

Regular Meeting – July 8th, 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, absent, Don Fetzler, 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 Bonacci.

R-95-2009 Authorize Manasquan First Aid Coin Toss

RESOLUTION R-95-2009

BOROUGH OF SEA GIRT
COUNTY OF MONMOUTH
STATE OF NEW JERSEY

RESOLUTION AUTHORIZING MANASQUAN FIRST AID SQUAD
COIN TOSS

WHEREAS, The Manasquan First Aid Squad would like permission to have a coin toss on Saturday, August 8, 2009 between the hours of 9:00 AM and 1:00 PM on the Corner of County Road 49 aka Sea Girt Ave., and State Highway # 71 aka 7th Ave., with a rain-date of August 9, 2009, and

WHEREAS, the Borough of Sea Girt supports the Manasquan First Aid Squad in their efforts and believes that they provide an invaluable service to the residents and visitors of Sea Girt.

NOW, THEREFORE BE IT RESOLVED, that the Borough Council of the Borough of Sea Girt, does hereby authorize the following:

1. That the Manasquan First Aid Squad shall be authorized to conduct a Coin Toss on Saturday, August 8, 2009 between the hours of 9:00am and 1:00pm with a rain-date of August 9, 2009 subject to the approval of the New Jersey Department of Transportation.
2. That a copy of this Resolution be sent to the Monmouth County Highway Department.
3. That the Manasquan First Aid Squad shall provide a certificate of insurance naming the Borough of Sea Girt as additional insured.
4. That the Borough Attorney shall prepare a Hold Harmless Agreement for signature by the appropriate officials of the Manasquan First Aid Squad.

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

AYES: Farrell, Niemeyer, Bogan, Fetzer, Bonacci

NAYS: None

ABSTAIN: None

ABSENT: Crawley

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

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

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

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.

R-88-2009 Authorize Amendment to 2009 Municipal Budget
Public Hearing (comments limited to 4 minutes)

RESOLUTION R-88-2009

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

RESOLUTION TO AMEND THE 2009 MUNICIPAL BUDGET

WHEREAS, the local municipal budget for the year 2009 was approved on the 22nd day of April, 2009, and

WHEREAS, the public hearing on said budget has been held as advertised, and

WHEREAS, it is desired to amend said approved budget, now

THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Sea Girt, County of Monmouth, that the following amendments to the approved budget of 2009 be made.

Recorded Vote

(Insert Last Names)

Ayes	(Farrell (Niemeyer (Bogan (Crawley	Fetzer Bonacci	Nays	((None ((Abstain	((None ((None
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General Revenues		From		To
1. Surplus Anticipated	\$	445,000.00	\$	481,006.84
5. Subtotal General Revenues		1,304,510.45		1,340,517.29
6. Amount to be Raised by Taxes for Support of Municipal Budget:				
(a) Local Tax for Municipal Purposes including Reserve for Uncollected Taxes		4,984,000.00		4,954,991.00
7. Total General Revenues	\$	6,288,510.45	\$	6,295,508.29
8. General Appropriations				
(E) Deferred Charges and Statutory				

Expenditures Within "CAPS"

Deferred Charges:

Expense of Participation in Free County Library Salaries and Wages	\$	-0-	6,997.84
Total Deferred Charges and Statutory Expenditures Within "CAPS"		590,500.00	597,497.84
(H-1) Total General Appropriations for Municipal Purposes within "CAPS"		4,999,974.00	5,006,971.84
(L) Subtotal General Appropriations		6,009,012.53	6,016,010.37
7. Total General Appropriations	\$	6,288,510.45	\$ 6,295,508.29

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services for her certification of the local municipal budget so amended.

BE IT FURTHER RESOLVED, that this complete amendment, in accordance with provisions of N.J.S.A. 40A:4-9, be published in the Coast Star in the issue of July 2, 2009, and that said publication contain notice of public hearing on said amendment to be held at the Sea Girt Elementary School on July 8, 2009 at 7:30pm.

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

AYES: Farrell, Niemeyer, Bogan, Fetzer, Bonacci

NAYS: None

ABSTAIN: None

ABSENT: Crawley

2009 Budget

Adoption

Councilman Farrell gave a brief overview of the presentation he gave of the 2009 Budget at the public hearing on May 27, 2009.

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.

Councilman Farrell offered and moved to adopt the 2009 Municipal Budget, Seconded, Council President Niemeyer.

The 2009 Municipal Budget was approved by the following Roll Call Vote:

AYES: Farrell, Niemeyer, Bogan, Fetzer, Bonacci

NAYS: None

ABSTAIN: None

ABSENT: Crawley

Councilman Bonacci offered and moved the following Ordinance as amended, Seconded, Councilman Farrell.

Mayor Clemmensen opened the meeting to the public.

Liam, Leon's Transportation, commented that he based his business on the chaos of the Parker House and now tries to avoid the Parker House. Most people leaving there are either going to Manasquan or Belmar and he thinks that 15 licenses is too high and that the prior insurance that was higher was better. He suggested lowering the number of cabs is important and increasing the insurance would do help.

Ken Lepord, Ocean Transport, commented that he agreed with Liam on the insurance and thinks that 15 licenses is too high.

Jim, Able Transportation, commented that they are authorized ~~to~~ to shuttle from one place to another and a few of the cab companies have State compliance and are licensed to operate the 15 passenger vehicles and that there are enough 15 passenger vehicle operators in this room that could handle the Parker House and comply with State Regulations.

Liam, Leon's Transportation, asked if one company could come in and buy all 15 licenses and how would that work. Mr. Brennan, Borough Attorney, stated that it would depend on who got their paperwork in first and if they meet all the requirements.

Councilman Bonacci stated that he appreciates all the feedback from all the owners on this matter.

Council President Niemeyer asked if the 15 licenses issued includes the State operated shuttles. Mr. Brennan stated that yes this does. The municipality has the right to regulate regardless and that Council can increase the 15 to more if needed.

Councilman Bogan commented that he feels the insurance is too low and even though it is double the Sate minimum of \$20,000. Mayor Clemmensen asked if we could find something then between \$50,000 and the original amount of \$300,000. Councilman Fetzer commented that the insurance being \$50,000 is too low and we should protect the people in our town.

Ken, Ocean Transport, commented that he agrees that \$50,000 is too low and that he has \$300,000, Leon's Transportation has \$300,000, Able has \$500,000 and increasing the insurance would limit the number of cabs.

Councilman Bogan stated that he doesn't want to shut out the smaller cab companies but doesn't want people to not be properly covered.

Jim, Able Transportation, commented that the number of passengers allowed in a cab by State Statute is 7 and anything more is a shuttle bus. Mr. Brennan stated that Sea Girt's Ordinance defines a taxi as any vehicle with the capacity of more than 14 passengers. Council discussed changing the insurance amount and whether or not they should adopt the ordinance now or wait until the next Council Meeting for the amendment.

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
Second Reading

Public Hearing (comments limited to 4 minutes)

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 PENALTIES 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:

- (1) Be of the age of twenty-one (21) years, or over.
- (2) Has not been convicted of a crime, and has not violated any provision of this section.
- (3) 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, , 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.
- (4) Each applicant must provide a full physical address including building/house number, street name, city, state and zip code. Post Office Boxes shall not be sufficient. Notice by the Borough in connection with this ordinance to any Taxi/Autocab Owner's License holder shall be effective upon the Borough's mailing of said notice by regular mail to the address provided in the application unless the license holder notifies the Borough of a change of address to another physical location (post office boxes not acceptable) and the Borough acknowledges in writing receipt of such change of address.
- (5) 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. In the event an applicant holds a current New Jersey commercial drivers license with a "P" or an "S" endorsement, and the applicant provides a copy of the applicant's fingerprint background results obtained during the CDL application process that are less than one year old at the time of the application, the Borough may waive the requirement to submit to fingerprinting.
- (6) 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: fifty thousand dollars (\$50,000.00).

(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.

(7) 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:

- (1) Be of the age of twenty-one (21) years, or over.
- (2) Possess a valid New Jersey driver's license.
- (3) 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.
- (4) Has not been convicted of a crime, and has not violated any provision of this section.
- (5) Is not a habitual user of liquors to the point of impairment or a habitual user of narcotic drugs or other controlled substances other than as lawfully prescribed.
- (6) 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, , 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.
- (7) 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. . In the event an applicant holds a current New Jersey

commercial drivers license with a “P” or an “S” endorsement, and the applicant provides a copy of the applicant’s fingerprint background results obtained during the CDL application process that are less than one year old at the time of the application, the Borough may waive the requirement to submit to fingerprinting.

(8) 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.

(9) 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 for from one to up to five taxi/autocabs licensed for each year, or portion of a year. (Any additional taxi/autocabs registered to the same owner and so licensed shall pay a reduced license fee of \$100.00 per vehicle for such additional taxi/autocab.) The license is not transferable and is granted to a specific vehicle. If such vehicle is sold or conveyed during the license year, the owner may apply to the Borough for a substitute for the remainder of the license period.

1. In the event a person issued a taxi/autocab owner’s license also makes application for a taxi/autocab driver’s license, said person may apply to waive the \$50.00

license fee for up to five designated drivers employed by said person and operating such licensed taxi/autocab.

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 provided by way of written notice to the licensee..

Section 11. Rates

a. For every taxi/autocab for which a license shall be granted, and provided the Borough Council has established a schedule of fares by duly authorized Resolution, the Borough Clerk shall issue a rate card stating all of the elements of the schedule of fares prescribed in this section. Upon passing of such Resolution and the issuance of such rate card by the Borough Clerk, 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 be established by duly authorized Resolution of the Borough Council and issued by the Borough Clerk along with the rate card.

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 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 Police Department and communicated in writing to the Taxi license holder, which shall be required to adhere to the contents of said notice within seven (7) calendar days of the date of the notice. The Borough may elect to require that the visual identification symbol be made and then affixed to the licensed vehicle by a vendor or vendors of the Borough's designation, all such costs for such production and affixing to the licensed vehicle to be paid by the licensee.

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 establishments 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 pick ups 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 August 17, 2009.

The foregoing Ordinance was approved for Adoption and Publication by the following Roll Call Vote:

AYES: Farrell, Niemeyer, Fetzer, Bonacci

NAYS: None

ABSTAIN: Bogan

ABSENT: Crawley

NEW BUSINESS

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

R-96-2009 Authorize Appointment of Municipal Clerk

RESOLUTION R-96-2009

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

RESOLUTION APPOINTING MUNICIPAL CLERK

WHEREAS, pursuant to N.J.S.A. 40A:9-133, Lauren Mayer was appointed as Acting Municipal Clerk of the Borough of Sea Girt on June 25, 2008 to fill the vacancy left by the resignation of Lorene K. Wright; and,

WHEREAS, Ms. Mayer has successfully completed the statutory requirements necessary for the permanent appointment as Municipal Clerk of the Borough of Sea Girt and the Director of the Division of Local Government Services has issued the requisite certificate.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sea Girt that Lauren Mayer be and she is hereby appointed to an initial three-year term as the Borough Clerk of the Borough of Sea Girt commencing June 17, 2009 through June 17, 2012, inclusive.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be supplied to:

1. Lauren Mayer
2. Director, Division of Local Government Services

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

AYES: Farrell, Niemeyer, Bogan, Fetzner, Bonacci

NAYS: None

ABSTAIN: None

ABSENT: Crawley

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

R-97-2009 Authorizing Professional Engineering Services for the Water Treatment Plant Project

RESOLUTION R-97-2009

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

**RESOLUTION AUTHORIZING PROFESSIONAL ENGINEERING
SERVICES FOR THE WATER TREATMENT PLANT PROJECT**

WHEREAS, the Mayor and Council of the Borough of Sea Girt are in need of professional engineering services for work associated with upgrades to the Borough's Water Treatment Plant, as outlined in the engineering proposal prepared by Mr. Eric C. Betz, P.E. of Hatch Mott MacDonald dated February 25, 2009; 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 February 25, 2009, which includes contract administration and construction observation services, in an amount not to exceed \$300,000 for the engineering services necessary during the construction phase of the project entitled: Water Treatment Plant Upgrades, known as Contract No. 2009-1, 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, regulatory compliance forms, or payment applications, or invoices associated with this project.

I, Lorraine Carafa, Chief Financial Officer of the Borough of Sea Girt do hereby certify that funds are available in _____ for the purpose stated in the above resolution.

LORRAINE CARAFA, C.F.O.

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

AYES: Farrell, Niemeyer, Bogan, Bonacci

NAYS: None

ABSTAIN: Fetzer

ABSENT: Crawley

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

RESOLUTION R-98-2009

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

**RESOLUTION AUTHORIZING A REGIONAL FEASIBILITY STUDY
GRANT**

WHEREAS, the Governing Body of the Township of Marlboro as Lead Municipality and the Township of Aberdeen, City of Asbury Park, Borough of Atlantic Highlands, Borough of Bradley Beach, Township of Colts Neck, Borough of Eatontown, Borough of Englishtown, Borough of Freehold, Township of Freehold, Township of Hazlet, Borough of Highlands, Township of Holmdel, Borough of Keyport, Borough of Lake Como, Borough of Little Silver, City of Long Branch, Township of Manalapan, Borough of Matawan, Township of Middletown, Borough of Monmouth Beach, Borough of Neptune City, Township of Ocean, Borough of Oceanport, Borough of Roosevelt, Borough of Sea Bright, Borough of Shrewsbury, Township of Shrewsbury, Borough of Spring Lake Heights, Borough of Tinton Falls, Borough of Union Beach, and the Township of Wall, have agreed to apply for a *SHARE* (Sharing Available Resources Efficiently) Regional Feasibility Grant through the State of New Jersey Local *SHARE* Program in the amount of \$417,831.00; and,

WHEREAS, Township of Marlboro has agreed to be the lead agency in this endeavor; and

WHEREAS, the Governing Body of the Township of Marlboro is acknowledging and accepting the responsibility of acting as applicant for this grant on behalf of the Township of Aberdeen, City of Asbury Park, Borough of Atlantic Highlands, Borough of Bradley Beach, Township of Colts Neck, Borough of Eatontown, Borough of Englishtown, Borough of Freehold, Township of Freehold, Township of Hazlet, Borough of Highlands, Township of Holmdel, Borough of Keyport, Borough of Lake Como, Borough of Little Silver, City of Long Branch, Township of Manalapan, Borough of Matawan, Township of Middletown, Borough of Monmouth Beach, Borough of Neptune City, Township of Ocean, Borough of Oceanport, Borough of Roosevelt, Borough of Sea Bright, Borough of Sea Girt, Borough of Shrewsbury, Township of Shrewsbury, Borough of Spring Lake Heights, Borough of Tinton Falls, Borough of Union Beach, and the Township of Wall, and

WHEREAS, the State of New Jersey has made *SHARE* grants available to assist local units study, develop and implement new shared and regional services; and

WHEREAS, the purpose of this grant is to promote shared services between our local units through the sharing of solid waste and recycling collection services that would be beneficial to all local units. This would include things such as technological advances, different methods of solid waste removal, waste flow analysis and data retrieval.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Sea Girt, that the Borough of Sea Girt does hereby join with the Township of Aberdeen, City of Asbury Park, Borough of Atlantic Highlands, Borough of Bradley Beach, Township of Colts Neck, Borough of Eatontown, Borough of Englishtown, Borough of Freehold, Township of Freehold, Township of Hazlet, Borough of Highlands, Township of Holmdel, Borough of Keyport, Borough of Lake Como, Borough of Little Silver, City of Long Branch, Township of Manalapan, Township of Marlboro as Lead Municipality, Borough of Matawan, Township of Middletown, Borough of Monmouth Beach, Borough of Neptune City, Township of Ocean, Borough of Oceanport, Borough of Roosevelt, Borough of Sea Bright, Borough of Shrewsbury, Township of Shrewsbury, Borough of Spring Lake Heights, Borough of Tinton Falls, Borough of Union Beach, and the Township of Wall, in applying for a grant for the purpose of a feasibility study.

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

AYES: Farrell, Niemeyer, Bogan, Fetzer, Bonacci

NAYS: None

ABSTAIN: None

ABSENT: Crawley

Discussion – 501 Trenton Blvd. – Arbor on Borough Property

Tom Jennings, owner, stated that prior to the renovations on his property there were hedges running down the side of the property and they died. So for aesthetics he decided to put up the arbor and didn't check to see what they could do or what they couldn't do. He stated that he would take the arbor down but is just trying to find a way to identify his house in case of any emergency and is just looking for some help.

Council President Niemeyer commented that the problem with the arbor is that it's on Borough property and if you were to move it back a few feet it would still be on Borough property and the Land Use states that you cannot have an arbor in the front or side yard. His suggestion is to leave it where it is and maintain it where it is and the land around it and if you were to move it then it would have to be removed.

Councilman Farrell commented that he thinks that this was done unintentionally & innocently. He had looked around town and there are other houses that may not have an arbor but maybe a cement structure that displays their house number and understands the ordinance but thinks it's a tasteful way to identify the house.

Councilman Bogan commented that he thinks it looks nice but it gets problematic when we have an ordinance that addresses arbors.

Councilman Fetzer commented that he thinks the arbor issue normally is obstruction and this is not the case and suggests council authorizes that Mr. Jennings keep the arbor and maintain it.

Mr. Brennan, Borough Attorney, commented that he thinks that if you want to act on this the agenda needs to properly state council's intent.

Councilman Bonacci commented that aesthetically it looks good but after being on the planning board he feels that we have ordinances in place for a reason and has an issue setting a precedent on this

Mayor Clemmensen commented that he had served on the planning board and taste & aesthetics are different things and thinks things like this should still be brought up to the planning board to make sure it follows the Master Plan. His recommendation was to refer this to the planning board and take their recommendation on the matter before making any decisions

Councilman Bogan offered and moved following, that no action on enforcement be taken while this matter is under review by the planning board, Seconded, Councilman Fetzer. The motion was approved by unanimous vote.

Discussion – Fire Truck access on Philadelphia Blvd.

The Sea Girt Fire Company was responding to a call and had difficulty turning onto Ocean Avenue from Philadelphia Boulevard due to the angle parking. Councilman Bonacci thinks this matter is a public safety issue and Mayor Clemmensen directed Chief Sidley and the Public Safety Committee along with Borough Engineer to look into this and report back to council on the matter.

COUNCIL REPORTS

Councilman Bogan reported, Environmental Committee: The committee will be meeting this month to consider the prospective formation of a Water Shed Commission and they will be giving a presentation on the matter.

Councilman Fetzer reported, Personnel: Mr. Bunting has completed the last draft of the Personnel Policy & Procedures Manual. Both the police and public works contracts expire at the end of this year and the committee will be meeting next week on this matter. Mr. Bunting is conducting an Employee Climate Survey.

Councilman Farrell read the Beach report:

Councilman Farrell reported, SMRA: There are 5 projects that are in the works.

- The outfall pipe that goes out into the sea is being checked to see if it needs any repairs
- Co-generation project to install two 165kw combustion engines to assist with the digestion
- The plan to use magnesium hydroxide instead of sodium hydrochloride
- The emergency repair to the Manasquan pump station has been completed.
- Plan on meeting with the residents that live near the pump station to discuss aesthetics of what the pump station will look like

Councilman Farrell also reported that the audit report was completed.

Councilman Bonacci read the Police report:

July 8, 2009

TO: Police Commissioner Joseph Bonacci

FROM: Police Chief Edward J. Sidley Jr.

SUBJECT: Council Report for July 8, 2009

Dear Sir,

During the three day July 4th Weekend, the Police Department handled 185 calls for service. Some of those calls for service are one 9-1-1 call, 2 burglar alarm calls, 19 Borough Ordinance Violations resulting in 12 summonses, 4 disorderly persons calls, and 3 first aid calls with Manasquan handling 2 and Spring Lake First Aid handling 1. Additionally, there were 8 fireworks calls, 1 motor vehicle accident with injuries, 4 noise complaints and 16 parking complaints resulting in 10 summonses.

I want to bring to Council's attention a troubling incident that occurred on July 4, 2009 at 1:42 in the afternoon. Sea Girt Police received a report from a local aerial sign advertisement company. He reported that in the National Guard Training Center, there was a person who was using a mirror and possibly a laser to blind the pilots as they were flying/towing the banners. This is both dangerous as well as illegal. Surrounding towns were notified and pilots were asked to contact us as soon as they notice anything in the future.

Last, I want to make mention of two of our Special Officers who graduated from the Monmouth County Police Academy recently. Special Officer Frank Moschella graduated as the outstanding trainee and Special Officer Thomas Rant graduated with both the physical training as well as traffic officers award. Congratulations to them as well as all who graduated the 132 days of training spread out over 32 weeks.

Respectfully submitted,

Edward J. Sidley Jr.
Chief of Police

Council President Niemeyer commented on the fireworks for the 4th of July and that he noticed that some people who were on the beach were not adhering to our Beach Regulations and that no dogs are allowed on the beach.

Mayor Clemmensen commented that he was in the area of the Parker House on Friday night to observe how the traffic was flowing and the police were doing an excellent job. They had taken some new measures using cones and were moving the taxis along quickly.

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

R-99-2009 Resolution to Pay Bills

RESOLUTION R-99-2009

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 July 8, 2009 in total as follows:

CURRENT FUND	\$	84,518.64
WATER / SEWER OPERATING FUND	\$	179,135.61
BEACH OPERATING FUND	\$	12,345.70
GRANT FUND	\$	0.00
ANIMAL CONTROL FUND	\$	0.00
TRUST FUND	\$	125.00
GENERAL CAPITAL FUND	\$	174,141.02
WATER / SEWER CAPITAL FUND	\$	27,852.24
BEACH CAPITAL FUND	\$	0.00
RECREATION TRUST FUND	\$	7,876.48
UNEMPLOYMENT COMP. TRUST	\$	0.00

PUBLIC ASSISTANCE TRUST 11 \$ 0.00

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

AYES: Farrell, Niemeyer, Bogan, Bonacci

NAYS: None

ABSTAIN: Fetzer- Van Dalen Brower

ABSENT: Crawley

PUBLIC PARTICIPATION ON ANY SUBJECT (Comments limited to 7 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.

OTHER BUSINESS

ADJOURNMENT

Councilman Bogan offered and moved for adjournment at 9:23 pm, Seconded, Councilman Fetzer. The motion was approved by unanimous vote and the meeting adjourned.

Lauren Mayer, RMC
Borough Clerk