

Regular Meeting – May 13th, 2009 - Wednesday Evening – 7:30pm

BOROUGH OF SEA GIRT 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.

Appointment of New Planning Board Member by Mayor Clemmensen –Paul Cerami – 314 Baltimore Blvd., Alternate #2.

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).

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

R-63-2009 Authorize New Recreation Manual for Summer Recreation Staff

RESOLUTION R-63-2009

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

**RESOLUTION AUTHORIZING RECREATION MANUAL FOR SUMMER
RECREATION STAFF**

WHEREAS, the Borough of Sea Girt is in need of a Recreation Manual for the Summer Recreation Staff, and

WHEREAS, this staff manual has been prepared to serve as a guide for the Summer Recreation Staff and contains policy and expectations for staff members which are designed to help insure a safe and enjoyable summer for the children and guide staff in various situations, and

NOW, THEREFORE BE IT RESOLVED, the Borough Council does approve of the attached Recreation Manual.

R-64-2009 Authorize Refund for Overpayment for Taxes on Block 39, Lot 7 to Hudson City Savings Bank

RESOLUTION R-64-2009

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

**RESOLUTION AUTHORIZING A TAX REFUND FOR OVERPAYMENT
FOR BLOCK 39, LOT 7**

WHEREAS, Hudson City Savings Bank and the property owner for property known as Block 39, Lot 7, 215 New York, have both paid the taxes for 1st quarter, and

WHEREAS, the Tax Collector has approved a refund of \$2,468.75 to Hudson City Savings Bank, Paramus, NJ, and

NOW THEREFORE BE IT RESOLVED, by the Council of the Borough of Sea Girt that the Chief Finance Officer is authorized to draw a check in the amount of \$2,4658.75 to refund the 1st quarter tax overpayment; this check is to be made payable to the above bank.

R-65-2009 Authorize Off-Premise Raffle for Sea Girt PTO

RESOLUTION R-65-2009

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

**RESOLUTION AUTHORIZING 50/50 OFF-PREMISE RAFFLE LICENSE FOR
SEA GIRT PTO**

WHEREAS, Sea Girt PTO, has made application to Council for a raffle license to conduct a 50/50 off-premises raffle at The Parker House on June 11th, 2009.

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.

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 MINTUES

Council President Niemeyer offered and moved to approve the Regular Meeting 3-25-2009 minutes, Seconded, Councilman Fetzer.

The foregoing Council Minutes were approved by the following Roll Call Vote:

AYES: Farrell, Niemeyer, Crawley, Fetzer, Bonacci

NAYS: None

ABSTAIN: Bogan

ABSENT: None

Council President Niemeyer offered and moved to approve the Regular Meeting 4-8-2009 minutes, Seconded, Councilman Farrell.

The foregoing Council Minutes were approved by the following Roll Call Vote:
AYES: Farrell, Niemeyer, Bogan, Crawley, Bonacci
NAYS: None
ABSTAIN: Fetzer
ABSENT: None

Councilman Bogan offered and moved to approve the Regular Meeting 4-22-2009 minutes as amended, Seconded, Councilman Crawley.

The foregoing Council Minutes were approved by the following Roll Call Vote:
AYES: Farrell, Niemeyer, Bogan, Crawley, Fetzer, Bonacci
NAYS: None
ABSTAIN: None
ABSENT: None

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

Mayor Clemmensen commented

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.

NEW BUSINESS

Councilman Crawley offered and moved to approve the following Resolution, Seconded, Councilman Bonacci.

R-66-2009 Authorize Award of Contract to Spiezle Architectural Group, Inc. for Preliminary Assessment Evaluation Proposal Recommendations for Improvements to Borough Hall

RESOLUTION R-66-2009

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

**RESOLUTION TO AWARD CONTRACT TO SPIEZLE ARCHITECTURAL
GROUP, INC. FOR PRELIMINARY ASSESSMENT EVALUATION PROPOSAL
RECOMMENDATIONS FOR IMPROVEMENTS TO BOROUGH HALL**

WHEREAS, RFP's were solicited, in accordance with specifications prepared by Leon S. Avakian, Inc. for preliminary assessment evaluation proposal recommendation, known as Improvements to Borough Hall, and

WHEREAS, the contract to be awarded is one for professional services exempt from the competitive bidding laws requiring award to the lowest responsible bidder, and

WHEREAS, said RFP's were received by the Borough of Sea Girt on January 22, 2009; and

WHEREAS, a total of six professional architectural firms submitted proposals, with three being chosen for interviews and presentations to the Borough Hall Improvements Committee, and

WHEREAS, the three professional architectural firms were Buck Simperts Architect & Associates, Inc. - \$9,450.00, Spiezle Architectural Group, Inc. - \$17,800.00 & Design Ideas Group Architecture & Planning, LLC - \$29,420.00

WHEREAS, the bid and contract award are subject to the Borough Attorney's approval and certification of funds from the Chief Financial Officer, and

WHEREAS, based on the presentations and other criteria the contract is awarded to Spiezle Architectural Group, Inc., Sanhican Drive, Trenton, NJ 08618 in the amount of \$17,800.00

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The RFP for the contract for Improvements for Borough Hall is hereby accepted from Spiezle Architectural Group, Inc., Sanhican Drive, Trenton, NJ 08618 in the amount of \$17,800.00
2. A contract shall be awarded to Spiezle Architectural Group, Inc. Trenton, NJ 08618 for the work for preparation of a preliminary assessment report on alternatives for the improvements to Borough Hall in accordance with the specifications as prepared by the Borough Engineer.
3. The awarding of the contract and the signing of the contract is subject to the Borough Attorney's approval.
4. Upon receipt of those approvals, the Mayor and Clerk are hereby authorized to enter into a contract with Spiezle Architectural Group, Inc. Trenton for

improvements to Borough Hall, in accordance with Specifications and Contract Forms titled Improvements to Borough Hall in the Borough of Sea Girt, known as project SG08-21.

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

AYES: Farrell, Niemeyer, Bogan, Crawley, Bonacci

NAYS: None

ABSTAIN: Fetzer

ABSENT: None

Councilman Crawley offered and moved to approve the following Resolution, Seconded, Councilman Fetzer.

R-67-2009 Authorize Extension of Time for Seasonal Recreation Director

RESOLUTION R-67-2009

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

**RESOLUTION AUTHORIZING EXTENSION OF TIME FOR SEASONAL
RECREATION DIRECTOR**

WHEREAS, R-138-2008 appointed Patricia Peterson, Seasonal Recreation Director at a rate of \$22 per hour, and

WHEREAS, the appointment was for August 26, 2008 through May 15, 2009, and

WHEREAS, there is a need to extend her time until June 20, 2009, and

WHEREAS, the appointment for the next season will be from September 1, 2009 through May 31, 2010, and

NOW THEREFORE BE IT RESOLVED, the Mayor and Council of the Borough of Sea Girt does hereby confirm the extension of Seasonal Recreation Director Patricia Peterson to June 20, 2009 and setting her appointment for the season from September 1, 2009 through May 31, 2010.

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

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

NAYS: None
ABSTAIN: None
ABSENT: None

Mayor Clemmensen tabled this ordinance until the next regular meeting.

Ordinance 11-2009 An Ordinance Amending and Supplementing Ordinance # 684 Entitled
“ An Ordinance Regulations of the Bathing Beaches, Ocean and Areas Contiguous and
Thereto in the Borough of Sea Girt and Repealing Ordinance #646 and All Other Prior
Ordinances Inconsistent Herewith”

Introduction

Public Hearing 5-27-2009

Councilman Bogan offered and moved to approve the following Ordinance, Seconded,
Council President Niemeyer.

Ordinance 12-2009 An Ordinance Amending and Supplementing Ordinance #567
Amending Handicap Spaces in Borough of Sea Girt

Introduction

Public Hearing 6-10-2009

ORDINANCE 12-2009

BOROUGH OF SEA GIRT COUNTY OF MONMOUTH STATE OF NEW JERSEY

AN ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE #567 ENTITLED “PARKING REGULATIONS OF THE BOROUGH OF SEA GIRT”

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

SECTION 1.

Section 7i Entitled “Handicapped Parking” of Ordinance #567 is added to read:

Crescent Place, directly in front of Block 105, Lot 14 also known as 720 Crescent
Place.

SECTION 2.

All ordinances and parts ordinances inconsistent herewith are hereby repealed.

SECTION 3.

This ordinance shall take effect when passed and published

The foregoing Ordinance was approved for Introduction & Publication by the following Roll Call Vote:

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

NAYS: None

ABSTAIN: None

ABSENT: None

Councilman Farrell offered and moved to approve the following Ordinance, Seconded, Council President Niemeyer.

Ordinance 13-2009 An Ordinance Repealing Ordinance #844 and Providing for the Registration and Regulation of Taxi, Autocabs and Other Vehicles Engaged in the Business of Carrying Passengers for Hire, and the Owners and Drivers Thereof and the Business of Operating Taxis, Fixing License Fees, and Providing for Penalties for the Violation Thereof
Introduction
Public Hearing 5-27-2009

ORDINANCE 13-2009

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

**AN ORDINANCE REPEALING ORDINANCE NO. 844 AND PROVIDING FOR
THE REGISTRATION AND REGULATION OF TAXIS, AUTOCABS AND
OTHER VEHICLES ENGAGED IN THE BUSINESS OF CARRYING
PASSENGERS FOR HIRE, AND THE OWNERS AND DRIVERS THEREOF
AND THE BUSINESS OF OPERATING TAXIS, FIXING LICENSE FEES, AND
PROVIDING FOR PENATIES FOR THE VIOLATION THEREOF**

WHEREAS, the Mayor and Council of the Borough of Sea Girt have found that it is in the public interest and in order to ensure the safety and quality of life for all residents of and visitors to the Borough revise licensing requirements and regulate the business and

operations of owners and drivers of taxis, autocabs and other vehicles engaged in the business of carrying passengers for hire within the Borough.

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

Section 1. Definitions. As used in this section:

“Borough” shall mean Borough of Sea Girt.

“Driver” shall mean any person who drives a taxi/autocab within this Borough.

“Operation” of a taxi/autocab shall consist of transporting in such taxi/autocab of one or more persons for hire. A taxi/autocab which is operated or run, over any of the streets within the Borough, to seek or accept passengers for transportation from points or places to points or places within or outside the Borough or which transports a passenger or passengers from outside the Borough into the Borough for discharge shall be deemed to be operation of a taxi/autocab within the Borough. A taxi/autocab parked or idling on a Borough street or accepting any passenger for hire from a point of departure within the Borough shall be deemed to be operation. Operation of a taxi/autocab by one other than the owner shall be deemed operation by the owner, as well as operation by the person actually driving the taxi/autocab. The transportation in or through the Borough of any person other than the owner or driver of any motor vehicle bearing signs therein or thereon using the words “taxi,” “taxi,” “cab,” “jitney”, “car service”, “livery”, “hack”, “dial a ride”, “call a ride”, “transport”, “transport vehicle”, “car service” or “transportation” shall be prima facie evidence of operation.

“Owner” shall mean any person, corporation, business entity or association in whose name title to any taxi/autocab is registered with the New Jersey Motor Vehicle Commission, or who appears in any governmental records to be the conditional vendee or licensee thereof.

“Person” means and includes any individual, co-partnership, limited liability company, association, corporation or joint stock company, their lessees, trustees or receivers appointed by any court whatsoever.

“Taxi/Autocab” shall mean and include any autocab, automobile, van, motor car or autobus with a seating capacity of not more than fourteen (14) passengers not including the driver, any vehicles commonly called taxi, taxicab, cab or car service, that are engaged in the business of carrying passengers for hire, which is held out, announced or advertised to operate or run, or which is operated or run, over any of the streets within the Borough and which accepts or discharges passengers for transportation from points or places to points or places within or outside the Borough.

Section 2. Requirement of taxi/autocab owner or operator license

No person or corporation shall hire out, keep, or use for hire or compensation any taxi/autocab within the Borough unless both the taxi/autocab and the driver thereof are licensed in the Borough in accordance with this ordinance and said person or corporation conforms to all other laws and regulations of the state of New Jersey.

Section 3. Licenses

All taxi/autocab owners or operators of taxi/autocabs, operating a taxi/autocab within the Borough shall be licensed in accordance with the provisions of this ordinance.

There are hereby established two (2) classes of taxi/autocab license in the Borough as follows:

a. "Taxi/Autocab Driver's License". This license shall entitle the individual named therein to operate within this Borough any taxi/autocab duly licensed hereunder. Such license may only be issued in the name of an individual and not in the name of a business entity.

b. "Taxi/Autocab Owner's License". This license shall entitle the vehicle therein listed and described to be used as a taxi/autocab and operated in this Borough by a driver duly licensed hereunder.

Section 4. Number of licenses to be issued

a. Taxi/Autocab Driver's Licenses. The number of taxi/autocab driver's licenses under this section to be issued and outstanding in any one year shall be unlimited.

b. Taxi/Autocab Owner's Licenses. The number of taxi/autocab owner's licenses under this section to be issued and outstanding in any one year shall not exceed fifteen (15) unless the Mayor and Council by resolution approve additional licenses.

Section 5. Expiration date

Any license issued pursuant to this section shall expire at midnight of the 31st day of December of the year in which it was issued, and shall not be transferable.

Section 6. Applications for licenses

a. Application Form. Each applicant for the issuance or renewal of a license of either class shall supply, in full, the information requested on application forms approved by the Borough Administrator and obtained from the Borough Clerk, and shall verify the correctness thereof by certification. The completed application must be filed with the Borough Clerk, together with the fee hereinafter fixed.

1. Applications for Taxi/Autocab Owner's License. Applications for taxi/autocab owner's licenses shall be filed with the Borough Clerk at any time, but no taxi/autocab shall be operated in the Borough until licensed in accordance with this section each year.

(a) Requirements for Taxi/Autocab Owner's License. Each applicant must meet the following requirements:

(b) Be of the age of twenty-one (21) years, or over.

(c) Has not been convicted of a crime, and has not violated any provision of this section.

(d) Complete an application form provided by the Borough Clerk giving the applicant's full name, residence, places of residence for the preceding five years, age, date of birth, color, height, weight, color of eyes and hair, marital status, driver's license number, number of years driving, place of birth, length of time the applicant has resided in the United States, citizenship information, military service information, present and former employment, present or past municipal license information, whether the applicant has ever been charged with, arrested or convicted of a crime or other violation of law or of a violation of this chapter and if so, the date, what, where and the disposition, whether or not the applicant's driver's license has ever been revoked and, if so, for what cause, which statement shall be signed and sworn to or certified by the applicant and filed with the Borough Clerk as a permanent record. The applicant shall also furnish four (4) copies of color photographs size 2" x 2"), front view, in such position as may be prescribed, taken within thirty (30) days preceding the filing of the application.

(e) The applicant shall be required to consent to and submit to a state and federal criminal history check, either by fingerprinting or live scan through the Borough's vendor, at the Borough's sole discretion and at the cost and expense of the applicant.

(f) Insurance.

(i) Principal place of business located within Borough

Each applicant for a taxi/autocab owner's license shall, together with the application, submit the insurance policy required by N.J.S.A. 48:16-3 et seq., covering the taxi/autocab sought to be licensed; and each applicant shall then and thereafter comply with all of the provisions of N.J.S.A. 48:16-1 et seq., as well as the acts amendatory thereof or supplemental thereto.

(ii) Principal Place of Business outside Borough

Each applicant must file a duplicate autocab insurance certificate issued pursuant to N.J.S.A. 48:16-7 by the Clerk of the municipality within which the Owner's principal place of business is located. A photocopy is not acceptable and the applicant must provide the original duplicate certificate as issued by said Clerk.

(iii) The applicant must submit proof that the duplicate certificate shall be filed with the department of motor vehicles before any such car is licensed as a taxi/autocab.

(iv) Amount of Coverage.

Minimum acceptable insurance liability limit is as follows: Combined single limit coverage: three hundred thousand dollars (\$300,000.00) for five (5) passenger vehicle and five hundred thousand dollars (\$500,000.00) for vehicles with greater passenger capacity.

(a) The policy shall provide coverage for every driver of each vehicle listed in the policy, and the acceptance of the policy by the Borough and the issuance of the license by the Borough shall constitute an agreement by and between the applicant and the Borough that the applicant holds and saves harmless the Borough from any and all claims from damages arising out of personal injury and/or property damage made by third parties as the result of the issuance of the license and the operation of the taxi/autocab.

(b) In the event the policy is cancelled for any reason, a notice of such action must be delivered to the Borough Clerk twenty (20) days prior to the effective date by the insurance company providing coverage to the owner. It shall be the owner's responsibility to ensure that the insurance company is noticed of and complies with this requirement.

(g) Inspections. Vehicles covered by this section may be subjected prior to licensing to inspection by a Borough vendor or representatives of the Borough Police Department to determine the condition and fitness of the vehicle for the

transportation of passengers. Any such inspection is at the Borough's sole discretion and at the cost and expense of the applicant.

2. Applications for taxi/autocab driver's licenses. Applications for taxi/autocab driver's licenses may be made at any time, but no one shall drive or operate a taxi/autocab in the Borough until licensed in accordance with this section each year.

(a) Requirements for taxi/autocab driver's license. Each applicant for a taxi/autocab driver's license must meet the following requirements:

(b) Be of the age of twenty-one (21) years, or over.

(c) Submit a completed certificate on forms provided by the Borough from a reputable physician stating that the applicant has been examined within sixty (60) days of the date of the application and is fit for the safe operation of a taxi/autocab.

(d) Has not been convicted of a crime, and has not violated any provision of this section.

(e) Is not a habitual user of liquors to the point of impairment or a habitual user of narcotic drugs other than as lawfully prescribed.

(f) Complete an application form provided by the Borough Clerk giving the applicant's full name, residence, places of residence for the preceding five years, age, date of birth, color, height, weight, color of eyes and hair, marital status, driver's license number, number of years driving, place of birth, length of time the applicant has resided in the United States, citizenship information, military service information, present and former employment, present or past municipal license information, whether the applicant has ever been charged with, arrested or convicted of a crime or other violation of law or of a violation of this chapter and if so, the date, what, where and the disposition, whether or not the applicant's driver's license has ever been revoked and, if so, for what cause, which statement shall be signed and sworn to or certified by the applicant and filed with the Borough Clerk as a permanent record. The applicant shall also furnish four (4) copies of color photographs size 2" x 2", front view, in such position as may be prescribed, taken within thirty (30) days preceding the filing of the application.

(g) The applicant shall be required to consent to and submit to a state and federal criminal history check, either by fingerprinting or live scan through the Borough's vendor, at the Borough's sole discretion and at the cost and expense of the applicant.

(h) The applicant shall be required to consent to and submit to a motor vehicle history inquiry, either through the Borough Police Department or the Borough's vendor, at the Borough's sole discretion and at the cost and expense of the applicant.

(i) The applicant is able to speak and understand the English language.

Section 7. Issuance of licenses

a. Upon notification by the Borough Clerk of satisfactory fulfillment of the foregoing requirements, the Mayor and Council shall either grant or deny the license application, unless the governing body returns or holds over the application for further investigation.

b. Each applicant approved under this section shall be issued a license as evidence thereof in a form approved by the Mayor and Council, and signed by the Borough Clerk on behalf of the Mayor and Council.

c. Upon approval of any such application, the Borough, at its sole option, may process the license or in the alternative may require the applicant to travel to a Borough vendor to process the taxi/autocab driver's license and or the taxi/autocab owner's license. Any costs related to the processing of the license, including but not limited to the issuance of a photo license shall be the responsibility of the license holder.

Section 8. Fees.

a. The annual fee for each taxi/autocab owner's license hereafter issued, or any renewal thereof, shall be three hundred fifty (\$350) dollars per taxi/autocab for each year, or portion of a year, for each taxi/autocab. (Any additional taxi/autocabs registered to the same owner and so licensed shall pay a reduced license fee of \$100.00 per such additional taxi/autocab.

1. In the event a person issued a taxi/autocab owner's license also makes application for a taxi/autocab driver's license, the \$50.00 license fee for said person's taxi/autocab driver's license shall be waived.

b. The annual fee for each taxi/autocab driver's license hereafter issued, or any renewal thereof, shall be fifty (\$50.00) dollars for each year, or portion of a year, for which the license is issued or renewed.

c. No fees shall be prorated, nor any part thereof refunded, for any reason except that upon the denial of an application for issuance or renewal of a license by the Mayor and Council, ninety (90%) percent of the fee deposited shall be returned to the applicant, and ten (10%) percent shall be retained by the Borough to be applied to the costs for processing of the application.

Section 9. Denial, revocation, or suspension of licenses

a. The Mayor and Council may, in their discretion, refuse to issue or renew, or may after notice and hearing, revoke or suspend any taxi/autocab driver's license issued hereunder if the applicant or licensee:

1. Has been convicted of a crime or offense in this, or any other, jurisdiction.
2. Has been convicted of being a disorderly person.
3. Has been found guilty of a violation of Title 39, "Motor Vehicles and Traffic Regulations" of the Revised Statutes of the State of New Jersey.
4. Violates any provision of this ordinance.
5. Has failed, or fails to render, reasonably prompt, safe, and adequate taxi/autocab service.
6. Has in any degree contributed to any injury to any person, or damage to property, arising out of negligent operation of a motor vehicle.
7. Has any physical or mental condition which interferes with the ability to operate a motor vehicle in a safe manner and or presents a risk to the driver, passengers or the public.
8. Has not complied fully with all requirements of this ordinance.

b. Any taxi/autocab owner's license, or renewal, may be denied, revoked, or suspended for any of the following reasons:

1. If the motor vehicle licensed, or to be licensed, has unsafe or unsanitary conditions, or is otherwise dangerous to the safety or health of the occupants or others.

2. If the policy of insurance required by N.J.S.A. 48:16-3 lapses or such coverage is not maintained at all times.

3. Has been convicted of a crime in this, or any other, jurisdiction.

4. Has in any degree contributed to any injury to any person, or damage to property, arising out of negligent operation of a motor vehicle.

5. Has not complied fully with all requirements of this ordinance.

6. If the licensed vehicle is used or permitted to be used for any improper, immoral or illegal business or purpose, or for the violation of any statute or law of the state or the United States, or for the violation of any of the provisions of this chapter or any rules and regulations duly adopted thereunder.

Section 10. Display of license and certificate of insurance

a. No taxi/autocab shall be operated in the Borough unless the taxi/autocab driver's license of the person operating the taxi/autocab, is prominently displayed and open to view of passengers in accordance with reasonable procedures of the Borough.

b. The Certificate of Insurance required by N.J.S.A. 48:16-6 shall likewise be prominently displayed in accordance with reasonable procedures of the Borough.

Section 11. Rates

a. For every taxi/autocab for which a license shall be granted, the Borough Clerk shall issue a rate card stating all of the elements of the schedule of fares prescribed in this section. No taxi/autocab shall be operated in this Borough unless, and until, there is prominently displayed in the interior thereof, within the full view and access of any passengers therein, a complete list of fares, charges, or tariff rates charged for transportation of passengers, which fares, charges, or tariff rates so displayed, and no other, shall be those charged any passenger so transported.

b. Any person, driver or owner charging in excess of the posted rates shall be guilty of a violation of this section. No fares or rates shall be charged passengers by taxi/autocab licensees unless the complete schedule thereof has been approved by resolution of the governing body, and no fares shall be increased or schedules or fares altered without application having been made and approval granted by the Mayor and Borough Council.

c. Fare Limit. The rate of fare to be charged between any two points within the Borough limits shall not exceed \$1.50 per mile per person for each passenger.

d. All rates shall be agreed upon between the operator and passenger before the transportation is commenced.

e. Hand luggage shall be carried without charge.

Section 12. Lettering and Visual Identification Symbol

a. Every taxi/autocab operating within the Borough shall have affixed or painted on both sides thereof the words “taxi” or “cab” in letters at least six (6) inches high, or the name of the operating owner containing the words “taxi” or “cab” or “taxi,” as well as the business telephone number.

b. Every taxi/autocab or other vehicle required to be licensed under this Ordinance operating within the Borough shall display a visual identification symbol the design, specification and contents of same to be determined in the sole discretion of and issued by the Borough, by way of a decal, magnetic device, placard or other method which will identify the vehicle as properly and currently licensed. The method of display shall be as determined by the Borough and communicated in writing to the Taxi license holder.

Section 13. Record keeping: inspection of records

Every licensed taxi/autocab driver shall record, in writing, the time and place each passenger is accepted, and the time and place of discharge of the passenger. Such records shall be kept intact for three years. Such records shall be kept open at all times during the three-year period for inspection by local, State, and Federal law enforcement agencies.

Section 14. Lost property

Immediately after the termination of any hiring or employment, every driver of a taxi/autocab must carefully search such taxi/autocab for any property lost or left therein, and any such property discovered must be reported in writing to the Police Department with brief particulars and description of such property, within twenty-four hours after it is found, unless sooner claimed or delivered to the owner.

Section 15. Insurance

All owners of taxi/autocabs operating within the Borough must comply with the provisions of Section 6.a.(1) of this ordinance as a condition of the validity of any taxi/autocab owner’s license.

Section 16. Public service requirements

Owners of taxi/autocabs, their agents and employees, and cab drivers engaging in the taxi/autocab business, shall render courteous and nondiscriminatory service to the public. They shall answer all telephone calls received by them for transportation service within the limits of the Borough as soon as they can do so, and if such service cannot be rendered within a reasonable time, they shall notify the prospective passenger when the taxi/autocab will be available to service them.

Section 17. Restrictions on Operation of taxi/autocabs.

a. No Cruising. No person shall cruise the streets of the Borough in any vehicle, including but not limited to taxi/autocabs at any time for the purpose of soliciting or one or more persons for transportation for a fee or fare.

1. Pre-arranged Pickup. Any taxi/autocab cab may pick up passengers if the taxi/autocab owner or the owner's agent has been specifically called by the person seeking transportation or someone acting on said persons behalf or such person has otherwise arranged in advance for pick up at a specific time and place. The taxi/autocab driver must have proof of such pre-arrangement including at a minimum the full name of the person to be picked up, the full name of the person making the arrangements, and a contact phone number for said person making the arrangements.

b. All persons shall be picked up or discharged at the curb, or in off-street areas designated by business establishments for the use of their patrons, and the taxi/autocab shall at no time interfere with traffic on any roadway.

c. For picking up passengers at commercial establishments, all taxi/autocabs will follow a wait-in-line operating rule, and must pick up the next passenger waiting for taxi/autocab service in order. If such pick up is refused by the taxi/autocab driver, the driver must depart without a passenger and forfeit any place in line.

d. Locations Prohibited for Pick Up and Discharge. No taxi/autocab shall pick up or discharge passengers anywhere on any portion of the roadway, at the following locations.

1. First Avenue (County Route 49), between The Terrace and New York Boulevard:

2. Sea Girt Avenue between State Highway 71 and the easterly side of the railroad right of way.

Nothing herein shall preclude commercial establishment's locations to establish pick up areas in parking lots

Section 18. Taxi Stands. The Police Department may designate the location and size of any taxi stand in accordance with state law. Only taxi/autocabs and taxi/autocab drivers licensed by the Borough under this Ordinance may utilize the taxi stand. No person shall sit idle, park, or operate in a designated taxi stand for any other purpose except to pick up or discharge passengers. A designated taxi stand may only be occupied by a taxi/autocab and driver licensed by the Borough in accordance with this ordinance. No person shall leave any vehicle unoccupied in any designated taxi stand. A taxi stand shall allow a person the opportunity to find transportation services in an expeditious, unbiased, nondiscriminatory, and courteous manner. No passenger may be denied transportation by any taxi/autocab occupying any portion of a designated taxi stand provided that said passenger has the ability to meet the terms, fare, or fee for the service to be rendered. Call ahead or pre-arranged pickups may not be picked up from any designated taxi stand.

a. Temporary Taxi Stand. The ranking or senior Borough police officer on duty may, in the event, the number of people at any location seeking transportation from taxi/autocabs creates or may create a safety concern and or may create a disturbance of the peace, may establish a temporary taxi stand at any public location, such temporary taxi stand to be designated by temporary traffic signs or other traffic devices identifying the Temporary Taxi Stand. The provisions of Section 18 applicable to Taxi Stands shall be applicable to Temporary Taxi Stands.

Section 19. Fines and penalties

a. Any person violating any of the provisions of this ordinance shall, upon conviction of a first offense be subject to a fine of no less than \$250.00; on conviction of a second offense be subject to a fine of no less than \$500.00 and for a third or subsequent offense be subject to a fine of \$1,250.00 dollars, or be subject by imprisonment for any term not exceeding ninety (90) days in the County Jail, or in any other place provided by the municipality for the detention of prisoners, or both.

b. Any corporation violating any of the provisions of this ordinance shall, upon conviction, pay a fine of not less than \$500.00 or more than \$1,250.00 dollars.

c. Any person who aids, assists, or abets in the violation of any of the provisions of this ordinance shall be subject to the penalties herein provided for.

d. Nothing herein shall preclude the prosecution of any such violation under Title 48 and or Title 2C of the New Jersey statutes nor restrain or prohibit the

Mayor and Council from suspending or revoking any license issued hereunder in accordance with the provisions of this ordinance.

Section 20. Construction and effective date

a. Should any section or provision of this ordinance be held invalid in any proceedings, the same shall not affect any other section or provision of this ordinance, except insofar as the section or provision so held invalid shall be inseparable from the remainder of any such section or provision.

b. Ordinance No. 844 and all ordinances and parts of ordinances inconsistent herewith are hereby repealed.

c. This ordinance shall take effect after final passage and publication in accordance with law.

The foregoing Ordinance was approved for Introduction & Publication by the following Roll Call Vote:

AYES: Farrell, Niemeyer, Crawley, Fetzer, Bonacci

NAYS: None

ABSTAIN: Bogan

ABSENT: None

COUNCIL REPORTS

Councilman Crawley commented on the Shore Community Alliance Grant and met with Mr. LaValva. They are working on a Jr. Lifeguard Staff Manual to be modeled after the Recreation Manual. There will be a Lighthouse Committee meeting next week that he will be attending.

Councilman Fetzer reported that the Personnel Policies & Procedure Manual is still being worked on and will be finished soon.

Councilman Bonacci read the following Police report:

TO: Police Commissioner Joseph Bonacci
FROM: Chief Edward J. Sidley Jr.
SUBJECT: Police Report May 13, 2009

Dear Sir,

Since our last Council Meeting, the Sea Girt Police Department has handled 667 calls for service. Of these were no NINE-ONE-ONE hang up call, 32 burglar alarms, 6 animal complaints, 6 Borough Ordinance violations, 6 EMS calls with Manasquan handling all, 2 fire calls and 21 homeland security checks. Additionally, there were 4 parking complaints with 2 summonses issued, 104 traffic stops resulting in 33 summonses and one arrest.

I have attached a copy of the press release that went out with regard to a jetty rescue in which this department assisted. I will be submitting for next council meeting, formal recognition of the three individuals involved.

Respectfully submitted,

Edward J. Sidley Jr.
Chief of Police

Councilman Farrell reported that he and the Borough Administrator have only received 2 responses back from the residents who live near the Sea Girt Pump Station and are still looking for input.

Councilman Bogan read parts of the Fire Department report:

- Total number of Calls for year 2008 – 71
Total number calls for 2009 to date: 19: January - 6, February – 4,
March – 3 April to – 5 May to date - 1
Month Total breakdown of type
Alarm Activation - 1
- Total number of drills and special assignments for company for the year 2008 – 54. Total drills or special assignments for 2009 to date: 21 total
January – 6, February – 4, March – 5, April – 4, May - 2
Engine co ops, Egg Hunt, Pre Plan Washington Blvd, Air Time, Fuel/Engine Review, Air Time, Parker House Mutual Aid Drill

- Drills completed in the month of April and beginning of May were spent reviewing operations for Parker House and Beacon House operations as well as air time and a large scale Parker House Mutual Aid Drill. Thanks to all those that came out.
- Junior Member application – Sidley waiting on Dr. note. Waiting on Molyneaux and friend completion

Councilman Bogan reported, Water Department: We looked at all the recommendations and all the information. The final recommendation from the committee is that we continue forward with the Water Plant and Hatch Mott MacDonald.

Council President Niemeyer reported that he had a meeting with the Borough Administrator and the Census Bureau regarding the upcoming census. They discussed how the census was going to be done and how they were going to insure that only Sea Girt residents would be counted because our zip code is the same as Wall Township’s zip code. The Census Bureau will be mailing out a questionnaire that must be mailed back and for questionnaires they do not receive back they will be sending out door knockers.

Mayor Clemmensen reported that he and Mr. Farrell attended a School Consolidation meeting on April 29th at the Spring Lake Elementary School. The first concern with this issue is the concern for the children and their education, second concern is for the residents and the increase in taxes this would cause and the third concern is the property values of Sea Girt. The next meeting will be on May 26th at the Spring Lake Elementary School and the Assemblyman who was in favor of this bill will be there.

R-68-2009 Resolution to Pay Bills

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

RESOLUTION R-68-2009

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 13, 2009 in total as follows:

| | | |
|--------------|----|-----------|
| CURRENT FUND | \$ | 80,241.92 |
|--------------|----|-----------|

| | | |
|------------------------------|----|-----------|
| WATER / SEWER OPERATING FUND | \$ | 8,784.35 |
| BEACH OPERATING FUND | \$ | 17,141.35 |
| GRANT FUND | \$ | 0.00 |
| ANIMAL CONTROL FUND | \$ | 0.00 |
| TRUST FUND | \$ | 2,529.50 |
| GENERAL CAPITAL FUND | \$ | 721.35 |
| WATER / SEWER CAPITAL FUND | \$ | 0.00 |
| BEACH CAPITAL FUND | \$ | 0.00 |
| RECREATION TRUST FUND | \$ | 0.00 |
| UNEMPLOYMENT COMP. TRUST | \$ | 0.00 |
| PUBLIC ASSISTANCE TRUST 1 | \$ | 0.00 |
| LIBRARY TRUST | \$ | 315.00 |

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

Mr. D' Angelo, 3 Chicago Blvd., commented on the kite flying issue and either way it goes he thinks that the Council should conduct an outreach so that residents are aware of the reasons as to why the Borough is doing some of the things on the beach. He applauded Council for the action with the Taxi Ordinance and suggested that staging areas be looked into at either the school or the plaza rather than having the cabs just drive around the block.

Don Laws, 208 Stockton Blvd., complimented the Council and Administration on the emphasis they have put on safety and the safety issues that have been addressed around the Borough. He commented that there is a safety issue on the boardwalk because the bike sign is posted on the beach and not on the boardwalk where people can read it. Also, the sidewalks should be kept clean of vegetation.

Candace Kadimik, The Beacon House, also had the same concerns with the taxis and is glad the Council is doing something about the issue. She asked for clarification of the noise ordinance because there is an issue with the patrons and the noise level as they leave The Parker House and as they return to get their cars.

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

R-69-2009 Executive Session

RESOLUTION R-69-2009

**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 May 13, 2009.

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. Contract Negotiations – Sea Girt Sanitation
 - B. Contract Negotiations – Sea Girt Fire Company
 - C. Litigation – NJ DEP vs. Sea Girt
3. It is anticipated, at this time, that the date on which the stated subject matters A, B & C will be made public is:
 - A. Upon completion of negotiation
 - B. Upon completion of negotiation
 - C. Upon completion of the litigation and termination of the appeal period without any appeal being filed

4. This Resolution shall take effect immediately.

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

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

NAYS: None

ABSTAIN: None

ABSENT: None

Councilman Bogan offered a motion to amend the budget to increase the Borough's contribution to the Fire Company from \$29,000 to \$60,000 which would be directed to turnout gear, Seconded by Councilman Fetzter.

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

AYES: Farrell, Niemeyer, Bogan, Crawley, Fetzter

NAYS: None

ABSTAIN: None

ABSENT: Bonacci

Council President Niemeyer offered a motion to examine the outsourcing of the sanitation and that the Auditor and the Borough Attorney check the feasibility and come back with a bid spec, Seconded, Councilman Farrell.

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

AYES: Farrell, Niemeyer, Bogan, Crawley, Fetzter

NAYS: None

ABSTAIN: None

ABSENT: Bonacci

OTHER BUSINESS

None

ADJOURNMENT

Councilman Bogan offered and moved for adjournment at 10:30 pm, Seconded, Council President Niemeyer. The motion was approved by unanimous vote and the meeting adjourned.

Lauren Mayer
Acting Borough Clerk