

Regular Meeting □ October 8, 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 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, Thomas Crawley, 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 Farrell offered and moved the following Consent Agenda, Seconded, Councilman Bogan.

R-151-2008 Authorize Raffle License for Sea Girt PTO

RESOLUTION R-151-2008

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

**RESOLUTION AUTHORIZING ON-PREMISES RAFFLES LICENSE
SEA GIRT ELEMENTARY SCHOOL PTO**

WHEREAS, the Sea Girt Elementary School PTA, has made application to Council for a raffles license to conduct ON-PREMISE raffles on November 22 and November 23, 2008, and

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-152-2008 Authorize Sea Girt Board of Education to Schedule Events with Outside Agencies

RESOLUTION R-152-2008

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

**RESOLUTION AUTHORIZING SEA GIRT BORAD OF EDUCATION
TO SCHEULE EVENTS WITH OUTSIDE AGENCIES**

WHEREAS, a request was received from the Sea Girt Board of Education for permission to have the authority to schedule events with outside agencies.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Sea does hereby grant the Sea Girt Board of Education the authority to schedule events with outside agencies.

R-153- 2008 Authorize Signatories on Borough Checks

RESOLUTION R-153-2008

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

**RESOLUTION AUTHORIZING
SIGNATORIES ON BOROUGH'S
BANK ACCOUNTS**

BE IT RESOLVED, by the Council of the Borough of Sea Girt that the following Town Officials are hereby authorized to sign checks or withdrawal slips where combinations of three principal signatures are required:

Mayor Mark E. Clemmensen
Mr. Alan C. Bunting, Administrator
Ms. Lauren Mayer, Acting Borough Clerk

NOW, THEREFORE BE IT RESOLVED, that the signature cards with the signatures of the persons authorized to sign be forwarded to Wachovia Bank, Commerce Bank & Ocean First.

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

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

NAYS: None

ABSTAIN: None

ABSENT: None

APPROVE MINUTES

There were no minutes presented for approval.

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

There were no items discussed by Council.

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

Discussion of the Temporary Recycling Yard Relocation: They are still looking at different areas for the recycling yard and it has not been determined if the recycling yard is to be moved more toward Crescent or the tennis courts but there wouldn't be space for the bulk waste or garden trash. They are also looking at an interlocal with another town. Everything is still under discussion.

Council President Niemeyer offered and moved the following resolution, Seconded, Councilman Bogan.

R-147-2008 Authorize Removal of Two (2) Underground Storage Tank at DPW Yard

RESOLUTION R-147-2008

BOROUGH OF SEA GIRT

**COUNTY OF MONMOUTH
STATE OF NEW JERSEY**

WHEREAS, the Mayor and Council of the Borough of Sea Girt are in need of additional professional engineering services for work associated with the removal of two existing underground storage tanks at the Borough's Department of Public Works Facility as outlined in the engineering proposal prepared by Mr. Eric C. Betz, P.E. of Hatch Mott MacDonald dated June 19, 2008; and

WHEREAS, the Mayor and Council of the Borough of Sea Girt hereby authorize Hatch Mott MacDonald to provide the professional engineering services as outlined in the proposal/letter dated June 19, 2008 in an amount not to exceed \$26,750.00 and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Sea Girt, County of Monmouth, State of New Jersey, that the firm of Hatch Mott MacDonald is hereby authorized to perform the above services as stated herein.

BE IT FURTHER RESOLVED that the Borough Administrator is hereby authorized to execute any work order agreements or regulatory compliance forms associated with this professional engineering and environmental services project with Hatch Mott MacDonald.

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

AYES: Farrell, Niemeyer, Bogan, Crawley, Bonacci

NAYS: None

ABSTAIN: Fetzer

ABSENT: None

NEW BUSINESS

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

R-154-2008 Emergency Appropriation for Debt Service for Environmental Attorneys

RESOLUTION R-154-2008

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

**RESOLUTION AUTHORIZING EMERGENCY TEMPORARY
APPROPRIATION FOR DEBT SERVICE FOR ENVIRONMENTAL
ATTORNEY**

WHEREAS, an emergency condition has arisen with respect to legal representation in relation to environmental issues and since this was not anticipated and no provision has been made in the 2008 budget 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 appropriation created including the appropriation to be created by this resolution is \$59,500 for the Beach Utility.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Sea Girt, that in accordance with NJSA 40A:4-48,

1. An emergency appropriation be and the same is hereby made for in the amount of \$59,500 for the Beach Utility for legal expenses.
2. That said emergency appropriation shall be provided for in the 2008 budget.
3. That a certified copy of this resolution be provided to the Director of Local Government Services and the Chief Financial Officer of the Borough of Sea Girt.

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

AYES: Farrell, Niemeyer, Bogan, Crawley, Bonacci

NAYS: None

ABSTAIN: Fetzer

ABSENT: None

Councilman Fetzer requested the following resolution be carried to the 10-22-2008 meeting, Seconded, Councilman Bogan. The motion was approved by unanimous roll call.

R-155-2008 Authorize Joint Municipal Water Authority

RESOLUTION R-155-2008

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

A RESOLUTION OF THE GOVERNING BODY OF THE BOROUGH OF SEA GIRT AUTHORIZING THE MAYOR, OR THE ADMINISTRATOR IN CONJUNCTION WITH THE UTILITY COMMITTEE, TO TAKE ALL ACTIONS NECESSARY AND APPROPRIATE FOR THE FORMATION OF A JOINT MUNICIPAL WATER AUTHORITY

WHEREAS, The municipalities of the Boroughs of Brielle, Spring Lake, Spring Lake Heights, Sea Girt and the Township of Wall (collectively the “Treated Water Purchasers”) previously adopted resolutions authorizing their respective designated representatives to explore the formation of a joint municipal entity for the purpose of purchasing the water treatment and transmission facilities that currently serve the Treated Water Purchasers; and

WHEREAS, pursuant to the foregoing authorization, the full governing body of the Borough of Sea Girt has been presented with sufficient information concerning the financing and procedures necessary for the formation of a joint municipal water authority to be comprised of the Treated Water Purchasers and has elected to pursue same; and

WHEREAS, In order to create the proposed authority certain procedural steps must be undertaken including an informational submission to the Local Finance Board for review and approval; and

WHEREAS, The information required to be submitted to the Local Finance Board is described by statute and includes a copy of the proposed parallel ordinance to be adopted by the Treated Water Purchasers in order to establish the joint municipal water authority; and

WHEREAS, The full governing body of the Borough of Sea Girt has reviewed the proposed parallel ordinance and has been advised of the other submissions to be made to the Local Finance Board and intends to authorize the Mayor, or the Administrator/Clerk in conjunction with the Utility Committee, to take

actions necessary for the submission of all required information to the Local Finance Board as part of the process to establish the joint municipal water authority to be formed by the Treated Water Purchasers.

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

1. The Mayor, or the Administrator, in conjunction with the Utility Committee, is hereby authorized to take all actions necessary for the formation of a joint municipal water authority including the submission of all required information to the Local Finance Board as part of the process to establish the joint municipal water authority to be formed by the Treated Water Purchasers.
2. This Resolution shall take effect immediately.

Discussion of smoke test – The Borough will be doing a smoke test due to the positive reading that the DEP received from the Baltimore outfall. We are asking that the DEP compensate us if nothing is found. The residents will be notified within a 3 block radius. It is scheduled for October 20th.

Discussion of Sea Girt Ave. & Route 71 Flooding - Mayor Clemmensen briefly discussed what he had already stated at the last council meeting. The issue lies with the drainage main under Route 71, which is only 15 inches wide and is overcome rapidly because it can't handle the volume of water. We've prepared letters to Senator Kean and also received letters from General Pierson and the Borough of Manasquan. This issue from a health & safety factor not only impacts Sea Girt's residents but also a neighboring municipality.

Discussion of use of Cornelius Park by MHS JV Tennis Team (letter) – This is an ongoing request each year and since there have been no complaints in the past the council agreed with their request for use of the tennis courts for the month of October.

Councilman Farrell motioned to approve the request, Seconded, Council President Niemeyer and it was approved by the following Roll Call Vote:

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

NAYS: None

ABSTAIN: None

ABSENT: None

COUNCIL REPORTS

Councilman Farrell reported, Recreation:

- Paddle Tennis passes for the year are available at Borough Hall. Prices have remained the same: Family pass is \$100, an Individual pass is \$50 and Daily passes are \$10. Also, Mary Dougherty is doing free clinics for anyone who would like to try it out.
- Flag Football for 2nd and 8th graders will be held at Baltimore Park. There was a sign up this Saturday with information at Borough Hall

Councilman Bonacci had no report for council.

Councilman Fetzer reported, Fire Department: Invited everyone to Octoberfest on October 11th from 1-5pm at Baltimore Park to celebrate the new truck.

Councilman Fetzer reported, Water Department: There has been another filter leak and we have another summer to get through with the existing pumps before the new plant is online. The permits for the construction are moving along and we are hoping to received the CAFRA permit in November so that we may go out to bid in January/February and start construction in March. We are hoping the construction will only take 12-15 months.

Councilman Bogan reported: In regards to the litigation with the DEP with the Plovers on North Beach: we have received the cause of death on the Plover that was found on the North Beach, which the DEP has had since September 2007, it was inconclusive on the cause of death. As far as the egg that was also collected with the Plover that also was inconclusive as to if it would have hatched healthy because the State froze the egg when they received it.

Councilman Crawley reported, Borough & Board of Education Joint Cost Saving Committee, he read the following report:

The Joint Committee met at 6pm Monday October 6, 2008 at the school. Present were Board of Education President Dr. Brian Buckley; Superintendent Steve Lavalva, Board Business Administrator Eileen Ertle, Administrator Bunting and me.

It was agreed that we should be pursuing strategies to accomplish savings by working together, when permitted by law. All agreed that traditionally Sea Girt has enjoyed a history of close cooperation and sharing between the Board and the Borough and that it is everyone's expectation that this will continue. We are one community.

Various areas were proposed for collaboration review and future consideration. These are discussed below.

1. Custodial – Maintenance services. It seems that some services are duplicated and while a good deal of informal sharing goes on we want to explore ways to enhance this and perhaps centralize some functions, review scheduling, etc.
2. Cooperative Purchasing – The Board is exploring participation in large group bidding programs, which could potentially reduce costs for supplies, paper stock, etc. We will explore piggybacking Borough needs with Board orders to allow for possibly greater savings because of volume and access to cooperative bidding.
3. Employee Training – Both Board and Borough employees must undergo required training in mandated areas. (Examples: Right to Know, chemical hazard awareness, sexual harassment prevention, etc.) We agreed to share information about programs and insure that all employees are routinely invited to prevent duplication and save money.
4. Storage of Gas Powered Equipment – All agree that this type of equipment is safer in the Borough yard and not at school.
5. Payroll – We will explore the idea of a common payroll service. Information about governmental banking programs and opportunities was exchanged.
6. Recreation Facilities – We will look at greater use of school fields by the recreation program in the summer. The town could assist with care of those fields.
7. Professional Services – Perhaps professionals offering quotes for services will consider lower rates if both the Borough and Board were included in a proposal. There are legal considerations here but we agreed to explore.

We also discussed the placement of tennis courts and student walking paths related to the location of the planned recycling yard. Mr. Bunting will ask the Borough Engineer to include an alternative plan in his presentation to the Council, which would insure consideration of the Board's ideas.

Additionally it was agreed that we would facilitate the communications of both the Board and Borough by allowing access to email listings of those who give permission. The Board routinely communicates to parents and others. The Borough routinely communicates to residents. While there is great overlap, there are always some missed. Both the Board and Borough wish communications to go to those that want them and strictly guard the privacy of lists.

It was agreed that we will meet again in November.

Councilman Crawley reported, Borough Hall Study Committee, he read the following report:

The Committee held its 2nd meeting at Borough Hall at 5 pm, Monday October 6th. Councilmen Fetzer and Niemeyer were present along with Chief Sidley, Administrator Bunting and I.

Everyone had received “needs” information from the various departments and the Committee acknowledged the improvements made by Administrator Bunting, such as the wall in the court area, bringing in an electrical engineer to examine the service and insure safety. However, it was agreed that a piecemeal approaches won’t be enough and a comprehensive professional study is needed. The study should be done by an architect, familiar with renovation issues, current code expectations, operational needs of the staff, use needs of the community as well as with an eye towards preserving the character of the building.

Mr. Thompson, Chief Sidley and I toured the building with Larry Uhrer of the Speizle Architectural Group on Sept. 29th and received some general ideas. The Administrator has also had a courtesy tour done by HMM, and received informal ideas as well. Several additional consultants should be included in a formal RFP process to insure fairness and a greater idea pool.

The Committee recommends that we submit requests for proposals to selected, qualified architects, who will be asked to propose costs, scope of work and other conditions for a thorough assessment of the building and recommendations to the Council for needed work. A resolution seeking permission from the Council for this is below. All are encouraged to suggest architectural firms to receive the RFP’s.

The largest area of concern in the Borough Hall is the courtroom and general access to the second floor. State requirements for security and specific facilities were discussed and it is believed that more are on the way soon. It was agreed that any assessment would need to include recommendations for a building with a court facility and one without a court facility should the Council choose later to share court spaces in another community.

RESOLUTION: Be it resolved that the Borough of Sea Girt desires to gather professional services proposals from architectural firms, licensed to do business in New Jersey. The proposals are to define all costs, conditions and the scope of work related to the conduct of a thorough assessment of the Borough Hall building and the subsequent submission of recommendations to Council, for the purposes of renovation and upgrades to the facilities in order to insure preservation of the building, safety, efficient operation and compliance with all code requirements. It is further resolved that the Administrator is directed to develop the requests for proposals and insure their distribution to qualified professionals.

Councilman Crawley motioned to approve the Resolution, Seconded, Council President Niemeyer and was approved by the following Roll Call Vote:

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

NAYS: None

ABSTAIN: Fetzer

ABSENT: None

Council President Niemeyer read the following Police Report:

The Sea Girt Police Department has handled 462 incidents since our last council meeting. Of note were the following: 4 911 calls, 21 burglar alarms, 7 Borough ordinance violations resulting in 3 summonses, 50 door check entries, 11 First Aid Calls with Manasquan handling all but one. Spring Lake First Aid Squad handled the one. Additionally there were 4 fire calls, 1 motor vehicle accident, 19 Homeland security checks, 2 missing persons calls with both parties being located, 2 parking complaints resulting in 2 summons. Police investigated 9 suspicious vehicles and 2 theft calls. There were 81 traffic stops resulting in 31 summonses and one arrest.

Several traffic notes to report. First, a reminder that this Saturday the 400 block of Baltimore Boulevard will be blocked off for the Fire Departments New Fire Truck/ Octoberfest Celebration. It should also be brought to everyone’s attention that there will be a large amount of pedestrian activity in the Baltimore and Fourth area during this day. Second, just a reminder to folks that the majority of roadways in the Borough are posted at 25 M.P.H. With Fall upon us, the leaves will be falling and it is getting darker earlier. Please pay attention.

R-156-2008 Resolution to Pay Bills

RESOLUTION R-156-2008

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 October 8, 2008 in total as follows:

CURRENT FUND	\$	689,826.65
WATER / SEWER OPERATING FUND	\$	47,121.12
BEACH OPERATING FUND	\$	85,358.32
GRANT FUND	\$	0.00
ANIMAL CONTROL FUND	\$	0.00
TRUST FUND	\$	0.00

GENERAL CAPITAL FUND	\$	1,180.25
WATER / SEWER CAPITAL FUND	\$	0.00
BEACH CAPITAL FUND	\$	325.00
RECREATION TRUST FUND	\$	10,995.65
UNEMPLOYMENT COMP. TRUST	\$	0.00
PUBLIC ASSISTANCE TRUST 1	\$	0.00

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

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

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

NAYS: None

ABSTAIN: None

ABSENT: None

PUBLIC PARTICIPATION ON ANY SUBJECT

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

R-157-2008 Executive Session

RESOLUTION R-157-2008

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 October 8, 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 - CFO
3. It is anticipated, at this time, that the date on which the stated subject matters A will be made public is unknown.
4. This Resolution shall take effect immediately.

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

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

NAYS: None

ABSTAIN: None

ABSENT: None

The council recessed into executive session at 8:15pm.

The council returned to open session at 9:00pm

OTHER BUSINESS

There was no other business before council.

ADJOURNMENT

Councilman Bogan offered and moved for adjournment at 9:01pm, Seconded, Councilman Fetzer. The motion was approved by roll call and the meeting adjourned.

Mark E. Clemmensen
Mayor

Lauren Mayer
Acting Borough Clerk