

Regular Meeting – May 26th, 2010 - 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.

Mayor Clemmensen led the Council in the Flag Salute. Mayor & Council had a moment of silence for Mrs. Ciallella who passed.

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 7:38pm, 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).

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

R-98-2010 Memorializing Bond Anticipation Notes Issuance on May 20, 2010

RESOLUTION R-98-2010
BOROUGH OF SEA GIRT
COUNTY OF MONMOUTH
STATE OF NEW JERSEY

RESOLUTION MEMORIALIZING BOND ANTICIPATION NOTES
ISSUANCE ON MAY 20, 2010

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

WHEREAS, certain Bond Anticipation Notes issued pursuant to Borough Ordinances No. 839, 842, 853, 864, 871, 873, 894, 896, 923, 925, 937, 938, 939, 2007-07, 2007-13, 2008-02, 2008-03, 07-2009, 08-2009 and 09-2009 matured on May 22, 2009; and,

WHEREAS, the Borough of Sea Girt, pursuant to the 2010 Capital Budget, has determined that Bond Anticipation Notes shall be issued pursuant to Borough Ordinances No. 01-2009 amended by 21-2009, 03-2009 amended by 22-2009, 04-2010, 05-2010 and 06-2010, respectively.

WHEREAS, the sum of \$497,810.50 was appropriated in the Borough's 2010 Budget, \$62,575.00 was appropriated in the Water-Sewer Utility 2010 Budget and \$121,525.00 was appropriated in the Beach Utility 2010 Budget and was paid to reduce the principal amount of the outstanding Notes to be renewed and issued.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Sea Girt be and the same memorializes the actions that the Chief Financial Officer, in consultation with Bond Counsel, has taken with respect to the issuance of the said Bond Anticipation Notes in the face amount of \$5,083,827.50 for the period of one year to May 20, 2011 at the annual interest rate of 0.97% to TD Bank, N.A., Cherry Hill, New Jersey, pursuant to the Local Bond Law, N.J.S.A. 40A:2-1, et seq.

R-99-2010 Authorizing the Approval of Local Budget Examination

RESOLUTION R-99-2010

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

**RESOLUTION AUTHORIZING THE APPROVAL OF LOCAL BUDGET
EXAMINATION**

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

WHEREAS, N.J.S.A. 40A-4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and,

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Borough of Sea Girt has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Borough meets the necessary conditions to participate in the program for the 2010 Budget Year.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sea Girt that in accordance with N.J.A.C. 5:30-7.6a and b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:

- a. Payment of interest and redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of the preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and the appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3, et seq., are fully met (complies with the "CAP" law).
 3. That the local budget is in such form, arrangement and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5.
 4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality
 5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
 6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Director of the Division of Local Government Services.

R-101-2010 Authorize 2010 Budget to be Introduced by Title Only

RESOLUTION R-101-2010

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

**RESOLUTION AUTHORIZING BUDGET TO BE READ BY TITLE
BUDGET BY TITLE RESOLUTION**

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

WHEREAS, pursuant to the requirements of **N.J.S.A.** 40A:4-8, et seq., the complete copy of the approved 2010 Municipal Budget was available for public inspection at the Borough of Sea Girt Municipal Building at least one week prior to the date of the hearing and a copy was delivered to the Borough of Sea Girt Free Public Library as required and the Borough Clerk so attests.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sea Girt that said approved budget may be read by title only as the conditions set forth in subsections 1.a. and 1.b. of this section have been met.

R-102-2010 Authorizing Hatch Mott Macdonald to Advertise and Receive Bids for the Water Treatment Plant Upgrades (Contract 2009-1)

RESOLUTION R-102-2010

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

**RESOLUTION AUTHORIZING HATCH MOTT MACDONALD TO
ADVERTISE AND RECEIVE BIDS FOR THE WATER TREATMENT PLANT
UPGRADES (CONTRACT 2009-1)**

WHEREAS, the Borough of Sea Girt desires to receive bids for the Water Treatment Plant Upgrades project, and

WHEREAS, this authorization is contingent upon receiving the “Authorization to Advertise” from the New Jersey Department of Environmental Protection Municipal Finance Construction Element, and

NOW THEREFORE BE IT RESOLVED, the Mayor and Borough Council hereby authorizes Hatch Mott MacDonald to advertise and receive bids for the project known as Contract 2009-1.

R-103-2010 Authorizing a 50/50 Off-Premise Raffle License for Sea Girt PTO

RESOLUTION R-103-2010

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

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

WHEREAS, Sea Girt PTO, has made application to Council for a raffles license to conduct a 50/50 off-premises raffle at The Parker House on June 10th, 2010.

WHEREAS, the above is being conducted in accordance with Findings and Determinations of the verifying officer.

NOW, THEREFORE, BE IT RESOLVED, that the license requested be granted.

R-104-2010 Authorizing the Issuance of Taxi Owner's Licenses for 2010

RESOLUTION R-104-2010

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

**RESOLUTION AUTHORIZING THE ISSUANCE OF TAXI OWNER'S
LICENSES FOR 2010**

WHEREAS, the Borough of Sea Girt adopted a new taxi ordinance 13-2009, and

WHEREAS, the Borough approved R-91-2010 on the May 12, 2010 to increase the number of taxi owner's licenses for 2010; and

WHEREAS, additional information was provided for the following taxi companies – ML Transportation LLC and Excelsior Transportation; and

WHEREAS, the Borough Administrator felt that is was in the best interest of the Borough to approve these applications and they have been determined to be compliant with Borough ordinance for the purposes of granting a license that will expire December 31, 2010, and

WHEREAS, these 2 owners licenses will be given 2" decal in the format year group first, followed by "/" and then numeric # of licenses up to the number approved. (ex: 2010 / 01) for each of their vehicles, and

NOW, THEREFORE BE IT RESOLVED, by the Council of the Borough of Sea Girt that the attached list of owners be licensed as specified under Borough ordinance 13-2009:

Taxi Owners Name:	Number of Vehicles	Borough Issued Decal No.
ML Transportation LLC	4	10/76 thru 79
Excelsior Transportation Services	4	10/80 thru 83

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

AYES: Farrell, Niemeyer, Bogan, Crawley, Bonacci

NAYS: None

ABSTAIN: None

ABSENT: Fetzner

APPROVE MINTUES

Councilman Farrell offered and moved to approve the Regular Minutes 4-28-2010, minutes Seconded, Councilman Bogan.

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

AYES: Farrell, Niemeyer, Bogan, Crawley, Bonacci

NAYS: None

ABSTAIN: Niemeyer

ABSENT: Fetzner

Council President Niemeyer offered and moved to approve the Regular Minutes 5-12-2010, minutes Seconded, Councilman Bogan.

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

AYES: Farrell, Niemeyer, Bogan, Crawley, Bonacci

NAYS: None

ABSTAIN: None

ABSENT: Fetzner

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)

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 gave a brief presentation the 2010 Budget:

2010 MUNICIPAL BUDGET

BOROUGH OF SEA GIRT, COUNTY OF MONMOUTH

REVENUE AND APPROPRIATION SUMMARIES

	Anticipated	
	2010	2009
<u>Summary of Revenues</u>		
1 Surplus	\$ 450,000.00	\$ 445,000.00
2 Total Miscellaneous Revenues	825,760.00	753,597.45
3 Receipts from Delinquent Taxes	86,000.00	105,913.00
4 a. Local Tax for Municipal Purposes	5,217,817.03	4,984,000.00
Total General Revenues	\$ <u>6,579,577.03</u>	\$ <u>6,288,510.45</u>
	2010 Budget	2009 Final Budget
<u>Summary of Appropriations</u>		
1 Operating Expenses:		
Salaries and Wages	\$ 2,844,500.14	\$ 2,863,557.82
Other Expenses	2,060,589.89	1,769,888.71
2 Deferred Charges & Other Appropriations	584,421.00	590,500.00
3 Capital Improvements	238,000.00	213,000.00
4 Debt Service	572,066.00	572,066.00
5 Reserve for Uncollected Taxes	280,000.00	279,497.92
Total General Appropriations	\$ <u>6,579,577.03</u>	\$ <u>6,288,510.45</u>

2010 DEDICATED WATER-SEWER UTILITY BUDGET

	<u>Anticipated</u>	
	<u>2010</u>	<u>2009</u>
<u>Summary of Revenues</u>		
1 Surplus	\$ -	\$ 29,611.00
2 Miscellaneous Revenues	<u>1,717,282.00</u>	<u>1,473,074.00</u>
Total Revenues	<u>\$ 1,717,282.00</u>	<u>\$ 1,502,685.00</u>
	<u>2010</u>	<u>2009</u>
	<u>Budget</u>	<u>Final Budget</u>
<u>Summary of Appropriations</u>		
1 Operating Expenses:		
Salaries and Wages	\$ 313,000.00	\$ 313,000.00
Other Expenses	908,215.00	854,590.00
2 Capital Improvements	15,000.00	7,250.00
3 Debt Service	308,775.00	303,900.00
4 Deferred Charges & Other Appropriations	<u>172,292.00</u>	<u>23,945.00</u>
Total Appropriations	<u>\$ 1,717,282.00</u>	<u>\$ 1,502,685.00</u>

2010 DEDICATED BEACH UTILITY BUDGET

	<u>Anticipated</u>	
	<u>2010</u>	<u>2009</u>
<u>Summary of Revenues</u>		
1 Surplus	\$ -	\$ 90,210.00
2 Miscellaneous Revenues	<u>1,052,740.00</u>	<u>999,000.00</u>
Total Revenues	<u>\$ 1,052,740.00</u>	<u>\$ 1,089,210.00</u>
	<u>2010</u>	<u>2009</u>
	<u>Budget</u>	<u>Final Budget</u>
<u>Summary of Appropriations</u>		
1 Operating Expenses:		
Salaries and Wages	\$ 563,126.00	\$ 520,590.00
Other Expenses	287,264.00	273,995.00
2 Capital Improvements	26,000.00	45,300.00
3 Debt Service	136,525.00	150,000.00
4 Deferred Charges & Other Appropriations	<u>39,825.00</u>	<u>99,325.00</u>
Total Appropriations	<u>\$ 1,052,740.00</u>	<u>\$ 1,089,210.00</u>

BALANCE OF OUTSTANDING DEBT

	<u>General</u>	<u>Water-Sewer</u>	<u>Beach</u>
	<u>Utility</u>	<u>Utility</u>	<u>Utility</u>
Bonds & Notes	\$ <u>3,669,107.50</u>	<u>3,616,294.83</u>	<u>813,385.00</u>

Mayor Clemmensen thanked Councilman Farrell and Council for their work on the budget. He also mentioned that there were two budget workshops held in February which are advertised and open to the public. At these workshops the budget is presented by the department heads line by line with explanations of budget specifics.

Mayor Clemmensen opened the meeting to the public at which time Mr. Cademartori, 300 The Terrace, questioned on page 24, the expenses for the Block Grant of \$110,000. Councilman Farrell stated that the item was a grant that the Borough Administrator applies for and was awarded for ADA compliance and is solely funded by the grant. Mr. Cademartori questioned on page 34, the water budget and the facilities charge number increase & asked who is paying this? Councilman Farrell stated that those are the numbers that reflect the new facilities charge in the water bill. Councilman Fetzter commented that

there has always been a facilities charge for water and the charge was just introduced to the sewer part of the billing this year which is reflected in the budget.

Fredric Buonocore, Neptune Place, recommended that a power point be done next year or handouts be given out. He questioned the process for the budget and if it was a traditional budget or a 0% budget. Councilman Farrell stated that all department heads were aware of what was needed to be done for this year's budget and efforts were made to have a flat budget but there are things that are beyond the Borough's control – social security, pensions, health benefits/Medicare or unemployment insurance. Mr. Buonocore questioned the salary line items and operating expenses and wished that the number of employees and what the expenses were for was listed.

Mr. Cademartori, 300 The Terrace, questioned the beach budget and mentioned that the badges went up to \$100 but the new budget does not reflect an increase. Councilman Farrell stated that in 2009 \$90,000 was taken from the surplus, which was the entire surplus. In 2010 there was no surplus available which is why the increase of beach badges was needed. Mr. Cademartori questioned the \$3.6 million debt and asked how many are bonds vs. BAN. Lorraine Carafa, CFO, stated that there are no bonds and they are all BANs at a rate of 0.91%. Mr. Cademartori questioned why the Borough needs an additional street sweeper. Council President Niemeyer stated that they are looking to replace the existing one not obtain a second one.

Fredric Buonocore, Neptune Place, questioned the days of leave and how many days employees get. Council addressed the matter – employees received 12 sick days, 4 personal days. Vacation days are based upon years of service and for union employees what is negotiated in the contract. Mr. Buonocore also questioned the increase in the Public Works budget. The CFO stated that the increase was mainly due to the outsourcing of the recycling yard.

Sea Girt Chamber of Commerce representative stated that he has personally stopped the street sweeper and asked the driver how much it would cost to make the sweeper 100% and he was told \$12,000. He also questioned why the street sweeper is at the army camp and if we get anything out of it. He also questioned why the beach has 60-80 lifeguards. Councilman Farrell stated that last year there were 69 lifeguards and they do not all work regularly and some did only work to go to competitions but this year that has been changed since they will no longer be paid for competitions. Councilman Farrell also stated that the number of lifeguards are needed to cover weekends, when someone is out or injured and when other lifeguards go back to school before the season is over. He also commented that lifeguards only get paid if they work and when the beach is closed due to the weather they do not get paid. Councilman Farrell also stated that the salaries for the beach staff are just over \$400,000 and if you look at Manasquan, which has the same size beach, their beach salaries are over \$800,000.

Mayor Clemmensen closed the public hearing. Councilman Crawley thanked Councilman Farrell for all his hard work on the budget. Councilman Bonacci reiterated Councilman Crawley's comments and also stated that we are going through tough times but there are also things that are out of the Borough's control. He also stated that the quality of life vs. savings is always looked at when doing the budget. Mayor Clemmensen thanked Councilman Farrell for all his hard work on the budget and his transparency of government.

He also commended the Council and Borough employee's for their transparency in government.

Councilman Farrell offered and moved to adopt the 2010 Municipal Budget, Seconded, Council President Niemeyer.

The 2010 Municipal Budget was approved by the following Roll Call Vote:

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

NAYS: None

ABSTAIN: None

ABSENT: None

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

R-100-2010 To Adopt the 2010 Budget and Approve Levy

**RESOLUTION R-100-2010
BOROUGH OF SEA GIRT
COUNTY OF MONMOUTH
STATE OF NEW JERSEY**

RESOLUTION TO ADOPT THE 2010 BUDGET AND APPROVE LEVY

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

WHEREAS, the local municipal budget for the year 2010 was introduced and approved on the 14th day of April 2010; and,

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Borough of Sea Girt has been declared eligible to participate in the self-review program by the Division of Local Government Services and the Chief Financial Officer has certified that the Borough meets the necessary conditions to participate in the program for the 2010 budget year and have adopted the resolution which so states this fact.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sea Girt, County of Monmouth, that the budget hereinbefore set forth is hereby adopted, and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of \$5,217,817.03 for municipal purposes.

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

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

NAYS: None

ABSTAIN: None

ABSENT: None

NEW BUSINESS

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

07-2010 An Ordinance Adopting Rules and Regulations for the Conservation of Water in the Borough of Sea Girt
Introduction
Public Hearing 6-23-2010

ORDINANCE 07-2010

BOROUGH OF SEA GIRT COUNTY OF MONMOUTH STATE OF NEW JERSEY

AN ORDINANCE ADOPTING RULES AND REGULATIONS FOR THE CONSERVATION OF WATER IN THE BOROUGH OF SEA GIRT

WHEREAS, the Borough of Sea Girt is provided a contractual water allocation by the New Jersey Department of Environmental Protection (NJDEP); and

WHEREAS, the amount of water purchased and consumed through the Sea Girt Borough water system is well within the allocation provided by the NJDEP during the Fall, Winter and Spring months; and

WHEREAS, in the summer months and particularly during periods of drought, the Borough of Sea Girt experiences high levels of water consumption; and

WHEREAS, the citizens of Sea Girt recognize that potable water is a valuable resource that must be conserved and consumed with appropriate care; and

WHEREAS, the Borough operates and maintains its own water utility which provides the majority of potable water for the residents and visitors to Sea Girt; and

WHEREAS, the adoption of a Water Conservation Ordinance is in the interest of the citizens of the Borough of Sea Girt.

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

SECTION ONE. Applicability

This ordinance shall apply to water which is supplied through the Borough of Sea Girt water utility. The use of non-potable water supplied by private well or means other than through

the Borough's water system is not subject to the requirements or restrictions of this ordinance.

SECTION TWO. Conservation of Water

A. Authority.

The Mayor and or the Water Committee Chairperson are hereby each delegated with the authority to declare a Borough wide Level I or Level II water conservation emergency.

B. Declaration of Water Conservation Emergency.

1. Level I Water Restrictions.

In the event the Mayor or Water Committee Chairperson declares that a Level I water conservation emergency exists due to a prolonged scarcity of water from any cause, the Borough reserves the right upon public notice to restrict certain uses of water. Upon declaration of the water conservation emergency by the Mayor or Water Committee Chairperson, the Borough Administrator or Deputy Administrator shall be empowered to implement and direct the enforcement measures necessary for conformance to and compliance under the declaration.

All users of water shall be required to observe water use restrictions for lawn, shrub, tree and plant watering (landscape features), and for washing of motor vehicles as follows:

- (1) Watering of landscape features on properties or washing of motor vehicles at properties having even numbered street addresses shall be permitted on the even numbered days of the month.
- (2) Watering of landscape features on properties or washing of motor vehicles at properties having odd numbered street addresses shall be permitted on the odd numbered days of the month.
- (3) No watering or vehicle washing shall be permitted on the 31st day of the month.
- (4) Watering of landscape features or washing of vehicles on the above dates shall be permitted during the hours from 5:00 am to 9:00 am and 5:00 pm to 9:00 pm only and shall be limited to forty-five (45) minutes in duration.

2. Level II Water Restrictions.

In addition to any Level I water use restrictions set forth herein, a Level II water conservation emergency declaration may be made by the Mayor or Water Committee Chairperson, promulgated by the Borough Administrator or Deputy Administrator, declaring a water emergency.

- (1) Such declaration may impose the complete ban and prohibition of outside water usage, including the watering of lawns, shrubs, trees and plants (landscape features); the filling of pools; and the washing of motor vehicles;

and/or any other water use restrictions specified in the declaration; which are reasonable under the circumstances considering the nature and extent of the water emergency.

(2) Said public notice shall be posted in the Borough Municipal Building, Municipal website and/or published at least once in a newspaper circulating within the Borough.

(3) No person during the existence of a water conservation emergency so duly declared with public notice shall use water in violation of the terms of said water conservation emergency restrictions.

C. Exemptions from Level I Water Restrictions.

(1) Level I restrictions shall not apply to newly installed sod or seed for a period of two (2) weeks from written “notice of installation” which must be provided to the Superintendent of the Department of Public Works of Sea Girt Borough.

(2) Nurseries, garden centers and car washes shall be exempt from Level I water use restrictions to the extent necessary to operate their businesses or organizations. However, the Mayor or Water Committee Chairperson may impose water restrictions upon such businesses or organizations by promulgation of a declaration specifying such restrictions.

D. Maintenance of Privately-Owned Water Service Facilities Supplied By Borough Water Utility

Every owner, lessee, tenant, or occupant of any building or premises connected with and using water from the Borough’s water supply services shall comply with the following regulations during a declared water emergency:

(1) Maintenance of water service pipes, valves, fixtures and connections in good order and repair, whereby there shall be no waste of water.

(2) Completion of all necessary repairs to prevent the waste of water.

(3) Immediate notification to the owner or the agent of the owner of any defective service pipes, valves, fixtures or connections, whereby water is being wasted.

(4) Immediate notification to the Borough Administrator, Deputy Administrator, or Superintendent of the Department of Public Works of any waste occurring by reason of defective water service pipes, valves, fixtures or connections.

(5) Otherwise comply with all provisions in this section and the water use restrictions and other regulations required under any declaration of emergency promulgated by the Borough Administrator or Deputy Administrator.

E. Duration of Water Use Restrictions During Water Emergency.

- (1) A declaration of water conservation emergency as set forth herein shall set forth a period of time during which the water use restrictions imposed shall be applicable based upon the time period estimated which shall be no longer than reasonably necessary to abate the water emergency under the circumstances considering the nature and extent of the water emergency.
- (2) At the expiration of the time period specified, the water use restrictions shall lapse and be inapplicable and unenforceable.
- (3) If the Borough Administrator or Deputy Administrator shall be satisfied that the water emergency has been abated prior to the expiration of the time period specified by declaration, the Borough Administrator or Deputy Administrator shall be empowered to declare the water emergency ended and the water use restrictions inapplicable.
- (4) If, at the expiration of the time period specified, the Borough Administrator or Deputy Administrator shall be satisfied that the water emergency continues to exist, the Borough Administrator or Deputy Administrator may, in accordance with the requirements of this article, continue the water use restrictions.

F. State of New Jersey Water Conservation Measures.

In the event of water usage restrictions and or water conservation measures imposed by an agency or department of the State of New Jersey, every person shall be bound by and must comply with said restrictions in addition to any Level I and or Level II restrictions imposed hereunder.

G. Enforcement.

The water use limitations imposed pursuant to this ordinance shall be enforced by local authorized officials, including but not limited to, the Sea Girt Police Department, Code Enforcement Official, Superintendent of Public Works, or their designated representatives, all of whom are empowered to write summonses for a violation of the water use limitations or restrictions.

H. Violations and Penalties.

Violation of this ordinance shall be subject to the penalties set forth below:

- (1) First Offense: \$200
- (2) Second Offense: \$500
- (3) Third and subsequent offenses to be determined by the Municipal Court Judge.

SECTION THREE. All ordinances of the Borough of Sea Girt which are inconsistent with the provisions of this Ordinance are hereby repealed as to the extent of the inconsistency.

SECTION FOUR. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any Court of competent jurisdiction, such decision shall not affect the remaining portion of this Ordinance.

SECTION FIVE. This Ordinance shall take effect immediately upon final passage, approval, and publication as provided by law.

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

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

NAYS: None

ABSTAIN: None

ABSENT: None

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

08-2010 An Ordinance Adopting Rules and Regulations for Refuse Containers and Dumpsters in the Borough of Sea Girt

Introduction

Public Hearing 6-23-2010

ORDINANCE 08-2010

BOROUGH OF SEA GIRT COUNTY OF MONMOUTH STATE OF NEW JERSEY

AN ORDINANCE ADOPTING RULES AND REGULATIONS FOR REFUSE CONTAINERS AND DUMPSTERS IN THE BOROUGH OF SEA GIRT

WHEREAS, the state of New Jersey, Department of Environmental Protection (hereafter "NJDEP") requires a municipal stormwater general permit in order to authorize new and existing stormwater discharges to surface water and groundwater from the small municipal separate storm sewer system (MS4) owned by the Borough; and

WHEREAS, the NJDEP Tier A Municipal Stormwater General Permit (NJ0141852) requires Tier A Municipalities to adopt and enforce an ordinance requiring dumpsters and other refuse containers that are outdoors or exposed to stormwater, with certain exceptions for individual homeowner trash and recycling containers, to be covered at all times and which prohibits the spilling, dumping, leaking, or otherwise discharge of liquids, semi-liquids or solids from the containers, excluding permitted temporary demolition containers, refuse containers at industrial facilities authorized to discharge stormwater under a valid NJPDES

permit, litter receptacles, and containers that hold large bulky items (e.g., furniture, bound carpet and padding) only.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Sea Girt as follows:

SECTION 1 Purpose:

This ordinance requires dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times and prohibits the spilling, dumping, leaking or otherwise discharge of liquids, semi-liquids or solids from the containers to the municipal separate storm sewer system operated by the Borough of Sea Girt and/or the waters of the State so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

SECTION 2 Definitions:

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Ordinance clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

- a. Municipal separate storm water system (MS4) – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Borough of Sea Girt or other public body, and is designed and used of collection and conveying storm water.
- b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- c. Refuse container – any waste container that a person controls whether owner, leased, or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.
- d. Stormwater – means water resulting from precipitation (including rain and snow) that runs off the land’s surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.
- e. Water of the State – means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

SECTION 3 Prohibited Conduct:

Any person who controls, whether owner, leased or operated, a refuse container or dumpster must ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing.

Any person who owns, leases or otherwise uses a refuse container or dumpster must ensure that such container or dumpster does not leak or otherwise discharge liquids, semi-liquids or solids to the municipal separate storm sewer system(s) operated by the Borough of Sea Girt.

SECTION 4 Exceptions to Prohibition:

- a. Permitted temporary demolition container
- b. Litter receptacles (other than dumpsters or other bulk containers)
- c. Individual homeowner trash and recycling containers
- d. Refuse containers and facilities authorized to discharge storm water under a valid NJPDES permit
- e. Large bulky items (e.g. furniture, bound carpet and padding, white goods placed curbside for pickup)

SECTION 5 Enforcement:

This ordinance shall be enforced by the Police Department and/or the Code Enforcement Officer of the Borough of Sea Girt.

SECTION 6 Penalties:

A. Violation or non-compliance with any provision of this Ordinance 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 set forth in the above Section 6.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 7 Severability:

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

SECTION 8 Effective Date

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

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

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

NAYS: None

ABSTAIN: None

ABSENT: None

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

12-2010 An Ordinance Fixing the Salaries of the Beach Season Employees of the Borough of Sea Girt in the County of Monmouth and State of New Jersey

Introduction

Public Hearing 6-09-2010

ORDINANCE NO. 12-2010

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

**AN ORDINANCE FIXING THE SALARIES OF THE BEACH SEASON EMPLOYEES
OF THE BOROUGH OF SEA GIRT IN THE
COUNTY OF MONMOUTH AND STATE OF NEW JERSEY**

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

SECTION ONE - The salaries to be paid to summer season employees and the time for payment of same are hereby fixed as follows:

1. Beach Manager - \$1,076.02 per week for sixteen weeks, payable bi-weekly.
2. Head Cashier - \$11.44 per hour, payable bi-weekly.
3. Assistant Cashier - \$10.20 per hour, payable bi-weekly.
4. Lifeguard Chief - \$804.69 per week for sixteen weeks, payable bi-weekly.
5. Crew Chief - \$13.19 per hour, payable bi-weekly.
6. Lifeguard – Twenty + Years - \$12.61 per hour, payable bi-weekly.
7. Lifeguard – Fifteenth - Nineteenth Year - \$12.35 per hour, payable bi-weekly.
8. Lifeguard – Tenth - Fourteenth Year - \$12.09 per hour, payable bi-weekly.
9. Lifeguard – Fifth - Ninth Year - \$11.83 per hour, payable bi-weekly.

10. Lifeguard – Fourth Year - \$10.95 per hour, payable bi-weekly.
11. Lifeguard – Third Year - \$10.44 per hour, payable bi-weekly.
12. Lifeguard – Second Year - \$10.20 per hour, payable bi-weekly.
13. Lifeguard – First Year - \$9.66 per hour, payable bi-weekly.
14. Gateguard – Twenty + Years - \$9.33 per hour, payable bi-weekly.
15. Gateguard – Fifteenth – Nineteenth Year - \$9.07 per hour, payable bi-weekly.
16. Gateguard – Tenth – Fourteenth Year - \$8.82 per hour, payable bi-weekly.
17. Gateguard – Fifth – Ninth Year - \$8.56 per hour, payable bi-weekly.
18. Gateguard – Fourth Year - \$8.44 per hour, payable bi-weekly.
19. Gateguard – Third Year - \$8.09 per hour, payable bi-weekly.
20. Gateguard – Second Year - \$7.44 per hour, payable bi-weekly.
21. Gateguard – First Year - \$7.36 per hour, payable bi-weekly.
22. Beach Crew/Cleaner - \$7.83 per hour, payable bi-weekly.
23. Rest Room Attendant - \$11.02 per hour, payable bi-weekly.
24. Jr. Lifeguard Director - \$13.19 per hour, payable bi-weekly.
25. Jr. Lifeguard Assistant – an hourly wage not to exceed \$12.36 an hour at the discretion of the Commission Chairperson.
26. Additional certifications .52 for lifeguards and crew chiefs per hour - Additional Steps Lifeguards and cashiers .26 to .77 per hour. Restroom Attendant .26 per hour payable bi-weekly

SECTION TWO – All ordinances or parts of ordinances in conflict with this ordinance or any part thereof are hereby repealed.

SECTION THREE – This ordinance shall take effect upon final passage and publication pursuant to law.

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

AYES: Farrell, Niemeyer, Crawley, Fetzer, Bonacci

NAYS: None

ABSTAIN: Bogan

ABSENT: None

COUNCIL REPORTS

Councilman Farrell reported, Beach: The beach opens this weekend and badges can be purchased with cash only.

- There is erosion on the beach from the March storms and there were many cliffs that the north end so everyone should be aware when there.

- A resident would like to have dunes build in front of his home and there was a meeting on the matter.
- A resident inquired about the waiting list of beach benches and asked about possibly replacing some of the treads on the boardwalk and engraving them. He asked that the residents and Council think about this matter.

Councilman Farrell reported, SMRSA: The bids came in for the Pump Station 40% over budget. There was a meeting yesterday and the job needs to get done and monies need to be found to do this project and that is being worked on.

Councilman Bogan reported, Recreation: The Baltimore Blvd. basketball courts paving has been completed and they are looking to paint them. We are waiting on the basketball goals and they should be installed by June 21st.

- Library: Meet and Greet with the new Librarian is in the works for June.
- Wreck Pond: Turner Shell from the Monmouth County Planning Board will be coming to a meeting in June to speak on the Wreck Pond Commission and what they will be doing with Wreck Pond.
- Baltimore Blvd. outfall pipe: The Borough has gone to great lengths to find out how the DEP's test keeps coming up with positive bacteria readings after certain storms. The Borough has done testing which turned up nothing to date.

Councilman Crawley stated that it is a sad duty to report on the passing of Rose Christiano this week. Rose was a senior EMT instructor, who in addition to decades of volunteer service worked to prepare new EMT's at Jersey Shore University Medical Center. She was highly skilled and dedicated to insuring that all in EMS work were prepared and safe. She had a role in training virtually all of the first-aiders in our area and many police and firefighters, who also serve as EMT's in our community and others. She was a warm compassionate woman, who gave freely of herself so that others could get the help needed in times of crisis. She personally responded to many emergency calls herself and by extension to thousands that her students answered. In this way she has had a hand in saving many lives and serving all of us. She was a genuine hero already missed by so many.

Councilman Fetzer reported, Water: The Borough is still waiting for the DEP approval to go to bid for the Water Treatment Plant.

- Labor Negotiations: There will be a meeting with the PBA on July 12th and they are waiting to hear from the Teamsters if they accepted the final terms.

Councilman Bonacci read the Police report:

TO: Police Commissioner Joseph Bonacci

FROM: Chief Edward J. Sidley Jr.

SUBJECT: Council Report May 26, 2010

Dear Sir,

The Sea Girt Police Department handled a total of 576 incidents since our last council meeting. Some of these were 2 nine-one-one hang up calls, 8 burglar alarms, 8 animal complaints, 11 assist individual calls, 9 Borough Ordinance Violations, and 12 assist other agency calls.

Additionally there were 3 building checks, and 2 criminal mischief complaints.

We did 42 door checks, handled 7 first aid calls and responded to 3 fire calls. There were 17 follow up investigations conducted, 4 house checks 23 home land security checks to infrastructures done and 1 theft report.

There was 1 motor vehicle accident, and 1 motor vehicle complaint. There were 31 calls for suspicious activity, 14 suspicious vehicles, 4 traffic service calls, and 55 motor vehicle stops.

We experienced a mass street light outage along the boardwalk and Ocean Avenue from the Pavilion to New York Boulevard last week extending until Monday evening. Jersey Central Power and Light had there underground cable division here Tuesday morning and found and fixed the problem. I would like to thank Mr. Gary McTighe from Monmouth County Office of Emergency Management for coordinating with the Monmouth County Highway Department and getting us two light towers which we utilized to light up the boardwalk and crosswalk areas affected by the darkened street lights. We kept the lights on from 9:00pm until about midnight.

Lastly, it is with sadness that I must report once again that our emergency services personnel had to respond to an incident on the train tracks. While NJ Transit is conducting the investigation into this matter, our prayers go out to the family of the young man, as well as to all who assisted us with this call.

Respectfully submitted,

Edward J. Sidley Jr.
Chief of Police

Council President Niemeyer commented on the storm sceptors for Wreck Pond and that they come with heavy maintenance fees and the street sweeper collects the debris prior to it going into the storm drains which should help the maintenance fees with the storm sceptors.

Mayor Clemmensen noted that the Memorial Day Parade & Celebration will be on Monday, May 31 at the Plaza.

R-105-2010 Resolution to Pay Bills

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

RESOLUTION R-105-2010

RESOLUTION TO PAY BILLS

RESOLUTION AUTHORIZING THE PAYMENT OF BILLS

BE IT RESOLVED, by the Borough Council of the Borough of Sea Girt that bills be paid as appearing on the Bill List dated May 26, 2010 in total as follows:

CURRENT FUND	\$	484,614.37
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WATER / SEWER OPERATING FUND	\$	26,766.71
BEACH OPERATING FUND	\$	35,522.72
GRANT FUND	\$	0.00
ANIMAL CONTROL FUND	\$	0.00
TRUST FUND	\$	0.00
GENERAL CAPITAL FUND	\$	0.00
WATER / SEWER CAPITAL FUND	\$	0.00
BEACH CAPITAL FUND	\$	0.00
RECREATION TRUST FUND	\$	214.44
UNEMPLOYMENT COMP. TRUST	\$	0.00
PUBLIC ASSISTANCE TRUST 1	\$	0.00
LAW ENFORCEMENT TRUST	\$	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
May 26, 2010



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

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

NAYS: None

ABSTAIN: Fetzer – Hatch Motta MacDonald & Van Dalen Brower

ABSENT: None

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

Mayor Clemmensen opened the meeting to the public at which time Mr. Beckman, Beacon Blvd., questioned the sign for 30 minute parking in front of Borough Hall and asked if it was for both spaces or just one because there is one car there for more than 30 minutes. Mayor Clemmensen stated that it is for both spaces in front and the two on the side by the firehouse. He stated that they would look into this matter. Mr. Cademartori, 300 The Terrace, stated that copies of the ordinances should be made available to the public. Council stated that they are made available. The Borough Clerk noted that full packets are made for each Council meeting but only a few are made due to the fact that most of the time they just get recycled.

R-106-2010 Executive Session

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

RESOLUTION R-106-2010

BOROUGH OF SEA GIRT COUNTY OF MONMOUTH STATE OF NEW JERSEY

RESOLUTION TO ENTER EXECUTIVE SESSION

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, PL 1975, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist on May 26th, 2010.

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. Litigation – Settlement with NJDEP & USFWS
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 the litigation and termination of the appeal period without any appeal being filed
4. This Resolution shall take effect immediately.

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

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

NAYS: None

ABSTAIN: None

ABSENT: None

OTHER BUSINESS

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

R-107-2010 Authorizing a Settlement Agreement between the Borough Of Sea Girt and NJDEP and USFWS

RESOLUTION R-107-2010

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

**RESOLUTION AUTHORIZING A SETTLEMENT AGREEMENT BETWEEN
THE BOROUGH OF SEA GIRT AND NJDEP AND USFWS**

WHEREAS, the Borough of Sea Girt has been engaged in litigation with the New Jersey Department of Environmental Protection (NJDEP) and the United State Fish and Wildlife Service (USFWS) over the assessment of administrative penalties by the NJDEP and USFWS and the Borough's appeal of those administrative orders and penalties related to threatened and endangered shore bird and plant species; and

WHEREAS, the Mayor and Council have reviewed the document entitled "Settlement Agreement Among the Borough of Sea Girt, the United State Fish and Wildlife Service, and the New Jersey Department of Environmental Protection and are satisfied with the terms therein.

NOW THEREFORE BE IT RESOLVED:

1. The Mayor and Borough Clerk are hereby authorized to execute the aforesaid proposed settlement agreement on behalf of the Borough; and
2. Upon receipt of a fully executed and final settlement agreement resolving all pending litigation, signed by all parties, the appropriate Borough official is hereby authorized to pay the settlement amounts as set forth in the agreement.
3. The proposed settlement agreement shall be subject to the attorney client privilege exception to the Open Public Records Act until the Borough's receipt of a fully executed and final settlement agreement resolving all pending litigation, signed by all parties.

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

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

NAYS: None

ABSTAIN: None

ABSENT: None

ADJOURNMENT

Councilman Fetzer offered and moved for adjournment at 9:36pm, Seconded, Councilman Bogan. The motion was approved by unanimous vote and the meeting adjourned.

Lauren Mayer, RMC
Borough Clerk