

MINUTES - REGULAR MEETING
July 14, 2021

NOTICE IS HEREBY GIVEN THAT THE BOROUGH COUNCIL MEETING SCHEDULED FOR JULY 14, 2021 WILL BE A VIRTUAL MEETING; THE MEETING WILL COMMENCE AT 7:10 PM. PLEASE USE THE FOLLOWING INFORMATION, INCLUDING THE PASSCODE SHOWN BELOW, TO LOG IN TO THE MEETING:

Borough Council Regular Meeting
July 14, 2021 07:00 PM Eastern Time

Join Zoom Meeting:

<https://us02web.zoom.us/j/88356600663>

Passcode: 338684

Or One tap mobile :

US: +13017158592,,88356600663# or +13126266799,,88356600663#

US: +13017158592,,81618060909## or +13126266799,,81618060909#

1. **MOMENT OF SILENCE**
2. **SALUTE TO THE FLAG**
3. **COMPLIANCE STATEMENT:**

This meeting is called pursuant to the provisions of the Open Public Meetings Act, C.231, P.L.1975: adequate notice of this meeting has been given by posting a notice on the Borough's website and official bulletin board and by transmitting a copy of the Notice to the Borough's two official newspapers, *The Asbury Park Press* and *The Coast Star* as required by law.

4. **ROLL CALL:**

| | Present | Absent |
|--------------------------|----------------|---------------|
| Mayor | | |
| Councilman Clemmensens | X | |
| Councilman Perry | X | |
| Councilman Begley | X | |
| Council President Fetzer | X | |
| Councilwoman Giegerich | X | |
| Councilwoman Anthony | X | |

Council President Fetzer read a statement of resignation of Mayor Ken Farrell.

1. **Resolution No. 125-2021:** Appointment of James Szewczuk as Probationary Patrolman, Borough of Sea Girt Police Department

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

WHEREAS, the Borough of Sea Girt has the need to fill a vacancy in the Sea Girt Police Department effective immediately; and,

WHEREAS, Chief Macko has recommended that James Szewczuk be appointed to this position; and,

WHEREAS, the Chief Financial Officer certifies that funds are available in the 2021 Budget of the Borough to fund this salary and provision will be made for this salary in future budgets of the Borough.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council hereby appoints James Szewczuk to the position of Probationary Patrolman effective July 16, 2021 at the starting salary of \$47,754.36 and authorizes the Council President Fetzer to administer the Oath of Office to Mr. Szewczuk.

Recorded Vote:

| | AYES | NAYS | ABSENT | ABSTAIN |
|--------------------------|------|------|--------|---------|
| Councilman Clemmensen | X | | | |
| Councilman Perry | X | | | |
| Councilman Begley | X | | | |
| Council President Fetzer | X | | | |
| Councilwoman Giegerich | X | | | |
| Councilwoman Anthony | X | | | |

5. CONSENT AGENDA -

UPON MOTION of Councilwoman Anthony, seconded by Councilman Clemmensen, carried, that the following Resolutions be and the same are hereby adopted:

- a. **Resolution No. 126-2021:** New Jersey State Firemen's Association Application for Membership – John Luke, Jr.

WHEREAS, John E. Luke, Jr. has been admitted to membership in the Sea Girt Fire Company on June 14, 2021 and has submitted an application for membership in the New Jersey State Firemen's Association.

NOW, THEREFORE, BE IT RESOLVED that the application for membership in the New Jersey State Firemen's Association for John E. Luke, Jr. be and the same is hereby approved.

- b. **Resolution No. 127-2021:** Award Contract for the Project Known as Maintenance and Repairs of the Water and Wastewater Collection Systems to Mark Woszczak Mechanical Contractors Inc.

WHEREAS, the Borough of Sea Girt advertised for bids on May 27, 2021 in accordance with the specifications prepared by Leon S. Avakian, Inc. for the Project known as Maintenance and Repairs of the Water and Wastewater Collection Systems in the Borough of Sea Girt, Monmouth County, NJ and received bids on June 10, 2021; and,

WHEREAS, one vendor requested Bid Specifications returning completed bid package by the date and time required in the Bid Specifications:

| BIDDER | BASE BID |
|--|--------------|
| Mark Woszczak Mechanical Contractors, Inc. | \$503,616.26 |

WHEREAS, bids have been reviewed by the QPA and Leon S. Avakian, Inc. for compliance with the Local Public Contracts Law, *N.J.S.A. 40A:11*, et seq.; and,

WHEREAS, Leon S. Avakian, LLC recommends the award of the contract to the lowest responsive bidder, Mark Woszczak Mechanical Contractors, Inc. Manasquan, NJ in accordance with the Local Public Contracts Law, *N.J.S.A. 40A:11*, et seq.; and,

WHEREAS, funds are available for this Project and the Chief Financial Officer has so certified; and,

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The bid of the lowest responsive bidder, Mark Woszczak Mechanical Contractors, Inc. is accepted subject to all conditions outlined in the Notice to Bidders, the Bid Specifications and Contract Documents, in the amount of \$503,616.26.
2. Council President Fetzer and Municipal Clerk are hereby authorized to execute the contract with Mark Woszczak Mechanical Contractors, Inc. for the said Project.
3. The Borough Clerk is authorized to return the bid bond and/or other security received from the unsuccessful bidder(s) within three (3) days after execution of the contract and to notify all bidders of the award of the contract.

- c. **Resolution No. 128-2021:** Accepting A Grant For Body Worn Cameras Pursuant to SFY21 Body-Worn Camera Grant Program

WHEREAS, the Sea Girt Police Department applied for a grant for the purchase of body worn camera pursuant to the SFY21 Body-Worn Camera Grant Program; and

WHEREAS, the SFY21 Body-Worn Camera Grant application was approved for the amount of \$61,140.00; and,

WHEREAS, the Borough has committed funds in the amount of \$17,895.00 to bring the grand total of all funds allocated to the purchase of said cameras to \$79,035.00; and,

WHEREAS, the Borough awarded a contract to Watchguard Video pursuant to State Contract #17DPP00046-Watchguard in the amount of \$79,035.00 for the purchase of said body-worn camera for the Sea Girt Police Department; and,

WHEREAS, the Grant Award Identifier is #21-BWC-395 for the period of 2021-2025.

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Sea Girt hereby accepts the grant in the amount of \$61,140.00.

- d. **Resolution No. 129-2021:** Authorize Modification of a Utility Service Agreement

WHEREAS, the above entity has been formed pursuant to the applicable New Jersey Statutes; and

WHEREAS, in order to ensure standards of service in accordance with all applicable statutes and regulations, the Borough regularly review the capacities and redundancies of its infrastructure systems; and

WHEREAS, the Borough's Water/Sewer Engineer has reviewed same capacities specific to the municipal drinking water distribution system, and found that service to the eastern quadrant of the Borough, specifically in the vicinity of Crescent Park, would be optimized by additional hydrant service; and

WHEREAS, the Borough has researched the capacity of New Jersey American Water (hereinafter NJAW) to amend its hydrant service to the Borough, through the addition of a new hydrant on its regional transmission main, to be located in the approximate vicinity of the intersection of 2nd Avenue and Crescent Parkway; and

WHEREAS, the Borough maintains an existing contract for the annual rental of similar hydrants within the boundaries of the municipal potable water service area;

NOW, THEREFORE, be it resolved that as of this 14th day of July 2021, that:

1. The Borough of Sea Girt shall engage with NJAW to extend its annual hydrant rental agreement, to include the annual rental of a third (3rd) fire hydrant, to be located at the intersection of 2nd Avenue and Crescent Parkway
2. Funds for payment of this contract have been provided for in the 2021 Temporary Budget and shall be included in the 2021 Municipal Budget.
3. The Borough of Sea Girt Clerk shall cause the attached Notice to be published in the Coast Star in compliance with the provisions of N.J.S.A.40A:11-5(l)(a) and (i) and N.J.S.A. 19:44A-20.5, Certification.

e. **Resolution No. 130-2021:** Refund Planning Board Escrow

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 |
|-----------------------------|--------------------------|-----------------|
| John Gelson | 302 Stockton Blvd. | \$3,644.00 |
| Just Us 3, LLC | 523-533 Washington Blvd. | \$2,464.00 |
| Avon Hotel Corporation | 8-12 Beacon Blvd. | \$3,735.00 |
| Finn, Patrick & Brody, Mary | 12 Chicago Blvd. | \$2,910.60 |
| Forlenza, Peter and Ellen | 657 Ocean Avenue | \$2,954.25 |

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.

f. **Resolution No. 131-2021:** Authorize Grant Application to NJDOT for Fiscal Year 2022 – Improvements to Fifth Avenue

WHEREAS, the State of New Jersey, Department of Transportation has notified all municipalities of the availability of funding under the Transportation Trust Fund Municipal Aid Program for the Fiscal Year 2022, and

WHEREAS, the Borough of Sea Girt is desirous of submitting an application under this program for the following purpose:

- Improvements to Fifth Avenue Phase I

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of Sea Girt, County of Monmouth, State of New Jersey, formally approves the grant application for the above stated project; and

FURTHER BE IT RESOLVED that the Borough Engineer, Council President Fetzer and Municipal Clerk are hereby authorized to submit an electronic grant application identified as MA – 2022 – Improvements to Fifth Avenue Phase I - 00558 to the New Jersey Department of Transportation on behalf of the Borough of Sea Girt; and

FURTHER BE IT RESOLVED that the Mayor and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Sea Girt and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

- g. **Resolution No. 132-2021:** Authorize Transfer of CDBG Grant Application – Library Repairs and ADA Upgrades

WHEREAS, the Borough of Sea Girt is applying to transfer funding for the said project through the Monmouth County Community Development Block Grant Program; and

WHEREAS, it is the desire of the Borough of Sea Girt to recommend that the application be submitted as a transfer for a FY2021 Community Development Block Grant Program funding towards ADA Upgrades and General Renovations to the Sea Girt Library to include ADA Accessible Bathrooms, Paver Repairs for ADA Accessibility, Main Entrance Replacement for ADA Accessibility, and Library Shelving Modifications for ADA Accessibility as well as Mechanical, Electrical and Fire Safety Building Upgrades.

NOW, THEREFORE, BE IT RESOLVED, after a public hearing thereon, that the Borough Council of the Borough of Sea Girt has approved this transfer for the project to be known as ADA Upgrades and General Renovation to the Sea Girt Library and authorized the Community Development Program Representative to submit an application for a FY2021 Community Development Block Grant in the amount of \$157,273.00 for the said Project.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be submitted with the application for the FY2021 Community Development Block Grant.

- h. **Resolution No. 133- 2021:** Appoint Full-Time Class II Special Law Enforcement Officer Connor Maliff

WHEREAS, the Borough of Sea Girt Police Department is in need of the services of a full-time Class II Special Law Enforcement Officer to support its 2021 operations and to fill the vacancy left by Special Law Enforcement Officer II James Szewczuk; and,

WHEREAS, the Chief of Police has reviewed the applications and references of qualified candidates, and recommends the appointment of Connor Maliff to this position.

NOW, THEREFORE, BE IT RESOLVED that Connor Maliff be appointed as the full-time Class II Special Law Enforcement Officer for the Borough of Sea Girt, at the hourly rate of \$16.00 per hour, effective on July 16, 2021.

- i. **Resolution No. 134-2021:** Appoint SLEO I Special Law Enforcement Officers – Kristina Stevens and Sara Koch through December 31, 2021

WHEREAS, the Borough of Sea Girt Police Department is in need of the services of a Class I Special Law Enforcement Officers for the period July 16 through December 31, 2021, inclusive; and,

WHEREAS, the Chief of the Sea Girt Police Department has recommended the following person for these positions:

1. Kristina Stevens – 2nd year \$12.50 per hour
2. Sara Koch – 1st year \$12.00 per hour

NOW, THEREFORE, BE IT RESOLVED that Kristina Stevens and Sara Koch be appointed as Class I Special Law Enforcement Officers for the period July 16 through December 31, 2021, inclusive, at the hourly rates noted above for hours worked.

- j. **Resolution No. 135 -2021:** To Memorialize Summer Recreation Staff Appointments Salaries

WHEREAS, the Borough of Sea Girt Police Department is in need of the services of a Class I Special Law Enforcement Officers for the period July 16 through December 31, 2021, inclusive; and,

WHEREAS, the Chief of the Sea Girt Police Department has recommended the following person for these positions:

3. Kristina Stevens – 2nd year \$12.50 per hour
4. Sara Koch – 1st year \$12.00 per hour

NOW, THEREFORE, BE IT RESOLVED that Kristina Stevens and Sara Koch be appointed as Class I Special Law Enforcement Officers for the period July 16 through December 31, 2021, inclusive, at the hourly rates noted above for hours worked.

- k. **Resolution No. 136-2021:** Approve Additional Gate Guard and Volleyball Instructors

WHEREAS, the Beach Manager and Recreation Department have advised that they are in need of additional staff to provide services through the remainder of the 2021 season.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sea Girt that Grace Avoneo be appointed as Gate Guard for the 2021 season at the rate of \$11.10 per hour for hours worked; and Samantha Valentino and Gabriella Valentino as new Volleyball Instructors at the rate of \$23.00 per hour.

- l. **Resolution No. 137-2021:** Pay Bills.

BE IT RESOLVED, by the Borough Council of the Borough of Sea Girt that the bills be paid as appearing on the attached Bill Lists dated July 12, 2021 in the totals as follows:

| | |
|----------------------------|---------------|
| CURRENT FUND | \$ 562,699.65 |
| WATER/SEWER OPERATING FUND | \$ 412,843.09 |
| BEACH OPERATING FUND | \$ 31,651.62 |
| RECREATION TRUST FUND | \$ 8,507.60 |

| | | |
|-----------------|----|-----------|
| TRUST FUND | \$ | 21,252.85 |
| DOG TRUST FUND | \$ | 1.20 |
| GENERAL CAPITAL | \$ | 65,128.46 |

6. **APPROVE MINUTES**

- a. **Resolution No. 138-2021:** Approve Minutes, May 12, 2021 Regular Meeting – Virtual and June 9, 2021 Regular Meeting – Virtual Meeting

UPON MOTION of Councilman Clemmenssen, seconded by Councilwoman Anthony, carried, that the following resolution be and the same are hereby approved:

Recorded Vote:

| | AYES | NAYS | ABSENT | ABSTAIN |
|--------------------------|------|------|--------|---------|
| Councilman Clemmenssen | X | | | |
| Councilman Perry | X | | | |
| Councilman Begley | X | | | |
| Council President Fetzer | X | | | |
| Councilwoman Giegerich | X | | | |
| Councilwoman Anthony | X | | | |

7. **OPEN DISCUSSION**

Councilwoman Anthony thanked Mr. Ferguson and the members of the Monument Committee for their efforts honoring four residents on June 12th.

Councilman Clemmenssen thanked Mayor Farrell for his service and wished him and his family well.

Councilman Perry thanked Mayor Farrell for his service and wished him well; he commended Councilwoman Anthony and the Sea Girt Conservancy on their recognition of their Conservation Efforts.

8. **UNFINISHED BUSINESS:**

- A. Ordinance No. 10-2021:** Council President Fetzer read the said Ordinance by Title, advising of its publication in its entirety in the Asbury Park Press on June 17, 2021

ORDINANCE NO. 10-2021

BEACH ORDINANCE PROVIDING FOR THE ACQUISITION OF VARIOUS
BEACH EQUIPMENT IN AND BY THE BOROUGH OF SEA GIRT, IN THE
COUNTY OF MONMOUTH, NEW JERSEY, AND APPROPRIATING \$57,000

WHEREAS, Council President Fetzer and Council of the Borough of Sea Girt in the County of Monmouth, New Jersey have determined that the purchase of various beach equipment is necessary and

WHEREAS, the Borough has in excess of \$57,000 in its Beach Capital Improvement Fund.

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

Section 1. The improvements described in Section 2 of this ordinance are hereby authorized as beach capital improvement to be undertaken in and by the Borough of Sea Girt, in the County of Monmouth, New Jersey. For the improvements or purposes described in Section 2, there is hereby appropriated \$57,000. Said sum being inclusive of \$57,000 from the Beach Capital Improvement Fund.

Section 2. The improvement hereby authorized to be undertaken consist of the purchase of a Rescue Personal Watercraft, the purchase and installation of a new HVAC unit for the Beach Pavilion, and the purchase of shower stations, together with all purposes necessary, incidental or appurtenant thereto, all as shown on and in accordance with contracts, plans, specifications or requisitions therefore on file with or through the Borough Clerk, as finally approved by the governing body of the Borough.

Section 3. The 2021 capital budget of the Borough will conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government services is on file with the Borough Clerk and is available there for public inspection.

Section 4. The Borough Officials and representatives are hereby authorized to do all things necessary to accomplish the purpose of the appropriation made herein.

Section 5. This ordinance shall take effect as provided by law.

UPON MOTION of Councilman Perry, seconded by Councilman Begley, carried, that the meeting be opened to the public for comments on the said Ordinance only. There were no comments from the public participating and **UPON MOTION** of Councilman Perry, seconded by Councilman Begley, carried, the public hearing was closed.

UPON MOTION of Councilman Clemmensen, seconded by Councilman Begley carried, that the said Ordinance No. 10-2021 be adopted on final reading, directing the Clerk to post and publish as required by law.

Recorded Vote:

| | AYES | NAYS | ABSENT | ABSTAIN |
|--------------------------|------|------|--------|---------|
| Councilman Clemmensen | X | | | |
| Councilman Perry | X | | | |
| Councilman Begley | X | | | |
| Council President Fetzer | X | | | |
| Councilwoman Giegerich | X | | | |
| Councilwoman Anthony | X | | | |

- B. Ordinance No. 11-2021:** Council President Fetzer to read the said Ordinance by Title, advising of its publication in its entirety in the Asbury Park Press on June 17, 2021

ORDINANCE NO. 11-2021

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER VII, TRAFFIC, ARTICLE 7-15.1, PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS FROM MAY 15 TO SEPTEMBER 15; ARTICLE 7-18, ANGLE PARKING; ARTICLE 7-25, VEHICLES OVER DESIGNATED WEIGHT EXCLUDED FROM CERTAIN STREETS; ARTICLE 7-33, SPEED LIMITS AND ARTICLE 7-40.4,

REGULATION FOR THE MOVEMENT AND PARKING OF TRAFFIC ON
MUNICIPAL PARK PROPERTY OF THE BOROUGH CODE OF THE BOROUGH OF
SEA GIRT

New text is **double underlined**.

BE IT ORDAINED by the Council of the Borough of Sea Girt as follows:

Section 1. Article 7-18 ANGLE PARKING is hereby revised by deleting The Terrace, south side of the street, from the schedule of street or parts of streets established as Angle Parking.

Section 2. Article 7-25 VEHICLES OVER DESIGNATED WEIGHT EXCLUDED FROM CERTAIN STREETS, is hereby revised and supplemented as follows:

Vehicles over the registered gross weight are hereby excluded from the streets or parts of streets described except for the pick-up and delivery of materials on such street, or the use of emergency vehicles on such street.

| <i>Name of Street</i> | <i>Tons</i> | <i>Location</i> |
|-----------------------|-------------|--|
| Carriage Way | 10 | Between Trenton Boulevard and Philadelphia Boulevard |
| The Terrace | 10 | Between First and Fifth Avenues |

Section 3. Article 7-33 SPEED LIMITS is hereby revised as follows:

- a. The speed limits for both direction of traffic along the streets of parts thereof described below and made a part of this chapter, are hereby established at the rate of speed indicated.
- b. Regulatory and warning signs shall be erected and maintained to affect the above-designated speed limits. (Ord. No. 417; Ord. No. 915 § 1)

| <i>Name of Street</i> | <i>MPH</i> | <i>Limits</i> | <i>Approval Date</i> |
|-----------------------|------------|--|----------------------|
| The Terrace | 10 | Between First Avenue and Fifth Avenue | |
| <u>Ocean Avenue</u> | <u>15</u> | <u>Between Beacon Boulevard and New York Boulevard</u> | |

Section 4. Article 7-40.4 REGULATION FOR THE MOVEMENT AND THE PARKING OF TRAFFIC ON MUNICIPAL PARK PROPERTY, §2, Speed Limits, is hereby revised as follows:

| <i>Name of Street</i> | <i>MPH</i> | <i>Limits</i> | <i>Approval Date</i> |
|-----------------------|------------|---------------|----------------------|
| Carriage Way | 10 | Entire length | |

Section 5. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed, but only to the extent of such inconsistency.

Section 6. This Ordinance shall take effect twenty (20) days after adoption and final publication as required by law.

UPON MOTION of Councilwoman Anthony, seconded by Councilman Clemmensen, carried, that the meeting be opened to the public for comments on the said Ordinance only. There were no comments from the public participating and **UPON MOTION** of Councilman Perry, seconded by Councilman Begley, carried, the public hearing was closed.

Councilwoman Giegerich asked if it was possible to add handicap parking spots. Councilman Clemmensen responded it was possible on Seaside Place, but on Neptune Place there is no handicap accessibility to the beach.

UPON MOTION of Councilman Clemmensen, seconded by Councilman Perry carried, that the said Ordinance No. 11-2021 be adopted on final reading, directing the Clerk to post and publish as required by law.

Recorded Vote:

| | AYES | NAYS | ABSENT | ABSTAIN |
|--------------------------|------|------|--------|---------|
| Councilman Clemmensen | X | | | |
| Councilman Perry | X | | | |
| Councilman Begley | X | | | |
| Council President Fetzer | X | | | |
| Councilwoman Giegerich | X | | | |
| Councilwoman Anthony | X | | | |

- C. Ordinance No. 12-2021:** Council President Fetzer to read the said Ordinance by Title, advising of its publication in its entirety in the Asbury Park Press on July 3, 2021

BOND ORDINANCE PROVIDING FOR VARIOUS 2021 CAPITAL IMPROVEMENTS BY AND IN THE BOROUGH OF SEA GIRT, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$692,520 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$657,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF SEA GIRT, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), **AS FOLLOWS:**

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Borough of Sea Girt, in the County of Monmouth, State of New Jersey (the “Borough”). For the said improvements or purposes stated in Section 3, there is hereby appropriated the aggregate sum of \$692,520, which sum includes \$35,520 as the aggregate amount of down payments for said improvements or purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the “Local Bond Law”). Said down payments are now available therefor by virtue of appropriations in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$692,520 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$657,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in a principal amount not exceeding \$657,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said obligations are to be issued include, but are not limited to, the following:

| <u>Description</u> | <u>Appropriation</u> | <u>Authorization</u> | <u>Down Payment</u> | <u>Useful Life</u> |
|--|-------------------------|-------------------------|------------------------|--------------------|
| (i) Public Works – Acquisition Of Non-Passenger Vehicles And Equipment Including, But Not Limited To, A Sanitation Truck, Wheel Loader And Mini-Excavator; And | \$480,000 | \$456,000 | \$24,000 | 10.31 years |
| (ii) Police Department – Acquisition, And Installation, As Applicable, Of Non-Passenger Vehicles And Various Equipment Including, But Not Limited To, Body Cameras, A Camera For The Interview Room, and Firearms; And | \$152,520 | \$144,000 | \$8,520 | 6.17 years |
| (iii) Administration – Acquisition Of A Non-Passenger Vehicle For The Code Enforcement Office; Improvements To Borough Facilities Including, But Not Limited To, Acquisition and Installation, As Applicable, Of Security Cameras; Access Door And Records Management Improvements Including, But Not Limited To, Acquisition and Installation, As Applicable, Of Computer Hardware And Software. | \$60,000 | \$57,000 | \$3,000 | 5.83 years |
| TOTALS | <u>\$692,520</u> | <u>\$657,000</u> | <u>\$35,520</u> | |

(b) All such improvements or purposes set forth in Section 3(a) shall include, but are not limited to, as applicable, all engineering, architectural and design work, title searches, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and also shall include all work, materials, equipment, accessories, labor and appurtenances necessary therefor or incidental thereto.

(c) The aggregate estimated maximum amount of bonds or notes to be issued for said purposes is \$657,000.

(d) The estimated cost of said improvement or purpose is \$692,520, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor, being the amount of \$35,520, is the down payment for said improvement or purpose.

SECTION 4. In the event the United States of America, the State of New Jersey, the County of Monmouth and/or a private entity make a contribution or grant in aid to the Borough for the improvements and purposes authorized hereby and the same shall be received by the Borough prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, the County of Monmouth and/or a private entity. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, the County of Monmouth and/or a private entity shall be received by the Borough after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose.

This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Borough as a result of using funds from this bond ordinance as “matching local funds” to receive such contribution or grant in aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough, provided that no note shall mature later than one (1) year from its date unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The Capital Budget or Budgets of the Borough are hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget or Budgets and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs will be on file in the office of the Clerk and will be available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements which the Borough may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 9.01 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$657,000 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$110,000 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the purposes or improvements hereinbefore described.

SECTION 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the bonds or notes authorized by this bond ordinance. The bonds or notes shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the bonds or notes and the interest thereon without limitation as to rate or amount.

SECTION 9. The Borough hereby declares the intent of the Borough to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond

ordinance. This Section 9 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

SECTION 10. The Borough Chief Financial Officer is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The Borough Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the “Rule”) for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 11. The Borough covenants to maintain the exclusion from gross income under section 103(a) of the Code of the interest on all bonds and notes issued under this ordinance.

SECTION 12. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption and approval by the Council President Fetzer, as provided by the Local Bond Law.

UPON MOTION of Councilman Clemmensen, seconded by Councilman Begley, carried, that the meeting be opened to the public for comments on the said Ordinance only. There were no comments from the public participating and **UPON MOTION** of Councilman Begley, seconded by Councilwoman Giegerich, carried, the public hearing was closed.

UPON MOTION of Councilwoman Giegerich, seconded by Councilman Begley carried, that the said Ordinance No. 12-2021 be adopted on final reading, directing the Clerk to post and publish as required by law.

Recorded Vote:

| | AYES | NAYS | ABSENT | ABSTAIN |
|--------------------------|------|------|--------|---------|
| Councilman Clemmensen | X | | | |
| Councilman Perry | | | | X |
| Councilman Begley | X | | | |
| Council President Fetzer | X | | | |
| Councilwoman Giegerich | X | | | |
| Councilwoman Anthony | X | | | |

- D. Ordinance No. 13-2021:** Council President Fetzer to read the said Ordinance by Title, advising of its publication in its entirety in the Asbury Park Press on June 17, 2021

BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO BELL PLACE PARK, BY AND IN THE BOROUGH OF SEA GIRT, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$150,000 THEREFOR (INCLUDING A GRANT EXPECTED TO BE RECEIVED FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION) AND AUTHORIZING THE ISSUANCE OF \$150,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF SEA GIRT, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), **AS FOLLOWS:**

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Borough of Sea Girt, in the County of Monmouth, State of New Jersey (the “Borough”) as general capital improvements. For the said improvements or purposes stated in Section 3, there is hereby appropriated the sum of \$150,000, which is inclusive of a grant expected to be received from the New Jersey Department of Transportation in the amount of \$120,000 (the “Grant”). Pursuant to N.J.S.A. 40A:2-11(c), as amended and supplemented, no down payment is required for the improvement or purpose set forth in Section 3 hereof, as a portion of such project is expected to be funded by the Grant.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the \$150,000 appropriation and until said Grant is received, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$150,000 pursuant to the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the “Local Bond Law”). In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in a principal amount not exceeding \$150,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law. Upon the Borough’s receipt of the Grant, the bonds and notes authorized by this Section 2 hereof shall be reduced by the Grant in accordance with Section 4 hereof.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said bonds or notes are to be issued are improvements to Bell Place Park, including, but not limited to, the construction of an asphalt and/or paver bike path, concrete sidewalks, the acquisition and installation, as applicable, of lighting and an irrigation system; and also including, but not limited to, as applicable, site clearing, excavation and any other associated site work, landscaping improvements and traffic control.

(b) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$150,000. Upon the Borough’s receipt of the Grant, the maximum amount of bonds or notes issued for said improvements or purposes shall be reduced by such amounts in accordance with Section 4 hereof.

(c) The estimated cost of said improvements or purposes is \$150,000.

(d) All such improvements or purposes set forth in Section 3(a) shall also include, but shall not be limited to, as applicable, engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

SECTION 4. In the event the United States of America, the State of New Jersey, and/or the County of Monmouth make a contribution or grant in aid to the Borough, including the Grant, for the improvements and purposes authorized hereby and the same shall be received by the Borough prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey and/or the County of Monmouth. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey and/or the County of Monmouth, including the Grant, shall be received by the Borough after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purposes.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough, provided that no note shall mature later than one (1) year from its date unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of

the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The Capital Budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs will be on file in the office of the Clerk and will be available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense and is an improvement which the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$522,500 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$30,000 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the purpose or improvement hereinbefore described.

SECTION 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the bonds or notes authorized by this bond ordinance. The bonds or notes shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the bonds or notes and the interest thereon without limitation as to rate or amount.

SECTION 9. The Borough hereby declares the intent of the Borough to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 9 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

SECTION 10. The Borough Chief Financial Officer is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The Borough Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the “Rule”) for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 11. The Borough covenants to maintain the exclusion from gross income under section 103(a) of the Code of the interest on all bonds and notes issued under this ordinance.

SECTION 12. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

UPON MOTION of Councilman Clemmensens, seconded by Councilman Begley, carried, that the meeting be opened to the public for comments on the said Ordinance only. There were no comments from the public participating and **UPON MOTION** of Councilman Clemmensens, seconded by Councilman Begley, carried, the public hearing was closed.

UPON MOTION of Councilwoman Giegerich, seconded by Councilman Clemmensens, carried, that the said Ordinance No. 13-2021 be adopted on final reading, directing the Clerk to post and publish as required by law.

Recorded Vote:

| | AYES | NAYS | ABSENT | ABSTAIN |
|--------------------------|------|------|--------|---------|
| Councilman Clemmensens | X | | | |
| Councilman Perry | | | | X |
| Councilman Begley | X | | | |
| Council President Fetzer | X | | | |
| Councilwoman Giegerich | X | | | |
| Councilwoman Anthony | X | | | |

9. NEW BUSINESS:

A. **Ordinance No. 14-2021:** Council President Fetzer to read the said Ordinance by Title:

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER III POLICE REGULATIONS, ARTICLE 3-1, NOISE; OF THE BOROUGH CODE IN THE BOROUGH OF SEA GIRT

Council President Fetzer requested that action on Ordinance No. 14-2021 be tabled until next meeting scheduled for August 11th to allow for additional amendments to be included in this Ordinance. **UPON MOTION** of Councilman Begley, seconded by Councilman Clemmensens, carried that the motion to table Ordinance No. 14-2021 be and the same is hereby approved.

Recorded Vote:

| | AYES | NAYS | ABSENT | ABSTAIN |
|--------------------------|------|------|--------|---------|
| Councilman Clemmensens | X | | | |
| Councilman Perry | X | | | |
| Councilman Begley | X | | | |
| Council President Fetzer | X | | | |
| Councilwoman Giegerich | X | | | |
| Councilwoman Anthony | X | | | |

B. **Ordinance No. 15-2021:** Council President Fetzer to read the said Ordinance by Title:

AN ORDINANCE AMENDING CHAPTER 17, "ZONING", SECTION 17-3.1 "ZONING DISTRICTS", SECTION 17-3.3, "DESCRIPTION OF ZONING DISTRICTS" AND SECTION 17-4.1 "SCHEDULE OF LIMITATIONS", OF THE CODE OF THE BOROUGH OF SEA GIRT BY CREATING A NEW ZONING DISTRICT ENTITLED AFFORDABLE HOUSING ZONING DISTRICT (AH-1)

WHEREAS, the Borough was the subject of a Mount Laurel exclusionary zoning suit filed in the Superior Court of New Jersey entitled 501 Washington Blvd, LLC, 503 Washington Blvd., LLC, Sea Girt Fifth Avenue LLC, Sitco Sea Girt, LLC v. Borough of Sea Girt, Borough Council of Sea Girt, and Sea Girt Planning Board, (the plaintiffs shall be collectively referred to as the “Developer”), Docket No. MON-L-000102-20, seeking to compel the Borough to provide a realistic opportunity for the construction of housing affordable to low and moderate-income households and their fair share of the housing region’s need for such housing, (“Builder’s Remedy Action”); and

WHEREAS, the Developer is the owner of identified as Block 76, Lot 1, Block 76, Lot 2 Block 77, Lot 16, and Block 77, Lot 17 (the “Properties”); and

WHEREAS, the Borough and the Borough Planning Board entered into a Settlement Agreement with the Developer in the Builder’s Remedy Action allowing the Properties to be collectively developed with a total of 19 units, of which 3 units will be deed restricted as affordable housing available to very low, low and moderate-income households in conformance with the specific terms of the Settlement Agreement; and

WHEREAS, the Court conducted a Fairness Hearing on June 3, 2021 and as a result of the hearing, it preliminarily approved the Settlement Agreement finding it fair, reasonable and adequately protecting the interests of very low, low and moderate-income households in the region; and

WHEREAS, the court’s approval of the Settlement Agreement requires the Borough to rezone the Properties to allow for a 19-unit family rental project including 3 affordable housing units available to very low, low and moderate-income households in order to assist the Borough in meeting its obligation to create a realistic opportunity to provide for the Borough’s fair share of affordable housing; and

WHEREAS, this Ordinance shall set forth the zoning regulations and bulk standard requirements for all development within the newly created AH-1 Zone; and

WHEREAS, the Borough Council of the Borough of Sea Girt, County of Monmouth, State of New Jersey finds it is in the best interest of the Borough to comply with the Court’s Order and implement the terms and conditions of the Settlement creating the Affordable Housing Zoning District (AH-1).

NOW THEREFORE BE IT ORDAINED by the Borough Council of the Borough of Sea Girt, County of Monmouth, State of New Jersey, that Chapter 17, Sections 17-3.1, 17-3.3 and Section 17-4.1 shall be amended to include a new Section entitled Affordable Housing Zone (AF-1), which shall regulate development through the following zoning regulations and bulk standards. (additions are underlined)

Section 1.

Section 3.1 Zoning Districts shall be amended as follows:

| | | |
|----|--------|---------------|
| 1E | 1 East | Single Family |
| 1W | 1 West | Single Family |

| | | |
|----|--------|---------------------------|
| 2E | 2 East | Convenience Commercial |
| 2W | 2 West | Convenience Commercial |
| 3 | 3 | Beach |
| 4 | 4 | Recreational Open Space |
| 5 | 5 | Affordable Housing |

Section 2.

Section 3.3 Description of Districts shall be amended to include a new subsection (g) as follows:

a-f No changes

g. District 5-The properties designated as Block 76, Lot 1, Block 76, Lot 2 Block 77, Lot 16, and Block 77, Lot 17 on the Borough of Sea Girt’s tax map.

Section 3.

Section 17-4.1 Schedule of Limitations shall be amended to include a new zoning District entitled Affordable Housing (AH-1) as follows:

AFFORDABLE HOUSING ZONE

A. Purpose

The purpose of the Affordable Housing Zone is to provide a realistic opportunity for very low, low and moderate- income housing within an inclusionary development. The creation of the Affordable Housing Zone is in furtherance of the Borough’s Settlement Agreement in the matter captioned 501 Washington Blvd, LLC, 503 Washington Blvd., LLC, Sea Girt Fifth Avenue LLC, Sitco Sea Girt, LLC v. Borough of Sea Girt, Borough Council of Sea Girt, and Sea Girt Planning Board, Superior Court of New Jersey, Law Division-Monmouth County, Docket No. MON-L-000102-20 The zone appears on the zoning map impacting Block 76, Lots 1 and 2; and Block 77, Lots 16 and 17.

Pursuant to the settlement agreement, the Affordable Housing Zone permits: 10 apartment units on Block 77, Lots 16 and 17; and nine apartment units, of which 3 will be available to low, very low and moderate-income households, and one retail use on Block 76, Lots 1 and 2. The settlement agreement includes a concept plan that is the basis of this ordinance.

B. Permitted Principal Uses:

1. Apartment units on all floors
 2. Mixed-Use buildings that include commercial or office space on the first floor and housing on the second and third floors. A mixed use building may also include housing on the first floor.
- C. Permitted Accessory Uses: Uses that are customary and incidental to multi-family housing, including, but not limited to:
1. Parking
 2. Garages
 3. Club rooms
 4. Fitness facility
 5. Satellite Dish
 6. Signs
 7. Fences
 8. Trash Enclosure
 9. Temporary construction trailers
 10. Utility pump stations, transformers, switches and meter facilities to support the development
 11. Management and/or leasing office
 12. HVAC units
 13. Generators
- D. Bulk regulations: Pursuant to this ordinance, Washington Boulevard is the front yard and Fifth Avenue is a side yard.
- | | |
|--|--|
| 1. <u>Minimum Lot frontage along front yard. (Feet)</u> | <u>95</u> |
| 2. <u>Minimum Lot Frontage Along Side Yard (Feet)</u> | <u>145</u> |
| 3. <u>Minimum Front Yard Setback – (Feet)</u> | <u>10</u> |
| 4. <u>Minimum Side Yard Setback from Fifth Avenue – (Feet)</u> | <u>10</u> |
| 5. <u>Minimum Side yard from other property line (Feet)</u> | <u>0 on north side of Washington Avenue and 10 feet on the south side of Washington Avenue</u> |
| 6. <u>Minimum Rear Yard Setback (Feet)</u> | <u>40</u> |
| 7. <u>Maximum Height (Stories/Feet)</u> | <u>3/45</u> |
| 8. <u>Maximum Building Coverage (Percent)</u> | <u>40</u> |
| 9. <u>Maximum Improved Lot Coverage (Percent)</u> | <u>85</u> |
- E. Projections from buildings, such as, but not limited to balconies, patios, chimneys and windows may extend into the building set-back provided they shall be set-back a minimum of 5’ from the front yard property line and 5’ on the side yard property line.
- F. Area, Yard and Bulk Requirements for Accessory Structures (including parking) & Uses. Pursuant to this ordinance, Washington Boulevard is the front yard and Fifth Avenue is a side yard. No accessory structures shall be permitted in the front yard set-back.
- | | |
|--|----------|
| 1. <u>Minimum Side Yard Set-back from Fifth Avenue (Feet)</u> | <u>5</u> |
| 2. <u>Minimum Side Yard from western property line (Feet)</u> | <u>2</u> |
| 3. <u>Minimum Rear Yard Setback (Feet)</u> | <u>3</u> |
| 4. <u>Minimum Distance Between Accessory and Principal Structures (Feet)</u> | <u>0</u> |

5. Maximum Height (Stories/Feet)

1/15

G. Parking

1. Commercial uses - 0 spaces
2. Residential uses - 1.7 spaces

H. Notwithstanding the set-back requirements for other accessory uses, fencing is permitted along the rear yard or the western side yard property line. Such fencing may be up to six feet in height and be of solid construction. Fencing may be provided in lieu of landscaping.

I. Signage.

1. One monument sign with a maximum area of 30 square feet may be provided along Washington Boulevard if set-back five feet from the property line.
2. Numbers indicating the addresses of the multi-family residential buildings are permitted to be mounted on the building facade, not to exceed 8 square feet and not to protrude more than 6 inches from the building's surface.

J. Deviations from Concept Plan. Development in the Affordable Housing Zone shall generally conform to the Concept Plan, dated October 4, 2020, prepared by Dynamic Engineering. However, it is the intent that the applicant can make reasonable refinements to the Concept Plan and that the Board shall approve those refinements even if such refinement requires a "c" variance.

K. Affordable Housing – Fifteen (15) percent of all the housing units shall be affordable to very low, low and moderate-income households. The affordable units within the inclusionary development shall be constructed pursuant to the phasing schedule at N.J.A.C. 5:93-5.6(d).

- a. The development of all affordable units shall comply with the Uniform Housing Affordability Controls (UHAC), N.J.A.C. 5:80-26.1 et. seq. or any successor legislation. Similarly, the monitoring, advertisement, tenant eligibility requirements, and deed restrictions shall comply with the UHAC regulations.
- b. A minimum of 50% of all affordable units shall be affordable to very-low and low-income households. All other affordable units shall be affordable to moderate-income households.
- c. A minimum of 13% of all affordable units will be affordable to very-low income households, defined as households earning no more than 30 percent of median income.

L. Conflicting Standards and Exemptions – The standards set forth in the AH-1 Zone shall supersede any conflicting standards elsewhere in the Land Development Ordinance. It is recognized that the subject properties are relatively flat; and therefore, any Borough land regulation related to slope shall not apply to the Affordable Housing Zone. No municipal standard regulating tree removal or tree replacement shall apply in the Affordable Housing Zone.

BE IT FURTHER ORDAINED, that

- A. All other Ordinances or provisions of the Code of the Borough of Sea Girt or parts thereof, which are inconsistent with any provisions in this Ordinance, are hereby repealed to the extent of such conflict or inconsistency.
- B. If any provision or portion of this Chapter is held to be unconstitutional, preempted by Federal or State Law or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this chapter shall not be invalidated.
- C. This Ordinance shall take effect upon its passage and publication as required by law.

UPON MOTION of Councilman Clemmenssen, seconded by Councilman Perry, carried, that the said Ordinance 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 August 11, 2021.

Recorded Vote:

| | AYES | NAYS | ABSENT | ABSTAIN |
|--------------------------|------|------|--------|---------|
| Councilman Clemmenssen | X | | | |
| Councilman Perry | X | | | |
| Councilman Begley | X | | | |
| Council President Fetzer | X | | | |
| Councilwoman Giegerich | X | | | |
| Councilwoman Anthony | X | | | |

- c. **Resolution No. 139-2021:** Approve Amendments to Crescent Park Forest Stewardship Plan

Councilwoman Anthony thanked those involved for their efforts with regard to assisting the process on behalf of Crescent Park and the echo system. She asked Mr. Bogan to address the changes in the amendment; Mr. Bogan commented that there were some discrepancies in the plan regarding types of activity in the park which was not reflected in the plan. He noted the next step will be the maintenance and preservation in the plan.

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

WHEREAS, the Sea Girt Recreation Committee proposed that a second platform tennis court and viewing area be constructed in the northeast section of Crescent Park, adjacent to the existing tennis and platform tennis courts; and,

WHEREAS, while considering this proposal the Council observed that the Crescent Park Forest Stewardship Plan (“Plan”) omitted, inter alia, a pre-existing and key use of the north end of the park for active recreational use, in particular, for tennis and platform tennis. More specifically the Plan stated, inter alia, that “the park remains in integral piece of open space for passive recreation...”, (page 4), thereby failing to acknowledge the existing tennis courts and platform tennis court; and

WHEREAS, other omissions and oversights were found in the Plan; and

WHEREAS, as a result the Borough Forester presented to the State of New Jersey’s Forest Service edits to the Plan to address and acknowledge the existing active recreation in Crescent Park and the placement of the proposed platform tennis court, and will in the future review with the appropriate councilmanic committee or committees, Borough Commissions and Sea Girt Conservancy, further

revisions where necessary or deemed appropriate, based on the aforementioned omissions, oversights, and best measures to maintain and enhance Crescent Park.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Sea Girt that and the same is hereby approved.

1. The council ratifies the changes made to the Crescent Park Forest Stewardship Park Forrest Plan which expressly incorporate the pre-existing active recreational use in the end of Crescent Park and establish an area for placement of the proposed platform tennis court, is approved.
2. The council hereby authorizes the Mayor, or Council President in his stead, to execute the Stewardship Pledge for said Plan.

Recorded Vote:

| | AYES | NAYS | ABSENT | ABSTAIN |
|--------------------------|------|------|--------|---------|
| Councilman Clemmensen | X | | | |
| Councilman Perry | X | | | |
| Councilman Begley | X | | | |
| Council President Fetzer | X | | | |
| Councilwoman Giegerich | X | | | |
| Councilwoman Anthony | X | | | |

d. Resolution No. 140-2021: Authorize Foreclosure of Tax Certificate

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

WHEREAS, the Borough of Sea Girt holds a tax sale certificate, number 17-00001, on Block 84, Lot 1.01, Beacon Boulevard, Borough of Sea Girt, and

WHEREAS, said tax sale certificate was duly recorded on February 8, 2018, with the County of Monmouth, and

WHEREAS, The Borough's Tax Collector has requested the council to authorize the foreclosure of said tax certificate,

BE IT RESOLVED, therefore, by the governing body of the Borough of Sea Girt, Monmouth County and State of New Jersey, that the Borough Attorney bring an action to obtain a judgment of foreclosure on Tax Sale Certificate number 17-00001, by summary proceedings, IN REM, and as described by N.J.S.A. 54:5-104.29 to 54:5-104.71 as amended, and pursuant to the Rules of Civil Practice of the Superior Court of New Jersey.

Recorded Vote:

| | AYES | NAYS | ABSENT | ABSTAIN |
|--------------------------|------|------|--------|---------|
| Councilman Clemmensen | X | | | |
| Councilman Perry | X | | | |
| Councilman Begley | X | | | |
| Council President Fetzer | X | | | |
| Councilwoman Giegerich | X | | | |
| Councilwoman Anthony | X | | | |

- e. **Resolution No. 141-2021:** Approve Person To Person Transfer of Plenary Retail Consumption License No. 1344-33-002-005 to Cover Premises at 507 Washington Boulevard

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

WHEREAS, application has been made to the Borough Council of the Borough of Sea Girt, County of Monmouth, State of New Jersey by Chef's Sea Girt LLC for the Person to Person transfer of Plenary Retail Consumption License No. 1344-33-002-005 to cover premises at Rod's Olde Irish Ale House, 507 Washington Boulevard, Sea Girt, New Jersey; and

WHEREAS, the applicant has submitted the necessary documents, paid the required transfer fees, provided public notice of the transfer application pursuant to ABC regulations and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to the standards established by Title 33 of the New Jersey Statutes, the regulations promulgated thereunder as well as pertinent local ordinances and conditions consistent with Title 33; and the applicant has disclosed and the issuing authority has reviewed the source of funds for the purchase of the license and the licensed business; and

WHEREAS, Detective Matthew Mason has performed the required background investigation of the principal owners of the applicant and the Chief of Police has determined the applicants have successfully passed all checks; and

WHEREAS, no objections to the license transfer have been filed with the Borough Clerk; and

WHEREAS, the applicant has requested the transfer carry an effective date of July 15, 2021; and

NOW, THEREFORE BE IT RESOLVED on the 14th day of July, 2021, by the Borough Council of the Borough of Sea Girt, in the County of Monmouth and State of New Jersey, that the person to person transfer application of Rod's Old Irish Ale House, Inc. is approved as of July 14, 2021.

BE IT FUTHER RESOLVED that a certified copy of this resolution is forwarded to the Director of the New Jersey Division of Alcoholic Beverage Control.

Recorded Vote:

| | AYES | NAYS | ABSENT | ABSTAIN |
|--------------------------|------|------|--------|---------|
| Councilman Clemmensen | X | | | |
| Councilman Perry | X | | | |
| Councilman Begley | X | | | |
| Council President Fetzer | X | | | |
| Councilwoman Giegerich | X | | | |
| Councilwoman Anthony | X | | | |

- f. **Resolution No. 142-2021:** Approving The Place To Place Transfer of Plenary Retail Consumption License No. 1344-33-002-005 To Cover Premises At 507 Washington Boulevard.

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

WHEREAS, application has been made to the Borough Council of the Borough of Sea Girt, County of Monmouth, State of New Jersey by Chef's Sea Girt LLC for the Place to Place Transfer of Plenary Retail Consumption License No. 1344-33-002-005 to cover premises at Rod's Olde Irish Ale House, 507 Washington Boulevard, Sea Girt, New Jersey; and

WHEREAS, the pending transfer was advertised in the Asbury Park Press on June 4, 2021 and June 11, 2021 and no complaints have been filed with the Borough Clerk; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, the license has been properly renewed for the current license term;

NOW, THEREFORE BE IT RESOLVED on the 14th day of July, 2021, by the Borough Council of the Borough of Sea Girt, in the County of Monmouth and State of New Jersey, that the Place to Place transfer application of Rod's Old Irish Ale House, Inc. is approved with the effective dated as of July 15th, 2021.

Recorded Vote:

| | AYES | NAYS | ABSENT | ABSTAIN |
|--------------------------|------|------|--------|---------|
| Councilman Clemmensen | X | | | |
| Councilman Perry | X | | | |
| Councilman Begley | X | | | |
| Council President Fetzer | X | | | |
| Councilwoman Giegerich | X | | | |
| Councilwoman Anthony | X | | | |

10. COUNCIL REPORTS:

Councilman Clemmensen reported as follows:

- DPW does not accept grass clippings or garden debris; trash and recycling should be out by 7:00 am;
- Public Safety – three vehicles were stolen recently; please secure your vehicles.

Councilman Perry reported as follows:

- The Sea Girt Stroll and movie on the beach have been rescheduled for July 22nd; the pavilion will be open;
- August 7th is the Sea Girt 5K; largest fundraiser for our Recreation Department; if you would like to volunteer please contact Mr. Perry.

Councilman Begley reported as follows:

- Thanked Mayor Farrell for his efforts, especially on the Finance Committee;
- He requested Councilman Perry to replace Mayor Farrell on the Finance Committee; a meeting will be scheduled soon to review finances to date.

Councilwoman Anthony reported as follows:

- Bike Path bid specifications came in above budget; new bid process will be initiated;
- One day beach closing due to recent tropical storm which was supported by The Department of Environmental Protection Guidelines.

Councilwoman Giegerich reported as follows:

- Children’s programs have been well received at the library; story time on the boardwalk resumes Wednesdays in July and August;
- Beach Report – 4th of July weekend weather didn’t cooperate; strong season badge sales to date; Jr. Lifeguard Tournaments begin next week; mini guard begins July 16th; Surf School still has available sessions for week two session;
- Lifeguard Team had an eventful weekend saving two lives; thanked Tim Harmon and his fantastic Lifeguards.

Council President Fetzer reported as follows:

- Filter Mediator Replacement is almost complete; final testing by Friday;
- Chicago Boulevard sewer line replacement is ongoing;
- Water flows are continuously going down;
- Reminder to residents to conserve water during the summer months.

11. ADMINISTRATOR REPORT:

- Mr. Gant reported the current mediator was over ten years old; a benefit to replacing the mediator filter avoids excessive backwashing which saves water;
- He congratulated Officer James Szewczuk on his promotion;
- He wished Mayor Farrell well and appreciated his time;
- There is a meeting tomorrow to address the needs of the Borough Hall and compliance standards;
- Ordinance No. 11-2021 was to address the speed limit on Ocean Avenue and Beacon Boulevard;
- The Borough is still accepting resumes for the Recreation Director.

Mr. Bogan expressed his appreciation to Mayor Farrell. He noted that in Ordinance 15-2021 there is a de minimis change required on Page 4 Section J. A slight modification is requested to change the language of October 4, 2020 to December 4, 2020. Council President Fetzer requested to re-introduce Ordinance No. 15-2021 *as amended* and **UPON MOTION** of Councilwoman Anthony, seconded by Councilman Clemmensen, carried, that the said Ordinance be and the same is hereby adopted *as amended* on first reading, directing the Clerk to post and publish as required by law and setting the date of the public hearing as August 11, 2021.

AN ORDINANCE AMENDING CHAPTER 17, “ZONING”, SECTION 17-3.1 “ZONING DISTRICTS”, SECTION 17-3.3, “DESCRIPTION OF ZONING DISTRICTS” AND SECTION 17-4.1 “SCHEDULE OF LIMITATIONS”, OF THE CODE OF THE BOROUGH OF SEA GIRT BY CREATING A NEW ZONING DISTRICT ENTITLED AFFORDABLE HOUSING ZONING DISTRICT (AH-1)

WHEREAS, the Borough was the subject of a Mount Laurel exclusionary zoning suit filed in the Superior Court of New Jersey entitled 501 Washington Blvd, LLC, 503 Washington Blvd., LLC, Sea Girt Fifth Avenue LLC, Sitco Sea Girt, LLC v. Borough of Sea Girt, Borough Council of Sea Girt, and Sea

Girt Planning Board, (the plaintiffs shall be collectively referred to as the “Developer”), Docket No. MON-L-000102-20, seeking to compel the Borough to provide a realistic opportunity for the construction of housing affordable to low and moderate-income households and their fair share of the housing region’s need for such housing, (“Builder’s Remedy Action”); and

WHEREAS, the Developer is the owner of identified as Block 76, Lot 1, Block 76, Lot 2 Block 77, Lot 16, and Block 77, Lot 17 (the “Properties”); and

WHEREAS, the Borough and the Borough Planning Board entered into a Settlement Agreement with the Developer in the Builder’s Remedy Action allowing the Properties to be collectively developed with a total of 19 units, of which 3 units will be deed restricted as affordable housing available to very low, low and moderate-income households in conformance with the specific terms of the Settlement Agreement; and

WHEREAS, the Court conducted a Fairness Hearing on June 3, 2021 and as a result of the hearing, it preliminarily approved the Settlement Agreement finding it fair, reasonable and adequately protecting the interests of very low, low and moderate-income households in the region; and

WHEREAS, the court’s approval of the Settlement Agreement requires the Borough to rezone the Properties to allow for a 19-unit family rental project including 3 affordable housing units available to very low, low and moderate-income households in order to assist the Borough in meeting its obligation to create a realistic opportunity to provide for the Borough’s fair share of affordable housing; and

WHEREAS, this Ordinance shall set forth the zoning regulations and bulk standard requirements for all development within the newly created AH-1 Zone; and

WHEREAS, the Borough Council of the Borough of Sea Girt, County of Monmouth, State of New Jersey finds it is in the best interest of the Borough to comply with the Court’s Order and implement the terms and conditions of the Settlement creating the Affordable Housing Zoning District (AH-1).

NOW THEREFORE BE IT ORDAINED by the Borough Council of the Borough of Sea Girt, County of Monmouth, State of New Jersey, that Chapter 17, Sections 17-3.1, 17-3.3 and Section 17-4.1 shall be amended to include a new Section entitled Affordable Housing Zone (AF-1), which shall regulate development through the following zoning regulations and bulk standards. (additions are underlined)

Section 1.

Section 3.1 Zoning Districts shall be amended as follows:

| | | |
|----|--------|---------------------------|
| 1E | 1 East | Single Family |
| 1W | 1 West | Single Family |
| 2E | 2 East | Convenience Commercial |

| | | |
|----|--------|---------------------------|
| 2W | 2 West | Convenience Commercial |
| 3 | 3 | Beach |
| 4 | 4 | Recreational Open Space |
| 5 | 5 | Affordable Housing |

Section 2.

Section 3.3 Description of Districts shall be amended to include a new subsection (g) as follows:

a-f No changes

g. District 5-The properties designated as Block 76, Lot 1, Block 76, Lot 2 Block 77, Lot 16, and Block 77, Lot 17 on the Borough of Sea Girt's tax map.

Section 3.

Section 17-4.1 Schedule of Limitations shall be amended to include a new zoning District entitled Affordable Housing (AH-1) as follows:

AFFORDABLE HOUSING ZONE

M. Purpose

The purpose of the Affordable Housing Zone is to provide a realistic opportunity for very low, low and moderate- income housing within an inclusionary development. The creation of the Affordable Housing Zone is in furtherance of the Borough's Settlement Agreement in the matter captioned 501 Washington Blvd, LLC, 503 Washington Blvd., LLC, Sea Girt Fifth Avenue LLC, Sitco Sea Girt, LLC v. Borough of Sea Girt, Borough Council of Sea Girt, and Sea Girt Planning Board, Superior Court of New Jersey, Law Division-Monmouth County, Docket No. MON-L-000102-20 The zone appears on the zoning map impacting Block 76, Lots 1 and 2; and Block 77, Lots 16 and 17.

Pursuant to the settlement agreement, the Affordable Housing Zone permits: 10 apartment units on Block 77, Lots 16 and 17; and nine apartment units, of which 3 will be available to low, very low and moderate-income households, and one retail use on Block 76, Lots 1 and 2. The settlement agreement includes a concept plan that is the basis of this ordinance.

N. Permitted Principal Uses:

3. Apartment units on all floors
4. Mixed-Use buildings that include commercial or office space on the first floor and housing on the second and third floors. A mixed use building may also include housing on the first floor.

O. Permitted Accessory Uses: Uses that are customary and incidental to multi-family housing, including, but not limited to:

- 14. Parking
- 15. Garages
- 16. Club rooms
- 17. Fitness facility
- 18. Satellite Dish
- 19. Signs
- 20. Fences
- 21. Trash Enclosure
- 22. Temporary construction trailers
- 23. Utility pump stations, transformers, switches and meter facilities to support the development
- 24. Management and/or leasing office
- 25. HVAC units
- 26. Generators

P. Bulk regulations: Pursuant to this ordinance, Washington Boulevard is the front yard and Fifth Avenue is a side yard.

- | | |
|---|--|
| 10. <u>Minimum Lot frontage along front yard. (Feet)</u> | <u>95</u> |
| 11. <u>Minimum Lot Frontage Along Side Yard (Feet)</u> | <u>145</u> |
| 12. <u>Minimum Front Yard Setback – (Feet)</u> | <u>10</u> |
| 13. <u>Minimum Side Yard Setback from Fifth Avenue – (Feet)</u> | <u>10</u> |
| 14. <u>Minimum Side yard from other property line (Feet)</u> | <u>0 on north side of Washington Avenue and 10 feet on the south side of Washington Avenue</u> |
| 15. <u>Minimum Rear Yard Setback (Feet)</u> | <u>40</u> |
| 16. <u>Maximum Height (Stories/Feet)</u> | <u>3/45</u> |
| 17. <u>Maximum Building Coverage (Percent)</u> | <u>40</u> |
| 18. <u>Maximum Improved Lot Coverage (Percent)</u> | <u>85</u> |

Q. Projections from buildings, such as, but not limited to balconies, patios, chimneys and windows may extend into the building set-back provided they shall be set-back a minimum of 5' from the front yard property line and 5' on the side yard property line.

R. Area, Yard and Bulk Requirements for Accessory Structures (including parking) & Uses. Pursuant to this ordinance, Washington Boulevard is the front yard and Fifth Avenue is a side yard. No accessory structures shall be permitted in the front yard set-back.

- | | |
|--|----------|
| 6. <u>Minimum Side Yard Set-back from Fifth Avenue (Feet)</u> | <u>5</u> |
| 7. <u>Minimum Side Yard from western property line (Feet)</u> | <u>2</u> |
| 8. <u>Minimum Rear Yard Setback (Feet)</u> | <u>3</u> |
| 9. <u>Minimum Distance Between Accessory and Principal Structures (Feet)</u> | <u>0</u> |

- | | |
|--|-------------|
| 10. <u>Maximum Height (Stories/Feet)</u> | <u>1/15</u> |
|--|-------------|

S. Parking

- 3. Commercial uses - 0 spaces
- 4. Residential uses - 1.7 spaces

- T. Notwithstanding the set-back requirements for other accessory uses, fencing is permitted along the rear yard or the western side yard property line. Such fencing may be up to six feet in height and be of solid construction. Fencing may be provided in lieu of landscaping.
- U. Signage.
 - 3. One monument sign with a maximum area of 30 square feet may be provided along Washington Boulevard if set-back five feet from the property line.
 - 4. Numbers indicating the addresses of the multi-family residential buildings are permitted to be mounted on the building facade, not to exceed 8 square feet and not to protrude more than 6 inches from the building's surface.
- V. Deviations from Concept Plan. Development in the Affordable Housing Zone shall generally conform to the Concept Plan, dated October 4, 2020, prepared by Dynamic Engineering. However, it is the intent that the applicant can make reasonable refinements to the Concept Plan and that the Board shall approve those refinements even if such refinement requires a "c" variance.
- W. Affordable Housing – Fifteen (15) percent of all the housing units shall be affordable to very low, low and moderate-income households. The affordable units within the inclusionary development shall be constructed pursuant to the phasing schedule at N.J.A.C. 5:93-5.6(d).
 - a. The development of all affordable units shall comply with the Uniform Housing Affordability Controls (UHAC), N.J.A.C. 5:80-26.1 et. seq. or any successor legislation. Similarly, the monitoring, advertisement, tenant eligibility requirements, and deed restrictions shall comply with the UHAC regulations.
 - b. A minimum of 50% of all affordable units shall be affordable to very-low and low-income households. All other affordable units shall be affordable to moderate-income households.
 - c. A minimum of 13% of all affordable units will be affordable to very-low income households, defined as households earning no more than 30 percent of median income.
- X. Conflicting Standards and Exemptions – The standards set forth in the AH-1 Zone shall supersede any conflicting standards elsewhere in the Land Development Ordinance. It is recognized that the subject properties are relatively flat; and therefore, any Borough land regulation related to slope shall not apply to the Affordable Housing Zone. No municipal standard regulating tree removal or tree replacement shall apply in the Affordable Housing Zone.

BE IT FURTHER ORDAINED, that

- D. All other Ordinances or provisions of the Code of the Borough of Sea Girt or parts thereof, which are inconsistent with any provisions in this Ordinance, are hereby repealed to the extent of such conflict or inconsistency.
- E. If any provision or portion of this Chapter is held to be unconstitutional, preempted by Federal or State Law or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this chapter shall not be invalidated.

- F. This Ordinance shall take effect upon its passage and publication as required by law.

Recorded Vote:

| | Ayes | Nays | Absent | Abstain |
|--------------------------|-------------|-------------|---------------|----------------|
| Councilman Clemmensen | X | | | |
| Councilman Perry | X | | | |
| Councilman Begley | X | | | |
| Council President Fetzer | X | | | |
| Councilwoman Giegerich | X | | | |
| Councilwoman Anthony | X | | | |

12. PUBLIC PARTICIPATION ON ANY SUBJECT:

Jay Accursso, New York Boulevard thanked members and business owners in the community for their acts of kindness and support of the Fire Company fundraiser.

Tom Haag, Baltimore Boulevard thanked Mayor Farrell for his many years of service; he noted his concerns of the Pub Crawl on Saturday; he asked council to support temporary outdoor dining.

Virginia Zientek, Beacon Boulevard thanked Mayor Farrell for his dedication and service; the first Sea Girt Stroll was successful; Tim Harmon and Ace Aljian opened Lifeguard Headquarters which provided the community to experience how they operate during the summer months; she noted Tim Harmon gave a great speech and she hopes more people witness the daily beach operations; the next Stroll is on July 22nd at 6:30 pm. The Community Connections Committee is hosting a concert on September 11th between 6:30 – 8:00 pm in front of the Library.

Alan Zakin, Baltimore Boulevard thanked Ms. Zientek and the committee for their efforts establishing The Sea Girt Stroll which was fantastic; he noted he is impressed with Tim Harmon and his Lifeguards and that we are lucky to have them protecting our beach; he wished Mayor Farrell well in his retirement and thanked him for his service.

There being no further comments from the public participating and by consensus, the public comment period was closed. Council President Fetzer advised that Council has matters to discuss in Executive Session, and requested a motion to adjourn for purposes of the discussion; he further noted that action may be taken by Council upon return to public session and that the public may remain in the virtual meeting until Council returns to public session. **UPON MOTION** of Councilman Begley, seconded by Councilman Clemmensen, carried, that the following **Resolution No. 143-2021** 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 litigation, including, but not limited to:

- a. Potential Litigation
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 |
|--------------------------|-------------|-------------|---------------|----------------|
| Councilman Clemmensen | X | | | |
| Councilman Perry | X | | | |
| Councilman Begley | X | | | |
| Council President Fetzer | X | | | |
| Councilwoman Giegerich | X | | | |
| Councilwoman Anthony | X | | | |

UPON MOTION of Councilman Begley, seconded, Councilman Perry returned to public session at 9:15 pm. There being no further business, and **UPON MOTION** of Council President Fetzer, seconded by Councilman Begley, carried, that the meeting be finally and immediately adjourned at 9:18 PM.

Dawn Harriman

Dawn Harriman, Municipal Clerk

NEXT COUNCIL MEETING IS AUGUST 11, 2021