

MINUTES - BOROUGH OF SEA GIRT
November 8, 2023 - 7:00 PM

The regular/virtual meeting of the Borough of Sea Girt Council was called to order by Mayor Don Fetzer at 7:06 PM on Wednesday, November 8, 2023. Mayor Fetzer asked for a moment of silence to remember those who needlessly lost their lives; he then led those participating in the Pledge of Allegiance.

The Municipal Clerk read the compliance statement: This meeting is called pursuant to the provisions of the Open Public Meetings Act, Chapter 231, P.L.1975: adequate notice of this meeting has been given by posting the Notice on the Borough's Bulletin Board and by transmitting the Notice to the Borough's two official newspapers, *The Asbury Park Press* and *The Coast Star*, as required by law.

1. ROLL CALL

	Present	Absent
Council President Anthony	X	
Councilman Clemmensen	X	
Councilman Downey	X	
Councilman Perry	X	
Councilwoman Richman	X	
Councilman Zakin	X	
Mayor Fetzer	X	

1. PRESENTATION

Mayor Fetzer commented Congressman Chris Smith was not able to attend tonight, but he sent a letter addressing the critical issues of offshore wind construction which will be attached to these minutes. Mayor Fetzer gave an overview of the controversial offshore wind project; a recent decision by Orsted to halt this proposed offshore project is good news, especially for Sea Girt. Jim Gant added he has met with Atlantic Offshore Wind on multiple occasions to express the concern of the project and how it disproportionately it affects our residents. Councilmembers are holding steadfast to their convictions and appreciate the support of Congressman Smith.

2. CONSENT AGENDA: UPON MOTION of Councilwoman Richman, seconded by Councilman Perry, carried, that the following Resolutions be and the same are hereby adopted:

- **R-151-2023: Appoint Class II Special Law Enforcement Officer's for The Borough of Sea Girt**

WHEREAS, the Borough of Sea Girt Police Department is in need of the services of additional Class II Special Law Enforcement Officer's to support its 2024 operations; and,

WHEREAS, the Chief of Police has reviewed the applications and references of qualified candidates, and recommends the following appointments to attend the Monmouth County Police Academy Basic Course for Class II Special Law Enforcement Officers starting tentatively January 1st through May 1st, 2024:

- Kevin Budge
- Cole Duhigg
- Carmine Pannullo III
- Brandon Bautista
- Brendan Parker

and,

NOW, THEREFORE, BE IT RESOLVED that the above candidates be appointed as Class II Special Law Enforcement Officers for the Borough of Sea Girt.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be supplied to Chief Macko for his information and the Chief Financial Officer for action.

- **R-152-2023: Approve a Donation of Two Adult 2024 Season Beach Badges to The Sea Girt Elementary School Craft Market**

WHEREAS, The Sea Girt Elementary School Third Grade Class has requested the donation of two 2024 adult season beach badges to be awarded at the Sea Girt Elementary School Craft Fair to be held at the Sea Girt Elementary School on November 4, 2024.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of Sea Girt authorizes and ratifies the donation of two 2024 adult season beach badges be and the same is hereby approved.

- **R-153-2023: Authorize Refunds for Planning Board Escrow Fee Balances**

WHEREAS, the following corporation has posted escrow for Planning Board application review and the balances remaining in said accounts are as follows:

NAME OF APPLICANT	PROPERTY LOCATION	ACCOUNT BALANCE
James and Kathleen O'Brien	1003 Ocean Avenue	\$1,904.00
Norman Hobbie	712 Morven Terrace	\$1,610.00
Kerryn Shaughnessy	4 Brooklyn Blvd.	\$1,125.10
Diane Rinnovatore	107 Seaside Place	\$1,732.00
519 Washington SG., LLC	535-541 Washington Blvd.	\$2,053.50

WHEREAS, the Planning Board Secretary has advised that all of the fees associated with these applications have been paid in full and the application also has now been withdrawn.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Sea Girt that the remaining escrow balances be refunded to the applicant listed in the amounts specified.

- **R-154-2023: Approve New Jersey State Firemen's Association Application for Membership – Neil Robinson**

WHEREAS, the individual designated below has submitted applications for membership in the Sea Girt Fire Company; and

WHEREAS, Neil Robinson has completed the required application procedures and have been approved for membership by the Fire Company.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sea Girt, in the County of Monmouth, State of New Jersey as follows:

Recorded Vote:

	AYES	NAYS	ABSENT	ABSTAIN
Councilman Clemmensen	X			
Councilman Perry	X			
Councilman Zakin	X			
Council President Anthony	X			

Councilman Downey	X			
Councilwoman Richman	X			

3. APPROVE MINUTES:

- **R-2023: Approve Regular Meeting Minutes of October 11, 2023**

UPON MOTION of Councilman Zakin, seconded by Councilwoman Richman, carried, that the Minutes of the Regular Meeting held October 11, 2023 be and the same are hereby approved.

Recorded Vote:

	AYES	NAYS	ABSENT	ABSTAIN
Councilman Clemmensen	X			
Councilman Perry	X			
Councilman Zakin	X			
Council President Anthony	X			
Councilman Downey	X			
Councilwoman Richman	X			

- **R-2023: Approve Executive Session Minutes of October 11, 2023**

UPON MOTION of Councilwoman Richman, seconded by Councilman Zakin, carried, that the Minutes of the Regular Meeting held October 11, 2023 be and the same are hereby approved.

Recorded Vote:

	AYES	NAYS	ABSENT	ABSTAIN
Councilman Clemmensen	X			
Councilman Perry	X			
Councilman Zakin	X			
Council President Anthony	X			
Councilman Downey	X			
Councilwoman Richman	X			

4. OPEN DISCUSSION:

Mayor Fetzner asked to keep Jillian Ludwig in our thoughts and prayers; he thanked those who attended Coffee with the mayor.

Councilman Clemmensen congratulated and thanked those on their election victories; he also thanked our Veterans for their service; there is a Veterans Day breakfast on November 11th at the Firehouse; there will be plenty of food provided by Ray's Café.

Councilman Zakin congratulated council members recently elected including Hilary Difeo who will be replacing Councilman Clemmensen. He thanked Councilman Clemmensen for his military service and his service to Sea Girt as councilman and past mayor. He further noted there is a switch in Legislative Districts from previous Legislative District 30, which included Senator Robert Singer, Assemblyman Sean Kean, and Assemblyman Ned Thomson. He congratulated Avi Schnall who won an assembly seat and thanked Asm Thomson for his conscientious service. He added that we now will be served by District 10 effective January 2024, which will include Senator James Holzapfel, Assemblyman Gregory McGuckin and Mayor of Point Pleasant Beach, Paul Kinitra who was elected for an open seat. He also congratulated incumbent Commissioner Ross Licitra and thanked Lillian Burry who also retired and will be replaced with Eric Anderson as the newly elected Commissioner.

Councilman Perry congratulated those on their election victory; he echoed the comments of the Ludwig Family and their daughter Jillian; our thoughts and prayers are with during this difficult time.

Councilman Downey offers his appreciation to Councilman Clemmensen and councilmembers for their all their efforts.

Council President Anthony is grateful to Councilman Clemmensen's leadership and guidance. She further commented that there will be a Crescent Park Stewardship Plan Walk and Talk on November 11th at 11:00am -12pm – meet at the tennis courts at Crescent Park; there is also a Sea Girt Conservancy cleanup at Edgemere Park West (Rt 71) on November 18th from 10am-12am.

5. NEW BUSINESS:

ORDINANCE No. 11-2023: The Mayor to read the said Ordinance by Title:

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 17 ZONING,
ARTICLE 17-5.4, MECHANICAL EQUIPMENT OF THE BOROUGH CODE OF THE
BOROUGH OF SEA GIRT**

EXISTING

17-5.4 Mechanical Equipment.

[Ord. #855, § 4-1; Ord. No. 20-2018; amended 10-26-2021 by Ord. No. 14-2021]

All exterior mechanical equipment, including units for heat, ventilation, air- conditioning, pool pumps and accessories, heat pumps, other than individual air- conditioners and permanently installed generators, to serve a building shall be located in the rear yard and/or on the top story of either the principal building or accessory buildings, either inside or outside. If installed in the yard, they shall comply with the rear yard and setback provisions. If installed on the buildings they shall not be visible from the front or side street and shall be located behind physical buffer such as a parapet wall or solid short fence so as to dampen noise effects on neighboring properties.

REVISIONS

~~Strikeout~~ - Remove

Underline - New

17-5.4 Mechanical Equipment.

[Ord. #855, § 4-1; Ord. No. 20-2018; amended 10-26-2021 by Ord. No. 14-2021]

- a. All exterior mechanical equipment, including units for heat, ventilation, air- conditioning, pool pumps and accessories, heat pumps, other than individual air- conditioners ~~and permanently installed generators,~~ to serve a building property shall be located in the rear yard and/or on the top story of either the principal building or accessory buildings, either inside or outside. If installed in the yard, they shall comply with the rear yard and setback provisions. If installed on the buildings they shall not be visible from the front or side street or from ground level of immediately adjacent properties and shall be located behind a solid non-transparent physical buffer such as a parapet wall or solid short fence so as to dampen noise effects on neighboring properties. Such wall or fence shall not be higher than the ridgeline of the structure to which it is placed.
- b. Permanently installed generators shall be located in the rear yard, and shall be installed at grade.
 1. In the event of permanently installed generators being installed within a flood zone, they are permitted to be installed on a platform no higher than one (1) foot above the established base flood elevation for the property, and shall be located behind a solid non-transparent physical buffer to shield from view and to dampen noise effects on neighboring properties.

UPON MOTION of Council President Anthony, seconded by Councilman Clemmensen, carried, that the said Ordinance No. 11-2023 be adopted on first reading, directing the Clerk to post and publish as required by law and setting the date for the public hearing on December 13, 2023.

Recorded Vote:

	AYES	NAYS	ABSENT	ABSTAIN
Councilman Clemmensen	X			
Councilman Perry	X			
Councilman Zakin	X			
Council President Anthony	X			
Councilman Downey	X			
Councilwoman Richman	X			

- **R-155-2023: Authorize Mayor Fetzer to Execute Final Memorandum of Agreement (MOA) between the Borough of Sea Girt and Teamsters Local No. 97 effective January 1, 2023 through December 31, 2027**

UPON MOTION of Councilwoman Richman seconded by Councilman Perry, carried, that the following Resolution be and the same is hereby adopted:

WHEREAS, the Borough of Sea Girt (hereinafter referred to as “Borough”) is a public employer within the meaning of the New Jersey statutes; and,

WHEREAS, Teamsters Local 97 (hereinafter referred to as “Union”) is a duly recognized labor organization under the Public Employment Relations Act; and,

WHEREAS, the Borough and the Union are parties to a collective bargaining agreement which expired December 31, 2022; and,

WHEREAS; the Borough and Union have engaged in good faith collective bargaining and have amicably reached an agreement on October 25, 2023 for the period January 1, 2023 through December 31, 2027, inclusive. Said final Agreement is effective retroactively to January 1, 2023.

NOW, THEREFORE, BE IT RESOLVED that the Borough hereby ratifies the Agreement (on file) and authorizes the Mayor and Clerk to execute the same.

Recorded Vote:

	AYES	NAYS	ABSENT	ABSTAIN
Councilman Clemmensen	X			
Councilman Perry	X			
Councilman Zakin	X			
Council President Anthony	X			
Councilman Downey	X			
Councilwoman Richman	X			

6. COUNCIL REPORTS

Councilman Clemmensen along with Mr. Gant and Chief Macko met with Monmouth County representatives to review the proposed crosswalk at Second Avenue and Washington Boulevard; he shared a copy of the proposal with councilmembers; the plan is to add a shoulder to contain the speed limit and create a safer environment.

Councilman Downey reported there will be a quarterly SMRSA report at our December 13th meeting. Personnel is addressing the ongoing needs of staffing at DPW.

Councilman Perry thanked Kurt and Stephanie Sackariassen for their efforts coordinating the Haunted Hayride and keeping the tradition possible; he also thanked employees, recreation commission, fire department and volunteers for their contributions. There will be a Veterans Day Breakfast on November 11th at the Firehouse between 8-10am. Tree lighting is Friday, December 1st at 7:00 pm and the Holiday Market will precede at 5:00 pm.

Councilwoman Richman reported the BOE is will be naming the gymnasium in honor of Frank A. Mazzitelle in recognition of his 33 years of service to the SGES; the school also honored Sea Girt Resident and WWII Veteran Corporal Joseph “Buckey” Aboussleman; students were enthralled as he shared his stories from WWII. She thanked Councilman Clemmensen for his service to the country and as a councilman. She thanked the Mayor, Councilwoman Anthony and Councilman Downey for attending the Governors Review on October 29th at the NGTC.

Councilman Zakin acknowledged the library hosted a curated visit to John Shibles “Backdoor Garage” which displays his beautiful antique cars.

Council President Anthony thanked the Sea Girt Shade Tree and Sea Girt Conservancy volunteers for placing the tree guards around many of the newly planted Borough trees to protect from deer damage to bark. Also, the Sea Girt Conservancy guest speaker, Danielle Prosser MC Cullough, USFWS Biologist at the SGES Tuesday, November 14th (7p-8p) Topic: Healthy Coastal Habitats and the Atlantic Flyway in Sea GirtFree and open to the public.

Mayor Fetzer thanked all residents for their conservation of water during the summer months and to the Water Department for their efforts. DPW contract and been finalized through 2027. The DOT has awarded the Borough a grant for \$210,000.00 for Third Avenue and Crescent Park. The Fire Company held their safety training last month and their annual food drive; Tree Lighting and Holiday Market is December 1st.

7. ADMINISTRATIVE REPORT:

Jim Gant reported the 2023 Best Practices Inventory. Chief Macko commented the Police Department has partnered with the Manasquan Police Department for The Faith in Blue Toy Drive on December 9th between 12pm and 3pm at St. Denis Church; No Shave November begins through December; Officers are all trained on CED’s; Eight recruits are starting the academy and will graduate in May, 2024. He further overviewed the proposed crosswalk on Washington Boulevard.

9. R-156-PAYMENT OF BILLS

BE IT RESOLVED, by the Borough Council of the Borough of Sea Girt, County of Monmouth that the bills to be paid as appearing on the attached bill lists dated October 25, 2023 and November 3,2023 in the totals as follows:

Beach Operating	\$ 10,483.77
Board of Rec Trust	\$ 4,258.41
Current Fund	\$ 498,508.99
Dog License Trust	\$ 1.20
General Capital	\$ 18,532.08

Trust Other	\$ 1,878.00
Water Operating	\$ 45,707.28
Beach Operating	\$ 10,483.77
Board of Rec Trust	\$ 4,258.41

Recorded Vote:

	AYES	NAYS	ABSENT	ABSTAIN
Councilman Clemmenssen	X			
Councilman Perry	X			
Councilman Zakin	X			
Council President Anthony	X			
Councilman Downey	X			
Councilwoman Richman	X			

10. PUBLIC PARTICIPATION ON ANY SUBJECT: There were no comments from the public.

There being no comments from the public, and by consensus, the public hearing was closed. Borough Attorney, Ray Bogan advised that Council has pending litigation matters to discuss in Executive Session, and requested a motion to adjourn for purposes of litigation discussion. **UPON MOTION** of Councilman Clemmenssen, seconded by Council President Anthony, carried, that the following **Resolution No. 157-2023** be and the same is hereby adopted:

WHEREAS, Section 8 of the Open Public Meeting Act, N.J.S.A. 10:4-12 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.

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 matter(s) to be discussed is pending litigation matters.
3. It is anticipated at this time that the subject matters will be made public, if and when, confidentiality is no longer necessary.
4. Action may be taken upon return to public session.
5. This Resolution shall take effect immediately.

Recorded Vote:

	AYES	NAYS	ABSENT	ABSTAIN
Council President Anthony	X			
Councilman Clemmenssen	X			
Councilman Downey	X			
Councilman Perry	X			
Councilwoman Richman	X			
Councilman Zakin	X			

The Council returned to the public session at 8:20 PM. The mayor advised that Council had discussed pending litigation matters and to take action as follows:

UPON MOTION of Councilman Zakin, seconded by Councilman Perry, carried that the following **Resolution No. 158-2023** be and the same is hereby adopted:

BE IT RESOLVED the Borough of Sea Girt authorizes Borough Attorney, Ray Bogan, be and he is hereby given direction to settle the Nicole B. Dory v. The Borough of Sea Girt matter as accordingly as discussed in Executive Session.

Recorded Vote:

	AYES	NAYS	ABSENT	ABSTAIN
Council President Anthony	X			
Councilman Clemmensen	X			
Councilman Downey	X			
Councilman Perry	X			
Councilwoman Richman	X			
Councilman Zakin	X			

There being no further business, and **UPON MOTION** of Councilwoman Richman, seconded by Councilman Downey, carried, that the meeting be finally and immediately adjourned at 8:22 PM.

Dawn Harriman, RMC
Municipal Clerk