

**Regular Meeting ● February 27, 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 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, present, Anne Morris, present, 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 Bogan offered and moved the following Consent Agenda, Seconded, Councilman Farrell.

R-39-2008 Resolution Authorizing Monmouth County Mosquito Extermination Commission to Provide Aerial Surveillance and Treatment Program 3-15-2008 through 11-30-2008.

**WHEREAS**, the Governing Body of the Borough of Sea Girt in the County of Monmouth, State of New Jersey, a municipal corporation, does hereby authorize the Monmouth County Mosquito Extermination commission to apply pesticides from aircraft to control mosquitoes over portions of the Borough of Sea Girt, and

**WHEREAS**, the Borough Council of the Borough of Sea Girt understand that all pesticides used are registered with the NJDEP for aerial application by the State and USEPA, and

**WHEREAS**, it is further understood that the areas being treated are only those found to have a significantly high mosquito population and may present either a public health nuisance or disease factor, and

**WHEREAS**, this approval is subject to the Monmouth County Mosquito Extermination Commission notifying the local police department prior to each and every application.

**NOW, THEREFORE BE IT RESOLVED**, that the Borough Council of the Borough of Sea Girt, does hereby authorize Mayor Clemmensen to sign the agreement as stated above.

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

AYES: Farrell, Niemeyer, Bogan, Morris, Fetzer, Bonacci

NAYS: None

ABSTAIN: None

ABSENT: None

#### **APPROVE MINUTES**

Council Minutes 1-23-2008, 2-13-2008 Meeting

Councilwoman Morris asked that the minutes be consider separately.

Councilman Farrell offered and moved to approve the 1-23-2008 minutes, Seconded, Councilman Niemeyer. The motion was approved by voice vote.

Councilman Farrell offered and moved to approve the 2-13-2008 minutes, Seconded Council President Niemeyer. The motion was approved by voice vote, with two abstentions: Bogan and Morris.

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

Councilman Farrell expressed concern with regards to the Parker House Liquor License, as there is a difference between how the liquor license conditions read and what actually happens at that location, he would like the Council to consider a motion to adjust or amend the license to accurately reflect the operations of the establishment. The Borough Attorney stated that he would talk with the Chief and Clerk with respect to the confines of the license, he would review the license and conditions on that license and then meet with the Public Safety Committee. Mayor Clemmensen stated that he was on the Mini-Base Closure and Realignment Committee. The State is apparently looking to dispose of the installation known as the Sea Girt National Guard Training Camp. He expressed concern that there is a thorough study of the effects of that closing by the State. Council President Niemeyer, Councilman Farrell and himself were invited in January to attend a meeting at the Camp where they heard the Long Range Plans the Feds have for the facility. During that meeting plans were discussed where the Fed's had looked at Plan Cost Effective Analysis which identified the plan for the facility as costing 74million federal dollars. Of which the federal government is investing into the facility. The State and the Federal governments need to be in sync with each other on this property. The

federal government is willing to invest this kind of money into the camp shows it's viability as an installation. The improvements will take place within the next 5 to 6 years which is a normal time frame for this type project. The study should be completed sometime in May. Phase I will be 34 million dollars in improvements the balance will be expended in phase II. In addition there is planned to spend 5 million dollars in an energy conservation program at that facility which is 2 years out. The Fed's are ready to obligate funds. Mayor Clemmensen asked that the Zoning and Planning representatives to the Borough's Planning Board take a look at our plans for that facility should the State decide to re-align partially or in full. Unlike the requirements of the Federal Government the State is not required to give as long a notice to the surrounding communities. The Borough's plan should be a coordination involving Open Space, Monmouth County and the Borough Engineer. Councilman Fetzer stated that the Borough's Planning Board has considered this before, he spoke with Jacobs Engineering with regards to the water needs at the camp, it would be prudent to require that any development at the should have the developer provide for improvements. Councilman Bogan stated that it would be short-sighted by the State to make small sell-offs of its assets for the cash realized in comparison because, Once It's Gone It's Gone. This facility from a Homeland Security point of view is irreplaceable. He urged the Council to be very vocal regarding our opposition.

**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 the public. Being there were no members of the public wishing to speak, the Mayor closed the meeting to the public.

### **OLD BUSINESS**

Chicago Blvd. Boardwalk Update Award to Contractor

Councilwoman Morris recommended that the Borough award a contract to make repairs to the Chicago Blvd. boardwalk. We are allowed to make this repair under our current permit and if we are able to secure confirmation from the DEP to do additional work we will re-quote the rest of the work necessary but in the interest of safety Councilwoman Morris offered and moved to award a contract to Bird Construction of Bayville, NJ in the amount of \$16,633 for repairs to the Chicago Blvd. Boardwalk, Seconded, Councilman Bogan. The motion was approved by the following Roll Call Vote:

AYES: Farrell, Niemeyer, Bogan, Morris, Fetzer, Bonacci

NAYS: None

ABSTAIN: None

ABSTEN: None

Baltimore Blvd. Outfall Report of Findings

Councilman Bogan reported that the televising has been completed of the Baltimore Blvd. Outfall and that although there is no formal report from the vendor yet, he can report that there was no evidence of illicit connections or any other breach of the system. The Councilman stated that we are at a loss as to what caused the readings.

## **NEW BUSINESS**

### **Budget Report**

Councilman Farrell explained that the Council has taken a new track during this years budget process, instead of workshop meetings the finance committee is working to prepare a budget that all departments can live with. The 4% State Mandated Cap has been contained but not without a lot of work. The Council was hoping to introduce the budget at its March 12<sup>th</sup> meeting however, due to the news coming out of the State that will not be possible. There are four parts to the budget, Water/Beach/Town/Bonds & Capital. The Water budget is \$1,653,412 and increase of 21% higher then last year, but the rate and the inclusion of a facilities charge were increased last year to offset this foreseeable increase a majority of which is the 3.4 million dollar infrastructure trust loan. Most of the increase in the budget will be absorbed by that loan payment.

Beach, the Beach budget is \$885,091 a 14% increase over last years budget. The priority there is to pay-down the debt. There are two major increases from last years budget administration costs and pay-down the pavilion bonds. At the projected rate of pay-down the beach bond will be paid in full in 2016. This years capital requests of \$16,800 will be paid for in the regular beach budget. On the Local side we have been confined to the 4% State mandated 4% Cap increase on the local part of the property tax bill. In 2007 there was a 6% increase. Several challenges to meet that Cap restriction. The total budget is \$6,143,211.00, of which \$4,491,426 is inside the Cap and \$1,650,685 is outside the Cap. The Borough has contractual obligations for the public works of a 3% increase in salary and 3.5% increase in salaries for the police department, these numbers do not include the steps that are included in the contracts. There are huge increases due to the pensions.

Overall the budget is up 5% however, we can use new ratables in the amount of \$60,000 to offset the increase. The \$60,000 represents 1% of the budget which brings us in at 4%. Last night Gov. Corzine proposed to decrease municipal aid and cut the CMTRA which in our case represents \$75,000, the reduction of 10% in municipal aid results in a cut of \$33,000 these cuts represent 1.8% of our total budget. There are three options, letters to our legislatures asking them to keep the current funding, we can ask the governor to allow us to increase our Cap Limits due to the funding cut from the State or we can keep the current cap and to live within our means we will have to cut money from the budget resulting in reduced services in the Borough. Because of these proposed changes by the Governor it is unlikely that we will be introducing our budget at the 3/12/2008 meeting. Strategy is needed in dealing with our aging infrastructure, equipment and the anticipated remodeling of Borough Hall. All capital requests increases our debt by 27.8%. There is nothing in this current budget for remodeling Borough Hall, no regular or capital budget put towards that. In the past the capital budget list was never approved in full, and this year is no different. Councilman Farrell said that he feels good about the overview on the budget and that last night we were on the 1 yard line with it and then the Governor comes in and moves the goal post.

### **R-40-2008 Resolution Authorizing Emergency Temporary**

#### **Appropriation to the Temporary Municipal Budget**

Councilman Farrell stated that this resolution is necessary as there has been a reallocation of funds in the new proposed budget and that this represents some of those changes, as

well as some contractual obligations, that due to timing will need to be funded in the temporary budget.

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

**RESOLUTION R-40-2008**

**RESOLUTION AUTHORIZING EMERGENCY TEMPORARY APPROPRIATION TO THE TEMPORARY MUNICIPAL BUDGET**

**WHEREAS**, an emergent condition has arisen with respect to contractual and operating expenses as no adequate provision has been made in the 2008 temporary appropriations for the aforesaid purpose, and NJSA 40A-420 provides for the creation of an emergency temporary appropriation for the purpose above mentioned, and

**WHEREAS**, the total emergency temporary resolutions adopted in the year 2008 pursuant to the provisions of Chapter 96, P.L. (N.J.S.A. 40A:4-20) including this resolution total \$85,000.00.

**NOW, THEREFORE, BE IT RESOLVED**, not less than two-thirds of all the members thereof affirmatively concurring that in accordance with the provisions of NJSA 40A:4-20,

1. An emergency temporary appropriation is hereby made for the following:

Municipal Clerk	Salary	\$	8,000.00
Finance	Other Expense	\$	1,000.00
PHPF- Health Services	Contractual	\$	8,000.00
Electricity	Utility	\$	12,000.00
Street Lighting	Utility	\$	4,000.00
Water	Utility	\$	1,000.00
SCAT	Contractual	\$	1,000.00
<u>Group Health Ins.</u>	<u>Contractual</u>	<u>\$</u>	<u>50,000.00</u>
TOTAL		\$	85,000.00

2. That said emergency temporary appropriation will be provided for in the 2008 Budget under the titles as listed above.

3. That one certified copy of this Resolution will be filed with the, Department of Community Affairs, Director of Local Government Services.

The foregoing Resolution was approved by the following roll call vote:

AYES: Farrell, Niemeyer, Bogan, Morris, Fetzer, Bonacci

NAYS: None

ABSTAIN: None

ABSENT: None

### **Open Space Grant Update**

Councilman Farrell reported that the Mayor, Clerk, himself, the Board of Education President, the Secretary to the Board of Education and the Superintendent of the School all met last night to work out the details of the Open Space Grant that the Borough received for the improvements to the schools playground. Eileen Ertle did a great job on the grant application and as a result there is \$238,000 in funding that came to us as free money. There are a few details to work out in the project, but a interlocal, shared services agreement will be presented to council at the next meeting for their consideration, so that this project, which already has one phase complete can be bid this spring and work completed by September.

### **Beach Rules**

Councilwoman Morris outlined the changes to the 2008 rules, much of which were housekeeping items. See outlined them as follows:

1. Amend first line to Borough "ordinances"; (more than one are applicable)
2. "Dune Grass" should be supplemented as follows: "Dune Grass and Dune Preservation". add "No person may walk or enter upon a protected dune area. Ordinance No. 543."
3. "A-3" be amended to delete "the highest standard of"; "may be provided", "may be employed" and "and safe".

A fee is charged for the Beach Badge in order to provide Lifeguard protection and the necessary personnel and equipment to maintain and clean the beaches.

Councilwoman Morris offered and moved the changes to the 2008 Beach Regulations as read, Seconded, Councilman Bogan. The Council approved the regulations by the following Roll Call Vote:

AYES: Farrell, Niemeyer, Bogan, Morris, Fetzer, Bonacci

NAYS: None

ABSTAIN: None

ABSENT: None

### **COUNCIL REPORTS**

Councilman Niemeyer gave the fire report and thanked Public Works for their work during Friday's storm. Chief Sidley also thanked them for shutting off the water for a fire call they had. Councilman Fetzer reported that Hatch Mott MacDonald is on

schedule with DEP on scheduling the draw-downs and has been in contract with the DEP regarding restructuring and reconfiguration of the trust loan. He stated that he has been in contact with homeowners regarding the switch from minimum usage to the incorporation of a facilities charge and a first gallon usage fee for the water bills. The billing has been found to be appropriate. Councilman Bonacci offered and moved an amendment to the Ordinance that was introduced at the last meeting: Ordinance 945, Section 9, Paragraph 1 should read: The Borough Administrator shall not engage in any political activity, nor shall make any financial or other contributions to any local political campaign, nor lobby the elected officials on behalf of a political party or campaign. , Seconded, Councilman Bogan. The motion to amend the pending ordinance was approved by the following Roll Call Vote:

AYES: Farrell, Niemeyer, Bogan, Morris, Fetzer, Bonacci.

NAYS: None

ABSTAIN: None

ABSENT: None

The Amended Ordinance will be published 7 days before the March 12 meeting of Council at which time it will be considered for second reading and public hearing.

#### **R-41-2008 Resolution to Pay Bills**

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

#### **RESOLUTION R-41-2008**

#### **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 27, 2008 in total as follows:

CURRENT FUND	\$ 468,049.52
WATER / SEWER OPERATING FUND	\$ 14,550.28
BEACH OPERATING FUND	\$ 1,581.96
GRANT FUND	\$ 0.00
ANIMAL CONTROL FUND	\$ 0.00
TRUST FUND	\$ 26,249.80
GENERAL CAPITAL FUND	\$ 10,385.50
WATER / SEWER CAPITAL FUND	\$ 17,537.86
BEACH CAPITAL FUND	\$ 0.00
RECREATION TRUST FUND	\$ 0.00

UNEMPLOYMENT COMP. TRUST       \$           0.00

The foregoing Resolution was approved by Voice Vote.

**PUBLIC PARTICIPATION ON ANY SUBJECT**

There were no members of the public wishing to speak.

**R-42-2008 Resolution for Executive Session**

Councilwoman Morris offered and moved the following Resolution, Seconded, Councilman Bogan.

**RESOLUTION R-42- 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 27, 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 Position Negotiations
  - B. Attorney Client Priviledge – Litigation – US Interior
3. It is anticipated, at this time that the date on which the stated subject matters, A and B will be made public is unknown.
4. This Resolution shall take effect immediately.

The foregoing Resolution was approved by voice vote.

The Council recessed into executive session at 8:33pm  
The Council returned to Open Session at 9:43pm.

**OTHER BUSINESS**

There was no other business brought before council.

**ADJOURNMENT**

Council President Niemeyer offered and moved to adjourn, Seconded, Councilman Fetzer. The motion to adjourn was approved at 9:44pm and the meeting adjourned.

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Lorene K. Wright, RMC  
Clerk

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Mark E. Clemmensen, Mayor

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