

Regular Meeting – December 9th, 2009 - Wednesday Evening

**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 6.35pm.

COMPLIANCE STATEMENT:

The Clerk read the following: “In compliance with the ‘Open Public Meetings Act’, Chapter 231, PL. 1975, Section 5, adequate notice has been given of this meeting by posting a Notice in a public place and by transmitting a Notice to two newspapers, Asbury Park Press and the Coast Star as required by law”.

ROLL CALL: Mayor Mark E. Clemmensen, present, Councilpersons, Ken Farrell, present, Fred E. Niemeyer, present, Raymond Bogan, present, Thomas Crawley, present, Don Fetzer, present, Joseph Bonacci, present.

CONSENT AGENDA

(All matters listed hereunder are considered to be routine in nature and will be enacted in one motion. Any person may request that an item be removed for separate consideration).

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

R-151-2009 Authoring Budget Appropriation Transfers

RESOLUTION R-151-2009

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

**RESOLUTION AUTHORIZING BUDGET APPROPRIATION
TRANSFERS**

UPON MOTION of Councilman Farrell, seconded by Council President Niemeyer, carried, that the following resolution be adopted:

WHEREAS, certain 2009 appropriations require additional funds to cover anticipated expenditures through December 31, 2009; and,

WHEREAS, certain other 2009 appropriations show a surplus of funds available; and,

WHEREAS, the Local Budget Law (N.J.S.A. 40A:4-1, et seq.) permits transfers between appropriations during the last two months of the current fiscal year.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sea Girt that the following appropriations transfers be and the same are hereby authorized:

See the schedule of transfers attached hereto.

BE IT FURTHER RESOLVED that a copy of this resolution shall be given to the Chief Financial Officer for appropriate action.

FROM APPROPRIATION		AMOUNT	TO APPROPRIATION		AMOUNT
9-01-20-120-010	Clerk's Office, Regular Pay	(4,000.00)	9-01-20-165-029	Engineering, Contractual	4,000.00
9-01-20-120-236	A&E, Gen'l Supplies & Equipment	(550.00)	9-01-20-120-244	Clerk, Dues, Subscriptions	550.00
9-01-20-140-219	Auditor, Contractual	(1,500.00)	9-01-20-145-011	Tax Collector, S/W	4,500.00
9-01-23-220-000	Insurance, Employee Group	(31,400.00)	9-01-26-290-024	Public Works, Maintenance - Property	1,000.00
			9-01-26-290-026	Public Works, Maintenance - Equipment	1,000.00
			9-01-26-290-036	Public Works, Office Supplies	1,400.00
			9-01-26-290-107	Public Works, Recycling Charges	25,000.00
9-01-20-150-011	Assessor, S/W	(1,250.00)	9-01-20-150-029	Assessor, Contractual	1,250.00
9-01-25-240-024	Police, Maintenance of Property	(1,500.00)	9-01-25-240-029	Police, Contractual	1,500.00
9-01-25-266-036	UFS-Office Supplies/Printing	(1,000.00)			
9-01-31-430-002	Electricity-Police	(1,000.00)	9-01-31-445-001	Water Bills, Public Works	2,000.00
9-01-36-471-001	PERS	(20,000.00)	9-01-20-155-029	Legal, Contractual	10,000.00
9-01-26-316-010	Snow Removal, S/W	(10,000.00)	9-01-26-290-011	Public Works, S/W	20,000.00
9-01-21-190-029	Planning Board, Contractual	(3,000.00)	9-01-31-440-003	Telephone-Fire Dept.	700.00
9-01-25-266-058	UFS-General Supplies/Printing	(1,000.00)	9-01-31-440-004	Telephone-A & E	3,300.00
9-01-31-460-001	PW, Gasoline	(1,000.00)	9-01-31-460-002	Police, Gasoline	1,000.00
9-01-43-490-012	Municipal Court, S/W, P/T	(1,500.00)	9-01-43-490-076	Court-Telephone	1,500.00
Water Utility					
9-05-55-502-029	Contractual Services	(5,000.00)	9-05-55-503-012	Legal & Engineering, Contractual	5,000.00
9-05-55-502-024	Maintenance, Property	(200.00)	9-05-55-502-021	Advertising	200.00
		(83,900.00)			83,900.00

R-152-2009 Authorizing Award of Contract to Monmouth Telecom for Telephone Services

RESOLUTION R-152-2009

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

**RESOLUTION AUTHORIZING AWARD OF CONTRACT TO
MONMOUTH TELECOM FOR TELEPHONE SERVICES**

WHEREAS, the Borough of Sea Girt is in need of a cost-effective telephone service provider for various Borough offices, including Administrative Offices, Police, Public Works and Beach; and

WHEREAS, quotes were requested from three providers and received from two providers pursuant to the request for service proposal (including 2,500 minutes of usage) as follows:

X-Tel	no response
Monmouth Telecom	445.00 + monthly statutory charges
SNiPS	481.00 + monthly statutory charges

WHEREAS, the Chief Financial Officer hereby certifies that funds will be appropriated and available in the 2010 Budget of the Borough for payment of charges related to said services.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Sea Girt that the proposal Monmouth Telecom for telephone services be and the same is hereby accepted, effective immediately.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to the Monmouth Telecom for their information and files and the Borough of Sea Girt Chief Financial Officer for her information.

Proclamation – National Drunk and Drugged Driving (3D) Prevention Month 2009

PROCLAMATION

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

NATIONAL DRUNK AND DRUGGED DRIVING (3D) PREVENTION MONTH 2009

WHEREAS, motor vehicle crashes kill over 40,000 people and injure three million every year, at a cost to society of some \$150 billion annually; and

WHEREAS, alcohol-related crashes account for approximately 40 percent of those deaths and injuries; and

WHEREAS, the December holiday season is traditionally one of the most deadly time of the year for alcohol-impaired driving; and

WHEREAS, for thousands of families across the nation, the December holidays bring somber reminder of the loved ones they lost to an impaired driver during a previous holiday season or at any time during the year; and

WHEREAS, community-based programs involving consumer education, effective laws and strong police enforcement have proven to be successful in reducing impaired driving; and

WHEREAS, organizations from every state are joining together to “Take a Stand Against Impaired Driving” this December by supporting anti-impaired driving programs and policies; and

WHEREAS, the community of Sea Girt is a partner in that effort to make our roads and streets safer; and

NOW, THEREFORE BE, I, Mark E. Clemmensen, Mayor of Sea Girt do hereby proclaim December 2009 as National Drunk and Drugged Driving Prevention Month in Sea Girt and hereby call upon all citizens, government agencies, business leaders, hospitals, schools and public and private institutions in Sea Girt to promote awareness of the impaired driving problem, to support programs and policies to reduce the incidence of impaired driving, to promote safer and healthier behaviors regarding the use of alcohol and other drugs, and to provide opportunities for all to participate in “Take a Stand Against Impaired Driving” this December holiday season and throughout the year.

I, Lauren Mayer, Municipal Clerk of the Borough of Sea Girt, County of Monmouth, State of New Jersey, do hereby certify that the foregoing proclamation was duly adopted by the Borough Council of the Borough of Sea Girt at a meeting on December 9, 2009.

Lauren Mayer, RMC
Municipal Clerk

Mark E. Clemmensen
Mayor

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

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

NAYS: None

ABSTAIN: None

ABSENT: None

APPROVE MINUTES

Councilman Bogan offered and moved to approve the Regular Meeting 10-28-2009 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

Councilman Bogan offered and moved to approve the Regular Meeting 11-4-2009 minutes as amended, Seconded, Council President Niemeyer.

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 opened the meeting to the Council. Being there were no members of the Council wishing to speak, the Mayor closed the open discussion portion of the meeting.

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.

Councilman Bogan motioned to move the Sanitation Discussion from new business to now, Seconded by Council President Niemeyer. The motion was approved by a unanimous vote.

Discussion: Outsourcing of Sanitation:

Council President Niemeyer stated that this matter had come up in April 2009 and a study was done to see if the Borough could save money on outsourcing of sanitation. He continued to state that the total cost to do our own solid waste collection was approximately \$400,000.00 per year and the bid package that was put together didn't change anything as far as the residents were concerned on picking up of garbage, but what will change is the person picking up the garbage. The lowest bid received was from Waste Management of New Jersey for \$120,000.00. Council President stated that many residents have come out and expressed their opposition to the outsourcing of sanitation but no one has expressed that this will change/effect the Borough itself and what it stands for. (What the Borough Stands for? Or how the Borough stands on this matter?) The majority of the complaints were that strangers would be picking

up the garbage. The budget will be increased to pay for the outsourcing of sanitation but this would be offset by not hiring a new employee and the employees who currently do sanitation will be assigned to other duties within the Public Works Department including projects that have been delayed.

Councilman Farrell commented that he doesn't disagree on a financial move to save money but the only information we have on this is a report that states it costs \$400,000 a year to do our own sanitation and that it can be done for \$120,000 a year if the Borough outsources sanitation. He applauded Kevin and the Council President for work they did but would have liked to see all the numbers on the study. Council discussed the matter of outsourcing sanitation in detail.

Barbara Burkepile, 711 Crescent Place, commented that she's lived in town for 20 years and wanted to know why we need to have the branches picked up on Sunday instead of Monday. Why when there is 2 feet of sand on the boardwalk there are four men and only one of them is shoveling the sand and the others are watching? Why do we need to have leaf pickup 5 times a week and just doesn't understand a lot of these things. Before the Borough decides to outsource she would like to see the Borough manage the resources they have now.

Bob Winant, Boston Blvd., commented that he's only lived in Sea Girt for 2 years but is pleased to hear what he heard tonight. He said he understands that there is a financial crunch but from what he heard it sounds like there's another year or two before the Borough really has to look at outsourcing sanitation. There's a quality of life in Sea Girt that is not in any other town with the way the sanitation handled and he thinks that the Borough should hold on to this as long as possible because once it's gone, it's gone.

Tom Brown, Chicago Blvd., commented that he had spoken to Council about this issue about five or six weeks ago and spoke about having strangers in the yard and how nice and courteous the town employees are. Also, any trucks he had seen from Waste Management are one and a half to two times the size of our trucks and wondered if anyone took into consideration on the weight of the trucks on the roads.

Ed Robinson, Brooklyn Blvd., commented that he was disappointed that the Council already has their minds made up before listening to the public speak and thinks this is an easy decision if you do the math; it costs the Borough \$400,000 to do sanitation and it would cost \$120,000 a year for Waste Management to do it. Mr. Robinson suggested Council look at more areas that could be outsourced and other areas where things could be cut back.

John Kropke, New York Blvd., appreciated what the Council had to say but to spend \$120,000 to experiment on this and risk the level of service the residents receive makes no sense to him and agrees completely with the Council members that are against the outsourcing.

Richard Sackson, Boston Blvd., commented that he was opposed to the outsourcing of sanitation.

Don Laws, Stockton Blvd., complimented Council for looking at this matter thoroughly and looking at all aspects of it but would like the Council to consider that one person that recommended this was Kevin Thompson and he is heavily involved in this.

Dan Herzog, Bell Place., commented that he's strongly opposed to outsourcing but agrees with Mr. Robinson that the Borough needs to look at outsourcing but in this case it's not a straight \$400,000 a year vs. \$120,000 a year there are no hard numbers.

Councilman Bogan commented that the Council has given this matter a great deal of thought and has been researching this for months. He also commented that having our opinion coming into the meeting doesn't mean that we haven't listened to the public. The fact that we have our opinion before the meeting means that we have listened to the public and their comments.

Councilman Bogan made a motion to reject all bids received for solid waste collection and disposal, Seconded by Councilman Farrell. Motion was approved by unanimous vote.

OLD BUSINESS

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

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 23-2009 An Ordinance Amending and Supplementing Ordinance #568” Entitled “An Ordinance Establishing Rules and Regulations for the Collection and Removal of Solid Waste and the Mandatory Recycling of Certain Materials within the Borough of Sea Girt, Monmouth County and Prescribing Penalties for the Violation Thereof and Repealing Ordinances #519 and #521”

Second Reading

Public Hearing (comments limited to 4 minutes)

ORDINANCE 23-2009

BOROUGH OF SEA GIRT COUNTY OF MONMOUTH STATE OF NEW JERSEY

AN ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE #568 ENTITLED “AN ORDINANCE ESTABLISHING RULES AND

REGULATIONS FOR THE COLLECTION AND REMOVAL OF SOLID WASTE AND THE MANDATORY RECYCLING OF CERTAIN MATERIALS WITHIN THE BOROUGH OF SEA GIRT, MONMOUTH COUNTY AND PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF AND REPEALING ORDINANCES #519 AND #521”

BE IT ORDAINED by the Council of the Borough of Sea Girt that portions of Ordinance 568 are amended as follows:

Section 1.

Section 1, Purpose, subsection (a), (b), (c) are hereby deleted and replaced with the following:

- A. All residents, businesses and institutions are required to separate and place the following materials in the appropriate containers at curbside or other designated areas in the manner and schedule as published: aluminum cans, tin & bi-metal cans, glass bottles & jars, pourable plastic containers (#1 & #2), newspapers, corrugated cardboard and clean mixed paper. Any multi-family complexes, businesses or institutions not served by municipal forces or through a municipal contractor, shall arrange for proper separation, collection and disposition of these materials separate from any solid waste generated for disposal.
- B. The following bulky recyclables shall not be placed with trash for waste collection: Concrete, Asphalt, Brick, Block, Tree Parts (Stumps and Limbs over 3 inches in diameter), Metal Appliances or other Bulk Metal Items larger than one cubic foot and/or five pounds. As of **January 1, 2011**, Computers, Computer Monitors and Related Electronics Hardware, as well as Analog or Digital Televisions, are prohibited from being placed with other solid waste for disposal.
- C. Leaves shall be kept separate from other vegetative waste, and may only be placed for collection in the manner and schedule as shall be designated by the municipality. Grass clippings may not be placed with other materials for solid waste collection.
- D. No liquids of any type may be placed with recyclables or solid waste for disposal. No chemicals, paints, pesticides, herbicides, reactive polishes or cleansers, cleaning or automotive products may be placed with recyclables or solid waste for disposal (“hazardous waste exclusion”)
- E. All apartment and other family complexes, schools, businesses and institutions shall provide separate and clearly marked containers for use

of residents, students, employees, customers or other visitors, for trash and various categories of recyclables as indicated in section (a).

- F. All apartment and other multi-family complexes, schools, businesses and institutions not served by the municipal forces or through a municipal contractor shall provide an annual report describing arrangements for solid waste and recycling services, including company name and contact information for such contracted services.

Section 2.

Section 3, Recycling Coordinator and Recycling Enforcement Officer are hereby deleted and replaced with the following:

The municipality shall appoint a Municipal Recycling Coordinator whose duties shall include, but are not limited to: preparation of such annual or other reports as required by the state or county agencies regarding local solid waste and recycling programs; reviewing performance of local schools and municipal agencies in conducting recycling activities, periodic review of local residential and business recycling practices and compliance, review and recommendation on local subdivision and site plan submittals and local construction and demolition projects for appropriate solid waste and recycling provisions, reports to the Governing Body on the implementation and enforcement of the provisions of this ordinance, and other reports or responsibilities as may be requested by the Governing Body.

The duly adopted Municipal Recycling Coordinator, the Monmouth County Health Department, the Public Works Superintendent, the Public Works Foreman and the Code Enforcement Officer are hereby individually and severally empowered to inspect solid waste and recycling arrangements and compliance at local residences, businesses, schools and institutions, and to enforce the provisions of this Ordinance, by issuance of summonses and complaints. A typical inspection may consist of sorting through containers and opening bagged solid wastes to detect the presence of any recyclable materials.

Any applicant for a construction or demolition permit for any property within the municipality shall be required to provide a Debris Management Plan for handling solid wastes and recyclables generated during such activity, including the estimated number of types of containers to be used and the disposition of such materials. A refundable deposit of \$500.00 shall be submitted with the Debris Management Plan, of which \$250.00 will be returned after completion of the project and submittal of receipts and other documentation demonstrating the proper disposal or recycling of all solid waste and recyclables.

Section 3.

Section 6, Collection by Unauthorized Persons Prohibited, is hereby deleted and replaced with the following:

All designated recyclables become the property of the municipality and/or the contracted collector once collected by the Borough or its contractor. Collection of recyclables, other than pick up during bulk materials pick up day, by an unauthorized person shall be subject to penalties as further described in section (8) of this ordinance (“Anti-Scavenging Clause”)

Section 4.

Section 8, Violations and Penalties is hereby deleted and replaced with the following:

- A. Violation or non-compliance with any provision of this Ordinance, or any rules and regulations promulgated hereunder, shall be punishable by a fine of not less than one hundred dollars (\$100.00) nor more than three hundred fifty dollars (\$350.00) for a first offense, and a minimum of two hundred (\$200.00) nor more than one thousand-two hundred fifty (\$1,250.00) dollars for each subsequent offense.
- B. Notwithstanding the penalty structure contained in the above Section A, if a second offense occurs more than two years after the first offense the fines shall be imposed in the amounts provided for a first offender.

Section 5.

Any Ordinances or portions thereof inconsistent with this Ordinance are hereby repealed.

Section 6.

This Ordinance will take place upon adoption at final hearing and publication according to law.

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

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

NAYS: None

ABSTAIN: None

ABSENT: None

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

Mayor Clemmensen opened the meeting to the public at which time, Michael Meehan, Meehan Transport, stated that he lives in Spring Lake and has only one vehicle and right now pays \$400 a month and to go up to \$100,000 or \$150,000 in insurance coverage would cost him \$700-\$800 a month and that would be an issue to try to pay.

Eric Saltzman, EZ Livery, commented he has been in business for 10 years and only has 3 vehicles and to increase his insurance to \$300,000 would cost \$12,000 per vehicle a month.

Kenneth Leppard, New Ocean Transport, commended Mayor and Council and the Sea Girt Police for the great job they have done with this issue. He continued to comment that he has \$300,000 insurance coverage and that maybe he could help the other owners with their insurance.

James Kennedy, Able Transportation, commented that he owns a legitimate company that is licensed to bus people. He also commented that he didn't want to get a taxi license because having 15 taxi licenses in Sea Girt is too many.

John Case, Squan Taxi, commented that it would cost \$12,000 a month per vehicle to have insurance coverage of \$300,000.

Ordinance 24-2009 An Ordinance Amending and Supplementing Ordinance #13-2009 An Ordinance Entitled "An Ordinance Repealing Ordinance No. 844 and Providing for the Registration and Regulation of Taxis, Autocabs and other vehicles engage in the business of Carrying Passengers for Hire, and the Owners and Drivers Thereof and the Business of Operations Taxis, Fixing Licenses Fees, and Providing for Penalties for the Violation Thereof"

Second Reading

Public Hearing (comments limited to 4 minutes)

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

AYES: Farrell, Niemeyer, Crawley, Fetzer, Bonacci

NAYS: None

ABSTAIN: Bogan

ABSENT: None

The following Ordinance was tabled by unanimous vote after discussion by the Council on items that needed to be addressed and changed.

Ordinance 20-2009 An Ordinance Adopting Amendments to the New Jersey State Uniform Fire Safety Act and the Bureau of Fire Prevention and Repealing Ordinance #549, #558, #832 & #123

Second Reading

Public Hearing (comments limited to 4 minutes)

NEW BUSINESS

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

R-153-2009 Affirming Change Order for 2009 Sidewalk Improvements

RESOLUTION R-153-2009

BOROUGH OF SEA GIRT COUNTY OF MONMOUTH STATE OF NEW JERSEY

RESOLUTION AFFIRMING CHANGE ORDER FOR 2009 SIDEWALK IMPROVEMENTS

WHEREAS, a contract was awarded to Seaview General Contracting Co., Inc. in the amount of \$47,228.00 in connection with the 2009 Sidewalk Improvements contract, and

WHEREAS, the Borough Council must affirm and approve the following changes orders, and

WHEREAS, it is necessary to provide a complete list of change orders reduced to writing in the form of a resolution, and

WHEREAS, these change orders are approved as follows:

- A. Change Order #1, this contract change is a result of changes in quantities and results in a net change of price as an additional amount of \$9,242.45 making the new total of the contract \$56,470.45 a representation of a 19.57% increase in the amount of the total contract value, and

WHEREAS, the amount of the contract for 2009 Sidewalk Improvements shall be \$56,470.45, and

WHEREAS, the Chief Financial Officer has reviewed the Change Order #1 in the amount of \$9,242.45 and certifies that funds are available in the 2009 Sidewalk Improvements Project for the said change order, and

WHEREAS, the change orders and respective Resolution is available for inspection by the public at the Office of the Clerk of the Borough of Sea Girt.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Sea Girt, does hereby authorize the above change orders as presented by the Borough Engineer, Leon S. Avakian, Inc.

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

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

NAYS: None

ABSTAIN: None

ABSENT: None

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

R-154-2009 A Resolution to Affirm the Borough of Sea Girt's Civil Rights Policy with Respect to All Officials, Appointees, Employees, Prospective Employees, Volunteers, Independent Contractors, and Members of the Public that come into Contact with Municipal Employees, Officials and Volunteers

RESOLUTION R-154-2009

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

A RESOLUTION TO AFFIRM THE BOROUGH OF SEA GIRT'S CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTERS, INDEPENDENT CONTRACTORS, AND MEMBERS OF THE PUBLIC THAT COME INTO CONTACT WITH MUNICIPAL EMPLOYEES, OFFICIALS AND VOLUNTEERS

WHEREAS, it is the policy of the Borough of Sea Girt to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act, and

WHEREAS, the governing body of the Borough of Sea Girt has determined that certain procedures need to be established to accomplish this policy

NOW, THEREFORE BE IT ADOPTED by the Borough Council that:

Section 1: No official, employee, appointee or volunteer of the Borough by whatever title known, or any entity that is in any way a part of the Borough shall engage, either directly or indirectly in any act including the failure to act that

constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the Borough's business or using the facilities or property of the Borough.

Section 2: The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Borough to provide services that otherwise could be performed by the Borough.

Section 3: Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

Section 4: The Borough Administrator shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

Section 5: No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

Section 6: The Borough Administrator shall establish written procedures that require all officials, employees, appointees and volunteers of the Borough as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

Section 7: The Borough Administrator shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.

Section 8: At least annually, the Borough Administrator shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Borough. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the Borough's web site.

Section 9: This resolution shall take effect immediately.

Section 10: A copy of this resolution shall be published in the official newspaper of the Borough in order for the public to be made aware of this policy and the Borough's commitment to the implementation and enforcement of this policy.

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

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

NAYS: None

ABSTAIN: None

ABSENT: None

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

R-155-2009 Authorizing the Execution of an Interlocal Agreement Between the Borough of Sea Girt and the Township of Wall, in the County of Monmouth, State of New Jersey, to Provide for the Sharing of Facilities, Personnel and Resources by Their Municipal Courts

RESOLUTION R-155-2009

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

**RESOLUTION AUTHORIZING THE EXECUTION OF AN
INTERLOCAL AGREEMENT BETWEEN THE BOROUGH OF SEA
GIRT AND THE TOWNSHIP OF WALL, IN THE COUNTY OF
MONMOUTH, STATE OF NEW JERSEY, TO PROVIDE FOR THE
SHARING OF FACILITIES, PERSONNEL AND RESOURCES BY THEIR
MUNICIPAL COURTS**

WHEREAS, the Borough of Sea Girt and the Township of Wall each located in the County of Monmouth, in the State of New Jersey, desire to enter into an agreement having determined it to be in their mutual best interests to provide for the Sharing of Facilities, Personnel and Resources by their respective Municipal Courts; and

WHEREAS, municipalities are permitted to enter into such agreements pursuant to the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq. and N.J.S.A. 2B:12-1.C.; and

WHEREAS, the Borough of Sea Girt, hereinafter referred to as "Sea Girt," and the Township of Wall, hereinafter referred to as "Wall," hereby agree to provide for the sharing of facilities, personnel, and resources by Sea Girt Borough Municipal Court and the Wall Township Municipal Court, as authorized by N.J.S.A. 2B:12-1.C,

which arrangement shall hereinafter be referred to as the "Shared Courts." Sea Girt and Wall shall be collectively referred to herein as the "Parties.;" and

WHEREAS, Sea Girt and Wall have had negotiations with regard to a shared court; and

WHEREAS, a shared court will save money by sharing capital expenses, certain infrastructure costs, and operating costs, and with the potential to save labor costs; and

WHEREAS, a shared court will alleviate and address public safety shortcomings that have been identified and need to be remedied in the existing Sea Girt courtroom; and

WHEREAS, the Sea Girt Court does not meet AOC and Municipal Court Security Standards. Therefore, immediate action will be taken to interlocal the Sea Girt court to a location that meets or exceeds the required standards; and

WHEREAS, the interlocal agreement beginning 2010, shall constitute the use of the Interlocal Partner court by Sea Girt to begin as a trial period of not less than eighteen (18) months to include the personnel, equipment, and supplies; and

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Sea Girt, County of Monmouth, State of New Jersey, hereby authorizes the Mayor and Clerk to execute said Interlocal Agreement for the sharing of court facilities, personnel and resources, as approved by the Borough Attorney to include the terms set forth herein; and

BE IT FURTHER RESOLVED, that the Mayor and other Borough officials are hereby authorized to sign any documents necessary to effectuate this agreement.

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

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

NAYS: None

ABSTAIN: None

ABSENT: None

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

R-156-2009 Authorizing the Extension of 2009 Taxi Licenses into 2010

RESOLUTION R-156-2009

BOROUGH OF SEA GIRT

**COUNTY OF MONMOUTH
STATE OF NEW JERSEY**

**RESOLUTION AUTHORIZING THE EXTENSION OF 2009 TAXI
LICENSES INTO 2010**

WHEREAS, the Borough of Sea Girt adopted Borough Ordinance #13-2009 & #24-2009 which regulates the licensing of taxis and autocabs in the Borough; and

WHEREAS, the Borough Council has the right to extend the 2009 licenses into the 2010 taxi license season as per the Borough Ordinance; and

WHEREAS, All companies and drivers must be compliant with the ordinances in order for the licenses to be extended into the 2010 season; and

WHEREAS, the Borough shall conduct a review of all applications to ensure they meet all the requirements of the ordinances by December 18, 2009 and shall notify those who are non-compliant with the Borough Ordinances; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sea Girt that extensions shall be granted into 2010 season for all companies and drivers that comply with the Borough Ordinances; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution and the compliance review shall be supplied to the Police Chief and Borough Administrator.

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

AYES: Farrell, Niemeyer, Bogan, Crawley, Bonacci

NAYS: Fetzer

ABSTAIN: None

ABSENT: None

Discussion: NGTC Water Project

Alan Bunting, Borough Administrator, stated that he is working with Hatch Mott MacDonald and the NGTC on this project.

COUNCIL REPORTS

Councilman Bonacci had no report:

Councilman Farrell reported, Finance/Budget: The CFO stated that our budget execution is going well.

- SMRSA: Adopted a budget that will increase by 3.6% and he thinks that Sea Girt's fees will decrease for 2010.

Councilman Bogan read the next to year end Fire Department report:

December 2009 – Chiefs Report

Calls – 88 – 6 in december

Drills/Special functions – 64 – including 16 from November into Decemeber (due to firehouse renovation)

Fireman of the year – Bill Loughran – Bill and his crew (all volunteers from the fire department and dive club) rehabilitated and refurbished the fire department's engine bays. Many hands played into this all and all firefighters were recognized this past Saturday with a certificate of appreciation from the Chief and President. Bill was enshrined with his name on the F.O.Y plaque in the firehouse and his own for home.

He did an amazing job coordinating all efforts to re paint the walls and refurbish the floor with a new epoxy paint system. George Molyneux and Ray Thorn also were instrumental in their help in building new lockers and also moving necessary plumbing and heating equipment.

I am asking for a Borough proclamation for all involved as it was a very special project that saved the department and budget a minimum of \$30,000 due to inside work being done.

Updates:

Line officers for 2010: Timothy Harmon, Chief of Department
 Thomas McNamara, Assistant Chief
 Chris Willms, 2nd Assistant Chief
 Edward Sidley, Captain
 Bill Baeszler, 1st Lieutenant
 Carl Scipione, 2nd Lieutenant

Chief Harmon is staying on one more year for a third year until Asst Chief McNamara is ready to assume command in 2011. The company decided to move up Captain Willms to 2nd Assistant Chief because it helped keep the line officers moving up. So for one year we will have two assistant chiefs.

Administrative officers: Bob Czech, President
 Terry Sheridan, Vice President
 Don Fetzer, Treasurer
 Kevin Hanley, Corresponding Secretary
 Dan Herzog, Recording Secretary

Drills:

We just reviewed the use of a firefighter personal evacuation system for our firefighters to get out of a window. We will be attending our fourth fire academy drill next Monday in Herbertsville Fire Academy.

Goals Met in 2009:

1. Firefighter Safety being the first and foremost – New turnout gear ordered – Borough purchase
2. Two new Thermal Imaging Cameras purchased by Company
3. Firefighter paging system through e dispatch and new pagers – Borough/company
4. Junior firefighter program – put its first member on the company – KJ Pringle. We have 5 members now
5. Increase in firefighter and fire police memberships underway

6. Feasibility Study granted and underway for a look at services provided and better ways to do things from command to operations to training to whatever in the fire service with Manasquan and Brielle.
 7. Graduated a fireman from the fire academy
 8. Attended a fire academy drill quarterly
 9. Provided safety and fire service to the borough 24/7 365 for the 92nd year
 10. Continue interpersonal and working relationships within the borough.
- Wreck Pond Watershed Committee had a meeting on 12-8-09. The storm water treatment project will be installing 14 devices; 2 in Sea Girt (6th and 2nd Ave.), 8 in Spring Lake, 2 in Spring Lake Heights and 2 in Wall. The projected installation date is in the spring of 2010.

Councilman Fetzer reported, Personnel: The Personnel Policies and Procedure Manual and Codification of ordinances will be completed soon.

- The Library
- Commented the Fire Department for the great work and man hours they put in to redoing the bays.
- Labor negotiations are still ongoing.

Councilman Crawley reported, Recreation: Thanked Lora Mulligan and Patty Peterson for the work on the tree lighting, thanked the school and the school band and all the employees.

- Winter programs have started.
- Shore Alliance is still looking for a new coordinator.

Council President Niemeyer commended Public Works for all the lighting they did around town and commended the Fire Department for the great job they did on the bays. Wished everyone a Merry Christmas & Happy New Year.

Mayor Clemmensen thanked everyone involved with the tree lighting.

- Next Wednesday, 12/16/09 at 7:30pm there will be a wind turbine presentation at the planning board meeting.
- Wished everyone a Safe & Happy Holiday Season

R-158 -2009 Resolution to Pay Bills

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

RESOLUTION R-158-2009

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 December 9, 2009 in total as follows:

CURRENT FUND	\$	119,611.76
WATER / SEWER OPERATING FUND	\$	36,492.46
BEACH OPERATING FUND	\$	15,891.22
GRANT FUND	\$	0.00
ANIMAL CONTROL FUND	\$	0.00
TRUST FUND	\$	294.00
GENERAL CAPITAL FUND	\$	62,454.40
WATER / SEWER CAPITAL FUND	\$	10,887.84
BEACH CAPITAL FUND	\$	0.00
RECREATION TRUST FUND	\$	618.83
UNEMPLOYMENT COMP. TRUST	\$	0.00
PUBLIC ASSISTANCE TRUST 11	\$	0.00

"I, Lorraine P. Carafa, Chief Financial Officer of the Borough of Sea Girt do hereby certify that funds are or will be available in each appropriation listed after transfers between appropriations are approved by the Borough Council to satisfy the above listed claims.

Lorraine Carafa, Chief Financial Officer
December 09, 2009



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

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

NAYS: None

ABSTAIN: Farrell & Niemeyer – PO # 09001779, Bogan – Van Dalen Brower & Hatch Mott MacDonald

ABSENT: None

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

Mayor Clemmensen opened the meeting to the public at which time, Sharon Kregg, 613 Brooklyn Blvd., complained about the signs that were put up for the Craft Show stating heavy traffic.

R-159-2009 Executive Session

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

RESOLUTION R-159-2009

**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 December 9, 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 are as follows:
 - A. Contract Negotiations – Teamsters Local 97
 - B. Contract Negotiations – PBA Local 50
3. It is anticipated, at this time, that the date on which the stated subject matters A & B will be made public is:
 - A. Upon completion of negotiation
 - B. Upon completion of negotiation
4. This Resolution shall take effect immediately.

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

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

NAYS: None

ABSTAIN: None

ABSENT: None

OTHER BUSINESS

ADJOURNMENT

Councilman Farrell offered and moved for adjournment at 9:32pm, Seconded, Councilman Bogan. The motion was approved by unanimous vote and the meeting adjourned.

Lauren Mayer, RMC
Borough Clerk