

Regular Meeting –November 10th, 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.

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.

PRESENTATION: Special Recognition of Councilman Bogan & Councilman Crawley

Mr. Bunting read the following resolutions which were presented by the Mayor.

State of New Jersey



THE SENATE AND GENERAL ASSEMBLY STATE HOUSE, TRENTON, N. J.

JOINT LEGISLATIVE RESOLUTION

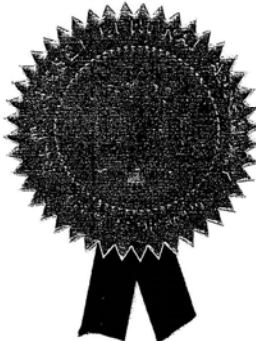
By Senator S. KEAN, Assemblyman RIBLE and Assemblywoman ANGELINI

- WHEREAS**, Raymond D. Bogan Esq., a highly esteemed resident of the Garden State, is being honored and saluted upon occasion of his retirement from a distinguished tenure of service as a member of the Sea Girt Borough Council that exemplified the true meaning of selfless public service; and,
- WHEREAS**, Raymond D. Bogan's extensive record of inspired and effective civic leadership has earned for him the deep respect and admiration of the citizens of his community; and,
- WHEREAS**, His exemplary dedication and steadfast commitment to the people of Sea Girt include his service as a member of the Borough Council since 2005, and he has also made significant contributions to the Monmouth University U Coast Institute Advisory Committee, the Marine Trades Association of New Jersey Advisory Committee for Economic Study on Boating Sea Grant Advisory Board, the New Jersey Fisheries Information and Development Commission, and the New Jersey Maritime Advisory Board; and,
- WHEREAS**, A graduate of Saint Mary's College and Seton Hall University Law School, Raymond D. Bogan serves with distinction as a partner in the law firm of Sinn, Fitzsimmons, Cantoli, Bogan, and West, and he has lent his wisdom and expertise as legal counsel to the Marine Trades Association of New Jersey, the Recreational Fishing Alliance, and the United Boatmen of New Jersey and New York; and,
- WHEREAS**, He has been upheld in his life's efforts by his wife, Mary Ann, and he takes great pride in his children, Mary Patrice, Raymond Jr., Patrick, and Francis; and,
- WHEREAS**, Raymond D. Bogan has continually demonstrated an uncommon measure of public-spiritedness and, in so doing, has provided a standard of excellence in public service toward which others might strive; now, therefore,
- Be It Resolved by the Senate and General Assembly of the State of New Jersey:*
- That this Legislature hereby honors Raymond D. Bogan upon the occasion of his retirement from the Sea Girt Borough Council, pays tribute to his meritorious history of service and commitment to the citizens of Sea Girt and this State and extends its sincere best wishes for his continued happiness and success; and,
- Be It Further Resolved*, That a duly authenticated copy of this resolution, signed by the Senate President and Assembly Speaker and attested by the Senate Secretary and the Assembly Clerk, be transmitted to Raymond D. Bogan Esq.

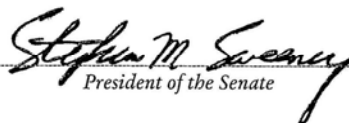
Attest:

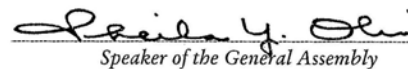


Kent M. Hicks
Secretary of the Senate



Dana M. Burley
Clerk of the General Assembly


President of the Senate


Speaker of the General Assembly

State of New Jersey



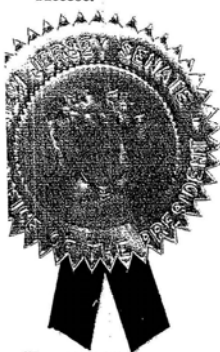
THE SENATE AND GENERAL ASSEMBLY STATE HOUSE, TRENTON, N. J.

JOINT LEGISLATIVE RESOLUTION

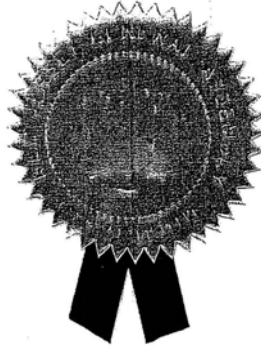
By Senator S. KEAN, Assemblyman RIBLE and Assemblywoman ANGELINI

- WHEREAS**, F. Thomas Crawley Ed.D., a highly esteemed resident of the Garden State, is being honored and saluted upon the occasion of his retirement from a distinguished tenure of service as a member of the Sea Girt Borough Council that has exemplified the true meaning of selfless public service; and,
- WHEREAS**, Dr. F. Thomas Crawley's extensive record of inspired and effective civic leadership has earned for him the deepest respect and admiration of the citizens of his community; and,
- WHEREAS**, F. Thomas Crawley served his country with honor as a Lieutenant in the United States Army Military Police, and he earned an Army Commendation Medal; and,
- WHEREAS**, His exemplary dedication and steadfast commitment to the people of Sea Girt include his service as a member of the Borough Council since 2008, and he has also made significant contributions as a Trustee of the Sea Girt Education Foundation, as a firefighter with Sea Girt Fire Company No. 1, as a Trustee of the Foodbank of Monmouth and Ocean Counties, and as a member of the Manasquan First Aid Squad; and,
- WHEREAS**, Dr. F. Thomas Crawley serves with distinction as an Assistant Professor at Georgian Court University, and he maintains a respected private counseling practice in Point Pleasant Beach; and,
- WHEREAS**, He has been upheld in his life's efforts by his wife, Karen, and he takes great pride in his children, Dave, Pete, and Meg; and,
- WHEREAS**, Dr. F. Thomas Crawley has continually demonstrated an uncommon measure of public-spiritedness and, in so doing, has provided a standard of excellence in public service toward which others might strive; now, therefore,
- Be It Resolved by the Senate and General Assembly of the State of New Jersey:*
- That this Legislature hereby honors Dr. F. Thomas Crawley upon the occasion of his retirement from the Sea Girt Borough Council, pays tribute to his meritorious history of service and commitment to the citizens of Sea Girt and this State, and extends its sincere best wishes for his continued happiness and success; and,
- Be It Further Resolved*, That a duly authenticated copy of this resolution, signed by the Senate President and the Assembly Speaker and attested by the Senate Secretary and the Assembly Clerk, be transmitted to F. Thomas Crawley Ed.D.

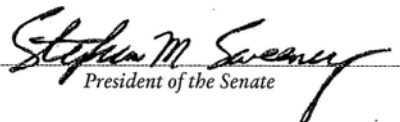
Attest:



Kent M. Hicks
Secretary of the Senate



Dana M. Burley
Clerk of the General Assembly


President of the Senate


Speaker of the General Assembly

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

R-181-2010 Award Contract G & M Eastern Contracting, Inc. for Roof Improvements at Borough Hall

RESOLUTION R-181-2010

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

**RESOLUTION TO AWARD CONTRACT G & M EASTERN CONTRACTING, INC.
FOR ROOF IMPROVEMENTS AT BOROUGH HALL**

WHEREAS, proposals were received in accordance with specifications prepared by Leon S. Avakian, Inc. for roof improvements at Borough Hall; and

WHEREAS, G & M Eastern Contracting, Inc., 100 Steiner Avenue, Neptune City, NJ submitted a proposal in the amount \$61,574.00, and

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

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The bid for the contract for Roof Improvements at Borough Hall is hereby accepted from G & M Eastern Contracting, Inc., 100 Steiner Avenue, Neptune City, NJ in the amount of \$61,574.00.
2. A contract shall be awarded to G & M Eastern Contracting, Inc., 100 Steiner Avenue, Neptune City, NJ for the roof improvements at Borough Hall in accordance with the specifications as prepared by the Borough Engineer.
3. The awarding of the contract and the signing of the contract is subject to the Borough Attorney’s approval.
4. Upon receipt of those approvals, the Mayor and Clerk are hereby authorized to enter into a contract with G & M Eastern Contracting, Inc., 100 Steiner Avenue, Neptune City, NJ for roof improvements at Borough Hall, in accordance with Specifications and Contract Forms titled Roof Improvements at Borough Hall, known as project SG10-09

RESOLUTION R-182-2010

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

RESOLUTION SUPPORTING ARBITRATION REFORM WITH AWARD CAPS

WHEREAS, it has now been three months since the Governor signed the new 2% levy cap into law; and

WHEREAS, the League had asked the Governor and the Legislature to delay action on the cap until after they had agreed on management reforms and mandates relief items that would make that cap workable; and

WHEREAS, our request was ignored; and

WHEREAS, all around the State, responsible municipal officials have begun planning their 2011 budgets, which, at this point, **MUST** account for the new cap, and be based on the assumption that meaningful management reforms and mandates relief initiatives will **NOT** be in place, and also be based on the further assumption that next year's State budget will not provide statutorily required revenue replacement funding; and

WHEREAS, though Mayors and governing bodies will do whatever they can to prevent negative outcomes, property taxpayers should anticipate service cuts, and local government employees should expect lay-offs; and

WHEREAS, while these consequences may be unavoidable in 2011; going forward, the situation can only improve IF serious reforms are enacted and unfunded mandates are relieved or repealed; and

WHEREAS, attention to the Binding Interest Arbitration mandate should top the list of State priorities for meaningful property tax relief; and

WHEREAS, the primary driver of local government costs has been the inexorable increase in employee salaries; and

WHEREAS, over the past 30 years, the salaries of police and paid fire personnel have risen faster than all others, though other personnel have also seen higher than CPI increases in salary rates, just at a slightly lower rate; and

WHEREAS, this has occurred primarily as the result of the 1977 legislation mandating binding interest arbitration to settle contractual disputes; and

WHEREAS, having approved an inflexible 2% cap on the property tax levy, State policy makers need to recognize that any arbitration awards with a total economic impact of more than 2% will force cuts elsewhere in local budgets; and to fund increased public safety compensation, in excess of the 2% cap, municipalities will need to cut services, salaries and/or personnel in other departments or reduce the number of uniformed personnel; and

WHEREAS, even those actions will not satisfy the public's hunger for reduced property tax burdens; but will only slow the rate of growth; and

WHEREAS, we have, accordingly, advocated for a hard 2% cap on the total economic impact of any arbitration award; and

WHEREAS, such a cap is included in the provisions of S-2310 and its companion measure, A-3283; and

WHEREAS, nothing short of that can assure local elected officials that they will be able to continue to provide adequate public services to their citizens; since without that cap, other services will be the first to be cut; but over time, even public safety service levels will decline, as fewer and fewer police officers and firemen and women consume more and more of the levy limited local budget;

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Sea Girt does, hereby, support the provisions of S-2310/A-3283, which require the arbitrator to cap the full economic impact of the award at the 2% limit; and

BE IT, FURTHER, RESOLVED, that we would urge our State Legislators to oppose and the Governor to veto any arbitration reform initiative that does not impose a 2% cap on the total economic impact of any future arbitration awards; and

BE IT, FURTHER, RESOLVED, that copies of this Resolution be forwarded to Governor Christie, to our State Senator Frank Raleigh Lautenberg, to our Representatives in the General Assembly, Sheila Y. Oliver and Alex DeCrose, and to the New Jersey League of Municipalities.

R-183-2010 Approving Conduct of Council Meetings

RESOLUTION R-183-2010

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

RESOLUTION APPROVING CONDUCT OF COUNCIL MEETINGS

WHEREAS, the Governing Body of the Borough of Sea Girt recognizes the right of any member of the public to address the Council on matters of public concern, and wishes to ensure the orderly conduct of Council meetings in an atmosphere of civility and decorum, the following rules are established:

1. Any person wishing to address Council must first be recognized by the Mayor or presiding officer.
2. Upon being recognized such person shall advance to the lectern facing the Governing Body and, using the microphone, state his or her name and address.
 - A. Persons addressing Council shall be limited to 7 minutes for Public Participation (on agenda items), and shall confine their comments to the issue at hand.
 - i. This time limitation may be extended by the presiding officer in exceptional situations, or where the Mayor or presiding officer determines that the topic or circumstances warrant allotting more time for the speaker.
 - B. Persons addressing Council shall be limited to 7 minutes for Public Participation on any Subject.
 - C. Person addressing Council shall be limited to 4 minutes for Public Hearing comments.
3. All statements or questions shall be directed to the Council as a body and not to any individual Council member. No person other than a member of Council shall enter into any discussion with the person having the floor without the express permission the presiding officer.
4. Persons addressing Council may not approach the Council table without first obtaining permission from the presiding officer and shall not leave the lectern to disseminate any material to other members of the Public in attendance.
5. All statements or questions shall be expressed in a non-belligerent and civil manner, and no person addressing the council shall conduct him or herself in a boisterous manner, nor shall a person engage in any other behavior which disrupts or otherwise interferes with the conduct of a meeting.
6. Violation of any of these rules may result in a direction that the offending person resume his or her seat so that the meeting can proceed in an orderly manner, except that if the speaker shall submit to proper order under these rules, permission for him or her to continue may be granted by a majority of the Council.
7. Refusal to comply with these rules may result in the expulsion of the offender from the meeting.
8. At the request of the Mayor or presiding officer, the police department shall designate a member of the department to serve as sergeant-at-arms at Council meetings he or she shall carry out all orders and instructions given by the mayor or presiding officer for the purpose of maintaining order and decorum at such meetings.
9. Each Council member shall cooperate with the Mayor and presiding officer in preserving order and decorum, and no member shall, by conversation or otherwise, delay or

interrupt the proceedings of the Council, nor disturb any member with speaking, or fail to abide by the orders of the Mayor or presiding officer, unless granted permission to do so by the Mayor or presiding officer.

R-184 -2010 Authorizing Budget Appropriation Transfers

RESOLUTION R-184-2010

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

RESOLUTION AUTHORIZING BUDGET APPROPRIATION TRANSFERS

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

WHEREAS, certain 2010 appropriations require additional funds to cover anticipated expenditures through December 31, 2010; and,

WHEREAS, certain other 2010 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.

APPROPRIATIONS TRANSFERS
NOVEMBER 2010

CURRENT:			
Account #	Account Name	Transfer Out	Transfer In
0-01-20-100-036	A & E, Office Supplies	\$ 1,500.00	
0-01-20-120-236	Clerk, School	\$ 1,500.00	
0-01-20-145-036	Collector, School	\$ 500.00	
0-01-21-180-029	Planning Board,Contractual	\$ 5,000.00	
0-01-25-250-001	County 911	\$ 1,000.00	
0-01-25-265-093	Fire, Drs. Fees	\$ 1,000.00	
0-01-25-266-036	Uniform Fire Safety, Office Supplies	\$ 750.00	
0-01-25-266-058	Uniform Fire Safety, General Supplies	\$ 750.00	
0-01-26-290-036	DPW, Office Supplies	\$ 500.00	
0-01-26-290-024	DPW, Maintenance of Property	\$ 1,000.00	
0-01-26-290-026	DPW, Maintenance of Equipment	\$ 1,000.00	
0-01-26-290-032	DPW, Uniforms	\$ 1,000.00	
0-01-26-290-058	DPW, Janitorial	\$ 1,000.00	
0-01-26-290-105	DPW, Street Sweepings	\$ 750.00	
0-01-26-300-029	Shade Tree, Contractual	\$ 1,500.00	
0-01-26-316-010	Snow Removal, S/W	\$ 2,000.00	
0-01-29-390-058	Library, General Supplies	\$ 3,200.00	
0-01-31-430-001	Electricity, PW	\$ 25,000.00	
0-01-36-472-001	Social Security	\$ 25,000.00	
0-01-43-490-012	Court, P/T S/W	\$ 6,000.00	
	Total Tfrs. Out	\$ 79,950.00	
0-01-20-120-258	Clerk, General Supplies		\$ 3,500.00
0-01-20-145-029	Collector,Contractual		\$ 500.00
0-01-20-155-029	Legal Services, Contractual		\$ 10,000.00
0-01-20-165-029	Engineering, Contractual		\$ 8,000.00
0-01-26-290-107	DPW, Recycling Fees		\$ 10,000.00
0-01-29-390-011	Library, S/W		\$ 3,200.00
0-01-31-435-075	Street Lighting		\$ 5,000.00
0-01-31-440-003	Telephone, Fire		\$ 1,000.00
0-01-31-440-005	Telephone, Assessor		\$ 625.00
0-01-31-440-006	Telephone, Property Maintenance		\$ 625.00
0-01-31-460-002	Gasoline, Police		\$ 30,000.00
0-01-31-460-003	Gasoline, Fire		\$ 7,500.00
	Total Transfers In		\$ 79,950.00
WATER:			
0-05-55-502-058	General Supplies	\$ 10,000.00	
0-05-55-502-068	Utilities		\$ 10,000.00
BEACH:			
0-09-55-155-029	Legal, Contractual	\$ 4,000.00	
0-09-55-227-501	Insurance	\$ 2,000.00	
0-09-55-230-501	Trash, OE	\$ 2,500.00	
0-09-55-240-010	Police, S/W	\$ 6,250.00	
0-09-55-380-021	Advertising	\$ 750.00	
0-09-55-380-032	Uniforms	\$ 1,000.00	
0-09-55-380-068	Utilities	\$ 1,500.00	
	Total Transfers Out	\$ 18,000.00	
0-09-55-245-501	Social Security		\$ 1,000.00
0-09-55-380-010	Regular Pay		\$ 17,000.00
	Total Transfers In		\$ 18,000.00

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

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

NAYS: None

ABSTAIN: None

ABSENT: None

APPROVE MINTUES

Councilman Farrell offered and moved to approve the Regular Minutes 10-12-2010, 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 Minutes 10-27-2010, Seconded, Councilman Farrell.

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)

Mayor Clemmensen opened the meeting to the public. Being there were no members of the public wishing to speak, the Mayor closed the meeting to the public.

OLD BUSINESS

Councilman Farrell offered and moved the following 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 17-2010 An Ordinance Regulating the Bathing Beaches, Ocean and Areas Contiguous thereto in the Borough of Sea Girt and Repealing Ordinances No. 684, No. 893 & No. 11-2009

and All Other Prior Ordinances Inconsistent Herewith
Second Reading
Public Hearing

ORDINANCE 17-2010

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

**AN ORDINANCE REGULATING THE BATHING BEACHES,
OCEAN AND AREAS CONTIGUOUS THERETO IN THE
BOROUGH OF SEA GIRT AND REPEALING ORDINANCES
NO. 684, NO. 893 & NO. 11-2009 AND ALL OTHER PRIOR
ORDINANCES INCONSISTENT HEREWITH**

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF SEA GIRT, as follows:

SECTION 1 Area of Applicability.

This ordinance is applicable to the area of public beaches and dunes within the Borough of Sea Girt, including all intertidal areas and the waters adjacent thereto. The provisions set forth herein shall apply to all parts of the public beaches and dunes, including all intertidal areas and the waters adjacent thereto, notwithstanding a specific reference to the terms “beach”, “beachfront”, “dune” or “waters adjacent thereto”.

SECTION 2 Rules and Regulations.

The following rules and regulations are hereby established:

(a) Sea Girt’s beach season is from Memorial Day weekend and weekends thereafter, and then daily from late June through Labor Day. Bathing beaches are designated by the Borough and published in beach regulations for the current season and/or designated by signs or flags. Lifeguards are on duty at Borough designated bathing beaches during the beach season from 9:15 a.m. to 4:45 p.m. but may stay on duty to 6 p.m. at certain bathing beaches on weekends or holidays. During the beach season when lifeguards are on duty, all bathing is restricted to lifeguard protected waters from bathing beaches. During the beach season when lifeguards are on duty, no person shall bathe in waters off Sea Girt’s beachfront except from lifeguard protected bathing beaches.

(b) At all other times, bathing in waters off Sea Girt’s beachfront is strongly discouraged as unsafe and is at the bather’s own risk. At all times, all bathing in waters off Sea Girt’s beaches is prohibited when the beach is closed for health or safety reasons. No person shall bathe in waters

off Sea Girt's beachfront when the beach is closed for health or safety reasons.

(c) No person shall use or tamper with any boat or lifeguard equipment without the permission of the Beach Manager, the Chief of the lifeguards or the Borough Administrator.

(d) Lifeguards shall be maintained on duty at the protected bathing beaches during bathing hours as established in Section 2(a) except at such times when bathing or swimming shall be deemed dangerous or hazardous by the Beach Manager, the lifeguard in charge of the beach or the Chief of the lifeguards. When such dangerous conditions exist, a sign or red flag shall be displayed indicating that the beach is closed to bathing or swimming and no person shall bathe or swim in said waters adjacent to the beach, whether protected or not, at any time until the signs or flags are removed. No person shall bathe or swim in said waters adjacent to the beach at night or during the hours of darkness.

(e) Lifeguards shall have charge, control and supervision of the bathing, swimming and surfing at the respective designated beaches and generally on all the beaches and beachfront of the borough and in the waters adjoining the same. Nothing herein shall be construed to limit the authority of the Borough Police Department or any other law enforcement agency to enforce the laws of the state or ordinances of the Borough on all the beaches and beachfront of the borough and in the waters adjoining the same. Failure to obey, or disregard of the oral or visual command, whistle or signal, or the directive of a lifeguard or law enforcement officer not to enter the beaches, beachfront or waters adjoining the same, not to surf in the waters, not to swim or bathe beyond the designated swimming or bathing areas or in waters deemed hazardous or dangerous by the lifeguard, not to leave the waters or the beach or beachfront with or without paraphernalia or equipment, whether swimming, bathing, surfing or being thereon, as the case may be, shall constitute a violation of this ordinance. The Borough shall provide beach patrols consisting of regular and/or special law enforcement officers.

(f) All persons purchasing a beach badge or season bath house, or other privilege as may be designated and described by the Mayor and Council, from time to time, by ordinance or resolution shall furnish their names and addresses and all other information as may be required and requested to the Beach Manager or his representative.

(g) Except for children under the age of 12, and any other person or group of persons so designated by authorized resolution or ordinance of the Borough Council, all persons, before entering the beachfront, bathing beaches and waters adjacent thereto for any purpose whatsoever shall purchase a badge, check or other insignia as designated and described by Mayor and Council, and shall wear it attached in a prominent place on their clothing during the times covered by this ordinance and shall show it to the gatekeeper, Beach Manager, their representative and agents, and to any law enforcement officer upon request.

(h) The classes of badges, checks and insignia and the fees therefor entitling those purchasing them to the privilege of using the beachfront, bathing beaches and waters adjacent thereto shall be fixed annually by ordinance or resolution of the Mayor and Council and thereafter

published in the beach regulations of the Borough of Sea Girt for the current season. Such regulations shall be available upon request, in person, at Borough offices.

(i) The Mayor and Council are hereby authorized to employ a registrar and such other employees as may be necessary to carry out the provisions of this ordinance, and to purchase such books, stationery, badges, checks or other insignia and such other supplies as may be necessary.

(j) Bath houses may be rented for periods and for fees as may be fixed annually by Mayor and Council, by resolution or ordinance, and thereafter published in the beach regulations of the Borough of Sea Girt for the current season. Persons renting bath houses shall obey all the provisions of this ordinance and exhibit their badge, check or insignia, as required by paragraph (g) of this ordinance.

(k) The Mayor and Council reserve the right to cancel any privilege granted or extended to any person who shall violate any of the provisions of this ordinance.

(l) No person other than authorized Borough employees and emergency personnel shall operate a beach buggy, snowmobile, moped, motorcycle or motor propelled vehicle of any kind, size or description on the beach, dunes or boardwalk.

(m) No person shall ride or have custody or control of a bicycle on the boardwalk except between the hours of 5:00 a.m. and 10 A.M. from May 15 to September 15. Bicycles are permitted on the boardwalk from September 16 through May 14.

(n) It shall be unlawful for the owner or a person having custody or control of any animal other than a dog as set forth herein to permit or suffer it to be upon the beach at any time of the day or year, whether ridden, tethered, attended or otherwise.

(o) Dogs are prohibited on the beach from March 15 to September 30. During other periods of the year when dogs are permitted on the beach, the owner or a person having custody or control of a dog must accompany it on the beach and the dog must be securely confined and controlled by an adequate leash or chain not more than six (6) feet in length. At no time may a dog be left unattended or be tied to or otherwise secured to any fixture, post or any part of the boardwalk.

(p) No person shall sleep on the beach between the hours of 6:00 p.m. and 9:00 a.m.

(q) Persons, including fishermen, are prohibited from going on the jetties at any time.

(r) The placing of private storage boxes on the beach or under the boardwalk is prohibited.

(s) Consumption of food on the beach, except in areas located near the boardwalk and designated by official Borough signage, is prohibited. One (1) picnic party may be held in an area as

designated by the Borough on Wednesdays from 6 p.m. to 9 p.m. during the period from May 15 to September 15. In the event of cancellation due to inclement weather the picnic party originally permitted and scheduled for a Wednesday may be postponed once, only, to the following Thursday. Anyone wishing to hold a picnic party shall first obtain a permit from the Sea Girt Police Department after making written application fifteen (15) days prior to the date desired. Applications for permits to hold picnic parties on the same day will be decided on a first come first served basis. Applications for permits shall be accompanied by a \$50.00 deposit which shall be refunded subject to any Borough expense for damage and clean-up as a result of the picnic party.

(t) Only non-alcoholic beverages in non-disposable containers are permitted on the beach. Possession and consumption of alcoholic beverages is prohibited at all times.

(u) Boats may not be launched or beached on the North Beach during bathing hours during the period of 15 March – 31 August of each year, without advance approval by the Administrator. Motorized boats or motorized personal motor craft known by such registered trade names as jet ski, skidoo and wave runner, et al, may not be launched or beached on the beachfront, nor may they be operated within 300 feet of the beach or a bathing area during the period of 15 March – 31 August of each year.

(v) Surfboard riding is restricted on North Beach during the protected shorebird breeding season of March 15 to the earlier of 1) notification by the NJ Division of Fish and Wildlife to the Sea Girt Borough Administrator of completion of the breeding season of for protected shorebird species; 2) removal of any symbolic fence by NJ Division of Fish and Wildlife; or 3) August 31. Surfboard riding at all other times is restricted during bathing hours to 1) the area between the Philadelphia Boulevard jetty and the New York Boulevard jetty. Surfboards may not be stored or left unattended on the boardwalk.

(w) During those periods of time when games and activities are not restricted in accordance with Section 3 (a) i. below, no person shall engage in any type of ball playing, kite flying or throwing of a frisbee on the beachfront or in the water adjacent thereto during bathing hours, provided, however, that volleyball shall be permitted on volleyball courts with the permission of the Borough and at such locations designated from time to time by resolution of the Borough Council.

(x) During those periods of time when conducting, authorizing or sanctioning the use of fireworks within .75 miles of any public beach or dune are not prohibited in accordance with Section 3 below, nothing herein shall preclude the fireworks displays approved by the Borough in accordance with all applicable laws.

(y) No person may enter into a fenced protected shorebird species nesting area or a seabeach amaranth fenced area except under the supervision or direction of the NJ Division of Fish and Wildlife, except that Borough employees or other emergency personnel may enter such areas in the case of an emergency constituting an imminent or immediate risk to human life, health or safety.

(z) With the exception of Section 3, below, the Mayor and Council are hereby

authorized and empowered to adopt rules and regulations on an annual or more frequent basis concerning classes of badges, checks or insignia, fees, beach capacity and such other rules and regulations as may be necessary for the proper control and regulation of the beachfront, bathing beaches and waters adjacent thereto as well as for the protection of protected shorebird species and seabeach amaranth, and any person violating such rules or regulations shall be subject to the same penalties as are hereinafter provided for violation of the provisions of Section 3 (d) of this ordinance. With the exception of Section 3, the Borough Council is further authorized and empowered to suspend, modify and/or supplement, by resolution, for a limited time the operation of certain rules and regulations governing the beach front and the waters adjacent thereto in order to permit or facilitate special events, activities, promotions or programs authorized by resolution of the Borough Council. Any adoption of rules and regulations or the suspension, modification or supplementation of Section 3 must be made by way of duly enacted ordinance.

SECTION 3 Rules and Regulations Applicable to Protected Shorebird Breeding Season and Seabeach Amaranth Growing Season.

(a) The following activities within the Borough of Sea Girt upon any area of public beaches and dunes including all intertidal areas from the Spring Lake border south to the northern boundary of the National Guard Training Center are either prohibited or restricted for the protection of shorebird species (i.e., piping plover, least terns, and American oystercatchers) as set forth and specified below from March 15 to the earlier of 1) notification by the NJ Division of Fish and Wildlife to the Sea Girt Borough Administrator of completion of the breeding season for protected shorebird species; 2) removal of any symbolic fence by NJ Division of Fish and Wildlife; or 3) August 31, such termination of said restrictions or prohibitions to become effective upon the posting of official Borough notices on or about the beach area and on the Borough's website, as follows:

i. Games/activities, both formal event and informal play, involving the throwing, hitting, launching or active use of any object, including but not limited to toys, projectiles, Frisbees, paddle balls, footballs and balls of any type are prohibited on the North Beach, Pavilion Beach, and beach from the Southern end of Seaside Place south to the National Guard Training Center. The North Beach and Pavilion Beach are hereafter described and depicted in Exhibits A and B, attached hereto and incorporated by reference.

a) In areas not restricted as to games and activities, ball playing may be permitted as follows:

(i) With the use of a "soft-ball", defined herein as a ball with no hard cover. Baseballs, lacrosse balls, and softballs as used in the sport known as softball are prohibited at all times; and,

(ii) At such location designated by posted sign or verbal approval of the Borough Administrator, Beach Manager or Chief Lifeguard, such location not to impact on or interfere with the use and enjoyment of the beach by other persons, threatened or endangered

species areas or habitat or beach access points.

(iii) The Borough Administrator, Beach Manager or Chief Lifeguard each retain the discretion to stop or otherwise prohibit ball playing at any time notwithstanding compliance with the above sections of this provision.

ii. Launching, staging, flying or landing of all kites, including surf kites are prohibited in all areas;

iii. Picnic parties are prohibited on all beaches except in areas located near the boardwalk designated by official Borough signage. Any picnic party within the designated area must be approved in accordance with Section 2 (s), above. There will be no picnic parties on the North Beach.

iv. Overnight private structures or storage of private property on all public beaches and dunes are prohibited excluding lifeguard stands that may remain on the beach, lifeguard stand no. 00 closest to North Beach being required to be laid on its side overnight;

v. Conducting, authorizing or sanctioning the use of fireworks within .75 miles of any public beach or dune is prohibited;

vi. Conducting, authorizing or sanctioning any organized events designed, or with a reasonably foreseeable potential, to attract a large number of people, including but not limited to concerts, festivals, lifeguard tournaments, sports competitions, or games is prohibited on the North Beach;

a) Third party organized beach clean ups on the North Beach are permitted during this time period so long as debris is removed without using any motorized equipment. Debris may be hand carried with a garbage bag or by use of a manually pushed wheelbarrow, garden cart, or similar non-motorized equipment to take debris off the beach. No wrack, shells, or other natural materials will be removed. Debris that may be harmful to the public or otherwise cause a public health hazard (i.e., glass, medical waste, logs, boards) may be hand removed. All seabeach amaranth plants at the North Beach must be fenced by NJ Division of Fish and Wildlife or the US Fish and Wildlife Service before any organized third party beach clean up can occur.

vii. The storage, launching and landing of kayaks and surfboards on North Beach is prohibited following the anticipated hatching or hatching of a piping plover chick as determined by NJ Division of Fish and Wildlife.

viii. No catamarans shall be stored or left on the beach north of Beacon Boulevard. No catamarans shall be launched or landed on the North Beach.

SECTION 4 Wedding Ceremonies on the Beach

Anyone wishing to hold a wedding ceremony on the beach shall first obtain a permit from the Sea Girt Police Department after making written application sixty (60) days prior to the date desired. Applications for permits shall be accompanied by a \$50.00 deposit which shall be refunded subject to any Borough expense for damage and clean-up as a result of the wedding. No wedding ceremonies shall be held on North Beach. All wedding ceremonies shall be subject to all provisions of this Ordinance.

SECTION 5 Penalties.

(a) Upon conviction for a violation of subsection (l) of Section 2 of this Ordinance a fine of not less than \$100.00 nor more than \$500.00 shall be imposed.

(b) Upon conviction for a violation of subsection (m), (n), (o), (u) or (v) of Section 2 of this Ordinance a fine of not less than \$75.00 nor more than \$500.00 shall be imposed.

(c) Upon conviction for a violation of subsection (g), (p), (s) or (t) of Section 2 of this Ordinance a fine of not less than \$50.00 nor more than \$500.00 shall be imposed.

(d) Upon conviction for a violation of subsection (a), (b), (c), (d), (e), (q), (r) or (w) of Section 2 of this Ordinance a fine of not less than \$25.00 nor more than \$500.00 shall be imposed.

(e) Upon conviction for a violation of subsection (y) of Section 2 of this Ordinance a fine of not less than \$250.00 nor more than \$1,000.00 shall be imposed.

(f) Upon conviction for a violation of subsection (a)i, (a)ii, (a)iii, (a)iv, (a)v, (a)vi, (a)vii or (a)viii of Section 3 of this Ordinance a fine of not less than \$250.00 nor more than \$1,000.00 shall be imposed.

(g) In addition to the above fines set forth or in lieu thereof, at the direction of the Municipal Court Judge a sentence of not more than 10 days imprisonment in the County Jail or not more than a 10 day period of community service may be imposed.

SECTION 6 Conflicts With Prior Ordinances.

All ordinances or parts thereof in conflict or inconsistent with this ordinance are hereby repealed.

SECTION 7 When Effective.

This ordinance shall take effect when passed and published.

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

NEW BUSINESS

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

Ordinance 16-2010 An Ordinance Regulating The Opening Of Streets In The Borough Of Sea Girt And Repealing Ordinances #60, #607, #792 & #860

Introduction

Public Hearing 12-8-2010

ORDINANCE 16-2010

BOROUGH OF SEA GIRT COUNTY OF MONMOUTH STATE OF NEW JERSEY

AN ORDINANCE REGULATING THE OPENING OF STREETS IN THE BOROUGH OF SEA GIRT AND REPEALING ORDINANCES #60, #607, #792 & #860

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

Section 1. Ordinance #60, #607, #792 & #860 are repealed.

Section 2. Permit Required.

No person, business, corporation or other entity (from now on called "person") shall dig up, break, tunnel, undermine, disturb or in any manner excavate any municipal street, road, right-of-way, or public easement, or make or cause to be made any excavation in or under the aforementioned areas for any purpose or place, or deposit, or leave in any of the aforementioned areas any earth or other excavated material obstructing or interfering with the free use of same unless such person shall first have obtained an excavation permit therefor from the Municipal Clerk. Openings may be made without the necessity of filing a written application and obtaining an excavation permit only in emergencies, such as a broken or frozen water main, gas leak or other happening which would endanger public life, health and safety; provided, however, that notice thereof shall be immediately given verbally to the Superintendent of Public Works or Police

Department and written application in accordance with this chapter shall be made within forty-eight (48) hours.

Section 3. Application for Permit.

No excavation permit under this section shall be issued until the person seeking such permit shall have first done the following:

- a. Made a written application for the issuance of such permit submitted to the Municipal Clerk, signed by the person making the application or by a duly authorized agent, and containing the following information:
 1. Name, address and telephone number of the person for whom the work is to be performed.
 2. Name, address and telephone number of the person performing the work.
 3. Location of the work area, including a map or sketch.
 4. An outline or plan describing the work to be performed.
 5. Number of square feet of surface to be opened.
 6. Cubic content of material to be excavated.
 7. Type of surface to be removed or disturbed.
 8. Cubic content of material to be burrowed.
 9. Date and time of commencement and estimated date of completion with an agreement by the applicant to refill or resurface the opening or excavation so that the street surface shall be restored to the same condition or better, in which it was before the proposed work.
 10. The types of proposed traffic control devices and procedures to be utilized for the project, which devices and procedures shall be in conformity with the guidelines set forth in the Manual of Uniform Traffic Control Devices, current edition, (the "Manual").
 11. The names and telephone numbers of at least two (2) persons responsible on a twenty-four (24) hour call basis to handle emergency repairs for the applicant.
- b. A nonrefundable permit fee of \$150.00 shall be paid to the Borough of Sea Girt prior to the issuance of any permit. In no case shall a permit be issued until the required fees and deposits have been paid.
- c. The applicant must furnish to the Municipality a cash or surety bond to guarantee that the opening or trench made by the permittee will be closed properly. The amount of the cash deposit or surety bond is \$15.00 per square yard. Provided the minimum deposit is 1,000.00. Upon completion of the work in a satisfactory manner, the bond or cash surety will be released in return for a maintenance bond or cash guarantee that the road, street, or highway over the same will remain in good condition for at least one (1) year after the closing by the permittee. The failure to carry out all required work and properly close the area of the road

opening shall require the forfeiture of any cash or surety bond guaranteeing the work, or alternatively, require the surety company to complete all required work in an acceptable manner; provided however, the cash or surety bond shall not limit the amount of damages incurred by the Municipality. The Municipality reserves the right to pursue additional claims against the permittee for all damages in excess of the amount of the cash and/or surety bond.

- d. Deliver to the Municipality satisfactory proof of insurance in the minimum amount of one million (\$1,000,000.00) dollars per person, and three million (\$3,000,000.00) dollars per occurrence, insuring the permittee and the Municipality against liability for injury or loss sustained by any person or persons as a result of the acts of commission or omission of the permittee, or any servants, agents or employees of the permittee.

Section 4. Conditions of the Permit.

- a. In the case of all openings larger than sixteen (16) square feet and four (4) feet deep, the application is subject to review by the Superintendent of Public Works as to whether or not a permit should be issued. If it is recommended by the Superintendent of Public Works that a permit be issued, the Municipal Clerk shall issue the permit and forward all monies collected to the Municipal Treasurer for deposit. If the permit is denied, then the Municipality shall retain the application fee and notify the applicant in writing not later than five (5) days after the action denying the application.
- b. Except in emergent conditions, the permittee shall give a minimum of forty-eight (48) hours notice of the proposed opening and/or excavation to all persons owning property abutting on the street about to be opened or excavated. Notice shall be given by personal service or by regular mail upon all persons entitled to such service.
- c. All openings, excavations, backfilling or grading shall be done by the person to whom any permit is issued. Such person shall give at least seventy-two (72) hours written notice to the Superintendent of Public Works prior to the commencement of any work.
- d. The area of the road opening shall be left in a broom clean condition.
- e. All work shall be performed and completed in such a manner as to cause a minimum of interference with travel on the street affected. No street shall be closed to traffic unless the closing is approved by the Chief of Police. Street and/or traffic lanes approved for closure to traffic must be closed and then reopened at the times specified in the application, with no deviations permitted. The Police Department shall be informed in writing of all street closings at least twenty-four (24) hours in advance, except where the work is of an emergency nature, in which case notice shall be given to the Police Department when work commences.
- f. Construction work will be permitted only between 8:00 a.m. and 6:00 p.m. Monday through Friday and Saturday 9:00 am to 5:00 pm and must also comply with Borough Ordinance 2007-16, which pertains to no construction on certain holidays. The Mayor and Council, Municipal Engineer and Superintendent of Public Works must approve emergency situations or work required beyond the permitted time.

Section 5. Construction Specifications

It shall be the duty of the applicant to restore the street surface in the following manner and to maintain all proper safeguards relating to the opening or excavation to protect the public from damage or injury resulting from same.

No work may commence before markout by the appropriate agencies. Right-of-way or property monuments and/or markers, traffic control devices and other public entity maintained devices in the right-of-way shall not be removed or disturbed unless permission to do so is first obtained in writing by the Superintendent of Public Works.

1. All trench openings shall be neatly saw cut, unless specifically allowed, in writing by the Public Works Department for unusual circumstances.
2. The restoration of the opening or trench shall be maintained for one (1) year after completion.

Where twenty-five (25%) percent or more of the existing pavement surface has been destroyed or disturbed, final paving shall consist of a one (1) inch overlay of the entire width of the pavement surface with Bituminous Concrete Type FABC (Mix 1-5).

The type of material used for backfilling shall be as specified by the Borough Engineer to ensure the restoration of a street or road to its prior condition. For the purpose of establishing specifications for the restoration, the specifications promulgated by the Department of Transportation of the State of New Jersey shall serve as a guideline for street restoration.

In the event of a snow or ice storm, the permittee will be required to take whatever steps the Superintendent of Public Works (or designee) deems necessary to secure the traveled way for snow removal operations. At the first sign of precipitation, all work on the shoulders and traveled way shall stop and they shall be cleared of all dirt, etc. and then backfilled so as not to interfere with snow removal operations until the weather permits resumption of work.

3. Tack coat should be applied to the edges of the street opening just prior to placement of the bituminous surface course. Placement of the tack coat shall be in accordance with the latest revision of the State of New Jersey Standard Specifications for Road and Bridge Construction.
4. It shall be the duty of each person, corporation, partnership, firm and their contractor or agents to notify the Borough Administrator prior to the backfilling of the opening or excavation, and of the date such work will be done, so that the Borough Engineer or agent of the Borough may, in his discretion, inspect all aspects of the street restoration, etc., and to file a written report to be used in the determination of the return of the repair deposit.

5. The partially restored pavement (stabilized base course level with the existing pavement as described in subsection 15-1.3c.) shall be allowed to settle for no less than ninety (90) days and no more than one hundred eighty (180) days. Upon the completion of the settling period, the opened or excavated area shall be milled and repaved with NJDOT Mix I-5 utilizing an infrared restoration process. If at any time during the settlement period, the trench becomes unacceptable as determined by the Director of Public Works, the permittee shall be notified of the condition requiring repair, and such repair shall be performed within twenty-four (24) hours of such notification by the Director of Public Works. If the repair is not made in the time specified, the Borough may make the repair and any cost thereof will be charged against the permittee's cash repair deposit and/or maintenance bond. At the end of the period of time of settlement required by the Department of Public Works, an inspection shall be performed by the Department.
6. The permittee shall be required to replace any facilities including but not limited to curb, pavement sidewalk, line striping, etc. that are affected by the excavation and restoration work.

Section 6. Removal and Protection of Utilities.

The permittee shall first obtain the appropriate utility markouts as required by law. The permittee shall not interfere with any existing utility without the written consent of the utility company or person owning the utility. If it becomes necessary to remove an existing utility, this shall be done by its owner. No utility owned by the Borough shall be moved to accommodate the permittee unless the cost of such work is borne by the permittee. The cost of moving privately owned utilities shall be similarly borne by the permittee unless it makes other arrangements with the owner of the utility. The permittee shall support and protect, by timbers or otherwise, all pipes, conduits, poles, wires or other apparatus which may be in any way affected by the excavation work and do everything necessary to support, sustain and protect them under, over, along or across the work, in accordance with applicable statutory provisions. In case any pipes, conduits, poles, wires or apparatus should be damaged, they shall be repaired by the agency or owner and the expense of such repairs shall be borne by permittee, and his or its bond shall be liable therefore. The permittee shall be responsible for any damage done to any public or private property by reason of the breaking of any water pipes, sewer, gas pipe, electric conduit or other utility, and its bond shall be liable therefore. The permittee shall inform itself as to the existence and location of all underground utilities and protect the same against damage.

Section 7. Cleanup.

As the excavation work progresses, all streets and private properties shall be thoroughly cleaned of all rubbish, excess earth, rock and other debris resulting from such work. All cleanup operations at the location of such excavation shall be accomplished at the expense of the permittee and shall be completed to the satisfaction of the Department of Public Works. From time to time as may be ordered by the Department of Public Works, and in any event, immediately after completion of the work, the permittee shall at his or its own expense clean up and remove all refuse and unused materials of any kind resulting from the work; and upon failure to do so within twenty-four (24)

hours after having been notified to do so by the Borough, the work may be done by the Borough and the cost thereof charged to the permittee, and the permittee shall also be liable for the cost thereof under the surety bond provided hereunder.

Section 8. Notice of Street Paving by the Municipality.

When the Municipality shall improve or pave any street, the Municipal Clerk (or designee) shall give notice by regular mail to all persons owning property abutting on the street about to be paved or improved, and to all public utilities and authorities operating in the Municipality. All such persons, utilities, and authorities shall make all connections as well as any repairs thereto which would necessitate excavation or disbursement of the street, within forty-five (45) days from the provision of such notice. The time may be extended if permission is requested in writing and approved by the Mayor and Council (or designee).

Section 9. Opening of Newly Paved Streets Restricted.

No permit shall be issued which would allow an opening or excavation of a paved or improved street surface less than five (5) years old unless the applicant clearly demonstrates to the Borough Engineer that public health or safety requires the proposed work to be permitted or unless an emergency condition exists. If a permit is issued pursuant hereto to open any repaved street less than five (5) years old, an enhanced restoration may be required for said opening permit at the discretion of the Borough Engineer. Enhanced restoration may include half width to full width milling and repaving to minimize the deleterious effects of the pavement disturbance.

Municipality Exempted from Permit

Nothing contained in this section shall be construed as requiring the issuance of a permit for the performance of any opening or excavation by the Municipality.

Section 10. Violations, Penalty.

Any person, firm, entity or corporation violating any of the provisions of this section shall, upon conviction hereof, be subject to a fine not to exceed two thousand (\$2,000.00) dollars or imprisonment for a term not to exceed ninety (90) days, or both, at the discretion of the court having jurisdiction in this matter. The court shall have the discretion to impose a term of community service in lieu of imprisonment. Each day that a violation continues shall be deemed a separate offense.

Section 11. Effective Date

This Ordinance shall take effect immediately upon final passage and publication as required 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

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

Ordinance 22-2010 An Ordinance Amending and Supplementing Ordinance #722 Entitled “An Ordinance Providing for the Towing and Storage of Motor Vehicles”
Introduction
Public Hearing 12-8-2010

ORDINANCE 22-2010

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

**AN ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE #722
ENTITLED “AN ORDINANCE PROVIDING FOR THE TOWING AND STORAGE
OF MOTOR VEHICLES”**

BE IT ORDAINED by the Council of the Borough of Sea Girt that Ordinance 722 is amended as follows:

Section 1.

Section 2(b1) of Ordinance 722 is amended to read:

- 1) A certificate of liability insurance for said wrecker in the amount of \$500,000 for general liability.

Section 2.

Section 2(f) of Ordinance 722 is amended to read:

F. Each wrecker must meet the requirements of Title 39 of the New Jersey Statutes, and all applicable vehicle rules and regulations. The wrecker must have both a boom-lifting capacity of at least four (4) tons. In addition, each wrecker must have the following equipment:

- 1) One (1) large broom and shovel.
- 2) At least one (1) set of dolly wheels.
- 3) Steering wheel lock for towing vehicles from the rear.
- 4) Tow-sling type tow bar to prevent any part of the crane metal from touching the towed vehicle.

- 5) Emergency warning lights.
- 6) Portable safety lights capable of being installed on the rear of a towed vehicle if necessary.
- 7) Safety flares for night work.
- 8) Fire Extinguisher.
- 9) Reflective traffic vest(s) for all operators to wear.
- 10) Speedy dry material used to absorb vehicle fluids.

Section 3.

Section 5 of Ordinance 722 is deleted in its entirety and replaced with the following:

A. Towing fees and charges shall be as follows:

1. Towing Service with light duty (ten thousand (10,000) pound gross vehicle weight or less) wrecker:
 - a. Show up Fee \$30.00
 - b. Full Towing Charge \$100.00
2. Towing Service with flatbed (roll back) truck with a tilt body:
 - a. Show up Fee \$30.00
 - b. Full Towing Charge \$100.00
3. For Winch Services or Service to a Vehicle over ten (10,000) thousand pounds gross weight:
 - a. Show up Fee \$100.00
 - b. Full Towing Charge \$100.00 per hour
4. Additional Clean Up Fee at Accident Scene(s)
 - a. \$30.00 additional clean up fee to incur cost of cleaning any debris from the accident scene and cost for speedy dry material(s).

B. Storage Fees and Charges shall be as follows:

1. Storage per day Storage per day (or any part thereof) commencing immediately upon releasing vehicle off the wrecker into storage lot. Storage days will be determined in 24-hour periods from the time vehicle was initially dropped. \$25.00 per day (24 hour period)

Tow operators shall be available for service 24 hours a day seven days a week with no restrictions.

C. Show Up Fee: The towing service operator shall be entitled to a “show up” charge if the operator or owner of the vehicle appears at the stated location within the fifteen (15) minute period in which the tow operator is required to respond to the police dispatcher’s request for towing service.

- D. Every operator of a towing service shall give the owner a written estimate of cost and written receipt when paid.
- E. This towing service fee schedule shall be posted in a conspicuous place at the business location of any authorized tower participating in the Towing Service Rotation Program.

Section 4.

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

Section 5.

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

The following ordinances were tabled until further information was gathered.

Ordinance 23-2010 Ordinance Amending and Supplementing Ordinance #927 – Amending the Billing Cycle in the Water Department

Ordinance 24-2010 An Ordinance Amending and Supplementing Ordinance #823 – Amending The Billing Cycle in the Sewer Department

Discussion: Police Dispatch

Councilman Bonacci stated that for five years Spring Lake has been providing dispatching services for Spring Lake Heights. In June, Spring Lake was talking to Wall Township about dispatching so Spring Lake Heights and Sea Girt discussed dispatching. Spring Lake Heights was very interested and have been speaking back and forth on the matter since June. Later, Spring Lake showed interest in a 3-way deal. Councilman Bonacci commented that the view has always been to keep dispatching in town and he believes the 2-way deal is better for the Borough. Putting the recycling aside, the 3-way deal had some issues which were alleviated once Spring Lake agreed to the dispatching in Sea Girt. On Tuesday there was a meeting with the Administrators & CFOs of Sea Girt and Spring Lake and have agreed to help with some of the costs to setup the 3-way deal. There would be a savings of approximately \$65,000 a year and the Borough would keep its current staff as well as take on the current staff in Spring Lake. Councilman Bonacci stated that after having all the numbers he would fully support either a 2-way or 3-way deal. Councilman Bogan

commented that the 3-way deal is not as expensive as it first appeared to be. The 2-way deal would have savings of approximately \$75,000 a year. But by keeping Spring Lake's employees on won't the salaries go up substantially? Councilman Bonacci commented that keeping the Spring Lake staff on does increase the salaries by approximately \$14,000. Councilman Bogan inquired if five dispatchers are enough to perform the duties fully. Chief Sidley addressed this matter by stating that "yes" five are enough. There are part-time personnel available on weekends and during the summer as needed to work. This has been included in these numbers to include any over-time. The Chief also stated that this will be a work in progress since a 3-way deal has never been done.

Councilman Crawley commented that he had some concerns about taking on the other employees. What happens if the towns decide to dissolve would our employees get bumped in terms of seniority issues? Chief Sidley stated that he did not have the answer to that but it would have to be addressed in the agreement. The big concern is the money and he is thankful for all the work that was put into this because saving money is key. Councilman Crawley stated that there are 6 Fire Companies, 3 First Aid Squads and 5 Police Departments between Brielle and Spring Lake Heights. There are overlapping agreements on who dispatches where, and that works now, but the Borough should reach out to Manasquan and Brielle to see if they are interested in a central dispatch. Mr. Bunting stated that they have reached out to Manasquan and they showed interest in the idea, but in the future.

Councilman Farrell commented that in conjunction with this agreement the Borough has been able to negotiate the re-entry to the Spring Lake recycling yard. Spring Lake spoke with Wall Twp. and they are willing to let the Borough out of the deal. The Borough will pay Spring Lake \$30,000 a year for 5 years and this will be a savings of \$20,000 a year. Councilman Bogan thanked Wall Township for "pulling us out of the fire" and for releasing us from our prior deal with them if we can work out an agreement with Spring Lake. He wanted to make it clear that Wall Township was a great neighbor during this deal.

Mayor Clemmensen asked about the mandatory training and if that cost was included? Chief Sidley stated that the mandatory training is only mandated at the County level. The training that the Borough does do is online and does not cost anything. Mayor Clemmensen wanted confirmation that it would cost \$8,000 to update the infrastructure for the 3-way deal. Councilman Bonacci stated that "yes" that is the cost. Mr. Bunting stated that the Administrator of Spring Lake is a man of his word and if we go forward Spring Lake will help with the infrastructure cost.

Mayor Clemmensen stated that the County is suppose to be up and running within the next 4 years and asked how that will effect what the Borough is trying to do. Chief Sidley stated that the County will be able to take on all the towns within the next 3 to 5 years. The cost to convert to the County's digital system at that time is unknown.

Mr. Cademartori, 300 The Terrace, stated that he was not at the last meeting when this was discussed and the public doesn't have the numbers that are being discussed, but the savings being presented is approximately \$60,000 to \$75,000. But we are taking on their 3 dispatcher for a total of 5 dispatchers so how is that going to be charged? Councilman Bonacci stated that the cost will be

split 1/3 each between all the towns. Mr. Cademartori asked about the telephone system upgrade and costs. Councilman Bonacci stated that the telephone system is being upgraded regardless and the cost would be between \$15,000 and \$35,000.

Ed Robinson, Brooklyn Blvd., stated that he was confused on the numbers presented for calls in town because there are only 2,000 people in Sea Girt. Chief Sidley stated that the 9,000 number is not just 911 calls. That number is all calls, administrative, first aid, vehicle stops, etc. That is how we keep track of all the calls answered by our dispatchers. Mr. Robinson did not realize that a dispatcher answers all the calls that come into the Sea Girt Police Headquarters. He continued on to recycling and asked if the Borough knows how many citizens utilize the recycling yard and why? He suggested that this information be found out and that possibly dumpsters be put on the old tennis courts across from the school. Council President Niemeyer stated that if the Borough were to do this it would cost approximately \$120,000 to implement. One of the other issues with that is the trucks coming to pick up the dumpsters during school hours is a safety issue.

Sara King, Councilwoman Spring Lake Heights, questioned why the Mayor and Police Chief of Spring Lake Heights were not included at this meeting on Tuesday? Mr. Bunting stated that there was a prior meeting, about 10 days earlier, with the Mayor of Spring Lake Heights, and that he has kept them in the loop. This meeting was just with Spring Lake. Ms. King stated that she understands meeting separately but if you are going to bring three towns together there should be a meeting with all three to make sure everyone is on the board. She stated that the cost right now is around \$220,000 with the agreement with Spring Lake and one of the biggest costs is the salaries. She wondered if Spring Lake could offer them some type of retirement package, since they have 25 or more years of service, so the costs would be even less. Mr. Bunting stated that if Council approves this going forward there would be a meeting with all three towns. As for the dispatchers' salaries, they will be under the Borough's step process. Sara King stated that the reason for looking to work with Sea Girt was to lower their costs on dispatch and that doesn't seem to be the case if the three dispatchers from Spring Lake that are brought over in the agreement. She also questioned on what the cost would be to the towns if this goes forward. Mr. Bunting stated that under the current conditions not factoring in health benefits and pension increases for next year there would be a savings of \$51,000. Councilman Farrell stated that he was also concerned about the level of the salaries. Because of how the deal was struck between Spring Lake and Spring Lake Heights, Spring Lake feels responsible for those dispatchers and would not reduce them. Councilman Bonacci stated that "yes" we are taking on additional personnel and the salaries are going up \$14,000, but these are very experienced people. The savings are still there because it is a three town deal. Sara King stated that it was their understanding from their Mayor that the cost was going to be around \$140,000 and now it is \$165,000. Councilman Farrell stated the new numbers cover everything which was not included in the original numbers. The new numbers include part-time personnel and overtime. Councilman Bogan commented that if this was done at Sea Girt's pay scale it would be at a range of \$135,000 but with the shared service the number will be up around \$170,000. He stated that he does have concerns about what the Borough will be incurring by taking on the additional dispatchers, but to move forward with the agreement that needs to be done. He also stated that these numbers do not include pension costs which will make this amount higher.

Mr. Cademartori, 300 The Terrace, stated that he shared Councilman Bogan's concerns. If the Borough will be saving more money on a two-party agreement than a three-party agreement it is not only the cost of the additional dispatchers coming in, but the increases to health benefits and pensions. He believes to bring over the other dispatchers at the higher salaries is a mistake. He strongly suggested that the Borough start out with the two-party agreement and see if Spring Lake will go for a "RIF" and bring the employees in at reasonable salaries.

JP Connellan, Crescent Parkway, thanked Councilman Bonacci for keeping an open mind and for all his hard work and research on this. He stated that as a resident he supports the 3-way deal because it does a number of things. Mr. Connellan agrees that it's hard to bring over higher paying salaries, but money is still being saved. To get the recycling back and into this agreement is a huge plus for the Borough. He questioned the \$50,000 for the telephone system and asked if that was for the whole Borough or just the Police Dept.? Mr. Bunting stated that it was for the entire Borough Hall. Councilman Bonacci commented that they were informed tonight that the cost would be around \$35,000.

Patricia Cindea, Councilwoman Spring Lake Heights, pointed out the attrition does not always work and that is why we are here. When you look at the salary that is \$68,000, which is really \$88,000 when benefits are added, it is an issue. Since Sea Girt has the power, the Borough should have Spring Lake make a tough decision and layoff one of the workers. She stated that she is all for shared services, but whether or not it is merging Spring Lake and Spring Lake Heights Police Departments it is only going to work if cuts are willing to be made.

Councilman Bonacci motioned to move forward with formal negotiations between the three towns for dispatch services. Seconded by Council President Niemeyer. Councilman Fetzer stated that he supports the motion, but that all the comments brought up tonight be taken into consideration. Councilman Crawley stated that a formal notice should be extended to the Mayor and Council of Manasquan and Brielle to see if they would like to join. Councilman Bogan stated that he would like to make sure that the costs to be incurred continue to be addressed and if the motion could be amended to include that. Councilman Crawley asked the same thing of his prior comment. Motion by Councilman Bonacci to authorize formal discussion with Spring Lake and Spring Lake Heights. Taking in consideration the cost issues raised by Councilman Bogan, the comments and questions brought up tonight and to formally extend the offer to Manasquan and Brielle. Seconded by Council President Niemeyer. The foregoing motion was approved by the following Roll Call Vote:

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

NAYS: None

ABSTAIN: None

ABSENT: None

COUNCIL REPORTS

Councilman Farrell reported, SMRSA: Work is underway at the Pump Station and only one change order has been received to date. There were only two responses from the residents in the area regarding the aesthetics. Construction should be completed by May 15, 2011.

- Beach: There has been discussion regarding whether or not to keep the bathroom at the Pavilion open all year. Councilman Bogan commented that that bathroom was designed to stay open all year round for the residents to utilize. Mr. Bunting commented that improvements would have to be made to ensure that this could be done. The final decision was to keep the bathroom open.
- Finance: Tax payments are now being debited electronically from residents' accounts. The CFO will be meeting with the department heads the week of Thanksgiving to go over their budgets. He discussed the positive financial items coming up for the 2011 budget. The Borough is trying to come up with a budget that works and does not cut services. The negative aspects are pension, health insurance and State Aid. He encouraged the residents to come to the budget workshops.

Councilman Bogan reported, Wreck Pond: The Wreck Pond Watershed Committee is looking into fertilizer use and related ordinances. They will start looking into what other municipalities have on this and that will start at the meeting next Wednesday. He complimented Mr. Horan, the resident representative for Sea Girt, for his efforts.

- Library: There is \$70,000 earmarked for the improvements to the Library.

Councilman Crawley reported, Community Alliance: Asked that Mr. Bunting distribute through the newsletter information on an energy drink that is out that has an alcohol content that the kids are drinking. The School is putting out this information but we want to make everyone aware of this.

Councilman Fetzer reported, Water: The construction on the new Water Treatment Plant has started slowly, but is still on track to finish by the end of 2012.

Councilman Bonacci read a statement regarding the police actions questioned by the Czech family which was brought up at a prior meeting.

The Governing Body of the Borough of Sea Girt wishes the public to know that the Borough investigated the complaints lodged by Sea Girt resident, Robert Czech, related to the action of the Borough Police Department. That review included discussions with the Monmouth County Prosecutor's Office who collaborated with the Borough in its investigation of the string of burglaries that have taken place within the Borough of Sea Girt and surrounding communities. The Sea Girt Police are responsible for providing for the safety and well being of all of its residents and have taken appropriate action and responsibility to do so while cooperating with the Monmouth County Prosecutor's Office in the joint investigation of these burglaries. As a result of discussions with the Monmouth County Prosecutor office, no one in the Sea Girt Police Department has been

charged with a violation and most importantly no one was disciplined. The residents of the Borough of Sea Girt should take comfort in knowing that the Borough of Sea Girt Police Department has and shall continue to thoroughly investigate any and all criminal activity within the Borough's borders while actively cooperating with the Monmouth County Prosecutor's Office in joint investigations when appropriate.

Council President reported that the rain garden has been completed in the Plaza by the Library.

- Beacon Blvd. – Read Letter from Earle regarding starting at 7:00am for a 3 week period. Council President suggested that a letter sent out by Earle to all residents on Beacon Blvd. asking them if they object to a 7:00am start time for 3 weeks and if there are no objections allow them to do so. This was made in the form of a motion by Councilman Bogan and Seconded by Councilman Bonacci. The foregoing motion was approved by the following Roll Call Vote:
AYES: Farrell, Niemeyer, Bogan, Crawley, Fetzer, Bonacci
NAYS: None
ABSTAIN: None
ABSENT: None
- Received a letter today regarding the CAFRA permit on the Prendergist property on the Terrace. The Borough has dealt with CAFRA permits on this property prior and he believed that this new one was only changing the location of the second house.
- Fire Official: Starting the first of the year the Borough will be conducting inspections on non-life threatening places such as realtors' offices and banks. The Borough has been lacks about doing this but this should be done for the safety of everyone and is required.
- Read par parts to the Fire report: **Calls – 94 in 2009: 2010 to date 91. Jan: 2 calls, Feb: 10 calls, Mar: 10 calls, April 8, May 8, June 9, July 11, August 15, September 9, October 9. Types: October: incense burning alarm activation, smell of smoke, 7 alarm activations. FYI: 2008 total calls 71, 2009 total calls 94, 2010 to date 91. Goals for 2010:**
(Completed items are highlighted in yellow.)
 1. Firefighter Safety being the first and foremost – New turnout gear ordered – Borough purchase – Finalize this
 2. Additional items to be purchased for Fire Fighters such as harnesses and pass alarms to maintain safety
 3. Organize and finalize the purchase of the SCBA's that will need upgrade and replacing.
 4. Continue with firefighter paging system through e dispatch – borough/company
 5. Continue to work with the Junior firefighter program – We have two members now and are ordering needed equipment for them this month.
 6. Increase in fire police memberships underway – appoint a LT.

7. 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.
8. Get additional probationary firefighters to the fire academy. Get drivers and interested parties to attend additional schooling.
9. Attend a fire academy drill quarterly
10. Provide safety and fire service to the borough 24/7 365 for the 93rd year
11. Continue interpersonal and working relationships within the borough.
12. Assist the line officers in working towards growing their responsibilities and future positions.
13. Electronic filing of reports
14. Finish the upgrade of Dress Uniforms for the company and Fire Police.
15. Revamp and Re energize the Fire Police for Sea Girt

Mayor Clemmensen commented that Harrigan's is hosting a free sit-down dinner at Noon on Thanksgiving for seniors who might otherwise be home alone. The Knights of Columbus #5611 is coordinating rides for that day and if anyone would like more information the number is 732-681-1126.

- Tomorrow is Veterans Day and everyone should appreciate all that they have done. He honored Sea Girt's Veterans that were in attendance at the meeting.
- Woman's Club will be hosting a Fundraising Luncheon and Boutique at the Mill at 11:30 am tomorrow.

R-185-2010 Resolution to Pay Bills

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

RESOLUTION R-185-2010

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 November 10, 2010 in total as follows:

CURRENT FUND	\$ 419,068.38
WATER / SEWER OPERATING FUND	\$ 9,142.28
BEACH OPERATING FUND	\$ 1,887.29
GRANT FUND	\$ 0.00

ANIMAL CONTROL FUND	\$ 3.60
TRUST FUND	\$ 0.00
GENERAL CAPITAL FUND	\$ 4,399.00
WATER / SEWER CAPITAL FUND	\$ 8,420.71
BEACH CAPITAL FUND	\$ 0.00
RECREATION TRUST FUND	\$ 320.00
UNEMPLOYMENT COMP. TRUST	\$ 0.00
PUBLIC ASSISTANCE TRUST 1	\$ 0.00

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

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

NAYS: None

ABSTAIN: Fetzer – 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 Mr. Cademartori, 300 The Terrace, had a question on Third Avenue and the markings on the street. Does this mean Third Avenue is going to be paved? Council President Niemeyer addressed his question and informed him that “yes” Third Avenue would be repaved as part of the Beacon Boulevard road project. Mr. Cademartori commented that thanks to Senator Kean legislation has been introduced to have a setback of 200,000 feet for any large scale wind turbine projects and this is now in committees for review. He asked that the contact information be distributed to the residents so that they can write to these committees. Mayor Clemmensen stated that the Borough cannot advise the resident to do this but can advise them of the information only. Mr. Cademartori also suggested that Council think outside the box on shared services. The Borough needs to look at how costs can be contained and reconsider things that may have been turned down in the past.

Mary Schambach, The Terrace, commented on the CAFRA permit for the Yard property on The Terrace. She stated that the application doesn’t indicate where the house is going and the drawing is lacking in information. She stated that the 30-day timeframe the DEP is giving for comments to be submitted is not enough time for a professional to look at this and give them any information on this. Councilman Bogan stated that Mr. Bunting has requested our Borough Engineer look into this matter. Mary Schambach asked if she could get a copy of the application to provide to an engineer she contacted about the matter. She was advised that a copy could be obtained at Borough Hall.

OTHER BUSINESS

None

ADJOURNMENT

Councilman Bogan offered and moved for adjournment at 9:42pm, Seconded, Councilman Farrell. The motion was approved by unanimous vote and the meeting adjourned.

Lauren Mayer, RMC
Borough Clerk