout shall be deemed neither compelling nor extraordinary.

~~§ 19-10~~ **19-11 APPEALS.**
[Ord. No. 18-2018]

Whenever any application for a tree removal permit shall be denied by the Code Enforcement Officer or his/her designee, the applicant may appeal the denial to the Borough Administrator by filing a written notice of appeal with the Borough Clerk within 10 days after receiving notice of the denial. Upon receipt of the notice of appeal, the Borough Administrator shall appoint a hearing panel consisting of three members: The Borough Engineer, an employee of the Department of Public Works, and any other designee of the Borough

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Administrator. This panel shall proceed to hear the appeal upon notice to the applicant within 30 business days of the filing of such notice of appeal. This panel shall have the discretion, after interviewing both the applicant and the Code Enforcement Officer or his/her designee, to reverse, affirm, or modify the aforesaid decision.

§ ~~19-11~~ 19-12 PROTECTION OF EXISTING TREES. [Ord. No. 18-2018]

In connection with any construction, subsequent to tree clearing but prior to the start of other construction, snow fencing or other protective barrier acceptable to the Construction Official and/or Borough Engineer, shall be placed around trees that are not to be removed. The protective barriers shall be placed at the dripline or canopy line of any tree and shall remain in place until all construction activity is terminated. No equipment, chemicals, soil deposits, or construction materials shall be placed within any area so protected by barriers. Any landscaping activities subsequent to the removal of the barriers shall be accomplished with light machinery or hand labor.

§ ~~19-12~~ 19-13 EMERGENCY ACTION. [Ord. No. 18-2018]

In the event of an emergency, trees that pose an imminent public safety hazard as determined by a N.J. Certified Tree Expert or a competent public authority (Police, Department of Public Works, Borough Engineer, etc.), shall have the authority to have such tree removed without requiring that the property owner first apply for a permit. ~~However, the property owner or the designee of such person shall apply for a tree removal permit not later than the end of the second succeeding business day after any regulated activity takes place and may not proceed with non-emergency work including restoration until a permit is obtained.~~

§ ~~19-13~~ 19-14 PENALTIES. [Ord. No. 18-2018]

When regulated trees are removed without a tree removal permit, the affected areas shall be replanted as required by the Code Enforcement Officer or his/her designee. Any such replanting shall be in accordance with the requirements of development regulations. Any person found guilty of violating any of the provisions of this chapter shall be subject to a fine not exceeding ~~\$1,000~~ \$2,000 ~~as determined by the Shade Tree Commission,~~ per removed tree. Each tree removed or destroyed in violation of this section shall be considered a separate violation.

UPON MOTION of Councilman Perry, seconded by Councilman Downey, carried, that the meeting be opened to the public for comments on the said Ordinance only.

Brian Oakes, Chicago Boulevard, questioned adjustments to the Ordinance, particularly that there is no limitation on lot sizes. Mayor Fetzer commented one purpose of the change was made to allow easier enforcement. Mr. Oakes would like to see trees saved with an incentive for planting trees not removing them.

There were no comments from the public participating and **UPON MOTION** of Councilman Clemmensen, seconded by Councilwoman Anthony, carried, the public hearing was closed.

UPON MOTION of Councilman Perry, seconded by Councilman Downey, carried, that the said Ordinance No. 01-2023 be adopted on final reading, directing the Clerk to post and publish as required by law.

Recorded Vote:

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

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- **R-2023:** Professional Appointment, H2M Municipal Water and Sewer Engineer. Mayor Fetzner requested to carry resolution for further review until April 26, 2023 meeting. UPON MOTION of Councilman Perry, seconded by Councilwoman Richman, carried, that the following Resolution be carried until April 26th meeting.

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			

5. NEW BUSINESS

A. Introduction - Ordinance No. 02-2023: The Mayor to read the said Ordinance by Title:

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER IV, PARAGRAPHS 7-37 DELIVER AND LOADING ZONE, 7-38 TAXI PARKING/RIDE SHARE DROPOFF AND PICKUP ZONE, 4-10.19 TAXI STANDS; RIDE SHARE DROPOFF OR PICKUP ZONE OF THE BOROUGH CODE OF THE BOROUGH OF SEA GIRT, MONMOUTH COUNTY

§ 7-37 DELIVERY AND LOADING ZONE

[Ord. No. 12-2018; Ord. No. 15-2018; amended 6-26-2019 by Ord. No. 07-2019; 6-24-2020 by Ord. No. 09-2020; Ord. 08-2021]

The location described in this section is hereby designated as the delivery zone. No person shall park a vehicle in this location during the times indicated other than for the delivery of goods and materials. (Ord. No. 12-2018). During delivery, any delivery vehicle shall have its rear hazard warning flashers engaged (Ord. No. 15-2018), and at least two of its emergency warning triangles placed at the rear of said vehicle, on the east shoulder of First Avenue. Said vehicle shall be temporarily parked as far to the right as practicable so as not to obstruct traffic, but not on the adjacent sidewalk. The vehicle shall remain at this location for only so long as necessary to deliver its goods or materials. The time of deliveries and location are as follows:

Name of Street	Time	Side	Location
First Avenue	9:00 a.m. to 4:00 p.m., Monday through Friday; 10:00 a.m. to 3:00 p.m. Saturday	East side	Beginning at a point 25 feet from the southern crosswalk at Beacon Boulevard south for a distance of 96 feet

(Note: Minimum length for all loading zones is 50 feet. No loading zone may be established in any area where it is prohibited to stand or park by statute. N.J.S.A. 39:4-138.)

§ 7-38 TAXI PARKING/ RIDE SHARE DROPOFF AND PICKUP ZONE

[Ord. No. 739 § h.; New; Ord. No. 06-2013; amended 6-24-2020 by Ord. No. 09-2020]

The locations described are hereby designated as taxi parking/ride share drop off and pick up zones. No vehicle other than a taxi or a registered ride share vehicle shall be permitted to occupy these locations during the times indicated.

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Name of Street	Side(s)	No. of Spaces	Location	Hours
Beacon Boulevard			South side for a distance of 140 feet east from the easterly curblineline of First Avenue for taxi and ride share vehicles	Between 3:00 p.m. and 12:00 midnight Friday through Sunday, May 15 to September 15
First Avenue	East Side		From the effective date of this ordinance until September 30, 2023. East side of First Avenue, adjacent to Parker House property beginning 25 feet south of the north west curb of Beacon Blvd. running 96 feet south. This designated space shall be for the operation of 19 foot taxi vans with right side exit and entrance only.	Friday from 6:00 p.m. through midnight; Saturday 2:00 p.m. through midnight; Sundays of holiday weekends 2:00 p.m. – midnight.

§ 4-10.19 TAXI STANDS; RIDE SHARE DROPOFF OR PICKUP ZONE

[Ord. No. 13-2009 § 18; Ord. No. 17-2011 § 6; amended 6-24-2020 by Ord. No. 09-2020]

a. No person shall sit, idle, park, or operate in a designated taxi stand/ride share zone for any other purpose except to pick up or discharge passengers. A designated taxi stand may be occupied by a taxi/autocab and driver licensed by the Borough and/or a registered ride share vehicle and driver in accordance with this section. No person shall leave any vehicle unoccupied in any designated taxi stand/ride share zone. The taxi stand/ride share drop off zone shall be utilized strictly for the discharge of passengers during hours as approved annually by the Borough Council. Therefore, no taxi/ride share vehicle shall sit, idle or park in a taxi stand/ride share zone during those hours unless patrons are waiting for transportation. No taxi or ride share vehicle shall sit, idle or park in a taxi stand/ride share zone for longer than 10 minutes. A taxi stand/ride share zone shall allow a person the opportunity to find transportation services in an expeditious, unbiased, nondiscriminatory, and courteous manner.

b. TEMPORARY TAXI STAND/RIDE SHARE DROPOFF OR PICKUP ZONE

1.

In the event of an emergency, or circumstance as described in Subsection b2, the Chief of Police, or highest-ranking police officer on duty in his absence, may designate, on a temporary basis not to exceed 24 hours after said emergency or circumstance arises, the location and size of any taxi stand/ride share drop off or pickup zone in accordance with state law.

2.

The ranking or senior Borough police officer on duty may, in the event the number of people at any location seeking transportation from taxi/autocabs or ride share vehicles creates or may create a safety concern and/or may create a disturbance of the peace, establish a temporary taxi stand/ride share zone at any public location, such temporary taxi stand ride share drop off or pickup zone to be designated by temporary traffic signs or other traffic devices identifying the temporary taxi stand/ride share drop off or pickup zone. The provisions of this section applicable to taxi stand/ride share drop off or pickup zone shall be applicable to temporary taxi stand ride share drop off or pickup zone.

3.

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

In the event that a temporary alternate pickup/drop off zone is designated consistent with Subsection b1 or 2, the Chief or ranking officer shall report said emergency or circumstance to the Mayor and Council, and the basis for said action no later than 24 hours after doing so.

UPON MOTION of Councilman Clemmensen, seconded by Councilman Downey, carried, that the said Ordinance be and the same is hereby adopted on first reading, directing the Clerk to post and publish as required as law and setting the date for the public hearing as August 26, 2023.

Recorded Vote:

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

- **R-35-2023: Authorize Mayor Fetzer to Execute Memorandum of Understand (MOU) between The Borough of Sea Girt and The New Jersey Motor Vehicle Commission “CAIR Program”**

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

WHEREAS, the Borough of Sea Girt (hereinafter referred to as “Borough”) is a public employer within the meaning of the New Jersey statutes; and,

WHEREAS, The Borough of Sea Girt desires to accept a Memorandum of Understanding from the NJMVC to make, maintain and keep on file as required by law certain driver license, vehicle, and vessel records of individuals licensed and vehicles and vessels registered in this state; and,

WHEREAS, the Program Participant, in its application for participation in the Online Program, has demonstrated a beneficial interest in and legitimate business use of the database information; and,

NOW THEREFORE BE IT RESOLVED The Agreement by and between The NJDMV and Sea Girt Borough that for and in mutual consideration of the covenants herein and pursuant to all federal and State laws and regulations of the general provisions attached to this agreement.

Recorded Vote:

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

- **R-36-2023: Accept the Bid of Surfside Investments, LLC to Operate the Boardwalk Concession at The Sea Girt Beach for the 2023 Season with the Sea Girt Borough to Hold the Option to Renew for an Additional Two Seasons (2024, 2025 Respectively)**

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

Borough Attorney, Ray Bogan requested said resolution to be amended to add that The Sea Girt Borough hold the Option to renew for an additional two seasons (2024, 2025 Respectively)

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

WHEREAS, the Borough of Sea Girt advertised for bidders to operate the Boardwalk Concession at the Sea Girt Beach on February 11, 2023, with the receipt of bids scheduled for March 8, 2023 for the 2023 season, with option years 2024 and 2025; and,

WHEREAS, one bid was submitted by the date and time specified from Surfside Investments, LLC, in the amount of \$55,000.00 for the 2023 season, with option years 2024 and 2025 respectively; and,

WHEREAS, the bid documents were reviewed by the QPA and Borough Attorney and found to be in compliance with the Bid Specifications and the Local Public Contracts Law, *N.J.S.A. 40A:11-1*, et seq.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Sea Girt that the bid of \$55,000.00 be and the same is hereby accepted to operate the Boardwalk Concession at the Sea Girt Beach for the 2023 season with the Sea Girt Borough to hold the option to renew for an additional two seasons (2024 and 2025 respectively) at the bid price of \$55,000.00.

BE IT FURTHER RESOLVED that, pursuant to the Bid Specifications, the lease to operate the Boardwalk Concession shall be executed by the principals of Surfside Investments, LLC within twenty-one (21) days of the date of this award and returned to the Municipal Clerk with the required security deposit of \$5,500.00.

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk be and they are hereby authorized to execute the lease document pursuant to the Bid Specifications.

Recorded Vote:

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

- **R-37-2023: Accept the Bid of Sports & Tennis Construction for Upgrades and Resurfacing of Tennis Courts at Crescent Park and Bell Place**

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

WHEREAS, the Borough of Sea Girt advertised for bidders for Crescent Park Tennis Court Rehabilitation in The Borough of Sea Girt on February 23, 2023, with the receipt of bids scheduled for March 7, 2023; and,

BIDDER	BASE BID
Sports & Tennis Construction, Freehold, NJ	\$91,850.00
L&L Paving Company, Farmingdale, NJ	\$123,225.00

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and,

WHEREAS, the bid documents were reviewed and references checked for Sports & Tennis Construction and found to be in compliance with the Bid Specifications and the Local Public Contracts Law, *N.J.S.A. 40A:11-1*, et seq.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Sea Girt that the bid of Sports & Tennis Construction and the same is hereby accepted at the bid price of \$91,850.00.

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk be and they are hereby authorized to execute the documents pursuant to the Bid Specifications.

Recorded Vote:

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

• **R-38-2023: Authorize Beach Fees for 2023 Season**

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

WHEREAS, the Borough of Sea Girt wishes to set the beach season fees and the season schedule for 2023.

NOW THEREFORE BE IT RESOLVED, by the Council of the Borough of Sea Girt that the season schedule and fees for beach access be enacted for the 2023 Beach Season, said season to commence on May 27th through September 4, 2023, inclusive.

	<u>2023 Fees</u>
Season Badge	\$115.00
Daily Badge	\$ 11.00
Senior Season Badge	\$ 70.00
Bath House (includes 5 Season Badges)	\$1,275.00
Catamaran mooring - season	\$400.00
Kayak Storage - season	\$225.00

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			

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

- **R-39-2023: Authorize Playbypoint Service Agreement for Tennis Court Registrations**

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 Mayor and Council of the Borough of Sea Girt that, Administrator Gant be and is hereby authorized to sign the PLAYBYPOINT Service Agreement effective January 25, 2023 to provide a cloud-based software specifically designed to address the unique requirements of the tennis industry; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be supplied to Andres Robelo, CEO of Playbypoint, for his information and the Chief Financial Officer for her action.

Recorded Vote:

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

- **R-40-2023: Authorize Proposal of Funds to Satisfy the NJDEP Permitting Requirements for the purchase of Mobi Mats for Public Access points**

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

WHEREAS, The Borough of Sea Girt has received a Public Access Contribution to satisfy the pre-construction condition requirement #4 of the NJEP General Permit 4; from 712 Morven Terrace; DLRP file No.: 1344-05-0001.1LUP220002; and

WHEREAS, the Borough of Sea Girt has received payment from Envirotactics, Inc. in the amount of \$14,350.00 for the purchase of Mobi-Mats for public access points located at Seaside Place entrance way at the base of the ramp, Philadelphia Boulevard, Baltimore Boulevard, and Beacon Boulevard; and

WHEREAS, as a condition to the acceptance of this pre-construction requirement, the Borough must present the proof pf purchase of the Mobi-Mats to the applicant; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sea Girt Accepts payment for the purchase of Mobi-Mats for public access points located at Seaside Place entrance way at the base of the ramp, Philadelphia Boulevard, Baltimore Boulevard, and Beacon Boulevard.

Recorded Vote:

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

- **R-2023: Approve/Reject Residential Dune Walkover at 605 Ocean Avenue** – no resolution necessary and removed from agenda.

6. COUNCIL REPORTS

Councilman Clemmensen reported bulk pickup is March 13th; garden trash begins March 20th and 27th; in order to keep our employees safe, please do not place debris in robot cans during garden trash pickup.

Councilman Downey reported Finance Assistant Megan Thompson applied and was awarded a scholarship for her next CFO course through Rutgers Center for Government Services.

Councilman Perry reported the 2023 budget is underway; the Finance Committee will meet tomorrow to review the budget. The Recreation Commission met last week to review past and future events and activities; please visit the borough website and Instagram for programs offered. Community Pass has retained all subscriber's information and Playbypoint will send an email with instructions on how to create a username to make court reservations. Work has begun in Baltimore Park to create additional accessible playground equipment and a tentative ribbon cutting ceremony is April 23rd.

Councilwoman Richman congratulated geography bee winners Gavin D'Altrui and Catherine Gilmore; Students had two assemblies in March; Read Across America Week – the students donated over 2,000 books to under privileged children in NJ; Peer Leaders hosted a movie night for the younger students. She also reported beach fees have increased per tonight's resolution; the Borough has applied to renew CAFRA permits for beach front activities to continue; dune fencing will be removed in April; beach employment applications are being accepted online on our website; dogs are prohibited in protected areas after March 15th, dogs must be leashed at all times while on the beach. April 1st is a beach sweep with Clean Ocean Action from 9am-12:30pm.

Councilman Zakin had no report.

Council President Anthony reported on her meeting with the NJ Fish and Wildlife Service to discuss the continued improvements along The Terrace back dune; the Borough is staying with the permit which will afford the borough to control and eradicate the Japanese Knotweed. The hope is to bring back the area and to have The Fish and Wildlife Service showcase the area as a pilot program for other areas in New Jersey. The Sea Girt Conservancy will be having a cleanup along Sea Girt Station Park on Bell Place on March 11th between 9-11 am. The goal is having this area cleaned up prior to Arbor Day on April 28th.

Mayor Fetzer reported the fire department is forming a truck committee to research the purchase of a future firetruck; he requested an updated capital plan to provide to the Borough; the fire department had a successful joint drill with Manasquan on forceable entry. Mayor Fetzer also noted he received comments on the resolution calling for a moratorium on offshore wind both in support and opposition suspending further research. He further suggested the Buildings and Grounds Committee to address Borough Policy on right of way concerns between property line and sidewalk.

7. ADMINISTRATIVE REPORT

Jim Gant reported on the current fair share housing settlement agreement regarding the boroughs affordable housing obligations; developments are expected in the next few weeks. He also commented on the JCP&L Smart Rollers which are part of public utilities; he noted a government representative is scheduled to attend our April 26th meeting to update council members and the public on Smart Meters. Mr. Gant echoed Councilman Downey's comments regarding Megan Thompson's scholarship award.

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Chief Macko read a note from Jake Gant on his dad's heroism. EMS quarterly update will be provided at the April 26th meeting. SLEO recruitment class has been fulfilled for the summer season. Residents will soon notice a marked-up patrol car supporting the John Elliott Hero Campaign. He recognized Detective Sherman for his dedication with solving attempted burglary cases.

8. R-41-2023: PAYMENT OF BILLS

BE IT RESOLVED, by the Borough Council of the Borough of Sea Girt, County of Monmouth that the bills to be paid as appearing on the attached bill list dated March 3, 2023 in the totals as follows:

Beach Operating	\$	4,559.75
Board of Rec Trust	\$	3,743.56
Current Fund	\$	489,155.92
Dog License Trust	\$	34.20
General Capital	\$	4,460.00
Trust Other	\$	6,123.00
Water Capital	\$	10,009.06
Water Operating	\$	3,628.22

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			

9. PUBLIC PARTICIPATION ON ANY SUBJECT: There were no comments from the public at this time.

There being no further business, and **UPON MOTION** of Councilman Clemmensen, seconded by Council President Anthony, carried, that the meeting be finally and immediately adjourned at 8:10 PM.

Dawn Harriman

Dawn Harriman, RMC