

**MINUTES - REGULAR/VIRTUAL MEETING**  
**February 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 7:02 PM on Wednesday, February 8, 2023. Mayor Fetzer 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**

	<b>Present</b>	<b>Absent</b>
Council President Anthony	X	
Councilman Clemmensen	X	
Councilman Downey	X	
Councilman Perry	X	
Councilwoman Richman	X	
Councilman Zakin		X
Mayor Fetzer	X	

2. **PRESENTATION:** Council President Anthony introduced Leeanne Hoffmann who is a volunteer on the The Sea Girt Conservancy Committee whom provided an update to councilmembers on the creation of the Pollinator Garden and improvements at Edgemere Park.
3. **CONSENT AGENDA- UPON MOTION** of Councilman Clemmensen, seconded by Councilman Perry, carried, that the following Resolutions be and the same is hereby adopted:

*Mayor Fetzer requested the Professional Appointment of H2M Municipal Water and Sewer Engineer be moved to the March 8<sup>th</sup> council meeting to allow further review the contract.*

- **R-09-2023: Appoint Dawn Harriman as Redactor, as mandated by Daniel's Law**

**WHEREAS**, there exists a need for the appointment of a redactor for the Borough of Sea Girt to carry out the redaction protection mandated by Daniels Law; and

**WHEREAS**, Daniel's Law works with the State, county and local government agencies to shield the protected information of Covered Persons as the law defines them from disclosure on those agencies' websites, so that consistent and effective privacy protections are provided to these Persons, who serve the people of the State of New Jersey every day; and,

**WHEREAS**, the redactor(s) will be registered with the Department of Community Affairs;

**NOW THEREFORE BE IT RESOLVED** by the governing body of the Borough of Sea Girt, County of Monmouth, State of New Jersey that Dawn Harriman is hereby appointed Redactor and Megan Thompson as backup Redactor for matters pertaining to Daniel's Law.

- **R-10-2023: Appoint Recycling Coordinator – Trevor Palmer**

**WHEREAS**, the Borough of Sea Girt is desirous of appointing a Recycling Coordinator; and

**WHEREAS**, the Mayor and Council have determined that Trevor Palmer is qualified for the position of a Certified Recycling Coordinator and will be able to perform the duties of Recycling Coordinator as delineated by statute and in the Borough Code, Chapter 2-33.3, and

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and council of the Borough of Sea Girt that Trevor Palmer be and her hereby appointed to serve as Recycling Coordinator effective immediately; the stipend for Recycling Coordinator is \$2,000.00.

- **R-11-2023: Authorize the Borough of Sea Girt Police Department to enter into a Cooperative Pricing Agreement for the Provision and Performance of Goods and Services with the Township of Cranford**

**WHEREAS**, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

**WHEREAS**, the Cranford Police Cooperative Pricing System (ID # 47-CPCPS), hereinafter referred to as the "Lead Agency" has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services;

**WHEREAS**, on February 8, 2023 the governing body of the Borough of Sea Girt, County of Monmouth, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services;

**NOW, THEREFORE BE IT RESOLVED** as follows:

#### **TITLE**

This RESOLUTION shall be known and may be cited as the Cooperative Pricing Resolution of the Borough of Sea Girt.

#### **AUTHORITY**

Pursuant to the provisions of *N.J.S.A. 40A:11-11(5)*, the Chief Executive Officer, Amy Spera *is* hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

#### **CONTRACTING UNIT**

The Lead Agency shall be responsible for complying with the provisions of the, *Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.)* and all other provisions of the revised statutes of the State of New Jersey.

- **R-2023: Authorize Monmouth County Mosquito Control Division to Conduct Aerial Mosquito Control Operations in the Borough of Sea Girt**

**WHEREAS**, the Monmouth County Board of Chosen Freeholders, pursuant to *N.J.S.A. 26:9-27, et seq.*, has elected through its Mosquito Control Division to perform all acts necessary for the elimination of mosquito breeding areas and/or to exterminate mosquitoes within the County; and,

**WHEREAS**, the County has instituted an Integrated Pest Management Program consisting of surveillance, water management, biological control and chemical control to exterminate the mosquito population with the County of Monmouth; and,

**WHEREAS**, prior to conducting aerial dispensing operations over a designated “congested area”, the County is required, pursuant to Federal Aviation Administration Regulation (FAR Part 137.51), to secure prior written approval from the governing body of the political subdivision under which the aircraft is to be operated; and,

**WHEREAS**, the Borough of Sea Girt is designated as a “congested area” by the Federal Aviation Administration and the County has requested that this governing body consent to its proposed aerial dispensing operations.

**NOW, THEREFORE, BE IT RESOLVED** that the Borough Council of the Borough of Sea Girt hereby authorizes the Monmouth County Mosquito Control Division or its agents to apply pesticides by aircraft for mosquito control in certain areas of the Borough of Sea Girt designated by the County as being either larval mosquito habitat or areas harboring high populations of mosquitoes constituting either a nuisance, a health hazard or both with the understanding that: after notifying the Borough of Sea Girt Police Department prior to each and every application a minimum of seven (7) days prior to the commencement of such operations:

- a. The County shall utilize pesticides, application equipment and aircraft that are approved for aerial application by the applicable Federal (USEPA) and State (NJDEP) agencies; and,
- b. Such operations will be performed in compliance with applicable Federal and State regulations; and,
- c. The County will notify the Police Department of each municipality over which aerial pesticide operations are planned at least seven (7) days prior to commencement of such operations.

- **R-13-2023: Appoint SMRSA Representative – Michael Meixsell**

**WHEREAS**, the Boroughs of Belmar, Brielle, Lake Como, Manasquan, Spring Lake, Spring Lake Heights, Sea Girt and the Township of Wall (collectively the “municipalities”) previously adopted a parallel ordinance (the “Ordinance”) establishing the South Monmouth Regional Sewerage Authority (the “Authority”) and in accordance with *N.J.S.A.40A* et al; and,

**WHEREAS**, pursuant to the provisions of the statute and consistent with the Ordinance, each of the member municipalities are to appoint one individual to serve as a Commissioner of the Authority; and,

**WHEREAS**, the Borough Council of Sea Girt has determined that Michael Meixsell shall be appointed to serve as a member of the Authority from February 1, 2023 to January 31, 2028, inclusive, and until his successor be duly appointed.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Sea Girt that Michael Meixsell be and he is hereby appointed to serve as a Commissioner of the Authority in accordance with the terms set forth in the Ordinance and the by Laws of the Authority.

- **R-14-2023: Approve Re-Org/Regular Meeting Minutes of January 4, 2023**
- **R-15-2023: Approve Executive Session Minutes of January 4, 2023**

**Recorded Vote:**

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

**3. OPEN DISCUSSION –**

Mayor Fetzer addressed the many concerns regarding the proposed offshore wind activity and whale washing ashore in our area. Council President Anthony asked for a motion to support coastal mayors unite in calling for a moratorium on all offshore wind activity until investigations are held. **UPON MOTION** of Councilwoman Richman, seconded by Councilman Perry, carried, that the following **R-28-2023** be and the same is hereby adopted:

**WHEREAS**, the Governing Body of the Borough of Sea Girt is calling for immediate suspension of all offshore wind development activity until a comprehensive, thorough investigation is held by Federal and State agencies that confidently concludes these activities are not a contributing factor to recent whale deaths; and

**WHEREAS**, the marine mammal population has seen more than seven tragic deaths of whales on the coasts stretching from New York to New Jersey in a brief period of time; and

**WHEREAS**, the Sea Girt Borough community supports clean energy programs, but seeks to first fully understand the cause of these tragic deaths and what can be done to prevent future losses; and

**WHEREAS**, the Governing Body of the Borough of Sea Girt are of the opinion that offshore activity should be suspended pending further research as to the potential impact such activity has on whales and other marine life; and

**BE IT FURTHER RESOLVED**, the Governing Body of the Borough of Sea Girt shall share its expression by forwarding a copy of this Resolution to all members of the United States House of Representatives and United States Senate representing The Borough of Sea Girt and representing the State of New Jersey.

**BE IT FURTHER RESOLVED** that Governing Body of the Borough of Sea Girt shall also share this Resolution with the Members of the New Jersey State Senate and the New Jersey General Assembly.

**Recorded Vote:**

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

Mayor Fetzter discussed the consideration of an ordinance establishing procedures and standards regarding deployment of small wireless facilities in public right of way in the municipality. Councilman Downey commented he is in support of additional consideration and communication of the ordinance. Mr. Gant further commented 5G is developing technology and this ordinance will allow the borough to be proactive communicating between utilities and municipalities. Borough Attorney, Ray Bogan noted we have the ability to create conditions within the ordinance. Councilman Perry commented this ordinance would formalize the process of communication and put the onerous back on the utility company.

**4. OLD BUSINESS: None**

**5. NEW BUSINESS**

**A. Introduction - Ordinance No. 01-2023:** The Mayor to read the said Ordinance by Title:

**AN ORDINANCE TO AMEND CHAPTER XIX, TREE PRESERVATION AND REMOVAL  
AND SETTING THE REQUIREMENTS FOR SAME IN THE BOROUGH CODE OF THE  
BOROUGH OF SEA GIRT, MONMOUTH COUNTY GIRT, MONMOUTH COUNTY**

*19-1 PURPOSE.*

**[Ord. No. 18-2018]**

The purpose of this chapter is to prevent indiscriminate, uncontrolled, and excessive destruction, removal, and clear cutting of trees upon lots and tracts of land within the Borough of Sea Girt in order to maintain the aesthetic character of the Borough of Sea Girt, prevent erosion, and control actions that will substantially change drainage patterns, and restrict actions that will cause a hazard to persons or property.

*§ 19-2 DEFINITIONS.*

**[Ord. No. 18-2018]**

As used in this chapter:

**CLEAR CUTTING**

Shall mean the removal of all standing trees on a site or portion of a site.

**COMPETENT PUBLIC AUTHORITY**

Shall mean the members of the Shade Tree Commission, the Code Enforcement Officer, Borough Engineer, members of the Sea Girt Police or Public Works Departments, or a N.J. Certified Tree Expert.

**CONSTRUCTION**

Any development on the property that requires a zoning permit, construction permit, or combination thereof.

**DIAMETER AT POINT OF MEASURE (DPM)**

Shall mean the diameter (caliper) of a tree at a point on the tree 54 inches above the actual ground level.

**EMERGENCY**

Shall mean any unforeseen circumstance or occurrence, the existence of which constitutes a clear and immediate danger or hazard to person or property as determined by a N.J. Certified Tree Expert or competent public authority (Borough Engineer);

**PUBLIC RIGHT-OF-WAY**

Shall mean any street or road shown upon a map or plan filed in the Monmouth County Clerk's office or on the Official Map of the Borough of Sea Girt.

**REMOVAL**

Shall mean the actual removal of trees, or direct or indirect actions resulting in the effective removal of trees through damage or poison, or similar actions directly or indirectly resulting in the death of trees subject to the provisions of this chapter. Moving a tree to a different location on the same property does not constitute removal. Removal shall not include pruning for maintenance purposes.

## **SIGNIFICANT SPECIMEN TREES**

Shall mean any tree with a diameter at point of measure exceeding 60% of that of the largest similar tree listed in either the Monmouth County's Largest Trees, prepared and annually updated by the Monmouth County Shade Tree Commission or New Jersey's Big Trees, prepared and updated bi-annually by the Division of Parks & Forestry of the New Jersey Department of Environmental Protection.

## **SITE**

Shall mean any lot, tract, parcel or parcels of land within the Borough.

## **TREE**

Shall mean any living deciduous or evergreen tree with a single trunk at a height of one foot above the root crown, with a normally anticipated mature height of 30 feet or greater (including, but not limited to: Norway; Silver and Sugar Maple; Sweetgum; London Plane; American Sycamore; White and Red Pin Oak; American Elm; Yellow and White Poplar; Copper Beech; Cedar; Spruce; Pine; and Fir).

## **TREE REMOVAL PERMIT**

Shall mean a certificate issued by the Borough to remove trees as defined in this chapter.

## **UNDISTURBED AREA**

Shall mean an area in which trees, shrubs, and understory will not be disturbed by filling, cutting or by any other means.

### *§ 19-3 TREE REMOVAL PROHIBITED.*

#### **[Ord. No. 18-2018]**

No person shall remove, or cause to be removed any existing trees with a diameter of ~~six~~ four inches or greater caliper at point of measure, upon any lands within the Borough of Sea Girt without a tree removal permit except as follows:

- a. ~~Trees that are to be removed as the direct result of a development application that has been approved by the Borough of Sea Girt Planning Board;~~
- b. a. Any trees cut or removed in accordance with a management plan developed by the New Jersey Department of Environmental Protection, Bureau of Forestry, filed with the Construction Official of the Borough;
- e. b. Trees directed to be removed by municipal, County, State or Federal authority. No person shall remove any tree growing on ~~or over~~ a public right-of-way or public land without the express written consent of a competent municipal authority (Code Enforcement Officer, Borough Engineer, etc.) or Shade Tree Commission.

### *§ 19-4 TREE REMOVAL PERMIT.*

#### **[Ord. No. 18-2018]**

A Tree Removal Permit shall be required for the removal of any trees of ~~six~~ four inches or greater caliper at point of measure, as follows:

- a. ~~Trees that are dead, severely damaged by natural causes or accident to the point that the natural habit of the tree cannot be restored as determined by a N.J. Certified Tree Expert or competent public authority trees that are severely diseased and require removal as certified by a N.J. Certified Tree Expert; or trees that pose an imminent public safety hazard as determined by a N.J. Certified Tree Expert or a competent public authority (Police, Department of Public Works, Borough Engineer, etc.).~~
- b. a. An application for zoning approval for the construction of new residences, additions to residences ~~in excess of 300 square feet, or, the construction of swimming pools, or other accessory buildings, or structures~~ improvements for the zoning permit ~~or to the Planning Board for a variance~~ shall include an inventory of all trees on the site. Such trees shall clearly be shown on the ~~construction~~ application plans and identified by size ~~and the removal of same shall be limited to no more than 30% of the total number of trees on the site and shall, in the opinion of the Construction Official or his designee, clearly be necessary for the construction of the subject building or structure. If no trees are to be removed as part of the improvement, then a permit shall not be required.~~
- e. ~~Trees required to be removed subject to a construction permit as issued by the Construction Official for construction of new residences, additions to residences in excess of 300 square feet, or the construction of~~

~~swimming pools or other accessory buildings or structures that are not the subject of Planning Board application approvals. Such trees shall clearly be shown on the construction plans and identified by size and the removal of same shall, in the opinion of the Construction Official or his designee, clearly be necessary for the construction of the subject building or structure.~~

- d. ~~Trees removed by a property owner on his own property where no building permit for a new or replacement principal structure is sought.~~

#### *§ 19-5 TREE REMOVAL PERMIT REQUIREMENTS.*

##### **[Ord. No. 18-2018]**

- a. Application Form. An application form can be obtained from the Code Enforcement Officer or Borough Clerk and shall include the following information:
  1. Name and address (street and lot and block) of the owner of the premises and status of legal entity (individual, partnership, corporation).
  2. Description of the premises where removal is to take place, including lot and block numbers, and street address as assigned if different than the address of the owner.
  3. Purpose of tree removal.
  4. In addition to the application form, a survey showing the approximate location and size of all trees with a diameter at breast height of ~~six~~ four inches or greater caliper that exist on the lot, and identifying those trees to be removed. At the discretion of the Code Enforcement Officer or his/her designee, other appropriate documents may be substituted if a survey is not available.
  5. If a tree is removed under the requirements of Section **19-3** or Section **19-4** ~~paragraph b., c., or d.~~, a mitigation plan must be submitted and approved by the Code Enforcement Officer or his/her designee prior to the issuance of any permit that will provide for the replacement ~~of at least 1/2 of all removed trees~~ by planting a tree of three inches to ~~3-1/2~~ 2 1/2 inches caliper or remitting a fee to the Borough of Sea Girt ~~in the amount of \$500 per tree removed.~~ in accordance with the following:

##### Tree Replacement Requirements

Size of Each Tree Removed	Replacement Trees Required
4 Inches but not more than 6 Inches	1 Tree
6 Inches but not more than 10 Inches	2 Trees
10 Inches but no more than 16 Inches	3 Trees
16 Inches or Greater	4 Trees

##### Tree Replacement Fund Requirements

Size of Each Tree Removed	Replacement Trees Value
4 Inches but not more than 6 Inches	\$500.00
6 Inches but not more than 10 Inches	\$750.00
10 Inches but no more than 16 Inches	\$1,000.00
16 Inches or Greater	\$1,500.00

- b. Trees on a property line requested to be removed shall require written consent of adjoining property owners prior to any approvals or removal.

#### *§ 19-6 FEES.*

##### **[Ord. No. 18-2018]**

1. Upon the filing of an application with the Code Enforcement Officer for a tree removal permit under the terms of this chapter, the applicant shall pay an application fee of \$50 for any trees removed. ~~No fee is required for a tree removed under Section 19-4 paragraph a.~~
2. The applicant may elect, in lieu of planting replacement trees, to pay to the municipality a sum of money

as set forth in Subsection 19-5.5 for each tree required to be planted pursuant to this subsection for the purpose of planting trees and maintenance elsewhere in the Borough. Said funds shall be deposited into the Tree Replacement Fund.

3. Tree Replacement Fund.

- a. Where an applicant chooses to make a contribution to the Tree Replacement Fund in lieu of physically replacing the trees on said property as provided in 19-5.5, the amount of said contribution shall be as set forth in 19-5.5. The Tree Replacement Fund shall be in a separate fund with the dedicated purpose of tree replacement and maintenance within the Borough of Sea Girt

*§ 19-7 PERMIT APPROVAL.*

**[Ord. No. 18-2018]**

- a. Time Limits for Action.
1. The Code Enforcement Officer or his/her designee shall act on an application for a tree removal permit within 30 business days of the receipt of a complete application. Failure to act within 30 days shall be deemed to be an approval of the application and thereafter, a tree removal permit shall be issued.
- b. Duration of Permits.
1. ~~If granted for a lot or parcel of land for which no building permit is required, three months from the date of issuance.~~
2. When granted for a lot or parcel of land for which a building or zoning permit is required but for which no variance, subdivision, or site plan approval is required or has been approved by the Planning Board, until expiration of building permit granted with such tree removal permit. permit shall remain open until applicant requests close out.

*§ 19-8 COMPLETION.*

**[Ord. No. 18-2018]**

1. The holder of a tree removal permit shall notify the Code Enforcement Officer when the tree removal has been completed. The Code Enforcement Officer shall review all cut trees and compare with application. Any deviations to the prior approval shall have the application modified, and any change in replacement tree planting or replacement fund requirements shall be identified and acknowledged by the applicant.
2. Upon construction project completion, a review of the application, replacement plan application, and an on-site review of all trees planted on the property shall be reviewed by the Code Enforcement Officer to ensure compliance.
3. No Certificate of Completion, Certificate of Approval, or Certificate of Occupancy from the Zoning Official or Construction Official shall be issued until all requirements of the replacement plan have been met

**19-9 Removal Requirements**

1. No tree or portion thereof shall be permitted to be felled, dropped, or further cut within the public right-of-way
2. Upon approval, the applicant shall not have any stumps, roots balls, or tree remains on the property for more than 30 days.

*§ ~~19-9~~ 19-10 SIGNIFICANT SPECIMEN TREES.*

**[Ord. No. 18-2018]**

It is presumed that Significant Specimen Trees should only be removed in the most compelling and extraordinary circumstances. Removal will be permitted only after approval by a Hearing Panel, as described in Section ~~19-10~~ **19-11**. The loss of lot yield, building area, or profitability of developmental layout shall be deemed neither compelling nor extraordinary.

*§ ~~19-10~~ 19-11 APPEALS.*

**[Ord. No. 18-2018]**



Whenever any application for a tree removal permit shall be denied by the Code Enforcement Officer or his/her designee, the applicant may appeal the denial to the Borough Administrator by filing a written notice of appeal with the Borough Clerk within 10 days after receiving notice of the denial. Upon receipt of the notice of appeal, the Borough Administrator shall appoint a hearing panel consisting of three members: The Borough Engineer, an employee of the Department of Public Works, and any other designee of the Borough Administrator. This panel shall proceed to hear the appeal upon notice to the applicant within 30 business days of the filing of such notice of appeal. This panel shall have the discretion, after interviewing both the applicant and the Code Enforcement Officer or his/her designee, to reverse, affirm, or modify the aforesaid decision.

*§ 19-11 19-12 PROTECTION OF EXISTING TREES.*

**[Ord. No. 18-2018]**

In connection with any construction, subsequent to tree clearing but prior to the start of other construction, snow fencing or other protective barrier acceptable to the Construction Official and/or Borough Engineer, shall be placed around trees that are not to be removed. The protective barriers shall be placed at the dripline or canopy line of any tree and shall remain in place until all construction activity is terminated. No equipment, chemicals, soil deposits, or construction materials shall be placed within any area so protected by barriers. Any landscaping activities subsequent to the removal of the barriers shall be accomplished with light machinery or hand labor.

*§ 19-12 19-13 EMERGENCY ACTION.*

**[Ord. No. 18-2018]**

In the event of an emergency, trees that pose an imminent public safety hazard as determined by a N.J. Certified Tree Expert or a competent public authority (Police, Department of Public Works, Borough Engineer, etc.), shall have the authority to have such tree removed without requiring that the property owner first apply for a permit. ~~However, the property owner or the designee of such person shall apply for a tree removal permit not later than the end of the second succeeding business day after any regulated activity takes place and may not proceed with non-emergency work including restoration until a permit is obtained.~~

*§ 19-13 19-14 PENALTIES.*

**[Ord. No. 18-2018]**

When regulated trees are removed without a tree removal permit, the affected areas shall be replanted as required by the Code Enforcement Officer or his/her designee. Any such replanting shall be in accordance with the requirements of development regulations. Any person found guilty of violating any of the provisions of this chapter shall be subject to a fine not exceeding ~~\$1,000~~ \$2,000 as determined by the Shade Tree Commission, per removed tree. Each tree removed or destroyed in violation of this section shall be considered a separate violation.

**UPON MOTION** of Council President Anthony, seconded by Councilman Downey, carried, that the said Ordinance No. 01-2023 be and the same is hereby adopted on first reading, directing the Clerk to post and publish as required by law and setting the date of the public hearing as March 8, 2023.

**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	

- **R-16-2023: Authorize Final Payment to Allied Construction Group - \$7,391.56**

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

**WHEREAS**, the Borough of Sea Girt awarded a contract in the amount of \$326,850.00 to Allied Construction Group, Inc., Parlin, NJ for the Project known as Sea Girt Water Treatment Plant Miscellaneous Improvements; and,

**WHEREAS**, field changes resulted in a net decrease in the contract in the amount of \$10,380.00 to the project; resulting in the new contract total of \$316,470.00; and,

**WHEREAS**, the Project is completed and the Contractor has submitted the Request for Final Payment in the amount of \$7,391.56 and the required Maintenance Bond of \$326,850.00 that has been reviewed by the Project Engineer and found to be correct.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Sea Girt as follows:

1. That Change Order and Supplemental Agreement representing a net decrease to the contract \$10,380.00 to a new contract total of \$316,470.00 be and the same is hereby approved;
2. That Final Payment in the amount of \$7,391.56 be and the same is hereby approved

**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	

- **R-17-2023: Authorize Reimbursement of a Construction Permit to Toms River Heating & Air Conditioning for Canceled Humidifier Permit #SG22-00229 in the amount of \$156.00**

**UPON MOTION** of Councilman Clemmensen, seconded by Councilman Downey, carried, that the following Resolution be and the same is hereby adopted:

**WHEREAS**, Toms River Heating & Air Conditioning, 400 Corporate Circle, Toms River, NJ is seeking reimbursement for a permit to install a humidifier which was cancelled by Mr. Horan at 302 New York Boulevard, permit #SG22-00229; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough of Sea Girt agrees to reimburse Toms River Heating & Air Conditioning Co., in the amount of \$156.00.

**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	
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- **R-18-2023: Authorizing the Public Bidding for The Sea Girt Boardwalk Concession Stand for the Summer Season of 2023 (Option Years 2024 And 2025 Respectively)**

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

**WHEREAS**, The Borough Council of the Borough of Sea Girt deem it advisable to solicit bids for the lease of the Borough's Boardwalk Concession stand located adjacent at the intersection of Beacon Boulevard and Ocean Avenue in the Borough of Sea Girt for the summer season 2023 (option years 2024 and 2025); and

**WHEREAS**, The award shall be made to the highest responsible bidder meeting the minimum bid requirements, with at least two (2) years prior concession stand or equivalent experience with demonstrated financial stability, ability to perform, net assets exceeding liabilities by a minimum of \$20,000.00, and that bankruptcy has not been declared during the past three (3) years; 2023: The minimum bid shall be forty two thousand, five hundred dollars (\$42,500.00) and at the conclusion of the 2023 season, the Borough Council may, at their option, renew the contract of the successful bidder for up to two additional seasons (2024, 2025) with the annual rent for 2023 and 2024 to be determined at the time of the optional renewal.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Sea Girt that the following creation of the required bid specifications, the Borough Clerk is directed to advertise for sealed bids for the lease of the Borough's Boardwalk Concession Stand. Bids to be received by the Borough Clerk and opened and read in public in the Borough Hall Municipal Building, 321 Baltimore Boulevard, Sea Girt, NJ 08750 at a date and time established by the Borough Clerk.

**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	

- **R-19-2023: Authorize LESO Program for Sea Girt Police Department**

**UPON MOTION** of Council President Anthony, seconded by Councilman Clemmensen, carried, that the following Resolution be and the same is hereby adopted:

**WHEREAS**, the United States Congress authorized the Defense Logistics Agency (DLA) Law Enforcement Support Office (LESO) 1033 Program to make use of excess Department of Defense personal property by making that personal property available to municipal, county and State law enforcement agencies (LEAs); and

**WHEREAS**, DLA rules mandate that all equipment acquired through the 1033 Program remain under the control of the requesting LEA; and

**WHEREAS**, participation in the 1033 Program allows municipal and county LEAs to obtain property they might not otherwise be able to afford in order to enhance community preparedness, response, and resiliency; and

**WHEREAS**, although property is provided through the 1033 Program at no cost to municipal and county LEAs, these entities are responsible for the costs associated with delivery, maintenance, fueling, and upkeep of the property, and for specialized training on the operation of and acquired property; and

**WHEREAS**, N.J.S.A. 40A:5-30.2 requires that the governing body of the municipality or county approve, by a majority of the full membership, both enrollment in, and the acquisition of any property through, the 1033 Program.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that Sea Girt Police Department is hereby authorized to acquire items of non-controlled property designated “DEMILA,” which may include office supplies, office furniture, computers, electronic equipment, generators, field packs, non-military vehicles, clothing, traffic signal systems, exercise equipment, moving equipment, storage devices and containers, tools, medical and first aid equipment and supplies, construction materials, lighting supplies, beds and sleeping mats, wet and cold weather equipment and supplies, respirators, binoculars and other supplies or equipment of a non-military nature identified the LEA, if it shall become available in the period of time for which this resolution authorized, based on the needs of the Sea Girt Police Department, without restriction; and

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that Sea Girt Police Department is hereby authorized to acquire the following “DEMIL B through Q” property, if it shall become available in the period of time for which this resolution authorized specifically being replacements parts as needed for the up-armored Humvee presently in service; and

**BE IT FURTHER RESOLVED** that the Sea Girt Police Department shall develop and implement a full training plan and police for the maintenance and use of the acquired property; and

**BE IT FURTHER RESOLVED** that the Sea Girt Police Department shall provide a quarterly accounting of all property obtained through the 1033 Program which shall be available to the public upon request; and

**BE IT FURTHER RESOLVED** that this resolution shall take effect immediately and shall be valid to authorize requests to acquire “DEMIL A” property and “DEMIL B through Q” property that may be made available through the 1033 Program during the period of time for which this resolution authorized; with Program participation and all property request authorization terminating on December 31<sup>st</sup> of the current calendar year from January 1, 2023.

**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	

- **R-20-2023: Authorize Shared Service Agreement for The Provision of Emergency Dispatch Services by The County of Monmouth, through The Monmouth County Sheriff's Office, Communications Division**

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

**WHEREAS**, the New Jersey Uniform Shared Services and Consolidation Act (N.J.S.A. 40A:65-1, et seq.) authorizes local units such as this Municipality to enter into shared service agreements with other local units; and,

**WHEREAS**, the Borough wishes to utilize the Monmouth County Sheriff's Office, Communications Division's updated technology to provide the highest quality of dispatch service available to the local Police/Fire/EMS responders; and,

**WHEREAS**, the Borough shall the pay fee for the 2023 year of \$96,213.00; the annual fee for the 2<sup>nd</sup> and 3<sup>rd</sup> years of the agreement shall be subject to a 2.0% increase for each year and,

**WHEREAS**, the effective dates of this agreement shall be for the period January 1, 2023 through December 31, 2025, inclusive.

**NOW, THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Sea Girt, County of Monmouth that the attached agreement is approved and the Mayor and Clerk authorized to execute the said Agreement.

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution and the executed Agreement will be forwarded to the Monmouth County Shared Services Coordinator.

**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	

- **R-21-2023: Authorize Mayor to Execute *Amended* Memorandum of Agreement between the Borough of Sea Girt and PBA Local 50**

**UPON MOTION** of Council President Anthony, seconded by Councilman Clemmensen, 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**, PBA Local 50 (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 July 6, 2022 for the period January 1, 2022 through December 31, 2026, inclusive. Said *amended and final* Agreement is effective retroactively to January 1, 2022.

**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
Council President Anthony	X			
Councilman Clemmensen	X			
Councilman Downey	X			
Councilman Perry	X			
Councilwoman Richman	X			
Councilman Zakin			X	

- **R-22-2023: Authorize Rejection of all Bid Proposals for Building Renovations for the Sea Girt Municipal Building as it Substantially Exceeds the Amount Estimated for the Services**

**UPON MOTION** of Council President Anthony, seconded by Councilman Clemmensen, carried, that the following Resolution be and the same is hereby adopted:

**WHEREAS**, the Borough of Sea Girt advertised a Notice to Bidders for “Renovations for The Sea Girt Municipal Building” to be provided within the Borough on December 20, 2023; and,

**WHEREAS**, the Borough received two responses by the date and time specified for the receipt of bids, as follows:

BIDDER	BASE BID
Wallace Bros., 400 Chambers Bridge Road, Brick, NJ	\$1,278,970
Shorelands Construction, Long Branch, NJ	\$1,714,000

**WHEREAS**, the bids that were submitted substantially exceeds the estimated cost of services, and as such the Borough Council of the Borough of Sea Girt wishes to reject all bids in accordance with N.J.S.A. 40A:11-13.2; and

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Sea Girt, that pursuant to N.J.S.A. 40A:11-13.2, the bids received in response to the Request for Proposal for The Building Renovations for the Sea Girt Municipal Building and the same is hereby rejected as it substantially exceeds the amount estimated for the services.

**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	

- **R-23-2023: Authorize Proposal for Engineering Services for Coastal General Permit Preparation for NJDEP Tier A Municipal Stormwater General Permit**

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

**BE IT RESOLVED** by the Borough Council of the Borough of Sea Girt, County of Monmouth, State of New Jersey that the Borough of Sea Girt retains the Professional Engineering services of Leon S. Avakian, 788 Wayside Road, Neptune, New Jersey 07753, for providing engineering services Coastal General Permit Preparation for 2023 NJDEP Tier A Municipal Stormwater General Permit. The fee is as follows:

- ❖ Review and update the Stormwater Pollution Prevention Plan (SPPP)
  - ❖ Certification of the Stormwater Permit Program – Annual Report and Supplemental Questionnaire
  - ❖ Update the Stormwater outfall map
  - ❖ Begin to develop a GIS based Stormwater Infrastructure map of the entire stormwater conveyance system
  - ❖ Begin to develop a Watershed Inventory Report
  - ❖ Provide advisement and guidance on new or modified NJDEP stormwater regulations to municipal officials.
- The cost to provide the above services is estimated to be \$9,800.00

**BE IT FURTHER RESOLVED** by the Borough Council of the Borough of Sea Girt, County of Monmouth, State of New Jersey, that the Borough authorizes the scope of work as outlined in the submitted proposal with the provision that any subsequent work shall require additional authorization subject to the recommendation of the Governing Body.

**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	

- **R-24-2023: Authorize Leon S. Avakian to prepare a Proposal for Bid Specifications for Repairs and Resurfacing of the Tennis Courts at Bell Place and Crescent Park**

**UPON MOTION** of Council President Anthony, seconded by Councilman Clemmensen, carried, that the following Resolution be and the same is hereby adopted:

**BE IT RESOLVED** by the Borough Council of the Borough of Sea Girt, County of Monmouth, State of New Jersey that the Borough of Sea Girt retains the Professional Engineering services of Leon S. Avakian, 788 Wayside Road, Neptune, New Jersey 07753, approving the proposal for bid specification preparation, construction inspection, advertisement and coordination of bid process for the resurfacing and repair of tennis

courts located in Crescent Park and Bell Place. The fee is as follows:

- **Professional Engineering Services and Bid Specification Preparation, Construction Inspection, Advertisement, Coordination of bid process**
- **Not to Exceed \$7,500.00**

**BE IT FURTHER RESOLVED** by the Borough Council of the Borough of Sea Girt, County of Monmouth, State of New Jersey that the Borough authorizes Leon S. Avakian, Inc. to prepare a bid specification, advertise and coordinate bid process for the resurfacing and repair of tennis courts located in Crescent Park and Bell Place.

**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	

- **R-25-2023: Authorize Proposal for TruView, BSI, LLC Background Screening Services**

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

**WHEREAS**, The Borough of Sea Girt desires to accept a proposal from TruView BSI, LLC, 225 Broadhollow Road, Suite 304, Melville, NY 11747 to perform background screening services for its volunteers working with minors; and

**WHEREAS**, the Monmouth County Municipal Joint Insurance Fund (JIF) and the Municipal Excess Liability Joint Insurance Fund (MEL) addressing the Protection and Safety Treatment of Minors in the 2021 Employee Handbook and require this practice, and

**WHEREAS**, the MEL/JIF has provided the member municipalities with results from a request for proposals to meet the standards of the background process and have identified TruView as a conforming vendor, and

**WHEREAS**, after receiving four quotes for service from Castlebranch Inc., Tabb Inc., Nationwide Screening Services Inc., and TruView Inc., it was determined that TruView provided the needed services at the most cost-efficient price point.

**NOW THEREFORE BE IT RESOLVED**, that the Borough Council of the Borough of Sea Girt authorizes the Mayor and Municipal Clerk to enter into an agreement for the purpose as described herein.

**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	
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## 6. COUNCIL REPORTS

Councilman Clemmensen attended The Light House Citizen Committee meeting and they will be starting their membership drive; tours will resume April 16<sup>th</sup>. He noted today is National Crossing Guard Appreciation Day; he asked everyone to say thank you to a crossing guard for all they do. He asked not to be concerned with the sirens coming from the NGTC, it is part of the recruit class training. The Police Department offers residents to check on their homes while vacant. Residents should have received their borough calendar; please get one at the borough hall or DPW; Recycling Yard is closed the next two Mondays; the following Tuesday will be all zone pickup; February 27<sup>th</sup> is winter garden pickup and again March 20<sup>th</sup> and 27<sup>th</sup>. Please refer to the borough calendar for important dates on trash.

Councilman Downey reported he met with the sewer commission and discussed a well is coming to the end of its life cycle and the committee is reviewing the lifecycle; also noted a led service line inquiry discussion on standards; a rate study was introduced and will continue discussions; grease straps were also discussed and the potential need for an ordinance review. DEP inspection was successful. He congratulated Michael McArthur on obtaining his Certified Public Manager Certificate; congratulations also to Trevor Palmer on obtaining his certification and becoming our Recycling Coordinator; Megan Thompson is currently obtaining her CFO Certification. Employee reviews will be conducted during March.

Councilman Perry reported for Recreation Commissioner Mike D'Altrui that the Polar Plunge was another success spite being the coldest day of the year thus far; 400 registered plungers raising \$40,000 for the Lift Fund Program; he thanked councilmembers, Monmouth County Commissioners, borough staff and all the volunteers for their efforts including Rod's for the post party gathering. Yoga is offered at St. Uriel Church, please visit our website for additional information. Rec desk is the borough's new registration system for all borough activities; paddle clinic registration is underway for both youth and adult instruction.

Councilwoman Richman reported also on behalf of Councilman Zakin noting he attended the Elementary School Strategic Planning Meeting which is focused on mutual communications and interactions within the community and sending districts; he thanked the community who contributed to the great effort put forth by our ordinance review committee on amending the tree ordinance. Mr. Zakin supports coastal mayors unite in calling for a moratorium on all offshore wind activity; he wants to assure that we take reasonable steps to ensure the protection of the public and the environment before plans for offshore winds are finalized.

Mr. Gant also reported for Councilman Zakin that he was pleased to report the results of the Library Board of Trustees Strategic Planning Committee; over 450 members participated to help create this plan which can be found on the borough and the library website; some challenges to our community include assessing options for learning and personal growth, keeping up with technology, reliable health information and safeguarding against identity theft. Top concerns regarding government for the public: fiscal responsibility, open communication and value input from residents/government transparency.

Council President Anthony noted The Holly Club will be doing the screening of the Wild in the Garden State movie on March 2<sup>nd</sup> beginning at 7:00 pm at the Sea Girt Elementary School; The Sea Girt Conservancy will also have a panel regarding the Pollinating Garden on March 23<sup>rd</sup> from 6 – 9 pm.

Mayor Fetzer commented the library is moving along with enthusiasm and energy. He welcomed and thanked Mike Meixsell on his appointment to SMRSA. Coffee with the mayor will resume in February, May, August and November.

## 7. ADMINISTRATIVE REPORT

Mr. Gant reported he was notified by JCP&L that tree trimming work will be conducted in March on their service lines; they will need access to utility right of ways. Budget preparations are underway for 2023. He noted a Department Head meeting was held earlier which is a great collaboration between department heads.

Police Chief Macko recognized David Galarza for participating in the Polar Plunge; he thanked the crossing guards for their work which sometimes goes unnoticed, but they take their jobs very seriously and we are grateful for them. The SLEO's are currently still in the academy and will finish before Memorial Day; Class I's will be appointed at the March 8<sup>th</sup> meeting. The speed trailer located on Washington Boulevard has been successful, if anyone would like it relocated, please contact the police department. The Police Department also had a Department Head meeting at the NGTC discussing 2023 goals.

## 8. R-26-2023: 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 January 12, 2023, January 18, 2023, and February 3, 2023 in the totals as follows:

Beach Operating Fund	\$ 32,171.97
Board of Recreation Trust	\$ 2,959.50
Current Fund	\$ 1,074,808.92
Dog License Trust	\$ 22.80
General Capital	\$ 8,547.69
Grant Fund	\$ 15,708.00
Trust Other	\$ 2,693.00
Water Operating Fund	\$ 128,470.24

### 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	

## 9. PUBLIC PARTICIPATION ON ANY SUBJECT

Tom Schnurr, Beacon Boulevard questioned the boroughs 2023 tax assessments which have increased significantly. Borough Attorney Ray Bogan cautioned councilmembers not to discuss publicly because of pending appeals. He pointed out the fact that the Tax Assessor by statute is intended to be autonomous.

Leanne Hoffmann, Philadelphia Boulevard asked if tax assessments will be modified and reconsidered. Ray Bogan responded to various components of the assessment.

Frank Krause, Beacon Boulevard asked why The Sea Girt Conservancy Bench Program was suspended; he also asked if the borough has permits for the current installed benches and/or fencing in Edgemere Park; is there any intent on development of block 80/lot 20 to connect highway 71 to Edgemere Park; he further asked if a

permit is required for the pollinating garden; if the tree ordinance offers additional leniency of removal of trees; he also noted he would like to join the Sea Girt Conservancy Committee. Leanne Hoffmann offered responses to Mr. Krause's questions.

Marjorie Kane, Crescent Parkway thanked Belmar EMS 911 and the Police Department for their assistance transporting her husband to the hospital; they were incredibly prompt, professional and just unbelievable. She thanked the Sea Girt Conservancy for all their efforts and their wonderful work in the community.

There being no further comments from the public and by consensus, the public hearing was closed at 8:40 PM. Mayor Fetzer advised that Council has existing and potential litigation matters to discuss in Executive Session, and requested a motion to adjourn for purposes of tax assessment appeal discussions; he further noted that action may be taken by Council upon return to public session and that the public is invited to remain outside and may return to the meeting room when the Council returns to public session. **UPON MOTION** of Councilman Clemmensen, seconded by Council President Anthony, carried, the following **Resolution No. 27-2023** 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 Tax Assessment Appeals.
3. It is anticipated at this time that the subject matters will be made public, if and when, confidentiality is no longer necessary. Action may be taken upon return to public session.
4. This Resolution shall take effect immediately.

**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	

Council returned to public session at 9:30 PM. There being no further business, and **UPON MOTION** of Councilman Perry, seconded by Councilman Downey, carried, that the meeting be finally and immediately adjourned at 9:30 PM.

*Dawn Harriman*

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Dawn Harriman, RMC