

Regular Meeting – September 23rd, 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, absent, Thomas Crawley, present, Don Fetzer, present, Joseph Bonacci, absent.

SPEAKER: Betty Rod from the Census Bureau

Betty Rod, Partnership Specialist, US Census Bureau gave an overview of what the Census Bureau does and the issues they encounter such as Sea Girt Estates being in Wall and sections of Wall that have a Sea Girt mailing address. The questionnaires will be mailed the first week in March and the process will go from April through June with Census personnel canvassing the area for those who did not respond to the questionnaires.

Mayor Clemmensen commented that the issue has been the zip code of 08750 and its inclusion of Wall Township and is glad to see that this is being done properly by making sure that both Wall and Sea Girt get the proper count.

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, Council President Niemeyer.

R-129-2009 Authorizing a Tax Refund for Overpayment for Block 84, Lot 17 – 635 Beacon Boulevard

RESOLUTION R-129-2009

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

**RESOLUTION AUTHORIZING A TAX REFUND FOR OVERPAYMENT
FOR BLOCK 84, LOT 17 – 635 BEACON BOULEVARD**

WHEREAS, An overpayment for taxes was made on property know as Block 84, Lot 147, 635 Beacon Boulevard, and

WHEREAS, the homeowners have requested this overpayment for 3rd quarter 2009 taxes be refunded to them, 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 \$1,708.84; this check is to be made payable to the homeowners, Frank and Nancy Krause.

R-130-2009 Authorizing Appointment of Special Law Enforcement Officers, Class II – Kyle Early, Matthew Kremp, Jeffrey MacDonald, Nicholas Whelan

RESOLUTION R-130-2009

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

**RESOLUTION TO APPOINT
SPECIAL LAW ENFORCEMENT OFFICER CLASS II – KYLE EARLY,
MATTHEW KREMP, JEFFREY MACDONALD, NICHOLAS WHELAN**

WHEREAS, Councilman Bonacci, Police Commissioner has requested the appointment of Special Law Enforcement Officer Class II in order for them to attend the Monmouth County Police Academy, and

WHEREAS, the appointment of this officer has been anticipated in the 2009 Municipal Budget.

NOW, THEREFORE BE IT RESOLVED, that the following Officer is hereby appointed to the position of Special Law Enforcement Officer Class II:

1. Kyle Early, Manalapan; Matthew Kremp, Brick; Jeffrey MacDonald, Point Pleasant; Nicholas Whelan, Freehold

2. This appointment shall be effective September 23, 2009 at a pay rate of Special Law Enforcement Officer Class II - First Year.

R-131-2009 Authorizing the Adoption of the Revised Office of Emergency Management Plan for the Borough of Sea Girt

RESOLUTION R-131-2009

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

**RESOLUTION AUTHORIZING THE ADOPTION OF THE REVISED
OFFICE OF EMERGENCY MANAGEMENT PLAN FOR THE
BOROUGH OF SEA GIRT**

WHEREAS, the Borough of Sea Girt is in need of a revising their OEM plan for the Borough, and

WHEREAS, the Sea Girt OEM manual has been revised by the Borough Office of Emergency Management and submitted to the County of Monmouth, and

NOW, THEREFORE BE IT RESOLVED, Mayor and Council does hereby adopt and approve of the revised OEM Plan effective September 10, 2009.

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

AYES: Farrell, Niemeyer, Crawley, Fetzer

NAYS: None

ABSTAIN: None

ABSENT: Bogan, Bonacci

APPROVE MINUTES

Councilman Farrell offered and moved to approve the Regular Meeting 9-9-2009 minutes as amended, Seconded, Council President Niemeyer.

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

AYES: Farrell, Niemeyer, Crawley, Fetzer

NAYS: None

ABSTAIN: None

ABSENT: Bogan, Bonacci

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

Mayor Clemmensen opened the meeting to Council at which time Councilman Farrell thanked Lt. Kremp, Captain Conway, Chief Harmon and the other firefighters for their swift response to his home for a fire alarm. Councilman Farrell stressed the

importance of getting your fire alarm systems checked once a year so you do not have false alarms.

Councilman Fetzer commented that the Fire Department has happily reached capacity. They have 44 members and will have junior members soon which will make the Department go over the 45 members in the Borough ordinance. He contacted the State and found out that there is no limits on the number of members so this is something he would like the Council to look at changing.

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

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.

Ordinance 21-2009 Bond Ordinance Amending Bond Ordinance #01-2009
Finally Adopted by the Borough Council of the Borough of Sea Girt, New
Jersey on February 25, 2009
Second Reading
Public Hearing

ORDINANCE 21-2009

**BOROUGH OF SEA GIRT
COUNTY OF MONMOUTH
STATE OF NEW JERSEY
BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER 01-2009
FINALLY ADOPTED BY THE BOROUGH COUNCIL
OF THE BOROUGH OF SEA GIRT, NEW JERSEY ON FEBRUARY 25, 2009**

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF SEA GIRT, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The Bond Ordinance of the Borough Council of the Borough of Sea Girt, in the County of Monmouth, New Jersey (the “Borough”) entitled “BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$75,000 FOR VARIOUS WATER CAPITAL IMPROVEMENTS AND PURPOSES FOR AND BY THE BOROUGH OF SEA GIRT IN THE COUNTY OF MONMOUTH, NEW JERSEY

Section 2. Section 3(a) of the Ordinance is hereby amended by changing the purpose as follows:

“Rehabilitation of Well #5, including all work or materials necessary therefor or incidental thereto”.

Section 3. The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolutions in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Acting Municipal Clerk and is available there for public inspection.

Section 4. All other provisions of the Ordinance shall remain unchanged.

Section 5. This amendatory bond ordinance shall take effect twenty days after the first publication thereof after final adoption as provided by Local Bond Law.

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

AYES: Farrell, Niemeyer, Crawley, Fetzer

NAYS: None

ABSTAIN: None

ABSENT: Bogan, Bonacci

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

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.

Ordinance 22-2009 Bond Ordinance Amending Bond Ordinance #09-2009
Finally Adopted by the Borough Council of the Borough of Sea Girt, New
Jersey April 22, 2009
Second Reading
Public Hearing

ORDINANCE 22-2009

BOROUGH OF SEA GIRT COUNTY OF MONMOUTH STATE OF NEW JERSEY BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER 09-2009

**FINALLY ADOPTED BY THE BOROUGH
COUNCIL OF THE BOROUGH OF SEA GIRT,
NEW JERSEY ON APRIL 22, 2009**

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF SEA GIRT, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

Section 6. The Bond Ordinance of the Borough Council of the Borough of Sea Girt, in the County of Monmouth, New Jersey (the "Borough") entitled "BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$529,500 FOR VARIOUS GENERAL IMPROVEMENTS FOR AND BY THE BOROUGH OF SEA GIRT IN THE COUNTY OF MONMOUTH, NEW JERSEY AND, AUTHORIZING THE ISSUANCE OF \$503,025 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION", finally adopted on April 22, 2009 (the "Ordinance") is hereby incorporated by reference in its entirety.

Section 7. Section 3(a)(2) and (4) of the Ordinance is hereby amended in its entirety as follows:

“ Improvements	Appropriation and Estimated Cost	Maximum Amount of Bonds or Notes	Period of Usefulness	
(2) Acquisition of various items of equipment for the Public Works Department.	130,000	123,500	5 years	
(4) Acquisition of fire equipment and turnout gear	89,000	84,550	5 years	”

Section 8. The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolutions in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Acting Municipal Clerk and is available there for public inspection.

Section 9. All other provisions of the Ordinance shall remain unchanged.

Section 10. This amendatory bond ordinance shall take effect twenty days after the first publication thereof after final adoption as provided by Local Bond Law.

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

AYES: Farrell, Niemeyer, Crawley, Fetzer

NAYS: None

ABSTAIN: None

ABSENT: Bogan, Bonacci

NEW BUSINESS

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

R-132-2009 Authorizing Award of Contract to Lowest Responsible Bidder for 2009 Sidewalk Improvements – Seaview General Contracting

RESOLUTION R-132-2009

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

**RESOLUTION TO AWARD CONTRACT TO LOWEST RESPONSIBLE
BIDDER FOR 2009 SIDEWALK IMPROVEMENTS – SEAVIEW
GENERAL CONTRACTING**

WHEREAS, bids were advertised, in accordance with specifications prepared by Leon S. Avakian, Inc. for the installation of sidewalk improvements, known as 2009 Sidewalk Improvements, and

WHEREAS, said bids were received by the Borough of Sea Girt on September 3, 2009; and

WHEREAS, a total of seven contractors submitted proposals, with Seaview General Contracting, P.O. Box 1165, Sayreville, NJ 08872 as being the lowest responsive bidder in the amount of \$47,228.00, and

WHEREAS, the bid and contract award are subject to the Borough Attorney’s approval, and

WHEREAS, the Chief Financial Officer has reviewed the information and certifies that funds are available with the attached certification, and

WHEREAS, Seaview General Contracting, appears to be the lowest responsible bidder.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The bid for the contract for 2009 Sidewalk Improvements is hereby accepted from Seaview General Contracting, Sayreville, NJ in the amount of \$47,228.00.

2. A contract shall be awarded to Seaview General Contracting, Sayreville, NJ for the work for sidewalk improvements in accordance with the bid 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 Seaview General Contracting, Sayreville, NJ for sidewalk improvements in accordance with Bid Specifications and Contract Forms titled 2009 Sidewalk Improvements in the Borough of Sea Girt, known as project SG09-07

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

AYES: Farrell, Niemeyer, Crawley, Fetzer

NAYS: None

ABSTAIN: None

ABSENT: Bogan, Bonacci

Monmouth County Open Space Grant Application for Philadelphia & Boston Tennis Courts, Philadelphia Blvd., & Boston Blvd., Block 90-Lot 1
Public Hearing

Al Bunting, Borough Administrator, gave an overview of the project: He stated that the work to be completed under this project would consist of furnishing all labor, materials, services and equipment required to remove two existing tennis courts and construct two (2) tennis courts, complete with white lines and appurtenant equipment as specified hereinafter and/or as shown on the drawings. He further stated that both tennis courts are in this project but the Borough may only replace one tennis court.

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 a motion to proceed with the application process,
Seconded by Council President Niemeyer

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

AYES: Farrell, Niemeyer, Crawley, Fetzer

NAYS: None

ABSTAIN: None

ABSENT: Bogan, Bonacci

Discussion with Action: NJEIT Funding Level

Mr. Bunting, Borough Administrator, commented that a final number must be determined on how much the loan is going to be for the Water Plant Project.

Councilman Fetzer gave a presentation on the Water Plant Project from the time it was started in 2004 to now.

Borough of Sea Girt Water Project Evolution; 2004 to Present file:SG H2O Projs Sept 2009									
Costs in Thousands									
Component	2004 [FYA]	2007 [HMM]	2008 [HMM]	2009 [HMM]	2009 [mod 1]	2009 [mod 2]	2009 [mod 3]	2009 [HMM+1+2+3 [9/2009]]	2009 [Rec'd Proj]
Initial Concept									
Plant Upgrade	1,100	abandon							
Tank Rehab	200	defer							
Distribution Upgrade	1,550	mold w/ roads							
Current Plan									
Base									
Replace Plant (c. 1967)		2,872	2,872	2,872				2,872	2,872
Add-ons									
High Service Pumps			112	112				112	112
Clearwell rehab			40	40				40	40
Bldg, office, lab			51	51				51	51
Demo, d/w mods, pkg, misc			33	33				33	33
DEP Regulation Impact									
1000 gpm Air Stripper				235				235	235
Scope Creep									
Wells 6 & 7 Rehab					172			172	172
Tank Rehab						478		478	defer to 2011
Distribution Upgrade							1,504	1,504	mold w/ roads
Construction Totals	2,850	2,872	3,108	3,343	172	478	1,504	5,497	3,515
Soft Costs (ELAC)	812	944	1,022	1,099	77	192	505	1,873	1,172
sub-total	3,662	3,816	4,130	4,442	249	670	2,009	7,370	4,687
DEP Loan Fee [2%]	73	76	83	89	5	13	40	147	94
Project Total	3,735	3,892	4,213	4,531	254	683	2,049	7,517	4,780
restated 2009\$ (@ 3%/yr)	4,330								
Whole Dollars:									
Annual Debt Service @ 2%, 20 yrs	226,766	236,303	255,747	275,067	15,419	41,489	124,406	456,381	290,218
\$ / k / yr	60.71								
Rate Impact 0.75" meter:									
BPU factor = 2593.5; .075 meter = 1.5									
per quarter	33	34	37	40	2	6	18	66	42
per year	131	137	148	159	9	24	72	264	168

Councilman Fetzer's recommendation was to go back to the original project and replace the plant and defer the tank rehab to 2011 and replace the air stripper.

Councilman Crawley thanked Councilman Fetzer for making this clear and asked if it is still his recommendation that Sea Girt make its own water? Councilman Fetzer responded that yes it is and it would cost \$60,000 a year or more to buy our water and we keep control of our own destiny with making our own water. Mayor Clemmensen commented that he agreed with Councilman Fetzer in controlling our own destiny and the expected life of a plant is 40-50 years.

Council President Niemeyer offered and moved the following motion, Councilman Fetzer's recommendation, to go back to the original project and replace the plant and defer the tank rehab to 2011 and replace the air stripper with the recommendation of the committee, Seconded, Councilman Fetzer.

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

AYES: Farrell, Niemeyer, Crawley, Fetzer

NAYS: None

ABSTAIN: None

ABSENT: Bogan, Bonacci

Discussion: Hotel Tax

Councilman Farrell commented that he was still waiting on some questions that needed answers but that Sea Girt doesn't have a hotel tax and the Borough doesn't

have many items of revenue. We need to try to make revenue where we can and right now we rely on mainly taxes. Councilman Farrell stated that he has a sample ordinance being put together and is waiting for the Code Enforcement Officer to let him know how many rooms we have in Sea Girt.

Candice Kadamik, Beacon House, commented that she has the only Bed & Breakfast and is the only one who will be taxable under this ordinance. She stated that this added tax has forced many Inns and Bed & Breakfasts to go out of business and if you look at the end numbers from this year they are down.

Councilman Farrell commented that they are looking into doing this and it is not directed at any one person directly but the Borough needs to try to raise revenues from other areas other than taxes.

Discussion: Taxi Ordinance

Mr. Bunting, Borough Administrator, stated that Councilman Bonacci asked him to give a brief overview of the decisions that need to be made for next year.

1. Whether or not to extend the 2009 licenses into 2010
2. The proper insurance level

Discussion: Operation of Business out of Residence

Mr. Bunting, Borough Administrator, briefly commented that having a business run out of a home is not permitted and possibly having an ordinance drafted on the matter in more detail.

Robert Kregg, Boston Blvd., commented that he brought this question up to Jim Quigley, Code Enforcement Officer, about a commercial sign for a landscaping business that has been at 321 Trenton Blvd. all summer. Mayor Clemmensen stated that it would be looked into.

Peter Chirlian, Washington Blvd., asked for clarification of a business out of home. Council responded that a business being run out of a home is when clients or vehicles are coming in and out of the home. These days there are many people that work from home but that's not what this is about.

COUNCIL REPORTS

Councilman Farrell reported, SMRSA:

- A bid for \$830,000 was awarded for the cogeneration project which is to install two 165kw combustion engines to assist with the digestion and to use magnesium hydroxide instead of sodium hydrochloride for the process.
- The Pump Station project is on schedule and they are hoping to bid in November and hopefully the project will be completed by next summer.
- We have an interlocal with SMRSA to replace some pipes at the Pump Station

- The 2010 SMRSA budget is out

Councilman Farrell reported, Finance:

- Met with the CFO and Mr. Bunting on the audit recommendation and they are being done. The CFO is also checking on other items so they do not come up in next year's audit
- Beach and the cost allocation to the Borough – the public will be addressed on all the numbers at another time once this year is over.

Councilman Crawley had no report.

Councilman Fetzner reported, Personnel: He had a meeting with Mr. Bunting and the Personnel Committee on employee matters, ongoing projects like the Personnel Policy and Procedures Manual

Council President Niemeyer reported that the Solid Waste bid had 9 potential bidders as of today and the bid will open on October 20. He commented that there was a meeting today on our CAFRA permit.

Mayor Clemmensen commented:

- Thanked Recreation for the tremendous job they did with the Family BBQ on September 13 and also the Public Works Dept.
- The Sea Girt Tree Lighting will be November 30
- On September 26 the Wounded Warriors event will be hosted at the NGTC by the Mid Atlantic States and there will be 12 wounded soldiers from Ft. Drum and 13 from Walter Reed Hospital.
- Sea Girt Chamber of Commerce is again hosting a Halloween Poster Contest with the children of the Sea Girt Elementary School. Prizes will be awarded to the first, second and third place winners in each of the following four age groups: Kindergarten through 2nd grades; 3rd and 4th grades; 5th and 6th grades; 7th and 8th grades. This event will culminate on 28 Oct, with the Awards presented at the beginning of the Council meeting.

R-133 -2009 Resolution to Pay Bills

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

RESOLUTION R-133-2009

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 September 23, 2009 in total as follows:

CURRENT FUND	\$	408,680.09
WATER / SEWER OPERATING FUND	\$	82,441.74
BEACH OPERATING FUND	\$	15,539.93
GRANT FUND	\$	0.00
ANIMAL CONTROL FUND	\$	0.00
TRUST FUND	\$	0.00
GENERAL CAPITAL FUND	\$	5,107.55
WATER / SEWER CAPITAL FUND	\$	0.00
BEACH CAPITAL FUND	\$	0.00
RECREATION TRUST FUND	\$	25.38
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, Crawley

NAYS: None

ABSTAIN: Fetzer – Van Dalen Brower

ABSENT: Bogan, Bonacci

PUBLIC PARTICIPATION ON ANY SUBJECT (Comments limited to 7 minutes)

Mayor Clemmensen opened the meeting to the public at which time Peter Knipe, 401 Crescent Pkwy., stated that he has not been here before and wanted to know if Council was involved in the school consolidation. Council responded that they, as well as the town, are very active in this matter and there is a group, the Grass Roots Sea Girt Group, which is taking charge in this matter. Councilman Crawley commented that the feasibility has met tremendous resistance and there are only eight in NJ and there is not one in Sea Girt because those studies have been withdrawn by the Commissioner of Education.

OTHER BUSINESS

ADJOURNMENT

Councilman Fetzer offered and moved for adjournment at 9:10pm, Seconded, Council President Niemeyer. The motion was approved by unanimous vote and the meeting adjourned.

Lauren Mayer, RMC
Borough Clerk