

MINUTES - REGULAR MEETING
October 27, 2021

NOTICE IS HEREBY GIVEN THAT THE BOROUGH COUNCIL MEETING SCHEDULED FOR OCTOBER 27, 2021 WILL BE A VIRTUAL MEETING; THE MEETING WILL COMMENCE AT 7:00 PM.

MOMENT OF SILENCE
SALUTE TO THE FLAG
COMPLIANCE STATEMENT:

The Clerk read the following 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.

1. ROLL CALL:

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

2. CONSENT AGENDA -

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

- a. **R-179-2021:** Authorize Amendment to Shared Services Agreement Between The Borough of Manasquan and The Borough of Sea Girt for the Implementation of Certain Shared Services for CFO/QPA Agreement;

Whereas, the original Shared Services Agreement (Agreement) for Chief Municipal Financial Officer and Qualified Purchasing Agent between the Borough of Manasquan and the Borough of Sea Girt became effective on January 1, 2021(see attached copy of the Original) ; and

Whereas paragraph F(b) of the original Agreement reads as follows:

F.(b). On or about September 1, 2021, the representatives of the Provider and Recipient shall meet to evaluate the first years' operation and if both are satisfied with the implementation of the Agreement, shall determine the fee for remaining years of the Agreement (2022 – 2024, inclusive) consistent with the tax levy CAP in effect on September 1, 2021; and

Whereas the parties wish to amend the Agreement by replacing Paragraph F(b) with the following language:

F.(b) Each calendar year for the duration of this Agreement, on or about September 1, representatives of the Provider and the Recipient shall review the Agreement's terms and conditions and shall provide

express notification to the other party of any requested amendments or revisions including the fee for the remaining years of the Agreement (2022-2024). In the event the parties cannot agree on requested amendments or revisions, either party shall have the right to terminate the Agreement no later than November 15 of that calendar year.

THEREFORE, the parties agree that the Agreement shall be amended with the above noted amending language.

This amendment to the Agreement shall take effect immediately upon approval of both governing bodies and the passage of the enabling resolution as required by law.

b. **R-180-2021:** Adopt MEL Model Addressing the Protection and Safe treatment of Minors.

WHEREAS, the Borough of Sea Girt is a member of the Monmouth County Municipal Joint Insurance Fund (MONMOUTH JIF) and the Municipal Excess Liability Joint Insurance Fund (MEL); and,

WHEREAS, the Administrator of The Borough of Sea Girt has reviewed this Model Policy Addressing the Protection and Safe Treatment of Minors and has recommended its adoption by the Governing Body.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Sea Girt, County of Monmouth, State of New Jersey that the Model Policy Addressing the Protection and Safe Treatment of Minors be adopted by the Borough of Sea Girt.

Recorded Vote:

	Ayes	Nays	Absent	Abstain
Councilman Clemmensen	X			
Councilman Perry	X			
Councilman Begley			X	
Council President Anthony	X			
Councilwoman Giegerich	X			
Councilwoman Richman	X			

3. APPROVE MINUTES

a. **Resolution No. 181-2021:** Approve Minutes, October 13, 2021 Regular Meeting - Virtual

UPON MOTION of Councilman Perry, seconded by Councilman Clemmensen, carried, that the Minutes of the Regular Meeting held on October 13, 2021 be and the same are hereby approved.

Recorded Vote:

	Ayes	Nays	Absent	Abstain
Councilman Clemmensen	X			
Councilman Perry	X			
Councilman Begley			X	
Council President Anthony	X			
Councilwoman Giegerich	X			
Councilwoman Richman	X			

4. OPEN DISCUSSION:

Councilman Begley arrived to the meeting at 7:05 pm.

- Crescent Park Petition -

Mayor Fetzer commented a recent petition was circulated by a resident to adopt a proposed ordinance to prohibit development in Crescent Park be placed on the next general election ballot. He stated the wording of the proposed ordinance is too restrictive and prohibits any development in Crescent Park. All Councilmembers concur with Mayor Fetzer's comments.

Borough Attorney, Ray Bogan commented on the process of the petition and it's compulsory on a Borough Council Form of Government. Faulkner Act provisions mandate councilmembers to abide by the process. He noted the council has given great heed and great consideration to the points raised by the petitioner's by virtue of public hearings. It is his opinion that council is not bound to list this as a matter on the ballot.

- Mayor Fetzer noted the Council Meeting's will resume in person/hybrid starting November 10th in the School Library -

Mayor Fetzer commented that Council meetings will resume in person/hybrid in the school Library starting on November 10th; residents are welcomed to attend the meetings or continue to join the meetings virtually. Councilwoman Richman asked if attendees will be social distanced. Council President Anthony responded masks are required while in the school and she will talk to the Monmouth County Health Commission for guidance on larger group of attendees. Mr. Gant noted there will be a sign in sheet upon entering the school for contact tracing if necessary.

5. UNFINISHED BUSINESS:

1. **Ordinance No. 14-2021:** The Mayor to read the said Ordinance by Title:

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER III POLICE REGULATIONS, ARTICLE 3-1.3, NOISE; CHAPTER XII, BUILDING AND HOUSING, ARTICLE 12-2.2(j), CONSTRUCTION PROCEDURES AND SITE REGULATIONS, OF THE BOROUGH CODE OF THE BOROUGH OF SEA GIRT

Sea Girt Noise Ordinance

§ 3-1 NOISE.

§ 3-1.1 Definitions.

[Ord. No. 307; Ord. No. 597 § 1; Ord. No. 11-2016]

As used in this section:

COMMERCIAL OPERATOR

Shall mean anyone performing construction and/or landscaping on a property other than the property owner and/or their immediate family.

CONSTRUCTION

Shall mean the construction, assembly, erection, reconstruction, alteration, conversion, demolition, removal, repair, painting or equipping of buildings or structures.

CONSTRUCTION EQUIPMENT

Shall mean equipment which may be mobile, semipermanent, or permanent, intended for heavy work such as earthmoving, lifting containers or materials, drilling holes in earth or rock, or concrete or paving application.

dB(C)

Shall mean the sound level as measured using the "C" weighting network with a sound level meter meeting the standards set forth in ANSI S1.4-1983 or its successors. The unit of reporting is dB(C). The "C" weighting network is more sensitive to low frequencies than is the "A" weighting network.

Demolition

Shall mean any dismantling, destruction or removal of buildings, structures, or roadways.

Emergency work

Shall mean any work or action necessary at the site of an emergency to restore or deliver essential public services including, but not limited to, repairing water, gas, electricity, telephone, sewer facilities, or public transportation facilities, removing fallen trees on public rights-of-way, dredging navigational waterways, abating life-threatening conditions or a state of emergency declared by a governing agency.

Exempt Sounds

Shall include:

- a.** Bells, chimes or carillons, which may include electronic devices that imitate the sounds of bells, chimes or carillons, while being used in conjunction with religious services;
- b.** Emergency energy release devices owned or controlled by a public utility or government entity;
- c.** When public health or safety is involved, emergency work to provide electricity, water, or other public utilities; to conduct emergency construction or demolition work, including tree, debris or rubble removal; to make emergency repairs to public roadways, beach, boardwalk or bridges; to address emergency incidents such as the cleanup of spills of hazardous materials;
- d.** National Warning System (NAWAS): Systems used to warn the community of attack or imminent public danger such as flooding or explosion. These systems are controlled by the New Jersey Department of Law and Public Safety;
- e.** Public celebrations that are government-sponsored or government-permitted events;
- f.** Public roadways;
- g.** Firing range or related activities at the National Guard Training Center.
- h.** Emergency or other Borough vehicles: Police, Fire department, beach department and public works departments vehicles, alarms and sirens shall be considered to fall under the Borough exception.
- i.** Train or train crossing sounds.
- j.** Emergency Generator utilized by Police Department, Department of Public Works, Municipal Offices and the National Guard training center.
- k.** Emergency generators for residents when necessitated by a power failure or state of emergency.

Impulsive sound

Shall mean either a single pressure peak or a single burst (multiple pressure peaks) that has a duration of less than one second.

Minor Violation

Shall mean a violation that is not the result of the purposeful, reckless or criminally negligent conduct of the alleged violator; and/or the activity or condition constituting the violation has not been the subject of an enforcement action by any authorized local, county or state enforcement agency against the violator within the immediately preceding 12 months for the same or substantially similar violation.

Noise Control Investigator (NCI)

Shall mean an employee of a municipality, county or regional health commission that has a Department-approved model noise control ordinance and the employee has not received noise enforcement training as specified by the Department in N.J.A.C. 7:29. However, they are knowledgeable about their noise ordinance and enforcement procedures. A Noise Control Investigator may only enforce sections of the ordinance that do not require the use of a sound level meter. The employee must be acting within his or her designated jurisdiction and must be authorized to issue a summons.

Noise Control Officer (NCO)

Shall mean the Chief of Police, all members of the Borough Police Department and code enforcement official may investigate and enforce the provisions of the Borough Noise Ordinances. Only a police officer who has received noise enforcement training and who is trained and certified to use the Model name/description (“approved sound level meter”) shall issue a summons based on the readings from an approved sound level meter. Otherwise, the criteria not based on a sound level meter shall be utilized to determine a violation.

PERSON

Shall mean and include the singular and the plural and shall also mean and include any person, firm, corporation, association, club, partnership, society or any other form of association or organization.

Plainly Audible

Shall mean any sound that can be detected by an officer, code enforcement official or resident using his or her unaided hearing faculties of normal acuity. As an example, if the sound source under investigation is a portable or vehicular sound amplification or reproduction device, the detection of the rhythmic bass component of the music is sufficient to verify plainly audible sound. The NCO or NCI need not determine the title, specific words or the artist performing the song.

POWER EQUIPMENT

Shall mean equipment actuated by an additional power source and mechanism other than the solely manual labor used with hand tools.

Public space shall mean any real property or structures thereon that are owned, leased, or controlled by a governmental entity.

REAL PROPERTY LINE

shall mean either (a) the vertical boundary that separates one parcel of property (i.e., lot and block) from another residential or commercial property; (b) the vertical and horizontal boundaries of a dwelling unit that is part of a multi-dwelling unit building; or (c) on a multi-use property as defined herein, the vertical or horizontal boundaries between the two portions of the property on which different categories of activity are being performed (e.g., if the multi-use property is a building which is residential upstairs and commercial downstairs, then the real property line would be the interface between the residential area and the commercial area, or if there is an outdoor sound source such as an HVAC unit on the same parcel of property, the boundary line is the exterior wall of the receiving unit). Note- this definition shall not apply to a commercial source and a commercial receptor which are both located on the same parcel of property (e.g. adjacent business).

SOUND TRUCK

Shall mean any type of vehicle, car, wagon, carriage or other means of transportation or locomotion, having mounted thereon or attached thereto any sound-amplifying equipment.

SOUND-AMPLIFYING EQUIPMENT

Shall mean any machine or device for the amplification of the human voice, music or any other sound,

SOUND PRODUCTION DEVICE

Shall mean any device whose primary function is the production of sound, including, but not limited to any, musical instrument, loudspeaker, radio, television, digital or analog music player, public address system or sound-amplifying equipment.

§ 3-1.2 Noises Prohibited.

[Ord. No. 307; Ord. No. 597 § 2; Ord. No. 601; New; Ord. No. 11-2016]

a.

The creation of any unreasonably loud, disturbing and unnecessary noises in the Borough is hereby prohibited.

b.

It shall be unlawful for any person to make, continue, or cause to be made or continued, or for any person to permit, allow or suffer on premises in their control, any unreasonably loud, disturbing, or excessive noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health or safety of others within the limits of the Borough.

c.

No persons shall use, or cause to be used, a sound truck or vehicle with its sound-amplifying equipment in operation, in the Borough.

d.

For sounds measured by an approved sound level meter, the following criteria shall apply:

**TABLE I
MAXIMUM PERMISSIBLE A-WEIGHTED SOUND LEVELS
WHEN MEASURED OUTDOORS**

RECEIVING PROPERTY CATEGORY	Residential property, or residential portion of a multi-use property		Commercial facility, public service facility, non-residential portion of a multi-use property, or community service facility
	8 a.m.-10 p.m.	10 p.m.-8 a.m.	24 hours
Maximum A-Weighted sound level standard, dB	65	50	65

**TABLE II
MAXIMUM PERMISSIBLE A-WEIGHTED SOUND LEVELS
WHEN MEASURED INDOORS**

RECEIVING PROPERTY CATEGORY	Residential property, or residential portion of a multi-use property		Commercial facility or non-residential portion of a multi-use property
	8 a.m.-10 p.m.	10 p.m.-8 a.m.	24 Hours
Maximum A-Weighted sound level standard, dB	55	40	55

Note: Table II shall only apply when the source and the receptor are separated by a real property line and they also share a common or abutting wall, floor or ceiling, or are on the same parcel of property.

The procedure set forth in N.J.A.C. 7:29-2.9, and calculations set forth in N.J.A.C. § 7:29-2.10, shall be applied when utilizing an approved sound meter.

a. Sound measurements made by The Chief of Police, his designee, members of the police Department and code enforcement official shall conform to the procedures set forth at N.J.A.C. 7:29-2, except that interior sound level measurements shall also conform with the procedures set forth in paragraph b below and with the definition of "real property line" as contained herein.

b. When conducting indoor sound level measurements across a real property line the measurements shall be taken to least three feet from any wall, floor or ceiling and all exterior doors and windows may, at the discretion of the investigator, be closed. The neighborhood residual sound level shall be measured in accordance with N.J.A.C. 7:29-2.0(b)2. When measuring total sound level, the configuration of the windows and doors shall be the same and all sound sources within the dwelling unit must be shut off (e.g. television, stereo). Measurements shall not be taken in areas which receive only casual use such as hallways, closets and bathrooms.

c. Impulsive sound. Between 8:00 a.m. and 10:00 p.m., impulsive sound shall not equal or exceed 80 decibels. Between 10:00 p.m. and 8:00 a.m., impulsive sound which occurs less than four times in any hour shall not equal or exceed 80 decibels. Impulsive sound which repeats four or more times in any hour shall be measured as continuous sound and shall meet the requirements as shown in Tables I and II. Garbage collection is exempted from this section and can begin at 7 a.m. or, if performed by municipal employees, earlier if in the discretion of the Borough or its designee, it is advisable for the health or safety of municipal employees or residents.

Proof of violation of this article may be determined by plainly audible means as detected from the property line of the complaining resident closest to the entity or property from which the noise complained of is emanating, or from within the receptor's premises in the event the source and the receptor share a common or abutting wall, floor or ceiling or are on the same property.

§ 3-1.3 **Nonexclusive Enumeration of Prohibited Acts.**

[Ord. No. 307; Ord. No. 597 § 3; Ord. No. 605; Ord. No. 891; New; Ord. No. 11-2016]

a.

The following acts, among others, but not by way of limitation, are declared to be loud, disturbing and unnecessary noises in violation of this section but the following enumeration shall not be deemed to be exclusive:

1.

Horns, Signaling Devices, etc. Subject to the exceptions set forth herein, the sounding of any horn or signaling device of any automobile, motorcycle, bus or other vehicle on any street or public place of the Borough, except as a danger warning; the creation by means of any horn or signaling device of any unreasonably loud or harsh sound, or the sounding of said horn or signaling device for any unnecessary and unreasonable period of time.

2.

Radios, Audio Equipment, etc. The playing of any radio, television, phonograph, musical instrument or any machine or device for the producing or reproducing of sound, in such a manner or with such volume, during the hours after 10:00 p.m. and before 8:00 a.m. so as to unreasonably annoy or disturb the quiet, comfort or repose of persons in any dwelling, hotel or any other type of residence, or to disturb the peace, quiet and comfort of the neighboring inhabitants, or to play or operate the same with louder volume than is necessary for convenient hearing for the person or persons who are in the room or chamber in which such machine or device is operated. As to any commercial establishment to which this subsection applies, a certified sound meter operated by an NCO shall be utilized for an alleged violation.

3.

Yelling, Shouting, etc. Yelling, shouting, or singing after the hour of 10:00 p.m. and before 8:00 a.m. or at any time or place, so as to unreasonably annoy and disturb the quiet, comfort or repose of persons in any office, dwelling, or residence, or of persons in the vicinity.

4.

Use of power equipment including but not limited to landscaping equipment (including lawn mowers, blowers, edgers, clippers and saws) or construction equipment is regulated during the following times:

(a)

Property owners and/or their immediate family members are permitted to perform construction or landscaping work between 8:00 a.m. and 6:00 p.m. on weekdays or between 9:00 a.m. and 5:00 p.m. on weekends and the public holidays of New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving, and Christmas. The official date of Observance shall govern.

(b)

Commercial operators are permitted to provide their services between 8:00 a.m. and 6:00 p.m. on weekdays or between 9:00 a.m. and 5:00 p.m. on Saturdays.

(c)

Except in the case of an emergency, commercial operators are prohibited from providing their services on Sundays or on the public holidays of New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving, and Christmas. Commercial operators are also prohibited from providing their services on Saturdays between the Saturday of Memorial Day weekend and Labor Day. The official date of Observance shall govern.

5.

Music or other amplified sound emanating from a vehicle which is plainly audible at a distance of 50 feet in any direction from the vehicle.

6.

The frequent or habitual howling, barking, meowing or other noise-making by a domestic animal.

7. No person shall cause, suffer, allow, or permit the operation of any sound production device in such a manner that the sound crosses a property line and raises the total sound levels above the neighborhood residual sound level by more than the permissible sound level limits set forth in Table 1 when measured within the property line of a complainant (i.e. receptor). If the noise complaint is prompted by a person located in a dwelling then Table 2 shall be measured within the receptor's residence, otherwise at the property line of the receptor's property line according to the measurement protocol in Subsection **3-1.2** of this section.

[1]

*Editor's Note: Additional noise regulations regarding construction may be found in Chapter **12**, Building and Housing, and 17-5.4.*

§ 3-1.4 Enforcement.

[Ord. No. 307; Ord. No. 597 § 5]

It shall be the duty of the Chief of Police, members of the Police Department and Code Enforcement Officer to determine if this section has been and is being complied with and to enforce the provisions of this section, against any person found to be violating the same.

The Chief of Police, members of the Police Department and Code Enforcement Officer shall have the authority within the Borough to investigate suspected violations of any section of this ordinance and pursue enforcement activities.

(B) The Chief of Police, members of the Police Department and Code Enforcement Officer shall retain the authority within the Borough to investigate suspected violations of any section of this ordinance that without the use of a sound level meter (i.e., plainly audible, times of day and/or distance determinations) and pursue enforcement activities, including the issuance of a summons.

§ 3-1.5 Violations and Penalties.

[Ord. No. 597 § 6; Ord. No. 708 § 1; New; Ord. No. 09-2014]

The Chief of Police, any Police Officer of the Borough, the Code Enforcement Officer, or any taxpayer or resident of the Borough may make complaint in the Municipal Court of the Borough of Sea Girt for any violation of this section or any subsection, or provision thereof. Unless a specific penalty is established below, any person violating any provision of this section shall, upon conviction, be subject to the penalty stated in Chapter **1**, Section **1-5**.

Borough Code	Description	Fine		Payable*
3-1	Noise	1st	\$250	No
		2nd	\$500	No
		3rd	\$2,000	No
3-1.2	Disturbing the peace	1st	\$250	No

Borough Code	Description	Fine		Payable*
		2nd	\$500	No
		3rd	\$2,000	No
3-1.3	Unnecessary noise	1st	\$250	No
		2nd	\$500	No
		3rd	\$2,000	No

Public nuisance.

Exclusive of any other remedy set forth herein, the operation or maintenance of any noise source in violation of any provision of this chapter shall be deemed and is declared to be a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction, or in any other manner available for the abatement of public nuisances. Any remedy available pursuant to this chapter shall be considered separate and not exclusive of any other remedy available hereunder.

Partial Invalidity. If any provision or portion of a provision of this section is held to be unconstitutional, preempted by Federal or State Law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the section shall not be invalidated.

b.

All ordinances or parts of ordinances, which are inconsistent with any provisions of this section, are hereby repealed as to the extent of such inconsistencies.

c.

No provision of this section shall be construed to impair any common law or statutory cause of action, or legal remedy there from, of any person for injury or damage arising from any violation of this section or from other law.

§ 12-2.2 Additional Regulations.

[Ord. No. 891a.-i.; Ord. No. 913; Ord. No. 918; Ord. No. 2007-16; New; Ord. No. 15-2012

i.

Construction is permitted during the following times:

[Amended 5-22-2019 by Ord. No. 15-2019]

1.

Construction Hours Permitted.

Monday through Friday — 8:00 a.m. to 6:00 p.m.

Saturday — 9:00 a.m. to 5:00 p.m. Sunday-prohibited

Except in the case of an emergency, no commercial construction shall take place on Sundays or on the public holidays of New Year’s Day, Memorial Day, July 4th, Labor Day, Thanksgiving, Christmas, but is permitted on those days if done solely by the property owner and/or their immediate family between 9:00 a.m. and 5:00 p.m. Commercial construction is also **prohibited on Saturdays beginning on the Saturday of Memorial Day weekend in May and ending on Labor Day**, inclusive, but is permitted if done solely by the property owner and/or their immediate family between 9:00 a.m. and 5:00 p.m.

The official date of Observance shall govern.

2.

Use of Power Tools. The use of power equipment or tools by both commercial operators and property owners for construction, repair or alteration of buildings, landscaping and lawn maintenance is permitted during the following times:

(a)

Mondays through Fridays, (except on the public holidays of New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving, and Christmas), between the hours of 8:00 a.m. and 6:00 p.m. The official date of Observance shall govern.

(b)

On Saturdays between the hours of 9:00 a.m. and 5:00 p.m. (Except the provision of services by commercial operators is **not permitted on Saturdays beginning on the Saturday of Memorial Day weekend in May and ending on Labor Day, inclusive**).

Individual property owners and/or their immediate family members are permitted to perform construction and/or landscaping work on all Saturdays, Sundays and the public holidays of New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving, and Christmas between the hours of 9:00 a.m. and 5:00 p.m. The official date of Observance shall govern.

(c)

In the absence of a permanent connection to the power grid, property owner or his designated representative shall provide a temporary connection to the power grid to provide power to the site during the period of construction, repair or alteration of buildings in excess of 300 square feet.

§ 17-5.4 Mechanical Equipment.

[Ord. #855, § 4-1; Ord. No. 20-2018]

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

UPON MOTION of Councilman Perry, seconded by Councilman Clemmensen, carried, that the meeting be opened to the public for comments on the said Ordinance only.

Ray Bogan noted he received a letter dated October 27, 2021 from Mr. Genova on behalf of Mr. Lauzon and Candice Kadimik addressing provisions in this ordinance.

John Ward, Beacon Boulevard commented property owners should have extended hours over commercial operators; hours to operate snow removal is unclear.

Sharon Kregg, Brooklyn Boulevard commented commercial operators using leaf blowers until 6:00 pm is too late; times are too lenient to commercial businesses. She commented she is fine with snow blowing equipment during a storm.

Gary Lynn, Beacon Boulevard questioned Table 1; Lieutenant DeMillio explained Table 1 and that The Parker House would fall under the first half since there are no other commercial properties nearby.

Nick Pellegrino, Attorney for Genova Burns asked for clarification on noise being enforced without a complaint being issued. Mr. Bogan responded in his opinion the Police are able to take action without a complaint from a resident if they directly observe a violation. Mr. Pellegrino then questioned Sec. 3-1.3 testing noise indoors. Chief Macko responded a majority of the readings will be taking outside; the statute 7.21 explains the criteria of when readings could not be taken outside.

Henry Bossett, Chicago Boulevard commented on the importance of the enforcement of this ordinance comparing to other local towns.

Mr. Bogan noted there was a provision originally published with a footnote after a table which did not apply to this ordinance which has been eliminated. It did not change the substance or character of this ordinance.

There being no further comments from the public participating and **UPON MOTION** of Councilwoman Giegerich, seconded by Councilman Clemmensen, carried, the public hearing was closed.

Councilwoman Giegerich questioned the observance of holiday schedule. Mr. Bogan noted the official date of Observance shall govern. Councilman Begley, Council President Anthony, Councilwoman Giegerich, Councilman Clemmensen support a time change for commercial operators to 5:00 pm. Mayor Fetzer commented this would be a substantial change to the ordinance at this time and could be amended in the future. He asked that the Public Safety Committee consider a time change amendment for both commercial operators and home owners.

UPON MOTION of Councilman Clemmensen, seconded by Council President Anthony carried, that the said Ordinance No. 14-2021 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 Anthony	X			
Councilwoman Giegerich	X			
Councilwoman Richman	X			

6. **NEW BUSINESS:**

a. **R-181-2021:** Authorize Revision of Councilmatic Committees

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

2021 REVISED COUNCILMATIC COMMITTEES 10.20.21

PUBLIC SAFETY	
Chair	Mark Clemmensen
Member	Matthew Begley
Member	Donald Fetzer
Police	Mark Clemmensen
Fire	Donald Fetzer
Zoning-Code Enforcement	Matthew Begley
PERSONNEL/ADMINISTRATION	
Chair	Melissa Giegerich
Member	Mark Clemmensen
Member	Diane Anthony
PUBLIC BUILDINGS/GROUNDS/LANDSCAPING	
Chair	Diane Anthony
Member	Melissa Giegerich
Member	Bryan Perry
PUBLIC WORKS	
Chair	Mark Clemmensen
Member	Diane Anthony

Member	Donald Fetzer
WATER/SEWER DEPARTMENT	
Chair	Donald Fetzer
Member	Mark Clemmensen
Member	Bryan Perry
BEACHFRONT MANAGEMENT	
Chair	Melissa Giegerich
Member	Maria Richman
Member	Bryan Perry
RECREATION	
Chair	Bryan Perry
Member	Matthew Begley
Member	Maria Richman
LIBRARY	
Chair	Melissa Giegerich
Trustee	Donald Fetzer
Member	Diane Anthony
Member	Bryan Perry
ENVIRONMENTAL/WETLANDS CONSERVATION	
Chair	Diane Anthony
Member	Melissa Giegerich
Member	Maria Richman

INSURANCE/LABOR NEGOTIATIONS	
Chair	Donald Fetzer
Member	Matthew Begley
Member	Mark Clemmensen
FINANCE/CAPITAL IMPROVEMENTS/EQUIPMENT	
Chair	Matt Begley
Member	Brian Perry
Member	Donald Fetzer
SPECIAL COMMITTEES:	
JIF SAFETY COMMITTEE	
Administration	James Gant
Police Department	Justin Macko
Fire Department	William Loughran
Public Works Department	Michael McArthur
Beach Department	James Freda
EMERGENCY MANAGEMENT COUNCIL	
Mayor and Director	Donald Fetzer
Public Safety	Mark Clemmensen
Member	Matt Begley

Emergency Management Coordinator	Timothy Harmon
Deputy Emergency Management Coordinator	Chief Justin Macko
Administration Representative	James Gant
Finance Representative	Matthew Begley
Law Enforcement Representative	Chief Justin Macko
Fire Department Representative/Safety Officer	William Loughran
EMS Representative	Michael Lauber (Manasquan First Aid)
Public Works Representative	Michael McArthur
Oceanfront Water Ops	James Freda
Heath Department Representative	Diane Anthony
Sea Girt School Representative	Rick Papera
MONMOUTH MUNICIPAL JOINT INSURANCE FUND	
Fund Commissioner	James Gant
Alternate Fund Commissioner	Jane Hunnewell
APPOINTMENTS AFFIRMED BY COUNCIL:	
ADA Coordinator/Alternate	James Gant/Michael McArthur
Assistant, Finance Office	Jane Hunnewell
CDBG Representative/Alternate	James Gant/Jane Hunnewell
Chief Finance Officer	Amy Spera
Clean Communities Coordinator	Michael McArthur/Trevor Palmer
Borough Clerk/Registrar	Dawn Harriman
Deputy Tax Collector	Brooke Koegel
Designated Employer Representative-(Drug/Alcohol Testing)	Richard Lyster
Emergency Management Coordinator	Timothy Harmon
Deputy Emergency Management Coordinator	Justin Macko
Fire Official	Christopher Willms
Librarian	Lisa Luke
Assistant Librarian	JoAnn Johnson
Assistant Librarian/Children's Librarian	Patricia Peterson
DPW Manager/Licensed Water Plant Operator	Michael McArthur
DPW Asst. Manager/Asst. Licensed Water Plant Operator	Trevor Palmer
Police Chief	Justin Macko
Police Captain	OPEN
Public Agency Compliance Officer (PACO)	James Gant
Public Works Assistant Manager	Trevor Palmer
Qualified Purchasing Agent	Amy Spera
Recycling Coordinator	Carol Baren (Brielle)
SMMUA Representative/Alternate	James Gant/Michael McArthur
SMRSA Representative (5 year term)	F. Ken Farrell
Utility Collector	Brooke Koegel
Zoning Official/Code Enforcement Officer	Christopher Willms
Assistant Code Enforcement Officers	Michael McArthur
Board of Education Liaison	Maria Richman

BOARDS AND COMMISSIONS:		
PLANNING/ZONING BOARD		
Class I - Mayor	Donald Fetzer	December 31, 2021

Class II - (1 year term)	Karen Brisben	December 31, 2021
Class III – (1year term)	Diane Anthony	December 31, 2021
Class IV – 4 year term	Carla Abrahamson	December 31, 2024
Class IV – 4year term -	Jake Casey	December 31, 2024
Class IV – 4 year term	Norman Hall	December 31, 2021
Class IV – 4 year term	Eileen Laszlo	December 31, 2024
Class IV- 4 year term	Ray Petronko	December 31, 2022
Class IV – 4 year term	John Ward	December 31, 2024
Alternate #1 – 2 year term	Robert Walker	December 31, 2022
Alternate #2 – 2 year term	Stan Koreyva	December 31, 2021

BOARD OF HEALTH		
Chairman	Diane Anthony	December 31,2021
Member	James Gant	December 31,2021
Member	Dawn Harriman	December 31,2021
BOARD OF RECREATION COMMISSIONER		
Chairman	Michael D’Altrui	December 31,2024
Member	Mark Leddy	December 31,2021
Member	Jennifer Perry	December 31, 2024
Member	Lori Loughlin	December 31,2024
Member	Kevin Reid	December 31,2021
SHADE TREE COMMISSION		
Chairman	Robert Strang-Wolf	December 31, 2021
Member	Bill Drew	December 31, 2021
Member	Alex Fatenko	December 31, 2021
Member	Kerri Walsifer	December 31, 2022
Member	Conrad Yauch	December 31, 2021
SHORE COMMUNITY ALLIANCE		
Member	Maria Richman	December 31,2021
Member	Chief Justin Macko	December 31,2021
Member	Rick Papera	December 31,2021

7. COUNCIL REPORTS:

Councilman Clemmensen reported leaf collection now through December 15th; do not mix leaves with other debris; Halloween curfew is in place for the Halloween weekend; glow sticks available at the Police Department; October 28th road improvements begin near the 500 block of Washington Boulevard; The Police Department House Check and Key Box program has been reinstated; lock car doors and remove key fobs; Coffee with Cops event is being held at the Hope Light Shed Building in Manasquan on Saturday 8:30am -10:30am; The Police Department will be participating in “No Shave November” to raise awareness and funds for prostate cancer foundation.

Councilman Perry thanked the Recreation Committee and Janeen Yodakis for coordinating the First Annual Corn Hole Tournament; it was a successful event; proceeds will go to a local foodbank.

Councilman Begley reported that on October 13th Sea Girt held an annual note sale in the amount of \$5,575,500 and anticipate refinancing into a long term note by December.

Councilwoman Giegerich reported sand fencing will be done on the easterly side of the dunes to prevent sand from blowing on the boardwalk and entrances and to minimize the preseason work and dune height growth. The Library will have a visit from the Fire Department; you can tour the firetrucks on Thursday between story times at the Gazebo; Therapy Dogs will also be visiting between 3:30 and 4:30pm. The Antique Car Show takes place at the Plaza on November 6th between 9 and noon; rain date November 13th.

Councilwoman Richman reported on the Shore Community Alliance programs: BABES is returning November 1st; Peer Leaders day is in January; Red Ribbon Week is this week; Sr. Health and Wellness Fair ongoing; and Coffee with Cops on October 30th which are some of the programs to prevent Drug and Alcohol abuse in the area.

Council President Anthony commented the Sea Girt Conservancy and the Shade Tree Commission will have two cleanups on November 6th and November 13th; there will be a tree identification seminar on November 6th by NJ Tree Forester Bill Brash at Edgemere Park. She thanked resident Pat Rodgers for her efforts with the Fall Beach Sweep; she also thanked the Holly Club for the beautiful planters on the boardwalk. Building and Grounds Committee received a preliminary report from CME Associates; a report will be shared with the public in the near future on the evaluation of the Municipal Building.

Mayor Fetzer commented he attended along with Chief Macko, Council President Anthony and Councilwoman Richman the NJ National Guard Military Review with the Governor; it was a very impressive ceremony. Hydrant flushing is ongoing this week.

8. **ADMINISTRATOR REPORT:** No report

9. **Resolution No. 182 -2021:** Payment of Bills

BE IT RESOLVED, by the Borough Council of the Borough of Sea Girt, County of Monmouth that the bills be paid as appearing on the attached bill list dated October 22, 2021 in the totals as follows:

CURRENT FUND	\$ 739,572.11
WATER/SEWER OPERATING FUND	\$ 73,969.01
BEACH OPERATING FUND	\$ 13,586.93
RECREATION TRUST FUND	\$ 120.44
TRUST FUND	\$ 11,495.00
GENERAL CAPITAL	\$ 4,176.75
WATER CAPITAL	\$ 1,262.50

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

Pat Rodgers, Baltimore Boulevard thanked those attended, volunteered and supported the Fall Beach Sweep.

Geraldine O’Keefe, Seaside Place commented she doesn’t object to an additional paddleball court but Crescent Park is not the proper venue.

Sharon Kregg, Brooklyn Boulevard commented the petition is too restrictive; doesn’t support additional paddleball court in Crescent Park.

Phil Vasan, Ocean Avenue commented he is in agreement that the wording of the petition is too restrictive; the spirit is to protect the forest, not to restrict the town from protecting the forest. He added he respects the Borough Councils view that the technical reading of the petition does not compel the Borough to act, but he would like council to respect the spirit of the residents.

Sue Sharp, Stockton Boulevard concurs with Mr. Vasan’s comments and that the petition needs to be clarified.

Mr. Gant clarified through the democratic process of our public meetings, we handled many of these discussions and through The Stewardship Plan we agree with the comments made on the preservation of Crescent Park which was codified and adopted.

There being no further business, and **UPON MOTION** of Councilman Clemmensen, seconded by Councilwoman Richman, carried, that the meeting be finally and immediately adjourned at 8:30PM.

Dawn Harriman

Dawn Harriman, RMC