

Regular Meeting □ June 11, 2008 □ Wednesday Evening □ 7:30pm

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

MINUTES June 11, 2008

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: "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. Councilman Farrell, noted that the Beach Committee received proposals from four firms, interviewed two, and has selected Van Dalen Brower, LLC.

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

R-109-2008 Hire Environmental Attorney, Van Dalen Brower, LLC, 156 West State Street, Suite 101, Trenton, NJ 08608

RESOLUTION R-109-2008

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR PROFESSIONAL SERVICE

WHEREAS, the Borough of Sea Girt has a need to acquire services for a Borough Environmental Attorney, as a not-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5; and

WHEREAS, the Borough Clerk has determined and certified in writing that the value of the acquisition will exceed \$17,500.00; and

WHEREAS, the anticipated term of this contract is 1 year and may be extended as many times as approved by this governing body; and

WHEREAS, John M. Van Dalen and/or Donna D'Anna, Environmental Attorneys of Van Dalen Brower, LLC,; submitted a proposal indicating they will provide said services and have provided a Business Entity Disclosure Certification which certifies that each has not made any reportable contribution to a political or candidate committee in the Borough of Sea Girt in the previous one year, and that the contract will prohibit each entity from making any reportable contribution through the term of the contract; and

WHEREAS, with regards to Affirmative Action, incorporated into such agreement shall be the mandatory language of Section 5.3 of the regulations promulgated by the Treasurer of the State of New Jersey pursuant to P.L. 1975, and

WHEREAS, funds are available for this purpose, and

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Sea Girt authorizes Mark Clemmensen, Mayor, to enter into a contract with the professionals as described herein; and

BE IT FURTHER RESOLVED, that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution and,

BE IT FURTHER RESOLVED, that a copy of this resolution shall be published in The Coast Star as required by law within ten (10) days of its passage.

The foregoing Consent Agenda was approved by the following Voice Vote:

AYES: Farrell, Niemeyer, Bogan, Bonacci

NAYS: None

ABSTAIN: Fetzer

ABSENT: Morris

APPROVE MINUTES

Council President Niemeyer offered the council meeting minutes from 5-28-2008 for approval, Seconded, Councilman Farrell. The motion was approved by voice vote.

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

Mayor Clemmensen stated that with deepest regrets he has received the resignation of Councilwoman Morris. The Mayor read the letter from Mrs. Morris to the Public; Dear Mayor Clemmensen and Fellow Council Members: Effective immediately, I am resigning my position as Council Member of the Borough of Sea Girt. I would like to thank the citizens of Sea Girt for their support these past three years. It has been a privilege to serve you. I would also like to thank Mayors Ahern and Clemmensen, as well as my fellow council members. It has been an honor to serve with each of you. Sincerely, Anne B. Morris. Mayor Clemmensen noted that Mrs. Morris is a pillar of the community and her resignation will create a great void in the community and is a loss to council. Mayor Clemmensen advised the Clerk to notify the GOP Committee Chair, who will give the council three names at the next meeting, and at the following meeting a selection will be made. Councilman Farrell, expressed gratitude to Mrs. Morris and thanked her and wished her the best. Councilman Bogan, noted that Mrs. Morris was very dedicated and hardworking, her work was very much appreciated. Councilman Niemeyer, dittoed those comments. Mayor Clemmensen said that with the resignation of Mrs. Morris it is necessary to make the following changes to the councilmatic positions. Public Safety – Fred Niemeyer, Police -Fred Niemeyer, Fire - Don Fetzer, Bogan - Beach Chair.

Councilman Bogan, asked that a correction be made to the councilmatic listings, adding Patricia Horan of The Terrace, to the Environmental and Wreck Pond Committees. Mayor Clemmensen asked for a confirmation on the changes, Council President made the motion, Seconded, Councilman Bogan. The motion was confirmed by voice.

Mayor Clemmensen said that this week on June 9th, there is now a sign at Bell Place and Sea Girt Ave., thanked public works for placing the sign and thanked Mr. Fritz Mueller for all the years that he provided that sign to the borough.

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, being there were no members of the public wishing to speak; the Mayor closed the public participation.

OLD BUSINESS

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.

The Clerk read the Ordinance by Title. Mayor Clemmensen opened the Public Hearing. No members of the public wished to speak. Councilman Farrell offered the following Ordinance for adoption, Seconded, Council President Niemeyer.

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 foregoing Ordinance was approved for adoption and publication by the following Roll Call Vote:

AYES: Farrell, Niemeyer, Bogan, Fetzer, Bonacci

NAYS: None

ABSTAIN: None

ABSENT: None

NEW BUSINESS

Liquor License Renewals

R-110-2008 Resolution to Renew Eagan's

Councilman Bogan offered and moved the following Resolution, Seconded, Council President Niemeyer. Mayor Clemmensen asked Chief Sidley if he had any comments. The Chief had no comment.

RESOLUTION R-110-2008

RESOLUTION TO APPROVE PLENARY RETAIL DISTRIBUTION LICENSE FOR JO YO L.L.C., T/A EGANS SEA GIRT WINE AND LIQUORS, 527 WASHINGTON BLVD., SEA GIRT, NJ

WHEREAS, an application for renewal of Plenary Retail Distribution License has been filed by Jo Yo, L.L.C., trading as Egan's Sea Girt Wine and Liquors 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 Distribution License #1344-44-005-006, effective from July 1, 2008 to June 30, 2009 be issued to Jo Yo L.L.C., trading as Egan's Sea Girt Wine and Liquors, premises located at 527 Washington Boulevard, Sea Girt, New Jersey.

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

AYES: Farrell, Niemeyer, Bogan, Fetzer, Bonacci

NAYS: None

ABSTAIN: None

ABSENT: None

R-111-2008 Resolution to Renew Fratello's

Councilman Bogan offered and moved the following Resolution, Seconded, Council President Niemeyer. Mayor Clemmensen asked Chief Sidley if he had any comments. The Chief had no comment.

RESOLUTION R-111-2008

RESOLUTION TO APPROVE PLENARY RETAIL CONSUMPTION LICENSE FOR CG JERSEY, INC T/A FRATELLO'S, 810 THE PLAZA, SEA GIRT, NJ

WHEREAS, an application for renewal of Plenary Retail Consumption License has been filed by CG Jersey, Inc. T/A Fratello's, has been properly executed and is accompanied by the State and Borough fees, and License Application Certification;

NOW, THEREFORE BE IT RESOLVED that the Plenary Retail Consumption License #1344-33-003-012, effective from July 1, 2008 to June 30, 2009 be issued to CG Jersey, Inc. T/A Fratello's premises located at 810 The Plaza, Sea Girt, New Jersey.

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

AYES: Farrell, Niemeyer, Bogan, Fetzer, Bonacci

NAYS: None

ABSTAIN: None

ABSENT: None

R-112-2008 Mayor to Explore the Current NJ Water Authority Contracts
Councilman Fetzer gave a brief background on the current utility and the intent of this resolution, which is exploring options. We use 40,000 GPD, we are a small user. Mayor Clemmensen asked for the Administrator to set up the meeting.

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

RESOLUTION R-112-2008

A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF SEA GIRT AUTHORIZING THE MAYOR TO PARTICIPATE WITH REPRESENTATIVES OF THE MUNICIPALITIES IDENTIFIED HEREIN FOR THE PURPOSE OF EXPLORING POSSIBLE AMENDMENTS TO EXISTING CONTRACTS FOR THE PURCHASE OF TREATED WATER AND TO SOLICIT ADVICE REGARDING THE FORMATION OF A JOINT MUNICIPAL WATER ENTITY

WHEREAS, The municipalities of the Borough of Brielle, Spring Lake, Spring Lake Heights, Sea Girt and the Township of Wall (collectively the "Treated Water Purchasers") are currently parties to individual treated water purchase contracts dated September 1, 1987 between the respective municipalities and the Monmouth County Improvement Authority ("Treated Water Purchase Contract"); and

WHEREAS, The relationship amongst the Treated Water Purchasers is in the nature of an inter-local services arrangement intended to collectively benefit all Treated Water Purchasers; and

WHEREAS, Section 17 of the Treated Water Purchase Contract grants an option to the Treated Water Purchasers to purchase the water treatment and transmission facilities from the Monmouth County Improvement Authority; and

WHEREAS, The Borough Council of the Borough of Sea Girt and the governing bodies of the other Treated Water Purchasers have determined that their respective financial interests and thereby the interests of their residents would be better served and furthered by establishing a joint entity comprised of representatives of the Treated Water Purchasers to attempt to renegotiate the Treated Water Purchase Contract including but not limited to terms pertaining to financing issues and administrative authority with respect to the operation of the water treatment and transmission facilities and the authority to incur debt to finance improvements to the treatment and distribution systems to meet treated water quality standards and increased capacity as set forth in Section 12 of the Treated Water Purchase Contract; and

WHEREAS, the Treated Water Purchasers seek to obtain counsel to represent them collectively with respect to assisting in the efforts to renegotiate the existing Treated Water Purchase Contract and to provide advice regarding the procedure and actions necessary for the possible formation of a joint entity to purchase the water treatment and distribution facilities and to otherwise evaluate and advise on the proposed purchase of the water treatment and distribution facilities.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sea Girt as follows:

1. The Mayor, as the designee of the full Borough Council is authorized to explore possible amendments to the existing Treated Water Purchase Contract and to explore the formation of a joint municipal entity for the purpose of purchasing the water treatment and transmission facilities described in this resolution.
2. After consideration of the matters discussed herein the mayor shall report to the full governing body at which time the matter may be considered for action by the full governing body.

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

AYES: Farrell, Niemeyer, Bogan, Fetzer, Bonacci

NAYS: None

ABSTAIN: None

ABSENT: None

Ordinance 10-2008 Defined Contribution Retirement Program

Eligibility

Introduction

Councilman Bonacci gave an explanation of the proposed ordinance and stated that this ordinance is a result of recent law changes to the state pension system. Further

information is available on the NJ Pension Website. Councilman Bonacci offered and moved the ordinance for introduction, Seconded, Council President Niemeyer.

ORDINANCE 10-2008

ORDINANCE IDENTIFYING POSITIONS IN THE BOROUGH OF SEA GIRT SUBJECT TO THE DEFINED CONTRIBUTION RETIREMENT PROGRAM AND ESTABLISHING PENSION ENROLLMENT PROCEDURES FOR BOROUGH EMPLOYEES AND OFFICERS

WHEREAS, Chapter 92 of the Laws of 2007, set forth in N.J.S.A. 43:15C-2 et seq. requires the Borough to determine whether certain appointed employees are required to join the Defined Contribution Retirement Program (DCRP).

NOW THEREFORE BE IT ORDAINED by the Borough Council of the Borough of Sea Girt that the following pension enrollment procedures are established and that the below listed position is identified as being subject to the Defined Contribution Retirement Program (DCRP).

SECTION ONE. Identification of Pension Programs

Borough Personnel are eligible for enrollment in various State pension programs including the Public Employee's Retirement System, (hereinafter "PERS"), Defined Contribution Retirement Program (hereinafter alternatively referred to as "DCRP") and Police and Firemen's Retirement System (hereinafter PFRS).

SECTION TWO. Required Participation

Unless otherwise exempted, the following persons shall be eligible and shall participate in the Defined Contribution Retirement Program:

A. A person commencing a position as Borough Councilperson on or after July 1, 2007, or any elected official who commenced such position prior to that time, but was out of office on any day after July 1, 2007, or who was not enrolled in PERS on any date after July 1, 2007.

B. Any person appointed to a position within the Borough whose appointment requires the consent of the Borough Council except:

1. Routine appointments below the level of Department Head.
2. Persons holding professional license or certificate to perform and is performing as a Certified Health Officer, Tax Assessor, Tax Collector, Municipal Planner, Chief Financial Officer, Registered Municipal Clerk, Construction Code Official, Licensed Uniform Sub code Inspector, Qualified Purchasing Agent, or

Certified Public Works Manager.

3. A person who is appointed to a temporary or "acting" capacity to one of the positions identified in SECTION TWO, A., above, provided that appointment is for a limited term in order to give the person the opportunity to obtain required certification.

4. In the event a person has more than one position within the Borough and one position is DCRP mandated and the other is not, the person's salary shall be prorated between the positions to effectuate this ordinance.

5. Any Borough personnel eligible to be enrolled in or who becomes enrolled in the Police and Firemen's Retirement System.

C. Any person who is granted a pension or retirement allowance under any pension fund or retirement system established by the State of New Jersey, who chooses to participate in DCRP pursuant to N.J.S.A. 43:3C-3 upon being elected to public office.

D. To the extent any individual otherwise eligible for the DCRP is enrolled in the Teacher's Pension and Annuity Fund or PERS and is subject to the annual maximum wage contribution base for Social Security, that individual is eligible only for the excess compensation, if any over such maximum wage contribution.

SECTION THREE. Exclusion for PERS enrollees

The requirements for enrollment in the Defined Contribution Retirement Program set forth in this ordinance are not applicable to any of the following:

A. Any person appointed to a position with the Borough who has, at the time of appointment, been a member of PERS continually. Continually shall mean that the individual was a member of PERS prior to July 1, 2007, and for whom a period of no more than two years has elapsed from the time the individual left prior to employment in the PERS position to the time of appointment by the Borough.

B. Borough Personnel who are members of PERS who are promoted to a position defined as requiring DCRP enrollment, except that an individual hired in a PERS position with the intention of circumventing the DCRP requirements, shall not be eligible to remain in as a PERS enrollee rather than DCRP.

SECTION FOUR. Categorical Exclusions

The following persons shall not be eligible to participate in DCRP:

A. A person's base salary for that employment, office or position is less

than \$1,500.00 per year.

B. The person is eligible by virtue of the position in question, for enrollment as a member of another State or locally administered pension fund or retirement system established by the State, unless otherwise mandated by this ordinance to participate in DCRP.

C. The person is receiving a benefit as a retiree from any other State pension fund or retirement system, unless they elect to participate in DCRP pursuant to N.J.S.A. 43:3C-3.

D. The person is ineligible for membership in PERS by virtue of being a person appointed by a profession services resolution.

SECTION FIVE. Waiver of Participation

The following persons may waive participation in DCRP:

A. Any person whose base salary is less than \$5,000 may, at the commencement of service in a particular employment, office or position, may irrevocably waive participation with regard to that employment, office or position by filing the forms required by the State of New Jersey.

B. Any person eligible to participate by virtue of Section 2, Item D, may elect to waive participation with regard to that particular employment, office or position by filing, when first eligible, the form required by the State of New Jersey. This shall not be irrevocable, and the person can elect to participate thereafter, by filing the required form, which election shall commence on January 1 following the filing of the election to participate.

SECTION SIX. Identification of Positions Subject to DCRP

Subject to the foregoing exception, exclusions and waivers, the following positions within the Borough shall be deemed to be within the requirements for DCRP participation:

Borough Administrator

SECTION SEVEN. 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 EIGHT. 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.

BE IT FURTHER ORDAINED this ordinance shall take effect upon final adoption and publication in accordance with applicable law.

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

AYES: Farrell, Niemeyer, Bogan, Fetzer, Bonacci

NAYS: None

ABSTAIN: None

ABSENT: None

R-113-2008 Resolution Allowing for Borough Hall Offices to be open until 5:00pm for the month of August 2008.

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

RESOLUTION R-113-2008

WHEREAS, The Borough Administrator has been tasked with the overarching study of efficiencies of the Borough and the needs of the Borough residents, and

WHEREAS, as part of his study he is requesting that the borough offices stay open for an additional ½ hour during the month of August in order to determine if the needs of the residents would be better served by keeping borough halls' administrative staff available to them, and

WHEREAS, this change will be implemented August 1, 2008 and shall cease on August 29, 2008, and

WHEREAS, if it is deemed necessary to change the hours of borough hall on a permanent basis an ordinance will be drafted and presented to council, and

WHEREAS, in order to be fair to our employee's during the month of August, 2008, the borough's staff will be allowed to coordinate on a scheduled basis, their work hours.

NOW, THEREFORE BE IT RESOLVED,

1. Borough Hall shall be open to the public until the 5:00pm five (5) days per week for the month of August, 2008.

2. Borough Hall staff will coordinate their work hours so that there is not an increase in work hours per week for each individual.

3. That should the Administrator's study prove that this improvement in services be warranted, and upon his recommendation to Council an Ordinance shall be prepared which shall specify the use, tracking and re-imbusement for flex-time hours for individuals that make this increase in municipal services available.

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

AYES: Farrell, Niemeyer, Bogan, Fetzer, Bonacci

NAYS: None

ABSTAIN: None

ABSENT: None

COUNCIL REPORTS

Councilman Fetzer: provided an update on the Water Plant, the architectural plans are being completed, the application for the CAFRA permit has been submitted, the schedule is to still acquire this bid before year end. The HMM s/b HMM will present in front of the planning board. Councilman Fetzer reported that the new fire truck will be delivered tomorrow; the Chief Financial Officer will prepare the check for the vendor.

Councilman Bogan, reported that the Borough Administrator will be doing an exploration of possibly sharing the court facility with Spring Lake Heights, Wall, and/or Manasquan. There will be another meeting, with regards to hard-costs. The preliminary results will be presented. Councilman Bogan reported that the Wreck Pond Watershed Committee is working on the draft plan that will be presented to the public after the participants submit their comments. He also noted that the surrounding municipalities will be installing Storm-scepters in their storm-drains in an effort to intercept wash-off from reaching Wreck Pond. Councilman Bogan will be trying to convene the surrounding towns to look into dredging of Wreck Pond, in order for the pond to remain a viable resource to Sea Girt. The municipalities will be getting together to study dredging scenarios.

Councilman Farrell, recreation director, Paul Brenner, are putting together the recreation program, details are on the web-site. We are accepting sign-ups right up until the program begins, partial participants are welcome. Councilman Farrell reminded everyone that the Sea Girt 5K is scheduled for August 3. Councilman Farrell reported the number of Certificates of Occupancy that have been issued for seasonal, re-sales, and rentals and that there have been summons issued on two properties for upkeep. Two items under Zoning: 1) An eviction was given and executed for no rental license and certificate of occupancy (C/O) 2) for the 80 C/O's given thru 5/31/08, 20 were for change in ownership and the rest were seasonal or remodeling.

Mayor Clemmensen noted that there will be a benefit at the Parker House for the Davis family tomorrow night, at 6:30pm, tickets are \$35.00. The Mayor also asked the council and the public's help in educating the public regarding pets on the beach. There are currently seasonal notices as to the allowance of dogs on the beach; however, with the resident endangered species it is more important than ever to leash your pets. Mayor Clemmensen asked that the Borough Attorney to look into the beach ordinance with regards to this matter, as well as the fees for allowing a pet to walk on the beach un-leashed, and it should be amped up if the animal finds its way to the endangered species location. Councilman Bogan noted that times and situations are different and the Borough would now be taking a firmer stance on this issue. We are not able to allow ~~for~~ pets to be on the beach due to the situations with the DEP and the US Dept of Interior. The dog census will be conducted with a letter to the dog owners informing them of the prohibition of dogs on the beach. The Mayor asked the Police Chief to look at the beach in early morning hours. Chief Sidley, said that the department will be going door to door to do the animal census. The back of the form will note the changes that the borough is implementing. Council President Niemeyer, stated that the signs on the Boardwalk note that there are no pets allowed on the boardwalk at anytime. He noted that we have to enforce all the laws. The fire department benefit will be at the Parker House on July 17th. The NY Blvd. project is just about completed. The picnic permit book noted that the last permit was issued in 1989. The Chief of Police gave a history of the picnic permit and noted that with the electronic age he is getting quite a few requests for picnics on the beach. The old ordinance permitted a fire and food, 6-9pm, on the North Beach. The beach regulations were recently adopted to permit picnics on the beach. The Chief wanted to ask Council if picnics are allowed on the beach and where do we wish to allow these-picnics. We are in another age, with boardwalk, gazebo and beach, more and more requests for weddings on the beach, there are currently no regulations. He asked for guidelines for these events. Councilman Bogan said that the Council could require a responsible party, also expressly state that they could not go anywhere near the North beach. Borough Attorney stated that the Chief could deny any requests for picnics on the beach, due to the restrictions of North beach. It may be the Council's wish to allow the Chief's discretion on allowing picnics. The Beach Regulations have provided that there will be no picnics on the North Beach. The Chief would like to allow them no further north than Chicago Blvd. Council President Niemeyer, suggested that we get together with the Beach people and work it out. Mayor Clemmensen suggested that there be a designated individual that would be the endangered species spotter. Mr. Gibbs, suggested users should provide a certificate of insurance to the Borough naming them as additionally insured. Councilman Bogan, I have concerns with the idea of appointing anyone to identify birds, I do not recommend that we have people responsible for identifying birds, but rather that we just don't allow them in certain areas. Council President Niemeyer noted that alcoholic beverages are not allowed. Councilman Farrell noted that the family picnic that was held last year did not allow alcohol. Council President Niemeyer read a letter praising the work of Sgt O'Conner from Louise Swale of

North Brunswick. Mayor Clemmensen asked the Council to consider whether the council will need two meetings in the month of July.

R-114-2008 Resolution to Pay Bills

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

RESOLUTION R-114 -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 June 11, 2008 in total as follows:

CURRENT FUND	\$	145,682.42
WATER / SEWER OPERATING FUND	\$	16,903.87
BEACH OPERATING FUND	\$	10,543.73
GRANT FUND	\$	0.00
ANIMAL CONTROL FUND	\$	0.00
TRUST FUND	\$	0.00
GENERAL CAPITAL FUND	\$	0.00
WATER / SEWER CAPITAL FUND	\$	0.00
BEACH CAPITAL FUND	\$	0.00
RECREATION TRUST FUND	\$	2,590.00
UNEMPLOYMENT COMP. TRUST	\$	0.00

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

AYES: Farrell, Niemeyer, Bogan, Fetzer, Bonacci

NAYS: None

ABSTAIN: None

ABSENT: None

PUBLIC PARTICIPATION ON ANY SUBJECT

Ed Robinson, 506 Brooklyn Blvd., spoke of the piping plover and noted facts regarding its endangered species. The greatest threats to piping plover's existence are humans the other threat is storms. Mr. Robinson asked if the area near the split rail could be secured with wire fences. There are many signs that say the fine is \$5,000 if you go into that area, who enforces that law? The signage is very good. Mr. Robinson said that the government is getting more and more into the shore communities beaches, would it pay for the Mayor's of the shore communities to meet and therefore enjoy leverage. Chief Sidley noted that the enforcement would be the State and that if anyone would be in that area, their name would be turned over to the State.

R-115-2008 Executive Session

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

RESOLUTION R-115-2008

BOROUGH OF SEA GIRT COUNTY OF MONMOUTH STATE OF NEW JERSEY

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 June 11, 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 Dept Interior
 - B. Litigation – Code Enforcement

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 the following Roll Call Vote:

AYES: Farrell, Niemeyer, Bogan, Fetzer, Bonacci

NAYS: None

ABSTAIN: None

ABSENT: None

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

The council returned to open session at 9:40pm

OTHER BUSINESS

There was no other business before council.

ADJOURNMENT

Councilman Farrell offered and moved for adjournment at 9:41pm, Seconded, Councilman Bogan. The motion was approved by voice vote and the meeting adjourned.