

Regular Meeting □ February 13, 2008 □ Wednesday Evening □ 7:30pm

**SEA GIRT BOROUGH COUNCIL  
SEA GIRT ELEMENTARY SCHOOL  
RT. #71 and BELL PLACE  
SEA GIRT, NJ**

**MINUTES**

**CALL TO ORDER**

Mayor Clemmensen called the meeting to order at 7:30pm.

**SALUTE OF THE FLAG**

Mayor Clemmensen led the public and council in the flag salute.

**COMPLIANCE STATEMENT:**

The Municipal Clerk, read the following Compliance Statement. "In compliance with the "Open Public Meetings Act", Chapter 231, PL. 1975, Section 5, adequate notice has been given of this meeting by posting a Notice in a public place and by transmitting a Notice to two newspapers, Asbury Park Press and the Coast Star as required by law".

**ROLL CALL:** Mayor Mark E. Clemmensen, present, Councilpersons, Ken Farrell, present, Fred E. Niemeyer, present, Raymond Bogan, absent, Anne Morris, absent, Don Fetzer, present, Joseph Bonacci, present.

**CONSENT AGENDA**

(All matters listed hereunder are considered to be routine in nature and will be enacted in one motion. Any person may request that an item be removed for separate consideration).

Councilman Farrell offered and moved the following Consent Agenda, Seconded, Councilman Niemeyer.

- A. R-32a-2008 Resolution Approving an Agreement with Monmouth County for the purpose of storing Historical Records of the Borough of Sea Girt.

**RESOLUTION R-32a-2008**

**RESOLUTION APPROVING AN AGREEMENT WITH MONMOUTH  
COUNTY FOR THE PURPOSE OF STORING HISTORICAL RECORDS  
OF THE BOROUGH OF SEA GIRT.**

**WHEREAS**, the Borough of Sea Girt is desirous of preserving its historical records for future generations, and

**WHEREAS**, as a result of a grant project (PARIS GRANT), the Monmouth County Archives recently acquired additional shelving capacity which creates the possibility of sharing storage space with Monmouth County municipalities for their most treasured records, and

**WHEREAS**, each municipality in Monmouth County will be able to store up to a total of ten cubic feet of permanent, historical records in the air-conditioned and secure Monmouth County Archives and Records Center in Manalapan, and

**WHEREAS**, “Permanent, historical records” means record series designated “permanent” or “archival” on the records schedules for municipal records prepared by the NJ Division of Archives and Records Management, including town minute books and records of births and marriages, and

**WHEREAS**, the each municipality shall retain ownership of the original records and can have them returned on request, and

**WHEREAS**, the municipality (Sea Girt Borough) will not be charged for storage, unless the records are infested with mold, fungus, or insects, they must be treated by a qualified vendor at the municipalities expense before they come to the Archives, and

**WHEREAS**, municipal records in the Archives will be described in guides developed by the Archives staff and are posted on the Monmouth County Archives website, and

**WHEREAS**, Municipal records in the Archives will be made available to the public on request and under-supervision by Archives staff in the Jane Clayton Reading Room at the Monmouth County Archives, and

**WHEREAS**, the Monmouth County Archives Staff will handle requests for copies and all revenue will go the County Clerk, and

**WHEREAS**, in order to reduce the need to handle original documents and to make them more accessible, at the County’s sole discretion, the Archives may scan and index any municipal records held in the Archives as part of this storage agreement and make the images available on the Internet through the County’s Open Public Records System, and

**WHEREAS**, the Borough of Sea Girt will provide links on it’s web page to the records of the Borough of Sea Girt on the County’s Website, and

**WHEREAS**, the County shall have the sole discretion to back up digitized records on microfilm, and

**NOW THEREFORE BE IT RESOLVED**, that the Borough Council of the Borough of Sea Girt does hereby authorize the Mayor and Clerk to sign an agreement with Monmouth County for the purpose of storing archival and historical documents at the Monmouth County Archives facility at the Monmouth County Library.

**B. R-33-2008 Resolution to Set the Salary of the Chief Financial Officer  
RESOLUTION R-33-2008**

**A RESOLUTION REGULATING THE SALARIES OF THE EMPLOYEES OF THE BOROUGH OF SEA GIRT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AS FOLLOWS:**

**BE IT ORDAINED, BY THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF SEA GIRT IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY AS FOLLOWS:**

**SECTION 1.** The annual salaries of the Borough Employees shall be respectfully set as follows:

	<u>SALARY</u>
CHIEF FINANCIAL OFFICER	24,000.00

**SECTION 2.** The salaries and hourly wages as specified in Section 1, and Section 2 hereof shall be effective as of January 1, 2007 and shall continue in effect until amendment of this resolution.

The foregoing Consent Agenda was approved by the following Roll Call Vote:

AYES: Farrell, Niemeyer, Fetzer, Bonacci

NAYS: None

ABSTAIN: None

ABSENT: Bogan, Morris

**APPROVE MINUTES**

**A. Council Minutes 1-23-2008 Meeting**

Councilman Farrell asked for Item A to be tabled until the next meeting, Seconded, Councilman Fetzer. The motion was carried by voice vote.

**OPEN DISCUSSION (Council is invited to speak on any subject)**

None

**PUBLIC PARTICIPATION** (comments limited to items on the agenda for 7 minutes, with additional comments, follow up comments and "other" subjects shall in turn be limited to 3 minutes)

Mayor Clemmensen opened the meeting to public participation at 7:35pm. Being there were no members of the public wishing to speak, the Mayor closed public participation at 7:36pm.

**OLD BUSINESS**

Appoint Borough Engineer

Councilman Fetzer stated that the Engineer Committee is recommending the appointment of Peter Avakian for a term of one year. Mayor Clemmensen offered the appointment of Peter Avakian for a term of one year. Councilman Fetzer offered a motion to confirm and approve Resolution R-34-2008, seconded, Councilman Farrell. The motion was approved by voice vote.

R-34-2007 Resolution to Appoint Borough Engineer

**RESOLUTION R-34-2008**

**RESOLUTION TO ENTER AGREEMENT FOR ENGINEERING SERVICES  
WITH LEON S. AVAKIAN, PC.**

**WHEREAS**, the Borough Engineer and Survey shall be Peter Avakian of Leon S. Avakian, PC as Borough Engineer, and

**WHEREAS**, the appointment shall be for a period of 1 year effective 1-1-2008 through 12-31-2008, and

**WHEREAS**, the Borough Attorney shall prepare an agreement to set forth the terms for services provided.

**NOW, THEREFORE BE IT RESOLVED**, that the Borough Attorney has been authorized to prepare an agreement for engineering services with the firm of Leon S. Avakian PC for the period of 1-1-2008 through 12-31-2008 at a cost as determined by the schedule of fees dated 1-1-2008.

The foregoing was approved by voice vote.

**NEW BUSINESS**

R-35-2008 Resolution Opposing Increase in Tolls.

Councilman Farrell offered and moved the following Resolution, Seconded, Councilman Niemeyer.

**RESOLUTION R-35-2008**

**RESOLUTION IN OPPOSITION TO THE  
GOVERNOR'S TOLL HIKE PROPOSAL**

**WHEREAS**, New Jersey already has one of the most oppressive tax regimes in the United States; and

**WHEREAS**, the combination of higher taxes and the increased cost of living is forcing thousands of families to leave New Jersey each year; and

**WHEREAS**, Governor Jon S. Corzine has proposed a plan which would require annual cost of living toll increases, in addition to a 50 percent guaranteed toll hike every four years, on the Turnpike, Garden State Parkway, and Atlantic City Expressway; and

**WHEREAS**, New Jersey is a state where many residents commute great distances to work each day, and many utilize toll roads for that purpose, and

**WHEREAS**, this plan would have a disproportionate impact on Monmouth County which accounts for a significant percentage of those who regularly travel the Parkway and Turnpike, and

**WHEREAS**, increasing tolls impacts not only the commuters who use those roads, but commercial trucking which in turn has an impact on the cost of consumer goods in the state, and

**WHEREAS**, these toll hikes will almost certainly drive traffic, including heavy truck traffic, onto local roads increasing congestion and creating wear and tear that could require costly repairs further driving up our highest in the nation property taxes, and

**WHEREAS**, state spending has increased by \$11 billion since 2002, and

**WHEREAS**, there have been numerous audit reports, investigations and newspaper stories highlighting wasteful and unnecessary state spending, and

**NOW, THEREFORE BE IT RESOLVED**, that we urge Governor Corzine to abandon this toll hike proposal and that we urge the New Jersey State Legislature to oppose any attempt by the Governor to move forward with that proposal.

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution shall be sent to the Senate President, the Assembly Speaker, the Senate Minority Leader and the Assembly Minority Leader and the 11<sup>th</sup> District legislative delegation.

The foregoing Resolution was approved by the following Roll Call Vote:

AYES: Farrell, Niemeyer, Fetzer, Bonacci

NAYS: None

ABSTAIN: None

ABSENT: Bogan, Morris

#### Discussion Background Checks

Councilman Bonacci discussed the County Fire Marshall's recommendation that the Borough perform background checks on fire department personnel. The recommendation is that the Borough's Police Department administer the check and should these background checks be expanded to include Recreation Counselors. Mr. Bonacci had information from an outside firm, whereby they charge \$34.00 not including FBI fingerprint check. The Fire Department would be exempt from fees. The By-Laws of the Fire Department may allow for the conduct of background checks. There is pending

legislation that provides for background checks on recreational and not-for-profit entities, this would allow for re-imburement from the State. Councilman Farrell spoke in favor of requiring background checks, however we do need the costs.

R- 36 -2008 Resolution Authorizing Municipal Obligation Payments by Credit/Debit Card

Councilman Farrell offered and moved the following Resolution, Seconded, Councilman Niemeyer.

### **RESOLUTION R-36-2007**

#### **RESOLUTION AUTHORIZING THE ACCEPTANCE OF CREDIT CARD PAYMENTS FOR THE COLLECTION OF TAXES, MUNICIPAL COURT FEES AND OTHER MUNICIPAL FEES AND CHARGES IN ACCORDANCE WITH THE PROVISIONS OF N.J.A.C. 5:30-9.1 et seq.**

**WHEREAS**, the Department of Community Affairs, Division of Local Government Services has promulgated regulations, N.J.A.C. 5:30-9.1 et seq., authorizing municipalities to accept credit card payments in accordance with the provisions of the Administrative Code, and in regard to transactions related to municipal court, pursuant to the Rules of the Court promulgated by the New Jersey State Supreme Court; and

**WHEREAS**, in order for a municipality to accept credit card payments, a resolution must be adopted by the governing body authorizing the same and stating the type of obligations which can be paid by electronic receipt and the types of electronic receipt that will be permitted; and

**WHEREAS**, the Borough Council of the Borough of Sea Girt is of the opinion that allowing property owners, residents, participants and visitors the ability to pay taxes, bills and fees via credit card/debit card over the Internet could provide needed convenience; and processing local payment is fee to the Municipality, and

**WHEREAS**, Convenience fees are disclosed, calculated and charged automatically to the citizen making the on-line payment. These convenience fees, are \_\_\_\_\_ handling fee plus \_\_\_\_\_ for the merchant card transaction, and

**WHEREAS**, it is the desire of the Mayor and Borough Committee to authorize the payment of municipal tax bills, water and sewer bills, municipal licensing fees, including, dog and cat licenses, zoning and planning application fees and fines, recreation fees, beach fees, municipal court fees and fines, bail and other fees, costs or payments associated with the operation of the municipal court; and

**WHEREAS**, it is the intention of the Mayor and Borough Committee to authorize the Tax Collector's Office, Zoning and Planning Department, the Municipal Clerks Office, the Recreation Department, the Water and Sewer Utility, the Beach Utility, the Municipal Court Office and the Police Department to accept payment by credit card for

those fees, costs, or other payments associated with that department as set forth above;  
and

**WHEREAS**, the utilization of credit cards for payment of these taxes, fees, costs, or fines must be in accordance with the provisions of N.J.A.C. 5:30-9.1 *et seq.*, and in regard to the municipal court, in compliance with the Rules of Court adopted by the New Jersey Supreme Court.

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

1. That the Mayor and Borough Committee do hereby authorize the Tax Collector's Office to accept credit card payments for the payment of municipal tax bills.

2. That the Mayor and Borough Committee authorize the Municipal Court Office to accept credit card payments for the payment of municipal court fees, fines, and such other payments that may be due to the municipal court. The Mayor and Borough Committee do farther authorize the Police Department to accept credit card payment of bail and such other payments that are to be made to the Municipal Court as the Police Department is authorized to accept.

3. That the use of credit cards for payment is subject to the provisions of N.J.A.C. 5:30-9.1 *et seq.* In regard to the Municipal Court and the Police Department, where the Police Department is accepting payments required by the Municipal Court, these payments are subject to the provisions of N.J.A.C. 5:30-9.1 as well as the Rules of Court adopted by the New Jersey Supreme Court, and such guidelines as the Supreme Court may adopt in regard to the acceptance of credit card payments for municipal court obligations.

4. That the Council shall aspire and shall make available to the public as the technology shall become available the ability to collect electronically the various fees, that are payable to the borough.

5. That the Borough Council does hereby authorize obligations to be made by use of a credit or debit card over the internet.

**BE IT FURTHER RESOLVED**, that the Borough Municipal Clerk and the Borough Attorney and all municipal officials are hereby authorized to take such action as is necessary to implement the purposes of the resolution,

That a copy of the resolution certified by the Borough Clerk to be a true copy be forwarded to each of the following:

- (a) Borough Tax Collector
- (b) Director, Division of Local Government Services
- © New Jersey Department of Community Affairs.

The foregoing Resolution was approved by the following Roll Call Vote:

AYES: Farrell, Niemeyer, Fetzer, Bonacci

NAYS: None

ABSTAIN: None

ABSENT: Bogan, Morris

Councilman Bonacci offered and moved the following Introduction of Ordinance 01-2008, Seconded, Councilman Farrell.

**ORDINANCE 01-2008 ORDINANCE TO AMENDING SECTION 5 OF ORDINANCE #945 TITLED “AN ORDINANCE CREATING THE OFFICE OF BOROUGH ADMINISTRATOR IN, FOR AND OF THE BOROUGH OF SEA GIRT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, PRESCRIBING THE TERM AND DUTIES THEREOF, AND PROVIDING FOR APPOINTMENTS THERETO , AND COMPENSATION THEREFORE”**  
*SECTION 5. REMOVAL: “THE BOROUGH ADMINISTRATOR SHALL ONLY BE REMOVED AFTER A DETERMINATION BY THE GOVERNING BODY THAT JUST CAUSE EXISTS FOR REMOVAL” SHALL BE DELETED.*

The foregoing Ordinance was approved for introduction by the following Roll Call Vote:

AYES: Farrell, Niemeyer, Fetzer, Bonacci

NAYS: None

ABSTAIN: None

ABSENT: Bogan, Morris

The Ordinance will be published and scheduled for second reading March 12, 2008.

### **COUNCIL REPORTS**

Councilman Farrell asked the council to waive the Noise Ordinance on August 3, 2008 for the purpose of the Sea Girt 5K, the waiver shall be for the location of the Borough Plaza. Councilman Farrell offered the motion, Seconded, Councilman Niemeyer. The motion was approved by the following Roll Call Vote:

AYES: Farrell, Niemeyer, Fetzer, Bonacci

NAYS: None

ABSTAIN: None

ABSENT: Bogan, Morris

Councilman Farrell reported that he met with the Recreation Commissioners during which time the matter of repairs to the Baltimore Blvd. basketball court were discussed as well as the tennis courts on Belle Place. Kevin Thompson will take a look at the tennis courts on Belle Place and schedule them for maintenance. Councilman Farrell reported that the South Monmouth Regional Sewer Authority has proposed a new rate of \$2059. per million. Councilman Farrell reported that with regards to the Budget, it is anticipated that the Budget will be introduced at a meeting of the Council on March 12, 2008. there are large increases in pension and the budget committee and department heads are working hard to keep within the State Mandated Cap of 4%. Councilman Bonacci, did not have a report. Councilman Fetzer reported that Hatch, Mott, MacDonald had a meeting to kickoff their building designs and modifications. The Bid should be ready in Sept. Councilman Fetzer asked council for a motion to authorize the bid for water meters and batteries using the estimate for 2007. Councilman Niemeyer seconded, the motion was approved by the following Roll Call Vote:

AYES: Farrell, Niemeyer, Fetzer, Bonacci

NAYS: None

ABSTAIN: None

ABSENT: Bogan, Morris

Councilman Niemeyer gave the Fire Department Report and also reported that there is a need for new gutters on the north side of the building, as well as minor excavation repairs to mend the hole that has been created by dripping water. There was discussion regarding requiring Jr. Firefighters application. There were no other Council Reports. Mayor Clemmensen asked the Clerk to arrange for an email address for the Mayor. Councilmembers also expressed a desire to have similar email addresses.

### **R-37-2008 Resolution to Pay Bill**

Councilman Farrell offered and moved the following Resolution, Seconded, Councilman Niemeyer.

#### **RESOLUTION R-37-2008**

#### **RESOLUTION TO PAY BILLS**

#### **RESOLUTION AUTHORIZING THE PAYMENT OF BILLS**

**BE IT RESOLVED**, by the Borough Council of the Borough of Sea Girt that bills be paid as appearing on the Bill List dated February 13, 2008 in total as follows:

CURRENT FUND	\$ 282,776.38
WATER / SEWER OPERATING FUND	\$ 93,585.44
BEACH OPERATING FUND	\$ 639.57
GRANT FUND	\$ 0.00
ANIMAL CONTROL FUND	\$ 70.80
TRUST FUND	\$ 2,966.76
GENERAL CAPITAL FUND	\$ 8,549.89
WATER / SEWER CAPITAL FUND	\$ 2,304.41
BEACH CAPITAL FUND	\$ 0.00
RECREATION TRUST FUND	\$ 4,716.82
UNEMPLOYMENT COMP. TRUST	\$ 778.59

The foregoing Resolution was adopted by the following Roll Call Vote:

AYES: Farrell, Niemeyer, Fetzer, Bonacci

NAYS: None

ABSTAIN: None

ABSENT: Bogan, Morris

### **PUBLIC PARTICIPATION ON ANY SUBJECT**

Mayor Clemmensen opened the meeting to public participation at 8:20pm. Joe Norcia, Beacon Blvd. Requested that the Council ask for public comment after each item on the agenda, he also requested that the Borough consider workshop meetings. Discussion ensued between the Council and Mr. Norcia. Being there were no other members of the public wishing to speak, the Mayor closed the meeting to the public at 8:29pm.

### **R-38-2008 Resolution for Executive Session**

Councilman Fetzer offered and moved the following Resolution, Seconded, Councilman Bonacci.

### **RESOLUTION R-38-2008**

### **RESOLUTION TO ENTER EXECUTIVE SESSION**

**WHEREAS**, Section 8 of the Open Public Meetings Act, Chapter 231, PL 1975, 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 on February 13, 2008.

**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 matters to be discussed is as follows:
  - A. Personnel – Administrator Candidates Discussion
3. It is anticipated, at this time that the date on which the stated subject matters, A, will be made public is unknown.
4. This Resolution shall take effect immediately.

The foregoing Resolution was approved by the following Roll Call Vote:

AYES: Farrell, Niemeyer, Fetzer, Bonacci

NAYS: None

ABSTAIN: None

ABSENT: Bogan, Morris

The Council recessed into executive session at 8:30pm.

The Council returned to open session at 8:49pm.

**OTHER BUSINESS**

There was no Other Business brought before council.

**ADJOURNMENT**

Councilman Farrell offered to move for adjournment at 8:50pm, Seconded, Councilman Fetzer. The motion was carried by voice vote and the meeting adjourned at 8:50pm.

---

Lorene K. Wright, RMC  
Municipal Clerk

---

Mark E. Clemmensen  
Mayor

DRAFT