

MINUTES - REGULAR MEETING

August 11, 2021

NOTICE IS HEREBY GIVEN THAT THE BOROUGH COUNCIL MEETING SCHEDULED FOR AUGUST 11, 2021 WILL BE A VIRTUAL MEETING; THE MEETING WILL COMMENCE AT 7:00 PM. PLEASE USE THE FOLLOWING INFORMATION, INCLUDING THE PASSCODE SHOWN BELOW, TO LOG IN TO THE MEETING:

Borough Council Regular Meeting
August 11, 2021 07:00 PM Eastern Time

Join Zoom Meeting:

Please click the link below to join the webinar

<https://us02web.zoom.us/j/87352474599>

Passcode: 714706

Or One tap mobile :

US: +13017158592,,87352474599# or +13126266799,,87352474599#

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 Clemmensen	X	
Councilman Perry	X	
Councilman Begley	X	
Council President Fetzer	X	
Councilwoman Giegerich	X	
Councilwoman Anthony	X	

5. **Resolution No. 141-2021:** Appointment of Candidate to fill the vacancy created by the resignation of Mayor Farrell.

WHEREAS, there exists a vacancy in the office of Mayor due to the resignation of Ken Farrell, effective July 8, 2021; and

WHEREAS, the Municipal Vacancy Law (N.J.S.A. 40A:16-1 et seq.), provides that the Municipal Committee of the party that previously filled the seat shall submit, within fifteen (15) days, three (3) names for the Borough Council's consideration in filling the vacancy; and

WHEREAS, on July 22, 2021 the Sea Girt Municipal Republican Committee presented three names to fill the vacancy.

WHEREAS, the Borough Council has considered the nominees presented by The Republican Committee and deliberated to fill the vacancy; and

WHEREAS, the N.J.S.A. 40A:16-6 provides such appointment shall be by majority vote of the

Council; and,

WHEREAS, by vote of Borough Council, the Council has voted to appoint Don Fetzer to fill the position of Mayor.

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

1. **UPON MOTION** of Councilman Clemmensen, seconded by Councilwoman Anthony, carried, that the following Resolution be and the same is hereby adopted:
2. Don Fetzer is hereby appointed as Mayor in accordance with the provisions of *N.J.S.A. 40A:16-1 et seq.*, the New Jersey Municipal Vacancy Law.
3. The Borough Clerk shall notify the County Clerk that the vacancy shall be filled for the remaining unexpired term at the next general election.
4. The Borough Clerk is directed to forward a certified copy of this resolution to Mr. Fetzer and the Sea Girt Municipal Republican Committee.

WHEREAS, there exists a vacancy in the office of Mayor due to the resignation of Ken Farrell, effective July 8, 2021; and

WHEREAS, the Municipal Vacancy Law (*N.J.S.A. 40A:16-1 et seq.*), provides that the Municipal Committee of the party that previously filled the seat shall submit, within fifteen (15) days, three (3) names for the Borough Council's consideration in filling the vacancy; and

WHEREAS, on July 22, 2021 the Sea Girt Municipal Republican Committee presented three names to fill the vacancy.

WHEREAS, the Borough Council has considered the nominees presented by The Republican Committee and deliberated to fill the vacancy; and

WHEREAS, the *N.J.S.A. 40A:16-6* provides such appointment shall be by majority vote of the Council; and,

WHEREAS, by vote of Borough Council, the Council has voted to appoint Don Fetzer to fill the position of Mayor.

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

1. **UPON MOTION** of Councilman Clemmensen, seconded by Councilwoman Anthony, carried, that the following Resolution be and the same is hereby adopted:
2. Don Fetzer is hereby appointed as Mayor in accordance with the provisions of *N.J.S.A. 40A:16-1 et seq.*, the New Jersey Municipal Vacancy Law.
3. The Borough Clerk shall notify the County Clerk that the vacancy shall be filled for the remaining unexpired term at the next general election.
4. The Borough Clerk is directed to forward a certified copy of this resolution to Mr. Fetzer and the

Sea Girt Municipal Republican Committee.

	Present	Absent
Mayor		
Councilman Clemmensen	X	
Councilman Perry	X	
Councilman Begley	X	
Council President Fetzer	Abstain	
Councilwoman Giegerich	X	
Councilwoman Anthony	X	

1. **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. 142-2021:** Rescind Resolution No. 141-2021 and 142-2021 Approving The Person to Person and Place to Place Expansion of Transfer of Plenary Retail Consumption License No. 1344-33-002-005 to Cover Premises at 507 Washington Boulevard, Sea Girt, New Jersey

WHEREAS, the Municipal Clerk has been informed by the New Jersey Division of Alcoholic Beverage Control that one resolution is required approving The Person to Person and Place to Place Expansion Transfer of Plenary Retail Consumption License No. 1344-33-002-005 to cover premises at 507 Washington Boulevard, Sea Girt, New Jersey; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Sea Girt, County of Monmouth, New Jersey, that Resolution No. 141-2021 and 142-2021 originally adopted on July 14, 2021 be and the same is hereby rescinded, effective immediately.

- b. **Resolution No. 143-2021:** Approve The Person To Person and Place to Place Expansion of Transfer of Plenary Retail Consumption License No. 1344-33-002-005 to Cover Premises at 507 Washington Boulevard

WHEREAS, the pending expansion 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 11th day of August, 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 and Place to Place transfer to include expansion of premises is hereby approved effective July 15th, 2021; this license subject to all terms and conditions is transferred to Chef Sea Girt, LLC; and

- c. **Resolution No. 144-2021:** Approve Social Affair Permit – Friends of the Sea Girt Library, August 28, 2021

WHEREAS, The Friends of Sea Girt Library has requested that a Social Affair Permit be granted for an affair to be held on August 28th from 5:00 PM to 7:00 PM, inclusive.

NOW, THEREFORE, BE IT RESOLVED, that a Social Affair Permit be granted to The Friends of the Sea Girt Library for an affair to be held on August 28, 2021 from 5:00 PM to 7:00 PM, inclusive, on the grounds at the Sea Girt Library parking lot.

BE IT FURTHER RESOLVED, that the Chief of Police and the Municipal Clerk are hereby authorized and directed to execute the application for said Social Affair Permit

- d. **Resolution No. 145-2021:** Appoint Janeen Yodakis as Part-Time Recreation Director

WHEREAS, the Borough of Sea Girt is in need of the services of a part-time Recreation Director to fill the vacancy of Patricia Peterson; and,

WHEREAS, the Borough Administrator and Recreation Commissioner has reviewed the applications and references of qualified candidates, and recommends the appointment of Janeen Yodakis to the position of part-time Recreation Director.

NOW, THEREFORE, BE IT RESOLVED that the appointment of Janeen Yodakis as part-time Recreation Director in the Borough of Sea Girt, at the salary of \$27,000 per year for 20 hours per week, be and the same is hereby approved, effective August 16, 2021.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be supplied to Janeen Yodakis and the Chief Financial Officer for her action.

- e. **Resolution No. 146-2021:** Appoint additional Beach Crew, Logan Mayer

WHEREAS, the Beach Manager 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 Logan Mayer be appointed to Beach Crew for the 2021 season at the rate of \$11.10 per hour for hours worked.

- f. **Resolution No. 147-2021:** Approve The Use of North Beach by The Sea Girt School Booster Club For Purposes of Conducting Kids Soft Top Surf Jam on Friday, August 20, 2021

WHEREAS, Sea Girt School Booster Club has requested permission to hold a Kids Soft Top Surf Jam at North Beach On Friday, August 20, 2021, weather and tides permitting, from 8:00 AM to 2:00 PM; and,

WHEREAS, said request requires the submission of a Certificate of Insurance naming the Borough of Sea Girt as an additional insured and the execution of a Hold Harmless Agreement by an official of the organization.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sea Girt that after due consideration, the said request of the Sea Girt School Booster Club to hold a Kids Soft Top Surf Jam at North Beach on Friday, August 20, 2021, weather and tides permitting, from 8:00 AM to 2:00 PM, is hereby *approved subject to the following conditions*:

1. If necessary, the alternate date shall be scheduled ***before*** September 25, 2021.

- g. **Resolution No. 148-2021:** Reject all Bid Proposals for Improvements to Bell Place Bicycle Path as it substantially exceeds the amount estimated for the services

WHEREAS, the Borough of Sea Girt advertised a Notice to Bidders for “Improvements to Bell Place Bicycle Path” to be provided within the Borough on July 8, 2021; and,

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

BIDDER	BASE BID
Precise Construction, Inc., 106 Highway 33, Freehold, NJ	\$195,065
Fernandes Construction Inc., 25 Stonegate Drive, Monroe, NJ	\$242,003
Shore Top Construction, 23 Yellowbrook Rd, Freehold NJ	\$246,905
Down to Earth Construction, 705 Wright Debow Rd., Jackson, NJ	\$297,832

WHEREAS, the bids that were submitted substantially exceeds the estimated cost of services, and more than sixty (60) days have passed since the receipt of bids.

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 Improvements to Bell Place Bicycle Path be and the same is hereby rejected as it substantially exceeds the amount estimated for the services and more than sixty days have passed since the receipt of bids by the Borough of Sea Girt.

- h. **Resolution No. 149-2021-** Award Contract for The Project Known as Bell Place Bicycle Path Improvements to Precise Construction Inc., Freehold, NJ

WHEREAS, the Borough of Sea Girt re-advertised for bids on July 22, 2021 in accordance with the specifications prepared by Leon S. Avakian, Inc. for the Project known as Bell Place Bike Path Improvements in the Borough of Sea Girt, Monmouth County, NJ and received bids on August 5, 2021; and,

WHEREAS, the project scope was revised after rejection of initial bids to reduce the base contract amount by removing several items from the contract and revised material specifications on a few items. Although the cost of the base bid is slightly above the estimated cost for project construction, the contract Proposal Form indicates, the Mayor and Council reserve the right to eliminate or adjust individual items in the contract based on available funding.

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

BIDDER	BASE BID
Precise Construction, Inc.	\$157,870.00

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, Precise Construction, Inc. in Freehold, 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, Precise Construction, Inc. is accepted subject to all conditions outlined in the Notice to Bidders, the Bid Specifications and Contract Documents, in the amount of \$157,870.00.
2. The Mayor and Municipal Clerk are hereby authorized to execute the contract with Precise Construction, Inc. for the said Project.

Recorded Vote:

	Ayes	Nays	Absent	Abstain
Councilman Clemmensen	X			
Councilman Perry	X			
Councilman Begley	X			
Mayor/Council President Fetzer	X			
Councilwoman Giegerich	X			
Councilwoman Anthony	X			

2. **APPROVE MINUTES**

- a. **Resolution No. 150-2021:** Approve Minutes, July 14, 2021 Regular Meeting – Virtual

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

Recorded Vote:

	Ayes	Nays	Absent	Abstain
Councilman Clemmensen	X			
Councilman Perry	X			
Councilman Begley	X			
Mayor/Council President Fetzer	X			
Councilwoman Giegerich	X			
Councilwoman Anthony	X			

3. **OPEN DISCUSSION:** There were no comments from councilmembers present.

4. **UNFINISHED BUSINESS:**

1. **Ordinance No. 15-2021:** The Mayor to read the said Ordinance by Title, advising of its publication in its entirety in the Coast Star on July 22, 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
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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</u> | |

and Principal Structures (Feet)	0
5. <u>Maximum Height (Stories/Feet)</u>	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 December 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.

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

UPON MOTION of Councilwoman Anthony, seconded by Councilman Begley, carried, that the said Ordinance No. 15-2021 be adopted on final reading, directing the Clerk to post and publish as required by law.

Recorded Vote:

	Ayes	Nays	Absent	Abstain
Councilman Clemmenssen	X			
Councilman Perry	X			
Councilman Begley	X			
Mayor/Council President Fetzer	X			
Councilwoman Giegerich	X			
Councilwoman Anthony	X			

- b. **Resolution No. 151-2021:** Approve Improvements to Crescent Park for a Racquet Sports Recreation Area to Include a Second Platform Tennis Court and Viewing Area in the Borough of Sea Girt

Mayor/Council President Fetzer clarified that the next step is to have plans and specifications prepared for bid requests; the concept plan as is allows that prior to submitting bids it is to be reviewed by councilmembers.

Councilwoman Anthony emphasized that funding for this project is being paid for by The Recreation Commission as one project. She also commented that the invasive vines removal at Crescent Park has no link to the said platform tennis proposal.

Mr. Bogan added the appropriate step is that specifics are shown to Councilmembers prior to anything being built in the park.

Mayor/Council President Fetzer commented that The Recreation Department and Mr. D’Altrui have been professional throughout this process.

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

WHEREAS, the Sea Girt Recreation Committee has proposed the construction of a second platform tennis court and viewing area for location in the northeast section of Crescent Park, adjacent to the existing platform tennis court and three tennis courts; and,

WHEREAS, The Borough Council acknowledged, and amended the Crescent Park Stewardship Plan to include acknowledgment and support for the pre-existing active recreational use to which the north end of the park has been dedicated for decades; and

WHEREAS, the governing body desires to provide recreational opportunities for Borough residents and their guests by placing the platform tennis court in this pre-existing, dedicated area.

WHEREAS, The Borough Council supports the Recreation Commission proposal to construct an additional paddleball court and viewing area adjacent to the existing platform tennis court and tennis court; and

WHEREAS, the governing body seeks to assure that any addition or modification to this section of the park, already dedicated to active recreational use, be done in a manner consistent with environmental and green space concerns; and

WHEREAS, Sea Girt Recreation Commission has developed a concept plan for the construction of an additional platform tennis court for which it would provide all funding for the construction of a paddleball court in the northeast quadrant of Crescent Park adjacent to the three existing tennis courts and platform tennis courts; and

WHEREAS, The Borough Council recognizes the need to remove existing trees and will work with the Borough Shade Tree Commission to replace any existing trees removed and takes measures to assure a healthy understory; and

WHEREAS, The Borough Council seeks to assure that the placement of the new platform tennis court in a manner that causes minimum disruption to nearby property owners to Crescent Forest; and

WHEREAS the Recreational Commission presented a concept plan to the Shade Tree Commission on March 13, 2021, for the construction of said platform tennis court to which to Shade Tree Commission declared, while citing the proposed courts north/south orientation to reduce visual impact to surrounding residents and to plant two new trees for every tree removed as a result of this placement; and

WHEREAS, upon review of the Crescent Park Stewardship Plan (“Plan”) notable omission were noted particularly there being no reference to the pre-existing active recreational use of the Northeast section of the park, tennis courts as well as a platform tennis court adjacent to which the proposed platform tennis court and viewing area would be located.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Sea Girt that: The Recreation Commission’s concept plan for placement of a second paddleball court in the north end of Crescent Park, and replacement of trees and tending to understory as proposed, is hereby approved; subject to the review of bid estimates prior to award by Council.

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

Recorded Vote:

	Ayes	Nays	Absent	Abstain
Councilman Clemmensen	X			
Councilman Perry	X			
Councilman Begley	X			
Mayor/Council President Fetzer	X			
Councilwoman Giegerich	X			
Councilwoman Anthony	X			

5. NEW BUSINESS:

1. Ordinance No. 16-2021: The Mayor read the said Ordinance by Title:

AN ORDINANCE TO AMEND CHAPTER 4, LICENSING AND BUSINESS
REGULATIONS PARAGRAPH 4-2.5 “NO SOLICITING” SIGNS; VIOLATIONS IN THE
BOROUGH CODE IN THE BOROUGH OF SEA GIRT

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

Section 1. All Residents of the Borough of Sea Girt may register their address with the Municipal Clerk to be placed on the Do-Not-Knock-Registry, indicating that they do not want peddling, itinerant vending and door-to-door sales enterprises to approach their homes on their premise. Registration shall be by completion of a form made available by the Borough Clerks office.

Section 2. Residents shall remain on the Do-Not-Knock Registry until such time as they advise the Borough Clerk in writing that they wish to be removed from the list.

Section 3. The Municipal Clerk shall maintain the list, keep it current, and provide copies to the Police Department who shall be charged with enforcement and shall provide each solicitor, canvasser, hawker or groups thereof, with a copy of the list to ensure their compliance (Ord. #02-2011).

Section 4. It shall be unlawful for any person or entity required to obtain a permit pursuant to Chapter 4 to enter the approach and/or seek contact from a residence registered on the Do-Not-Knock-Registry.

Section 5. Any persons subject to this chapter who violates any provision of this section shall be subject to a maximum ordinance violation per offense as provided in Paragraph 4-2.9.

Section 6. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed, but only to the extent of such inconsistency.

Section 7. 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 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 September 8, 2021.

Recorded Vote:

	Ayes	Nays	Absent	Abstain
Councilman Clemmensen	X			
Councilman Perry	X			
Councilman Begley	X			
Mayor/Council President Fetzer	X			
Councilwoman Giegerich	X			
Councilwoman Anthony	X			

- a. **Resolution No. 152 -2021:** Authorize Purchase of 2021 Chevrolet 1500 4WD Wheel Drive Vehicle for Police Department

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

WHEREAS, the Sea Girt Police Department is in need of an 4WD utility vehicle to replace a marked 4x4 patrol vehicle which is currently being utilized by Sea Girt Beach EMT as well as to be utilized for general patrol and beach operations in severe weather conditions; and

WHEREAS, the State Procurement Bureau has advised that there is a State Contract, #T2776, available, under the provisions of which the vehicle and certain accessories can be acquired at a pre-negotiated price of \$34,915.24; and,

WHEREAS, the State Procurement Bureau rules now require the adoption of a Resolution of the governing body for certain purchases; and,

WHEREAS, the Chief Financial Officer has certified that funds are available for this purchase.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sea Girt that the purchase of a 2021 Chevy Silverado 4WD Utility Vehicle, respectively, in the total amount of \$34,915.24, be and the same is hereby authorized.

Recorded Vote:

	Ayes	Nays	Absent	Abstain
Councilman Clemmensen	X			
Councilman Perry	X			
Councilman Begley	X			
Mayor/Council President Fetzer	X			
Councilwoman Giegerich	X			
Councilwoman Anthony	X			

- b. **Resolution No. 153-2021:** Authorize Purchase of 2021 GMC Sierra 1500 4WD Double Cab for Zoning/Code and Fire Prevention Departments

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

WHEREAS, the Borough of Sea Girt authorized the purchase of a GMC Sierra 1500 pursuant to its 2021 Capital Plan and Ordinance No. 12-2021, finally adopted on July 14, 2021 after a public hearing thereon; and,

WHEREAS, the Chief Financial Officer has certified that funds are available for this purchase pursuant to Ordinance No. 12-2021.

NOW, THEREFORE, BE IT RESOLVED that the proposal of T & T Coast Buick/GMC for the purchase of a 2021 GMC Sierra 1500 in the amount of \$30,414.00 be and the same is hereby accepted.

Recorded Vote:

	Ayes	Nays	Absent	Abstain
Councilman Clemmensen	X			
Councilman Perry	X			
Councilman Begley	X			
Mayor/Council President Fetzer	X			
Councilwoman Giegerich	X			

Councilwoman Anthony	X			
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- c. **Resolution No. 154-2021:** Authorizing The Purchase of Products From Motorola Solutions, Inc. on State Contract #83909

UPON MOTION of Councilman Clemmenssen, seconded by Councilman Begley, carried, that the following Resolution be and the same is hereby adopted:

WHEREAS, the Police Department of the Borough of Sea Girt wishes to purchase products from authorized vendors under the State of New Jersey Cooperative Purchasing Program; and

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Public Contract Law, N.J.S.A. 40A:11-1 et. seq.; and

WHEREAS, Motorola Solutions, Inc., Schaumburg, IL has been awarded New Jersey State contracts #A83909.

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

1. Communications equipment and associated hardware may be obtained from Motorola Solutions, Inc., Schaumburg, IL in the amount of \$44,916.90 under state contract #83909 for the Police Department.
2. Funds are available for this State Contract purchase, and the Chief Financial Officer has so certified.

Recorded Vote:

	Ayes	Nays	Absent	Abstain
Councilman Clemmenssen	X			
Councilman Perry	X			
Councilman Begley	X			
Mayor/Council President Fetzer	X			
Councilwoman Giegerich	X			
Councilwoman Anthony	X			

- d. **Resolution No. 155-2021:** Resolution Correcting the Appointment of Bryan Perry to The Borough Council Seat Vacated by Matthew Mastrorilli.

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

WHEREAS, Bryan Perry was appointed by the Sea Girt Borough Council to temporarily fill the vacancy on Council created by the resignation of Matthew Mastrorilli, effective April 15, 2021; and

WHEREAS, the New Jersey Municipal Vacancy Law at N.J.S.A. 40A:16-5(b), provides this vacancy may be filled until the next general election held no sooner than sixty (60) days after the occurrence of the vacancy; and

WHEREAS, pursuant to N.J.S.A. 40A:16-11 the municipal clerk received three nominees from the Sea Girt Republican Committee from which Mr. Perry was selected; and

WHEREAS, the appointing resolution provided that the appointment was for the unexpired term, and this resolution is intended to correct same.

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

1. The prior temporary appointment of Mr. Bryan Perry to fill the vacancy on the Borough Council created by the resignation of Matthew Mastrorilli in accordance with the provisions of *N.J.S.A. 40A:16-1 et seq.*, the New Jersey Municipal Vacancy Law, is hereby affirmed.
2. The prior resolution is hereby corrected to provide that the balance of the unexpired term of vacancy shall be filled at the next general election to be held not less than 60 days after the occurrence of the vacancy.”
3. This resolution has been adopted by a majority vote of the remaining members of the governing body.
4. The Borough Clerk is directed to forward a certified copy of this resolution to Mr. Perry, The Sea Girt Municipal Republican Committee and County Clerk.

Recorded Vote:

	Ayes	Nays	Absent	Abstain
Councilman Clemmensen	X			
Councilman Perry	X			
Councilman Begley	X			
Mayor/Council President Fetzer	X			
Councilwoman Giegerich	X			
Councilwoman Anthony	X			

6. COUNCIL REPORTS:

Councilman Clemmensen reported as follows:

- DPW – trash pickup will begin at 6:00 am through 2:00 pm due to excessive heat and humidity; pizza boxes should be placed in garbage not recycling;
- Bicycles should follow same motor vehicle rules; helmets are required for all children under 17 years of age;
- The Public Safety Committee has been working on the Noise Ordinance; he credits Lieutenant DeMillio, Chief Macko, Mr. Gant, Ray Bogan and the Committee for their efforts;
- Mr. Bogan commented that the hybrid style Ordinance will be available on our website for viewing and feedback; he is hopeful to introduce at the September 8th meeting.

Councilman Perry reported as follows:

- Sea Girt Stoll is August 12th beginning at Trenton Gazebo; please visit our website for more information; Karate Kid movie on the beach is August 19th beginning at dusk.
- He thanked everyone involved in the success of the 5K Race.
- Mr. D’Altrui gave an update on the 5K Race; he noted the appointment of Recreation Director Janeen Yodakis; he also thanked Council for approving Improvements to Crescent Park resolution.

Councilman Begley reported as follows:

- He congratulated Mayor Fetzer on his appointment;
- Finance Committee met today; reviewed financials through July as well as planning going forward; financials are in good shape.

Councilwoman Anthony reported as follows:

- Building and Grounds Committee have been meeting regularly;
- Mr. Bogan spoke to outstanding code violations at The Borough Hall; Consultants have been hired to provide advice, address and correct the current safety issues; findings will be shared by the September 8th meeting.
- Work has been done at along Edgemere Park, The Terrace and Crescent Park with respect to the non-native invasive vines;
- Mr. Matthews, member of The Sea Girt Conservancy Group commented that Open Space areas have been neglected; an Integrated Pest Management Approach has been initiated to the problem areas which include forestry mowing, pervasive applications, then a replanting effort;
- Please visit our website for additional information;
- Thanked Jay Amberg who oversees our bird population; it was a successful season - seven piping plovers hatched and fledged; most successful plover breeding season in over 30 years; she also credits Tim Harmon, Jim Freda and DPW for their efforts.

Councilwoman Giegerich reported as follows:

- Welcomed and congratulated Janeen Yodakis on her appointment; The Borough is seeking a for a full time engine mechanic, please contact Mr. Gant;
- Addition to the Library in ongoing; met with Library Trustees and moving forward with Cornerstone Architects to review designs to meet the needs of the Library;
- Beach Report – daily badge sales are down, but up on season badge sales;
- With the end of the season approaching, please be mindful of open lifeguard stands;
- Beach EMT Program has been successful, great effort by the beach department.

Mayor/Council President Fetzer reported as follows:

- Great job conserving water this summer; we used two million gallons less in both 2019 and 2020; our volunteer fireman also benefitted from the extra water during training; filter meter has been successfully installed;
- SMRSA – quarterly reports will be provided by Ken Farrell.

7. ADMINISTRATOR REPORT:

- Thanked the Sea Girt 5K for a tremendous event;
- Applauds Councilwoman Anthony on her efforts with evasive species; it has been a great learning experience;
- Met with Danskin Insurance to review our schedules of insurance, lost control reports, claim summary's and improving rates;
- Mike Matthews will be part of the Sea Girt Stroll at Crescent Park, discussing the evasive vines project.

8. **Resolution No. 156 -2021:** Payment of 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 27, 2021 and August 6, 2021 in the totals as follows:

CURRENT FUND	\$ 1,962,748.30
WATER/SEWER OPERATING FUND	\$ 26,161.55
BEACH OPERATING FUND	\$ 43,940.28
RECREATION TRUST FUND	\$ 11,146.11
TRUST FUND	\$ 1,162.00
GENERAL CAPITAL	\$ 260,864.49
WATER CAPITAL	\$ 104,863.50

Recorded Vote:

	Ayes	Nays	Absent	Abstain
Councilman Clemmensen	X			
Councilman Perry	X			
Councilman Begley	X			
Mayor/Council President Fetzer	X			
Councilwoman Giegerich	X			
Councilwoman Anthony	X			

9. **PUBLIC PARTICIPATION ON ANY SUBJECT:**

Eileen Laszlo, Philadelphia Boulevard, voiced her opinion and concerns of the Crescent Park Racquet Sports Recreation Area and is not in favor of it.

Herbie Kunz, New York Boulevard, congratulated Mayor Fetzer on his appointment; he voiced his opinion and concerns of the Crescent Park Racquet Sports Recreation Area and is in favor of it.

Todd Leonhardt, Boston Boulevard, voiced his opinion and concerns of the Crescent Park Racquet Sports Recreation Area and is in favor of it.

Alan Zakin, Baltimore Boulevard, commented The Sea Girt Preservation Society is not affiliated with the Sea Girt Conservancy Committee; he addressed inaccuracies regarding the Crescent Park Racquet Sports Recreation Area.

Ray Bogan noted a letter was received today by Attorney Nicole Dory on behalf of Mr. Vasan and was distributed to all councilmembers by the Clerk prior to the meeting for their consideration.

There being no further comments, the public comment period was closed. There being no further business, and **UPON MOTION** of Councilman Begley, seconded by Councilwoman Anthony, carried, that the meeting be immediately and finally adjourned at 8:35 PM.

Dawn Harriman

Dawn Harriman, RMC