

**Regular Meeting □ May 28, 2008 □ Wednesday Evening □ 5:30pm**

**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 5:32pm.

**SALUTE OF THE FLAG**

Mayor Clemmensen led the Council in the flag salute.

**COMPLIANCE STATEMENT:**

The Municipal Clerk read the following 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, absent, Joseph Bonacci, present.

**R-99-2008 Resolution to Enter Executive Session**

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

**RESOLUTION R-99-2008**

**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 May 28, 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. Litigation – US Interior
  - B. Contractual - SMRSA
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 forgoing Resolution was approved by the following Roll Call Vote:

AYES: Farrell, Niemeyer, Bogan, Morris, Bonacci

NAYS: None

ABSTAIN: None

ABSENT: Fetzer

The Council recessed into executive session at 5:34pm.

The Council returned to open session at 7:30pm.

Councilman Fetzer arrived at 7:30pm, and was marked as 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, Councilwoman Morris

R-100-2008 Raffle License Sea Girt PTO

#### **RESOLUTION R-100-2008**

#### **RESOLUTION AUTHORIZING 50/50 ON-PREMISE RAFFLE LICENSE # 177, SEA GIRT PTO**

**WHEREAS**, Sea Girt PTO, has made application to Council for a raffles license to conduct a 50/50 on-premises raffle on June 12<sup>th</sup>, 2008.

**WHEREAS**, the above is being conducted in accordance with Findings and Determinations of the verifying officer.

**NOW, THEREFORE, BE IT RESOLVED**, that the license requested be granted.

R-101-2008 Resolution offering Beach Access to Active and Reserve Military and Their Families.

#### **RESOLUTION R-101-2008**

**RESOLUTION TO ALLOW FOR NEW JERSEY NATIONAL GUARD, ACTIVE  
MILITARY AND DEPENDENTS AND FAMILY MEMBERS WITH VALID  
ORDERS FOR THE MILITARY MEMBER TO HAVE FREE ACCESS TO  
BOROUGH BEACHES**

**WHEREAS**, members of the armed forces of the United States, including residents of the Borough of Sea Girt, are today actively engaged in combat operations in Afghanistan and Iraq, or are deployed or otherwise serving in support of those operations, and/or in support of the on-going efforts of our Armed Forces throughout the world to protect and defend our nation and its citizens;

**WHEREAS**, since September 11, 2001, and increasingly since the commencement of combat operations in Afghanistan and Iraq, the men and women of the New Jersey National Guard have been called up to active duty status in increasing numbers, and their support and service have been and will continue to be essential to the overall success of military efforts both home and abroad.

**WHEREAS**, the ongoing hostilities in Afghanistan and Iraq, and the call to active service of thousands of New Jersey's National Guard Reservists, have added untold additional stress and sacrifice to the lives of thousands of families of our active duty military, and for whom in peacetime day to day life was already stressful and challenging enough;

**WHEREAS**, as many American families have lost loved ones in the military actions underway in Afghanistan and Iraq, and more that a hundred thousand other American families live each day in constant trepidation that the next knock on the door might make their own worst fears come true;

**WHEREAS**, it is important that the enormity of the day to day sacrifices and heroism of our troop and their families not be lost or forgotten amidst the din of a presidential campaign and the media's unwavering focus on the sensational;

**WHEREAS**, the residents of the Borough of Sea Girt want our troops and their families to know that they are in our hearts and on our minds, that we support them and are extremely grateful for the sacrifices they are making each and every day;

**WHEREAS**, the Mayor and Borough Council, on behalf of all the families of Sea Girt, wish to honor and recognize our active military personnel and their families by establishing a special program for the summer of 2008;

**NOW, THEREFORE, BE IT RESOLVED**, the Mayor and Borough Council of the Borough of Sea Girt that in honor and recognition of our active military personnel and their families, and to demonstrate the gratitude of the resident of the Borough of Sea Girt for the daily sacrifices they are making, the Mayor and Borough Council hereby announce the commencement of "OPERATION THANK-YOU"; and

**BE IT FURTHER RESOLVED**, that free beach admission be provided during the 2008 season to each member of the active military and their dependents upon the presentation of a valid military identification card at any beach entrance;

**BE IT FURTHER RESOLVED**, that this resolution shall take effect immediately and shall remain in effect throughout the 2008 beach season.

**BE IT FURTHER RESOLVED**, a certified copy of this resolution shall go to the Sea Girt Beach Department.

R-102-2008 Resolution Authorizing a Special Item of Revenue in the Amount of \$656.16 from the Clean Communities Grant Program

**RESOLUTION R-102-2008**

**RESOLUTION AUTHORIZING A SPECIAL ITEM OF REVENUE  
IN THE AMOUNT OF \$656.16 FROM THE  
CLEAN COMMUNITIES GRANT PROGRAM**

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

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

**WHEREAS**, the Borough of Sea Girt will receive \$656.16 from Clean Communities Grant Program and wishes to amend its 2008 Budget to include this amount as revenue.

**NOW, THEREFORE BE IT RESOLVED** that the Council of the Borough of Sea Girt hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2008 in the sum of \$656.16 which is now available as revenue from:

**Clean Communities Grant Program**

**BE IT FURTHER RESOLVED** that a like sum of \$656.16 be and the same is hereby appropriated under the caption of:

**Clean Communities Grant Program – Other Expenses**

**BE IT FURTHER RESOLVED**, that the Clerk forward two (2) copies of this Resolution to the Director of Local Government Services and one (1) copy to the Borough Chief Financial Officer.

R-103-2008 Resolution Authorizing a Special Item of Revenue in the Amount of \$238,000.00 from the Monmouth County Open Space Grant Program

**RESOLUTION R-103-2008**

**RESOLUTION AUTHORIZING A SPECIAL ITEM OF REVENUE  
IN THE AMOUNT OF \$238,000.00 FROM  
THE MONMOUTH COUNTY OPEN SPACE GRANT PROGRAM**

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

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

**WHEREAS**, the Borough of Sea Girt will receive \$238,000.00 from Monmouth County Municipal Open Space Grant Program and wishes to amend its 2008 Budget to include this amount as revenue.

**NOW, THEREFORE BE IT RESOLVED** that the Council of the Borough of Sea Girt hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2008 in the sum of \$238,000.00 which is now available as revenue from:

**Monmouth County Municipal Open Space Grant Program**

**BE IT FURTHER RESOLVED** that a like sum of \$238,000.00 be and the same is hereby appropriated under the caption of:

**Monmouth County Municipal Open Space Grant Program – Other Expenses**

**BE IT FURTHER RESOLVED**, that the Clerk forward two (2) copies of this Resolution to the Director of Local Government Services and one (1) copy to the Borough's Chief Financial Officer.

R-104-2008 Resolution Authorizing Agreement for Sea Girt Lifeguard Services with New Jersey National Guard Training Camp

**RESOLUTION R-104-2008**

**RESOLUTION AUTHORIZING AGREEMENT FOR LIFEGUARD SERVICES  
BETWEEN THE NEW JERSEY NATIONAL GUARD TRAINING CENTER AND  
THE BOROUGH OF SEA GIRT FOR THE YEAR 2008**

**WHEREAS**, the Borough of Sea Girt is desirous of entering an agreement with the New Jersey National Guard Training Center for the purpose of providing Lifeguard Services, and

**WHEREAS**, such an agreement has been negotiated with the NGTC, and

**WHEREAS**, that agreement is attached and available for public inspection at the office of the Borough Clerk.

**NOW, THEREFORE BE IT RESOLVED**, that the Mayor and or Council President and the Borough Clerk are hereby authorized to sign such agreement.

The foregoing Consent Agenda was approved by Roll Call Vote:

**APPROVE MINUTES** Council Meeting 4-23-2008, 5-14-2008

Council President Niemeyer asked for a vote on each of the items separately. Councilman Fetzer offered and moved the Minutes of the April 23, 2008 council meeting, Seconded, Council President Niemeyer. The Motion was carried by voice vote. Councilman Farrell offered and moved the Minutes of the May 14<sup>th</sup> Council Meeting, Seconded, Councilman Bonacci. The motion was carried by voice vote, with two abstentions, Niemeyer and Morris.

#### **OPEN DISCUSSION**

Mayor Clemmensen thanked all of the volunteers you made the Memorial Day event a great event, and noted that the next big event for the Borough is on August 3<sup>rd</sup>, the Sea Girt 5K Race.

**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)

The Mayor opened the meeting to public participation, being as there were no members of the public wishing to speak, the Mayor closed public participation.

#### **PRESENTATION –**

##### **Hatch Mott MacDonald – Water Works Project**

Representatives from Hatch Mott MacDonald, Eric Betz and Brian Dougherty were the representatives present. The history is that a prior consulting firm had prepared the necessary documentation in order to secure the funding of a NJ Infrastructure Trust Grant/Loan. Mr. Betz explained that due to a shifting of assets, there will be funding for the improvements to the water plant, however, there may not be funding available for the rehabilitation of the water tank, and distribution system. Mr. Betz and Mr. Dougherty presented to Council an artistic drawing of the proposed water treatment plant. The removal of the underground storage tanks will allow for the proposed placement of the water treatment plant and offices. The Air Strippers, will be relocated and an allowance will be made for a future Air Stripper. Mr. Betz gave an explanation of the projected time lines. Mr. Betz noted that the CAFRA permit is being submitted tomorrow. The site

plans have been worked out. One of the permits that we are moving on is the Safe Drinking Water. HMM is working closely with the regulatory agencies. The bid should go forward as soon as NJEIT gives us the OK, Bid in Oct, Award, NOV, DEC. Start construction March April 09, the decision to move the facility to the south side of the property, allows for the current plant to stay in operation, as well as allows for a parking area for employees and visitors. The cost estimates will be worked giving consideration for rising costs due the cost of fuel and it's effect on all products. The fueling operation for the DPW will be removed. Maintain the office building and salvaged. The new building will provide office space as well. The current estimate is about \$3.5million with a 5% escalation cost increase not included. They stated that an updated project status would be forthcoming, that they will be incorporating green technologies in the selection of materials, and will explore energy alternatives. Mayor Clemmensen expressed concern with the flat roof design element. Mr. Dougherty noted that the roof will be pitched a bit. Mayor Clemmensen also expressed concern regarding the joining of the addition to the existing building. Mayor Clemmensen asked that the Borough Administrator be given a detailed list of milestones for the project. Councilman Bogan expressed a desire to use green technology to the fullest extent possible. Mr. Betz, noted that the building materials, lighting, heating, electrical systems, pumps and motors will all be evaluated to efficiencies. Mr. Bogan asked if there is a practical way to use solar. Mr. Betz said that they are working with the local utilities to see if there are incentives to use solar, and practicality will be considered. Mr. Bogan, expressed that there were grants available for the use of solar, however we do not want to impede the progress due to the tight time line, however it is something that should be considered. Councilman Farrell, time line best case March of 09, will be the start date, will the plant be able to handle the demand for water during construction, and what about the increased demand during the summer. Mr. Betz noted that the old facility will be supplying the borough with water. New Jersey Water Supply Authority has been contacted to be used as a back up in case of emergency. Mr. Farrell, inquired as to pricing on bids. Mr. Betz noted that the bids going to be such that the cost of the work bid does not escalate due to pricing. Council President Niemeyer expressed support for the project. Ed Robinson, member of the public inquired as to if this project would be a prevailing wage project. Mr. Betz, noted that prevailing wage is unavoidable and is a regulation in New Jersey.

## **OLD BUSINESS**

Ordinance 05-2008 Fingerprint Check on Public Safety Volunteers

Second Reading

The Municipal Clerk read the Ordinance 05-2008 by title.

Public Hearing

Mayor Clemmensen opened the public hearing on Ordinance 05-2008, being there were no members of the public wishing to speak, the Mayor closed the public hearing and asked for a motion to adopt the ordinance. Councilman Fetzer offered and moved the following Ordinance, Seconded, Councilwoman Morris.

### **ORDINANCE 05-2008**

#### **AN ORDINANCE PROVIDING FOR A FINGERPRINT BASED CHECK ON PUBLIC SAFETY VOLUNTEERS**

**WHEREAS**, the Borough of Sea Girt relies on public safety volunteers to provide fire and fire police services and may deem it necessary to rely on public safety volunteers in other functions that are defined as public safety functions normally conducted by paid criminal justice agencies, fire departments or first aid squads, and

**WHEREAS**, the Council has determined that it is necessary for the safety and well being of the citizens of and visitors to the Borough of Sea Girt that fingerprint based background checks of criminal history record information is necessary to protect the citizens of the Borough.

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

**SECTION ONE.** “Public Safety Volunteer” means any person who is performing or applying for a public safety task in an un-paid position for a criminal justice agency, fire department or first aid squad or any other task defined as a public safety function normally conducted by a paid criminal justice agency, fire department or first aid squad.

**SECTION TWO.** Any person applying for or acting as a Public Service Volunteer shall be subject to fingerprinting and a check of criminal history record information.

**SECTION THREE.** In connection with said fingerprinting, the Chief of Police of the Borough of Sea Girt is hereby authorized to submit said fingerprints to the New Jersey State Police in accordance with N.J.A.C. 13:59-1 et seq.

**SECTION FOUR.** Any Ordinances or portions thereof which are inconsistent with or in conflict with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION FIVE.** This Ordinance shall take effect upon final passage and publication in accordance with law.

The Ordinance was approved for adoption by the following roll call vote:

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

NAYS: None

ABSTAIN: None

ABSENT: None

Ordinance 07-2008 Ordinance Setting the Beach Salaries 2008

Second Reading

The Municipal Clerk read the Ordinance 07-2008 by title.

Public Hearing

Mayor Clemmensen opened the public hearing on Ordinance 07-2008, being there were no members of the public wishing to speak, the Mayor closed the public hearing and asked for a motion to adopt the ordinance. Council President Niemeyer offered and moved the following Ordinance, Seconded, Councilwoman Morris

**ORDINANCE NO. 07-2008**

**AN ORDINANCE FIXING THE SALARIES OF THE SUMMER SEASON EMPLOYEES OF THE BOROUGH OF SEA GIRL IN THE COUNTY OF MONMOUTH AND STATE OF NEW JERSEY**

BE IT ORDAINED by the Borough Council of the Borough of Sea Girl in the County of Monmouth and State of New Jersey:

SECTION ONE - The salaries to be paid to summer season employees and the time for payment of same are hereby fixed as follows:

1. Beach Manager - \$1,076.02 per week for sixteen weeks, payable bi-weekly.
2. Head Cashier - \$11.44 per hour, payable bi-weekly.
3. Assistant Cashier - \$10.20 per hour, payable bi-weekly.
4. Lifeguard Chief - \$804.69 per week for sixteen weeks, payable bi-weekly.
5. Crew Chief - \$13.19 per hour, payable bi-weekly.
6. Lifeguard – Twenty + Years - \$12.61 per hour, payable bi-weekly.
7. Lifeguard – Fifteenth - Nineteenth Year - \$12.35 per hour, payable bi-weekly.
8. Lifeguard – Tenth - Fourteenth Year - \$12.09 per hour, payable bi-weekly.
9. Lifeguard – Fifth - Ninth Year - \$11.83 per hour, payable bi-weekly.
10. Lifeguard – Fourth Year - \$10.95 per hour, payable bi-weekly.
11. Lifeguard – Third Year - \$10.44 per hour, payable bi-weekly.
12. Lifeguard – Second Year - \$10.20 per hour, payable bi-weekly.
13. Lifeguard – First Year - \$9.66 per hour, payable bi-weekly.
14. Gateguard – Twenty + Years - \$9.33 per hour, payable bi-weekly.
15. Gateguard – Fifteenth – Nineteenth Year - \$9.07 per hour, payable bi-weekly.
16. Gateguard – Tenth – Fourteenth Year - \$8.82 per hour, payable bi-weekly.
17. Gateguard – Fifth – Ninth Year - \$8.56 per hour, payable bi-weekly.
18. Gateguard – Fourth Year - \$8.44 per hour, payable bi-weekly.
19. Gateguard – Third Year - \$8.09 per hour, payable bi-weekly.
20. Gateguard – Second Year - \$7.44 per hour, payable bi-weekly.

21. Gateguard – First Year - \$7.36 per hour, payable bi-weekly.
22. Beach Cleaner - \$7.83 per hour, payable bi-weekly.
23. Rest Room Attendant - \$11.02 per hour, payable bi-weekly.
24. Casual Labor Recreation Commission – an hourly wage not to exceed \$15.45 per hour, payable bi-weekly.
25. Recreation Commission Supervisor – an hourly wage not to exceed \$30.00 per hour, payable bi-weekly. Recreation Commission wages are at the discretion of the Commission Chairperson.
26. Jr. Lifeguard Director - \$13.19 per hour, payable bi-weekly.
27. Jr. Lifeguard Assistant – an hourly wage not to exceed \$12.36 an hour at the discretion of the Commission Chairperson.
28. Summer Recreation Assistant Director – an hourly wage not to exceed \$30.00 per hour, payable bi-weekly.
29. Additional certifications .52 for lifeguards and crew chiefs per hour - Additional Steps Lifeguards and cashiers .26 to .77 per hour. Restroom Attendant .26 per hour payable bi-weekly
30. Emergency Management Coordinator RANGE \$1545.00 - \$2575.00 Annually

SECTION TWO – All ordinances or parts of ordinances in conflict with this ordinance or any part thereof are hereby repealed.

SECTION THREE – This ordinance shall take effect upon final passage and publication pursuant to law.

The Ordinance was approved for adoption by the following roll call vote:

AYES: Farrell, Niemeyer, Morris, Fetzer, Bonacci

NAYS: None

ABSTAIN: Bogan

ABSENT: None

Ordinance 08-2008 Ordinance Approving the Granting of Permanent and Temporary Easements to the South Monmouth Regional Sewerage Authority for the Reconstruction and Rehabilitation of the Sea Girt Avenue Pump Station Together with the Right to Maintain and Repair Said Structure.

Second Reading

The Municipal Clerk read the Ordinance 07-2008 by title.

Public Hearing

Councilman Farrell offered and moved a motion to amend the Ordinance 08-2008 to allow SMRSA to vacate a portion of their current easement not needed. Seconded, Councilman Bogan.

**ORDINANCE 08-2008**

**BOROUGH OF SEA GIRT  
COUNTY OF MONMOUTH  
STATE OF NEW JERSEY**

**AN ORDINANCE APPROVING THE VACATION OF AN EXISTING  
EASEMENT WITHIN SEA GIRT AVE AND THE GRANTING OF  
PERMANENT AND TEMPORARY EASEMENTS TO THE SOUTH  
MONMOUTH REGIONAL SEWERAGE AUTHORITY FOR THE  
RECONSTRUCTION AND REHABILITATION OF THE SEA GIRT AVENUE  
PUMP STATION TOGETHER WITH THE RIGHT TO MAINTAIN AND  
REPAIR SAID STRUCTURE**

WHEREAS, the Borough of Sea Girt relies upon the South Monmouth Regional Sewerage Authority (SMRSA) for sewage treatment and disposal services and in connection therewith, the Borough by Deed of Easement and Right of Way dated December 17, 1974 previously conveyed an easement consisting of approximately 9,558 square feet (plus or minus) in, above and below Sea Girt Avenue, around the existing pump station, said Deed recorded in the Monmouth County Clerk's Office on January 14, 1975 in Deed Book 3912 at Page 631, et seq.; and

WHEREAS, SMRSA has determined that rebuilding the existing pump station will improve the quality of services delivered to the Borough; and

WHEREAS, SMRSA has presented conceptual plans for the replacement of the pump station to the Borough Planning Board and representatives of the Mayor and Council, including the replacement of the existing structure with a new structure and the addition of landscaping; and

WHEREAS, in connection with said plans, SMRSA has proposed to

- 1) vacate and otherwise return to the Borough all rights previously conveyed to SMRSA in approximately 7,308 square feet (plus or minus) of the previously conveyed easement in, above and below Sea Girt Avenue; and
- 2) retain a 30' by 75' section of the previous easement thereof in the southerly portion of Sea Girt Avenue consisting of 2,250 square feet; and
- 3) obtain a new, permanent easement from the Borough of approximately 1,800 square feet consisting of an additional 30' by 60' easement in the southerly portion of Sea Girt Avenue extending in a westerly direction from the present

and retained easement; and

4) for the period of construction, SMRSA has proposed a temporary easement of approximately 1,440 square feet consisting of a 24' by 60' easement in the northerly portion of Sea Girt Avenue extending in a westerly direction from the present and easement

WHEREAS, the Borough Council finds that it is in the interest of all of the residents of and visitors to the Borough to improve the sewage treatment infrastructure in accordance with the proposal presented by SMRSA; and

WHEREAS, the Borough Council finds that it is further in the interest of the residents of the Borough to reduce and reconfigure the area of easement previously conveyed to SMRSA from a total of 9,558 square feet to 4,050 feet.

NOW, THEREFORE, BE IT ORDAINED by the Borough of Sea Girt, County of Monmouth, State of New Jersey, as follows:

1. The Mayor and Clerk of the Borough are hereby authorized to execute and deliver a Deed of Easements and Right of Way to SMRSA in return for the consideration set forth therein.

2. Said Deed shall further provide that pursuant to N.J.S.A. 40A:12-21, the easement and rights conveyed therein shall be used only for the purposes of the SOUTH MONMOUTH REGIONAL SEWERAGE AUTHORITY, to render such services or to provide such facilities as may be agreed upon, and not for commercial business, trade or manufacture, and that, unless waived, released, modified, or subordinated pursuant to N.J.S.A. 40:60-51.2, and if said lands or buildings are not used in accordance with said limitation, title thereto shall revert to the Borough without any entry or reentry made thereon on behalf of the Borough.

3. The delivery and effectiveness of said Deed of Easements and Right of Way to SMRSA for recording shall be contingent upon the Borough and SMRSA executing a written agreement incorporating the terms and consideration as set forth in this Ordinance and the Deed.

4. If any section, paragraph, subdivision, clause or provision of this ordinance shall be deemed invalid, adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

5. Any Ordinances or portions thereof which are inconsistent with or in conflict with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

6. This Ordinance shall take effect upon final passage and publication in accordance with Law.

The motion to amend as presented was approved by the following Roll Call Vote:

AYES: Farrell, Niemeyer, Bogan, Morris, Bonacci

NAYS: Fetzer

ABSTAIN: None

ABSENT: None

Public Hearing

Mayor Clemmensen adjourned the Public Hearing until June 11<sup>th</sup>, 2008.

R-105-2008 Resolution Authorizing Purchase with RKE for Beach Uniforms 2008  
Councilwoman Morris offered and moved the following Resolution, Seconded,  
Councilman Bogan.

### **RESOLUTION R-105-2008**

#### **RESOLUTION TO AUTHORIZE PURCHASE OF BEACH PERSONNEL UNIFORMS FROM RKE, 1608 HIGHWAY #71, BELMAR, NJ.**

**WHEREAS**, the Borough of Sea Girt is in need of Beach Uniforms for its Lifeguards, Gate Guards, etc., and

**WHEREAS**, the Borough has advertised for bids on two occasions, and

**WHEREAS**, there were no bids received on either occasion, and

**WHEREAS**, at the last meeting of Council the Beach Manager and Chief Lifeguard were authorized to solicit quotes in lieu of bids, and

**WHEREAS**, the Beach Manager and Chief Lifeguard have recommended the purchase of Beach Uniforms from RKE, Belmar, NJ in an amount not to exceed \$9432.00 for Borough Beach Personnel, and shall at a later date purchase at the RKE extended price for the Junior Guard Uniforms, and

**WHEREAS**, the combined cost of said uniforms is not anticipated to be in excess of the Borough's bid threshold,

**NOW, BE IT RESOLVED**, does hereby authorize the purchase of Sea Girt Beach Personnel Uniforms from RKE, 1608 Highway #71, Belmar, NJ at a cost not to exceed \$9432.00.

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

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

NAYS: None

ABSTAIN: None

## **NEW BUSINESS**

Define Positions Eligible for Defined Benefits Contribution Plan

Eligibility – Handout Provided

The Clerk provided information with regards to the new pension benefit DCRP and a Sample Ordinance that the Borough would need to pass in order implement the new rules and regulations that municipalities must comply with for this program. Mayor Clemmensen asked that the Personnel Committee work on the needed ordinance along with the Borough Attorney.

Liquor License Renewals

R-94-2008 Resolution to Renew Rod's Irish Tavern

Councilman Niemeyer offered and moved the following Resolution, Seconded,  
Councilman Bogan

### **RESOLUTION R-94-2008**

#### **RESOLUTION TO APPROVE PLENARY RETAIL CONSUMPTION LICENSE FOR RODS OLDE IRISH ALE HOUSE INC. T/A ROD'S OLDE IRISH TAVERN, 507 WASHINGTON BLVD., SEA GIRT, NJ**

**WHEREAS**, an application for renewal of Plenary Retail Consumption License has been filed by Rod's Olde Irish Ale House, Inc., has been properly executed and is accompanied by the State and Borough fees, License Application Certification, and Tax Clearance Certificate;

**NOW, THEREFOE BE IT RESOLVED** that the Plenary Retail Consumption License #1344-33-002-005, effective from July 1, 2008 to June 30, 2009 be issued to Rod's Olde Irish Ale House, Inc., T/A Rod's Olde Irish Tavern, premises located at 507 Washington Boulevard, Sea Girt, New Jersey.

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

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

NAYS: None

ABSTAIN: Bogan

ABSENT: None

Master Plan Re-examination Report Ordinance Amendment of Zoning

District 4 from Residential to "Recreational Open Space", Councilman Fetzer gave an explanation of the Master Plan process as well as the need to change the zone of the National Guard Camp.

Councilman Fezter offered and move the following Ordinance, Seconded, Councilman Bogan, Seconded.

**ORDINANCE 09-2008 ORDINANCE AMENDING, ZONING REGULATIONS OF  
THE BOROUGH OF SEA GIRT IN THE COUNTY OF MONMOUTH, NEW JERSEY  
CHANGING THE CLASSIFICATION OF DISTRICT 4 FROM RESIDENTIAL TO  
RECREATIONAL OPEN SPACE.**

### **ORDINANCE 09-2008**

**BOROUGH OF SEA GIRT  
ORDINANCE AMENDING, ZONING REGULATIONS OF THE BOROUGH OF  
SEA GIRT IN THE COUNTY OF MONMOUTH, NEW JERSEY  
CHANGING THE CLASSIFICATION OF  
DISTRICT 4 FROM RESIDENTIAL TO RECREATIONAL OPEN SPACE.**

**WHEREAS**, the Planning Board of the Borough of Sea Girt, at its meeting of May 21, 2008 adopted the Master Plan Re-Examination Report, Borough of Sea Girt, Monmouth County, New Jersey, May 2008, prepared by Peter R. Avakian, P.E., Planning Board Engineer; and

**WHEREAS**, the Borough Council has reviewed the May 2008 Master Plan Re-Examination Report and Master Plan Re-Examination Report of 2001 referenced therein and has determined that the proposed zone classification change of District 4 from Residential to Recreational Open Space will provide for passive and active recreational uses and preserve environmentally sensitive areas; and

**WHEREAS**, such zone change will provide for adequate light, air and open space, and will promote the establishment of appropriate population densities and preserve the environment, open space and valuable natural resources.

**NOW, THEREFORE, BE IT ORDAINED BY** the Borough Council of the Borough of Sea Girt in the County of Monmouth, State of New Jersey, that Article XVII of the Borough of Land Use Ordinance entitled “Borough of Sea Girt Zoning Regulations” is hereby amended and supplemented as follows:

SECTION 1. Section 17-3.1, “Zoning Districts”, is amended and supplemented as follows:

SYMBOL	DISTRICT	ZONE
4	4	Recreational Open Space

SECTION 2. Section 17-3.4 “Zoning Map” is hereby amended to delete “District 4 SINGLE FAMILY” and to insert in its place “DISTRICT 4 RECREATIONAL OPEN SPACE”.

SECTION 3. The Schedule of Limitations established by Section 17-4.1 is hereby amended and supplemented as follows:

**DISTRICT 4 RECREATION OPEN SPACE  
PURPOSE**

To provide for and preserve passive and active recreational uses, adequate light, air and open space to promote the establishment of appropriate population densities and to

preserve the environment, open space, environmentally sensitive areas and valuable natural resources.

#### PERMITTED USE ON AND/OR IN BUILDING

Beach Zone; Active Recreational Use;  
Passive Recreational Use;  
Environmentally Sensitive Areas and  
Buffers; Government Use.

#### PERMITTED ACCESSORY USE:

Municipal Facilities; Museums(s)  
Wireless Telecommunication Facilities  
Parking

SECTION 4. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be deemed invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

SECTION 5. Any Ordinances or portions thereof which are inconsistent with or in conflict with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 6. This Ordinance shall take effect upon final passage and publication in accordance with Law.

The foregoing Ordinance was approved for introduction by the following roll call vote:

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

NAYS: None

ABSTAIN: None

ABSENT:

R-106-2008 Resolution to Hire Summer Camp Director

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

#### **RESOLUTION R-106-2008**

#### **RESOLUTION TO HIRE SUMMER RECREATION CAMP DIRECTOR**

**WHEREAS**, the Borough of Sea Girt is desirous of a Summer Recreation Camp Director, and

**WHEREAS**, Paul Brenner, Brick, NJ has worked for the Borough as an assistant to the Recreation Director and is willing to run the summer recreation programs for the borough, and

**NOW, THEREFORE BE IT RESOLVED**, that the Mayor and Council of the Borough of Sea Girt does hereby confirm the hiring of Paul Brenner to the position of Summer Recreation Camp Director at a rate of \$22.00 per hour. Councilman Farrell explained that Mr. Brenner has worked with the Borough for 10 years and with the resignation of Pete McLenary, the Borough is excited about the hiring of Mr. Brenner to run the Summer Camp programs. The foregoing Resolution was approved by the following Roll Call Vote:

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

NAYS: None

ABSTAIN: None

ABSENT: None

Ordinance to Establish a Towing Service Rotation Program and Towing Service Fee Schedule in and by the Borough of Sea Girt, County of Monmouth, New Jersey.

The Clerk explained that there is a need within the Borough to establish a Towing procedure. The Chief of Police has made a recommendation regarding the Towing Procedure which has been incorporated into a Draft Ordinance. Mayor Clemmensen asked that the Draft Ordinance be worked with the Public Safety Committee and the Borough Attorney.

### **COUNCIL REPORTS**

There were no Council Reports presented with the exception of Councilwoman Morris who gave the Beach Revenue Report. Beach Closures will be monitored by the Monmouth County Health Department. 91% of the Beach staff has returned from last year. There is a very detailed reporting of incidents on the Beach. The Jr. Lifeguard program registrations are progressing. July 21, 2008, at the NJNG Camp there will be a Lifeguard Tournament. Additional information is available at [www.sgbp.org](http://www.sgbp.org) Councilwoman Morris offered a motion to accept the Beach Regulations with the last revision date of 5-22-2008, adding paragraph alerting to conservation area, bathing is closed at north beach at the discretion of the beach manager, operation thank you was included, picnics to prohibit at north beach, removed catamarans from north beach to south of Boston beach. The map revised to show changes, dogs on boardwalk and beach prohibited March 15 Seconded, Councilman Farrell. The Motion was approved by the following Roll Call Vote:

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

NAYS: None

ABSTAIN: None

ABSENT: None.

Mayor Clemmensen thanked Councilwoman Morris for all of her effort. Councilwoman Morris stated that the Borough's Staff is working very hard in striking a balance with the endangered species protection and recreational and lifesaving activities.

Councilwoman Morris offered a motion to allow the Beach Committee to select an Environmental Attorney for the purpose of helping the Borough on issues with the Department of Interior and the NJDEP, the Committee will if necessary engage their

services no later than June 6<sup>th</sup>, with consent by council at the next meeting. Councilman Bonacci seconded. The motion was approved by the following Roll Call Vote:

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

NAYS: None

ABSTAIN: None

ABSENT: None

The Borough Attorney said that the engagement of the attorney should be no later than the next meeting, however the committee could make a selection prior to the meeting.

Councilwoman Morris offered, the following clarification, The Beach Committee will conduct the interviews, make selection, allow the borough administrator to negotiate the fees and hire by June 6<sup>th</sup> with Council approval at the June 11<sup>th</sup> meeting. Councilman Bogan seconded the Motion.

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

NAYS: None

ABSTAIN: None

ABSENT: None

Mayor Clemmensen noted casual attire for meetings shall commence with the next meeting.

#### **R-107-2008 Resolution to Pay Bills**

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

#### **RESOLUTION R-107-2008**

#### **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 May 28, 2008 in total as follows:

CURRENT FUND	\$	479,658.67	
WATER / SEWER OPERATING FUND	\$	16,986.45	
BEACH OPERATING FUND	\$	2,692.11	
GRANT FUND	\$	0.00	
ANIMAL CONTROL FUND	\$	0.00	
TRUST FUND	\$	0.00	
GENERAL CAPITAL FUND	\$	0.00	
WATER / SEWER CAPITAL FUND	\$	25,538.00	
BEACH CAPITAL FUND	\$	0.00	
RECREATION TRUST FUND	\$	450.00	

UNEMPLOYMENT COMP. TRUST       \$       0.00

The foregoing Resolution was approved by Voice Vote.

**PUBLIC PARTICIPATION ON ANY SUBJECT**

Mayor Clemmensen opened the meeting to public participation.

Mr. Musko 200 Philadelphia Blvd. Inquired as to the procedures the municipal tax collector uses to determine applicability of interest. Borough allows for a 10 day grace period. Mr. Robinson, Brooklyn Blvd. Inquired about the position of Administrator and asked if the combination of Financial Officer and Administrator would be beneficial. Mayor Clemmensen explained that the hiring of the Administrator is beneficial to the Borough's residents and spoke of the expected goals and efficiencies that will be realized, Councilman Bogan, spoke of the increased legislature and regulations, Councilman Niemeyer spoke of the increased communication and coordination needed and will be realized.

**R-108-2008 Executive Session**

Mayor Clemmensen suspended the Executive Session Resolution. No Action

**OTHER BUSINESS**

There was no Other Business.

**ADJOURNMENT**

Councilwoman Morris offered and moved to adjourn the meeting at 8:55pm, Seconded, Councilman Bogan. The motion was approved by Voice Vote and the meeting adjourned at 8:55pm.

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Lorene K. Wright, RMC  
Municipal Clerk