

MINUTES - REGULAR MEETING
October 24, 2018

The Regular Meeting of the Borough of Sea Girt Council was called to order by Mayor F. Ken Farrell at 7:00 PM on Wednesday, October 24, 2018 at the Sea Girt Elementary School, Bell Place, Sea Girt. Mayor Farrell asked for a moment of silence; he then led those in attendance in the Pledge of Allegiance.

The Municipal Clerk read the Compliance Statement: This meeting is called pursuant to the provisions of the Open Public Meetings Act, C.231, P.L.1975: adequate notice of this meeting has been given by posting a notice on the Borough's 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.

ROLL CALL:

	Present	Absent
Mayor Farrell	X	
Councilman Foley	X	
Councilman Meixsell	X	
Councilwoman Morris	X	
Council President Fetzer	X	
Councilman Mulroy	X	
Councilwoman Anthony	X	

1. PRESENTATION – Sea Girt Chamber of Commerce to the Annual Halloween poster contest winners.

Mr. Richard Aljian, a member of the Chamber of Commerce, offered a brief statement thanking those involved with organizing and sponsoring the contest and those who participated in judging the entries, including Kevin Callahan and Pat Sharin. He noted that all the entries were very good; that it was a difficult decision to determine the winners and thanked the sponsors for their support. He read a passage from John Wooden's book, noting to the students who participated that while not everyone may receive a prize, they should be proud of themselves for participating in the event. He thanked the staff at the school including Mr. Papera and the Art Instructor, Ms. Arey, for their participation as well. He also thanked the 2018 sponsors: Wayne Dryer - Dreyer Custom Homes, John Kelly - Merrill Lynch, Marriott, Callahan & Blair Counsellors at Law, Linda Romano - Coldwell Banker Residential Brokerage, Michael Mulroy - Ward Wight Sotheby's International Realty, Pat Meyer - Diane Turton, Realtors, Mike D'Altrui - Conover Beyer Associates. He and the Mayor then presented the awards to the winners of the 2018 Chamber of Commerce Halloween Poster Contest:

PreK -- K Grade Category

- First Place - Riley Liebler – K
- Second Place – Madeleine O'Connor – K
- Third Place – Leanne Lardieri - PK

1st & 2nd Grade Category

- First Place – Camryn Begley - Grade 1
- Second Place – Katherine Gilmore - Grade 1
- Third Place – John Flynn – Grade 2

3rd & 4th Grade Category

- First Place – Heidi Wierman - Grade 4
- Second Place – Charlotte Perry - Grade 3
- Third Place – Caden Paterno - Grade 3

5th, 6th, 7th & 8th Grade Category

- First Place – Charlotte Arey Urea- Grade 5
- Second Place – Chloe Strang Wolf - Grade 7
- Third Place – Dylan Clancy - Grade 6

Best overall poster – Heidi Wierman - Grade 4

Most original poster – Paige Fischer - Grade 7

There were no Consent Agenda items requiring action, so the public hearing on Consent Agenda items was not held.

2. MINUTES

- **Resolution No. 165-2018:** Approve Minutes, Regular Meeting held October 10, 2018

UPON MOTION of Councilman Meixsell, seconded by Councilwoman Morris, carried, that the Minutes of the Regular Meeting on October 10, 2018 be and the same are hereby approved as presented.

Recorded Vote:

	AYES	NAYS	ABSENT	ABSTAIN
Councilman Foley	X			
Councilman Meixsell	X			
Councilwoman Morris	X			
Council President Fetzer	X			
Councilman Mulroy	X			
Councilwoman Anthony	X			

- 3. OPEN DISCUSSION** – Councilman Mulroy noted that in his conversations with the public, the Library referendum is being confused with the discussion about improvements to the Library building and street improvements. Councilwoman Morris responded that the referendum question is solely connected with leaving Monmouth County Library and noted that she is willing to answer any questions at the next Library information session scheduled for November 3rd at noon. She further explained that the referendum is an economic decision and is all about keeping control of Sea Girt tax dollars in Sea Girt. She did note that any proposed improvements or building plans are concepts only at this point in time, and will be presented to the public for their input prior to formal action by the Council

4. OLD BUSINESS

A. Ordinances – public hearing/possible adoption

1. The Mayor to read the said Ordinance by Title and advise of its publication in its entirety in *The Asbury Park Press* on September 15, 2018 and referral to Planning Board on September 27, 2018:

ORDINANCE NO. 18-2018:

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

BE IT HEREBY ORDAINED BY THE COUNCIL OF THE BOROUGH OF SEA GIRT AS FOLLOWS:

SECTION 1. Purpose.

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

SECTION 2. Definitions.

Clear cutting shall mean the removal of all standing trees on a site or portion of a site.

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

Diameter at Point of Measure (DPM) shall mean the diameter (caliper) of a tree at a point on the tree 54 inches above the actual ground level.

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

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

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

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

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

Tree shall mean any living deciduous or evergreen tree with a single trunk at a height of one (1) foot above the root crown, with a normally anticipated mature height of thirty (30) feet or greater (including, but not limited to: Norway; Silver and Sugar Maple; Sweetgum; London Plane; American Sycamore; White and Red Pin Oak; American Elm; Yellow and White Poplar; Copper Beech; Cedar; Spruce; Pine; and Fir).

Tree removal permit shall mean a certificate issued by the Borough to remove trees as defined in this section.

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

SECTION 3. Tree Removal Prohibited.

No person shall remove, or cause to be removed any existing trees with a diameter of six (6) inches or greater caliper at point of measure, upon any lands within the Borough of Sea Girt without a tree removal permit except as follows:

- a. Trees that are to be removed as the direct result of a development application that has been approved by the Borough of Sea Girt Planning Board;
- b. Any trees cut or removed in accordance with a management plan developed by the New Jersey Department of Environmental Protection, Bureau of Forestry, filed with the Construction Official of the Borough;
- c. Trees directed to be removed by municipal, County, State or Federal authority.

No person shall remove any tree growing on or over a public right-of-way or public land without the express written consent of a competent municipal authority (Code Enforcement Officer, Borough Engineer, etc.) or Shade Tree Commission.

SECTION 4. Tree Removal Permit.

A Tree Removal Permit shall be required for the removal of any trees of six (6) inches or greater caliper at point of measure, as follows:

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

SECTION 5. Tree Removal Permit Requirements.

- a. *Application Form.* An application form can be obtained from the Code Enforcement Officer or Borough Clerk and shall include the following information:
1. Name and address (street and lot and block) of the owner of the premises and status of legal entity (individual, partnership, corporation).
 2. Description of the premises where removal is to take place, including lot and block numbers, and street address as assigned if different than the address of the owner.
 3. Purpose of tree removal.
 4. In addition to the application form, a survey showing the approximate location and size of all trees with a diameter at breast height of SIX (6) inches or greater caliper that exist on the lot, and identifying those trees to be removed. At the discretion of the Code Enforcement Officer or his/her designee, other appropriate documents may be substituted if a survey is not available.
 5. If a tree is removed under the requirements of SECTION 3 or 4(b) or (c) or (d), a mitigation plan must be submitted and approved by the Code Enforcement Officer or his/her designee prior to the issuance of any permit that will provide for the replacement of at least one-half of all removed trees by planting a tree of 3" to 3 1/2" caliper or remitting a fee to the Borough of Sea Girt in the amount of five hundred (\$500.00) dollars per tree removed.

SECTION 6. Fees.

Upon the filing of an application with the Code Enforcement Officer for a tree removal permit under the terms of this section, the applicant shall pay an application fee of fifty (\$50.00) dollars for any trees removed. No fee is required for a tree removed under section 4(a) of this Ordinance.

SECTION 7. Permit Approval.

- a. *Time Limits for Action.*
1. The Code Enforcement Officer or his/her designee shall act on an application for a tree removal permit within thirty (30) business days of the receipt of a complete application. Failure to act within thirty (30) days shall be deemed to be an approval of the application and thereafter, a tree removal permit shall be issued.
- b. *Duration of Permits.*
1. If granted for a lot or parcel of land for which no building permit is required three (3) months from the date of issuance.
 2. If granted for a lot or parcel of land for which a building permit is required but for which no variance, subdivision, or site plan approval is required or has been approved by the Planning Board, until expiration of building permit granted with such tree removal permit.

SECTION 8. Completion.

The holder of a tree removal permit shall notify the Code Enforcement Officer when the tree removal has been completed.

SECTION 9. Significant Specimen Trees.

It is presumed that Significant Specimen Trees should only be removed in the most compelling and extraordinary circumstances. Removal will be permitted only after approval by a Hearing Panel, as

described in SECTION 10. The loss of lot yield, building area, or profitability of developmental layout shall be deemed neither compelling nor extraordinary.

SECTION 10. Appeals.

Whenever any application for a tree removal permit shall be denied by the Code Enforcement Officer or his/her designee, the applicant may appeal the denial to the Borough Administrator by filing a written notice of appeal with the Borough Clerk within ten (10) days after receiving notice of the denial. Upon receipt of the notice of appeal, the Borough Administrator shall appoint a hearing panel consisting of three (3) members: The Borough Engineer, an employee of the Department of Public Works, and any other designee of the Borough Administrator. This panel shall proceed to hear the appeal upon notice to the applicant within thirty (30) business days of the filing of such notice of appeal. This panel shall have the discretion, after interviewing both the applicant and the Code Enforcement Officer or his/her designee, to reverse, affirm, or modify the aforesaid decision.

SECTION 11. Protection of Existing Trees.

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

SECTION 12. Emergency Action.

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

SECTION 13. Penalties.

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

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

John O'Grady, The Terrace, commented that he has issues with diseased trees on private property and these issues should be addressed by the Borough; he also noted that there should be no trees taller than 45' allowed in the Borough. Mrs. Anthony concurred with Mr. O'Grady's comments.

Robert Kregg, Boston Blvd., commented that information about the Ordinance adoption must be conveyed to the public and noted that if new tree is planted, it must survive initial planting.

There were no further comments from the public, and **UPON MOTION** of Councilwoman Morris, seconded by Councilman Foley, carried, the public hearing was closed.

Council President Fetzer asked if a permit is necessary to remove a dead or diseased tree; he was advised that a permit is required but there is no fee. He noted that he does not agree with the need for this Ordinance. Councilwoman Anthony agreed with Council President Fetzer; she noted that she is opposed to the adoption of this Ordinance noting that the regulation/interference with what residents do on their own property within the law. She also noted if the property owner does not wish to replace a tree on their own lot, that \$500/per tree, as payment to the Borough, according to the noted specifications on Ordinance 18-2018, is high, and in her view, considered a tax.

UPON MOTION of Councilman Meixsell, seconded by Councilwoman Morris, carried, that the said Ordinance No. 18-2018 be adopted on final reading, as amended, directing the Clerk to post and publish as required by law.

Recorded Vote:

	AYES	NAYS	ABSENT	ABSTAIN
Councilman Foley	X			
Councilman Meixsell	X			
Councilwoman Morris	X			
Council President Fetzer		X		
Councilman Mulroy	X			
Councilwoman Anthony		X		

2. The Mayor to read the said Ordinance by Title and advise of its publication in its entirety in *The Asbury Park Press* on September 15, 2018 and referral to Planning Board on September 27, 2018:

ORDINANCE NO. 19-2018

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER XVII, ZONING, ARTICLE 17-2, DEFINITIONS; ARTICLE 17-4, SCHEDULE OF LIMITATIONS AND ARTICLE 17-5, GENERAL REGULATIONS, OF THE BOROUGH CODE OF THE BOROUGH OF SEA GIRT

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

SECTION 1. Ordinance No. 17-2018 is repealed in its entirety.

SECTION 2. Article 17-2, DEFINITIONS, is hereby supplemented as follows:

House of Worship and similar places of worship: any building where congregations gather for prayer

Schools: institution for the purpose of general academic instruction and accredited by the New Jersey Department of Education not operated for profit

SECTION 3. Article 17-4, SCHEDULE OF LIMITATIONS; CONFORMANCE WITH CHAPTER is hereby revised and supplemented as follows:

- a. District 1 East, 1 West Single Family and District 2 East and 2 West Convenience Commercial: sections entitled Purpose, Permitted Use On and/or In Building, Area and Yard Requirements are hereby amended; section entitled Conditional Uses is hereby added.*

**SECTION 4. Article 17-5, GENERAL REGULATIONS, is hereby supplemented as follows:
Section 17-5.2, Conditional Uses:**

- B. Schools, (as defined in § 17-2 Definitions) churches and similar places of worship, parish houses, convents, church schools and libraries that are owned and operated by duly incorporated religious organizations shall be permitted in all zones of the Borough of Sea Girt, subject to the following limitations and requirements:

- a.* The minimum lot size shall be three-quarters of an acre for each building and accessory buildings. One (1) parish house, convent, church school and church library may be constructed as part of a building used as a church or similar place of worship or in combination or singly as accessory buildings.
- b.* The minimum front yard depth shall be fifty (50) feet.
- c.* The minimum side yard shall be twenty (20) feet on both sides.
- d.* The minimum rear yard depth shall be fifty (50) feet.
- e.* The minimum street frontage shall be one hundred twenty five (125) feet.
- f.* The maximum building height shall be two (2) stories, not to exceed fifty (50) feet to the highest point of any building, exclusive of chimneys, steeples and similar items.
- g.* Parking areas shall be located only in the side yards and rear yard and not in the buffer strips required by paragraph h. below.
- h.* Buffer strips ten (10) feet in width with planting, as indicated by the location and existing trees and undergrowth, shall be maintained all along the side lines and rear line. No trees shall be removed in the buffer strips unless approved by the Planning Board.
- i.* There shall be a minimum of one (1) separate entrance and one (1) separate exit from and to a public street, collector road or arterial road.
- j.* No building permit shall be issued unless a site plan has been approved in writing by the Planning Board.
- k.* The Planning Board, in making its determination, shall be guided by the following standards in order that such uses may be properly related to the orderly and harmonious

development of the community.

1. The proper relationship of the particular structures and other features shown on the site plan to one another and to present and proposed structures and other features in the area.
2. The proper relationship of parking areas, driveways and approaches to roadways and traffic flow on roadways and on private or public property in the area.
3. The proper relationship of structures and other features to the contours of the land.
4. The proper maintenance of natural features, trees and foliage.
5. The proper development of buffer strips as required by paragraph h. above.
6. Such matters as relate to the planning and physical development of the Borough of Sea Girt.

SECTION 4. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 5. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

The Clerk advised that the Planning Board had no objections to the said Ordinance. **UPON MOTION** of Council President Fetzer, seconded by Councilman Mulroy, carried, that the meeting be opened to the public for comments on the said Ordinance only. There were no comments from the public, and **UPON MOTION** of Councilman Mulroy, seconded by Councilman Foley, carried, the public hearing was closed.

UPON MOTION of Council President Fetzer, seconded by Councilman Mulroy, carried, that the said Ordinance No. 19-2018 be adopted on final reading, directing the Clerk to post and publish as required by law.

Recorded Vote:

	AYES	NAYS	ABSENT	ABSTAIN
Councilman Foley	X			
Councilman Meixsell	X			
Councilwoman Morris	X			
Council President Fetzer	X			
Councilman Mulroy	X			
Councilwoman Anthony	X			

3. The Mayor to read the said Ordinance by Title and advise of its publication in its entirety in *The Asbury Park Press* on October 14, 2018; and referred to Planning

Board for comments on October 11, 2018. Mayor Farrell explained the Planning Board comments and Council agreed to amend the Ordinance:

ORDINANCE NO. 20-2018

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER XVII, ZONING, ARTICLE 17-2, DEFINITIONS; ARTICLE 17-4, SCHEDULE OF LIMITATIONS AND ARTICLE 17-5, GENERAL REGULATIONS AND ARTICLE 17.6 EXCEPTIONS AND MODIFICATIONS, OF THE BOROUGH CODE OF THE BOROUGH OF SEA GIRT, AS AMENDED

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

SECTION 1. Article 17-2, DEFINITIONS, is hereby amended and supplemented as follows:

Building coverage is the percentage of the lot area that is covered by the building area plus any porches and/or area within the outside dimensions of a covered or enclosed breezeway which may connect an otherwise detached garage. Calculations of building coverage may exclude area within the outside dimensions of an integral or attached garage that are uncovered by upper stories.

Dormer- A projection from a sloping roof that contains a window which shall not exceed ten (10) feet in length measured along its long wall and is set back a minimum of two (2) feet from the exterior vertical building wall beneath the dormer. An exception is made for a dormer that results from stairs on an outside wall, which is permitted to be flush with the exterior vertical building wall against which stairs are constructed.

Home Office An office activity carried on for gain by a resident in a dwelling unit as an accessory use.

Story:

Half story shall be defined as attic space above or second story which shall have a pitched roof to begin within twelve (12) inches of the ceiling joists line of the story below and which pitch shall have a minimum slope of thirty (30%) percent. Such attic space, if finished, shall have a minimum vertical wall of five (5) feet in a finished area including deck and balcony space not to exceed fifty (50%) percent of the second story living space in the case of a two and one-half (2 1/2) story structure. Chimneys shall not be elevated more than three (3) feet above the established ridge height. Decorative structures such as, but not limited to, railings, widow walks, parapets, etc., are not allowed to be more than an additional two (2) feet above the established ridge height. Dormers attached to half-stories must meet the setback requirements included in the definition of dormers.

Lot:

Lot, corner shall mean a lot at the junction of and abutting two (2) or more intersecting streets where the interior angle of intersection does not exceed one hundred thirty-five (135°) degrees. Corner lots shall have a front, a rear and side yards. The front yard shall be the smaller of the two (2) lot lines coexistent with the street line. The rear yard shall be the side opposite the front. The remaining sides shall be considered side lot lines.

Porch – A roofed entrance, piazza, or portico not more than one (1) story in height. A front “porch” shall not be enclosed permanently or temporarily with any type of material nor shall there be any construction between the roof and the floor of the porch except for columns or posts necessary for the support of the roof or an open safety railing which present no more than a minimal obstruction to view provided, however, that an open wire mesh removable screening may be permitted during the period of May 1 through October 31 of each year. Porches shall be considered part of the principal building for the purpose of calculating building coverage. Porches shall not be considered habitable floor area.

SECTION 2. Article 17-4, SCHEDULE OF LIMITATIONS; CONFORMANCE WITH CHAPTER is hereby revised and supplemented as follows:

- b. District 1 East, 1 West Single Family and District 2 East and 2 West Convenience Commercial: sections entitled Purpose, Permitted Use On and/or In Building, Area and Yard Requirements are hereby amended; section entitled Conditional Uses is hereby added.

SECTION 3. Article 17-5, GENERAL REGULATIONS, is hereby supplemented as follows:

Section 17-5.1 Accessory Buildings and Structures in Residence Districts is hereby amended and supplemented as follows:

b.4. Basement areas below accessory and/or garage structures are limited to use as storage space only; garage basement dwelling units are not permitted. Accessory and/or garage structures constructed with basement areas shall be included in the lot coverage calculation.

- i. Building coverage. The maximum permitted building coverage on any residential lot shall be the equivalent of twenty (20%) percent of lot size, calculated as described in the definition of building coverage as that term is defined in Section 17-2.

Section 17-5.2 Conditional Use is hereby added:

A. Home Office Use in residential zones:

Home office use, meaning an office activity carried on for gain by a resident in a dwelling unit, shall be permitted accessory use in residential zone districts, provided:

- a. The use is limited solely to office use;
- b. The use is operated by or employs in the residence only a resident or residents who are permanent full-time residents of the dwelling unit, and no other person;
- c. The use shall be located in only one (1) room of the dwelling unit, which shall not be served by an entrance separate from the household;
- d. Interior storage of materials shall only consist of office supplies;
- e. There shall be no change to the exterior of buildings or structures because of the use, and no outside appearance of a business use, including, but not limited to, parking, storage, signs or lights;
- f. The use operates no equipment or process that creates noise, vibration, glare, fumes, odors

or electrical or electronic interference, including interference with telephone, radio or television reception, detectable by neighboring residents;

- g. The use does not require any increased or enhanced electrical or water supply;
- h. The quantity and type of solid waste disposal is the same as other residential uses in the zone district;
- i. The capacity and quality of effluent is typical of normal residential use, and creates no potential or actual detriment to the sanitary sewer system or its components;
- j. Delivery trucks shall be limited to U.S. Postal Service, United Parcel Service, Federal Express and other delivery services providing regular service to residential uses in the zone district;
- k. All vehicular traffic to and from the home office shall be limited in volume, type and frequency to what is normally associated with other residential uses in the zone district.

17-5.4 Mechanical Equipment is hereby supplemented:

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.

SECTION 4. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 5. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

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

Leanne Hoffman commented that Council should be aware that by revising the setback requirements for homes on lots greater than 50 feet in width, the Borough was creating non-conforming structures where a presently conforming structure exists.

There being no further comments, and **UPON MOTION** of Councilman Mulroy, seconded by Councilman Foley, carried, the public hearing was closed.

Council President Fetzer commented on setbacks, noting that does not disagree but acknowledges that certain properties will become non-conforming, pre-existing uses if this Ordinance is adopted. He noted that he is opposed to the requirement that garages with basements be included in the calculation of building coverage; there was further discussion among Council members on this requirement. He noted that he favors porches and Mayor Farrell added that the section relating to porches is removed and that

Planning Board Chairman Norm Hall is putting a committee together that will offer a better recommendation to Council in the future. Council President Fetzer noted that lot coverage is remaining as is with Planning Board in favor; he also favors the water table section staying as is and supports striking item “c” under section 17-5.2.

Councilman Meixsell stated that the Borough is addressing concerns expressed by the public during the Master Plan Reexamination hearings, but he also cautioned that the Borough must identify the future impact of proposed Ordinance revisions before any proposed Ordinance comes before Council. He noted that he is in favor of basements under garages if limited to storage only.

UPON MOTION of Councilman Meixsell, seconded by Councilman Foley, carried, that the said Ordinance No. 20-2018, as amended, be adopted on final reading, directing the Clerk to post and publish as required by law.

Recorded Vote:

	AYES	NAYS	ABSENT	ABSTAIN
Councilman Foley	X			
Councilman Meixsell	X			
Councilwoman Morris	X			
Council President Fetzer		X		
Councilman Mulroy	X			
Councilwoman Anthony	X			

4. **Ordinance No. 21-2018:** The Mayor to read the said Ordinance by Title and advise of its publication by summary in *The Asbury Park Press* on October 13, 2018; he further explained that this Ordinance is intended to fund the rehabilitation of the sewer line serving the needs of residents on Ocean Avenue. He further noted that the cost of the project represents the replacement of the entire line if it is necessary:

ORDINANCE NO. 21-2018:

BOND ORDINANCE PROVIDING FOR VARIOUS WATER-SEWER UTILITY IMPROVEMENTS, BY AND IN THE BOROUGH OF SEA GIRT, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$480,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$480,000 IN BONDS OR NOTES TO FINANCE 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 improvements. For the said improvements or purposes stated in Section 3, there is hereby appropriated the sum of \$480,000 from the Water-Sewer Utility of the Borough, said sum being inclusive of all appropriations heretofore made therefor. Pursuant to the provisions of N.J.S.A. 20A:2-7(h) and 20A:2-11(c) of the Local Bond Law, N.J.S.A. 20A:2-1 et seq., as amended and supplemented (the “Local Bond Law”), no down payment is required as the Water-Sewer Utility of the Borough is self-liquidating.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the said \$480,000 appropriation, negotiable bonds of the Water-Sewer Utility of the Borough are hereby authorized to be issued in the aggregate principal amount not exceeding \$480,000 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 an aggregate principal amount not exceeding \$480,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said obligations are Various Water-Sewer Utility Improvements including, but not limited to, infrastructure improvements to Carriage Way, including but not limited to, sanitary sewer improvements, and improvement, replacement, relocation and/or installation of fire hydrants.

(b) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$480,000.

(c) The aggregate estimated cost of said improvements or purposes is \$480,000.

(d) The above improvements and purposes set forth in Section 3(a) are more particularly described in documents on file in the Office of the Borough Clerk and shall also include, but are not limited to, the following, as applicable, surveying, construction planning, engineering and design work, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, environmental testing and remediation and also all work, materials, equipment, labor and appurtenances as necessary therefor or incidental thereto.

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, as applicable, to the Borough for the improvements or 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, as applicable, 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 purposes. 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. 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 of the Borough 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 Water-Sewer Utility of the Borough is hereby amended to conform with the provisions of this bond ordinance, and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs of the Water-Sewer Utility 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 or purposes 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 said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 20 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 \$480,000 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$80,000 for items of expense listed in and permitted under N.J.S.A. 20A:2-20 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 obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of the obligations 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 Mayor, as provided by the Local Bond Law.

UPON MOTION of Councilwoman Morris, seconded by Council President Fetzer, carried, that the meeting be opened to the public for comments on the said Ordinance only. There were no comments from the public, and **UPON MOTION** of Councilwoman Morris, seconded by Councilman Mulroy, carried, the public hearing was closed.

Council President Fetzer supports adoption but requested that an inspection to be completed before any work is done.

UPON MOTION of Councilman Foley, seconded by Council President Fetzer, carried, that the said Ordinance No. 21-2018 be adopted on final reading, directing the Clerk to post and publish as required by law.

Recorded Vote:

	AYES	NAYS	ABSENT	ABSTAIN
Councilman Foley	X			
Councilman Meixsell	X			
Councilwoman Morris	X			
Council President Fetzer	X			
Councilman Mulroy	X			
Councilwoman Anthony	X			

5. NEW BUSINESS

- 1. Resolution No. 166-2018:** Declare equipment purchased with Borough funds as no longer needed for their original purpose; set dates for on-line auction of said equipment.

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

WHEREAS, the Borough of Sea Girt has determined that certain personal property as described on the attached "Schedule A" is no longer needed for public purposes; and,

WHEREAS, pursuant to N.J.S.A.40A:11-36, "Sale or other disposition of personal property," the governing body may authorize the public sale of municipal owned property no longer needed for public use.

NOW, THEREFORE BE IT RESOLVED, by the Council of the Borough of Sea Girt, County of Monmouth that we do hereby declare that the personal property listed in "Schedule A" is surplus and no longer needed for Borough use.

Recorded Vote:

	AYES	NAYS	ABSENT	ABSTAIN
Councilman Foley	X			
Councilman Meixsell	X			
Councilwoman Morris	X			
Council President Fetzer	X			
Councilman Mulroy	X			
Councilwoman Morris	X			

Clerk's clarification to the following two items regarding the applications for DOT grants: when the grant application for Improvements to Second Avenue was presented and adopted by the Council during this meeting, the Clerk advised that the location description was incorrect on Resolution No. 167-2018 and stated that it should be changed. After discussion, it was determined that the Project's location description in the Council adopted Resolution No. 167-2018, Improvements to Second Avenue, was correct. However, upon advice of Counsel, the Resolution was readopted with the correct location description.

2. **Resolution No. 167-2018:** Authorizing Grant Application to NJDOT for Fiscal Year 2019 – Improvements to Second Avenue – Phase I from The Terrace to The Crescent (County Route 49).

UPON MOTION of Council President Fetzer, seconded by Councilwoman Morris, carried, that the following Resolution be and the same is hereby adopted:

WHEREAS, the State of New Jersey, Department of Transportation has notified all municipalities of the availability of funding under the Transportation Trust Fund Municipality Aid Program for the Fiscal Year 2019; and,

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

Improvements to Second Avenue – Phase I from The Terrace to The Crescent (County Route 49)

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, Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application identified as MA-2019 Second Avenue Phase I-00703 to the New Jersey 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.

Recorded Vote:

	AYES	NAYS	ABSENT	ABSTAIN
Councilman Foley	X			
Councilman Meixsell	X			
Councilwoman Morris	X			
Council President Fetzer	X			
Councilman Mulroy	X			
Councilwoman Morris	X			

3. **Resolution No. 168-2018:** Authorizing Grant Application to NJDOT for Fiscal Year 2019 –The Plaza Streetscape from Washington Blvd. to Boston Blvd.

The Clerk advised that the location description as listed on the form of the Resolution presented with the Agenda distributed in advance of this meeting is incorrect for the above-referenced grant application, and the location description should read Improvements to The Plaza from Washington Blvd. to Boston Blvd.

UPON MOTION of Councilwoman Morris, seconded by Council President Fetzer, carried, that the following Resolution be and the same is hereby adopted:

WHEREAS, the State of New Jersey, Department of Transportation has notified all municipalities of the availability of funding under the Transportation Trust Fund Municipality Aid Program for the Fiscal Year 2019; and,

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

- **The Plaza Streetscape from Washington Blvd. to Boston Blvd.**

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, Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application identified as MA-2019 – The Plaza Streetscape – 00445 to the New Jersey 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.

Recorded Vote:

	AYES	NAYS	ABSENT	ABSTAIN
Councilman Foley	X			
Councilman Meixsell	X			
Councilwoman Morris	X			
Council President Fetzer	X			
Councilman Mulroy	X			
Councilwoman Morris	X			

4. Resolution No. 169-2018: Award contract, Improvements to Carriage Way

Council President Fetzner asked that the said resolution be carried until the next Council meeting, stating that the Council did not authorize going to bid for this project. There was a further discussion about this matter. Councilwoman Morris noted that it would be in the best interest of all stakeholders to move forward and deliver a maintained road. Councilwoman Anthony is concerned that the monitoring wells weren't addressed in the bids as this could possibly be an issue with DEP. Councilman Mulroy stated that taking action on this resolution at the next meeting will give Council President Fetzner a chance to review plans. Councilman Meixsell stated that since the bids came in well under the Engineer's estimate, it would be prudent to move ahead at this time. Borough Attorney, Nick Montenegro, confirmed that bids were received on October 23rd and advised that Council has 60 days to review and award a contract; if Council does not act by December 22nd, the project would have to be rebid.

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

WHEREAS, the Borough of Sea Girt advertised for bids on October 11, 2018 in accordance with the specifications prepared by Leon S. Avakian, Inc. for the Project known as Carriage Way Improvements in the Borough of Sea Girt, Monmouth County, NJ and received bids on October 23, 2018; and,

WHEREAS, two (2) vendors submitted proposals by the date and time required in the Bid Specifications:

BIDDER	BASE BID
Shore Top Construction Corp.	\$265,075
Fernandes Construction, Inc.	278,000

WHEREAS, bids have been reviewed by the Borough Attorney for compliance with the Local Public Contracts Law, *N.J.S.A. 40A:11*, et seq., and found to be in compliance with the same; and,

WHEREAS, the Borough Engineer and Borough Attorney recommend the award of the contract to the low bidder, Shore Top Construction Corp. in accord 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.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The bid of the low bidder, Shore Top Construction Corp is accepted subject to all conditions outlined in the Notice to Bidders, the Bid Specifications and Contract Documents, in the amount of \$265,075.
2. The Mayor and Municipal Clerk are hereby authorized to execute the contract with Shore Top Construction Corp, Farmingdale, NJ for the said Project.
3. The Borough Engineer 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.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be supplied to the following for their information and action:

1. Shore Top Construction Corp
2. Leon S. Avakian, Inc.
3. Chief Financial Officer, Lorraine P. Carafa
4. Nicholas C. Montenegro, Esquire

Recorded Vote:

	AYES	NAYS	ABSENT	ABSTAIN
Councilman Foley		X		
Councilman Meixsell	X			
Councilwoman Morris	X			
Council President Fetzer		X		
Councilman Mulroy		X		
Councilwoman Anthony		X		

Councilman Mulroy asked that this matter be placed on the Agenda for the next Council meeting, November 14, 2018.

6. ADMINISTRATOR REPORTS/DISCUSSION

- A. **Other:** The suggested revisions to the Borough's Development Ordinances have been sent to our professionals for review and further response; responses will be made available upon receipt.
- B. **Other:** Proposed Ordinance No. 22-2018 regarding change to the section permitting bicycles on the Boardwalk is included for review; alternate clauses are included as Chief Davenport has suggested the complete prohibition of bicycles, scooters, skateboards, etc. from the Boardwalk due to serious safety concerns.
- C. **Election Day** is Tuesday, November 6, 2018; polls are open from 6:00 AM to 8:00 PM; Reminders: due to the changes in the election statutes this year, if you received a mail-in ballot and instead choose to vote in person, you will be required to vote using a provisional ballot; you will NOT be permitted to vote using the voting machine. Also, the results posted on Election night are preliminary only; they are subject to change pending the counting of provisional and mail-in ballots after the polls are closed; final results will be issued by the County Clerk's office when they are available.
- D. **Monday, November 12:** Veteran's Day Celebrated; Borough Offices closed; no trash pickup; Zones 1 and 2 pick-up on Tuesday, November 13; brush pick-up will be completed by Friday, November 16.
- E. Thank you to all who participated in the Annual Fall Beach Sweeps sponsored by Clean Ocean Action.

7. QPA REPORTS (of activity since previous Council Meeting): None

8. COUNCIL REPORTS: Councilpersons Foley, Meixsell and Anthony had no reports.

- Councilwoman Morris reported the final Library referendum presentation will be on Saturday, November 3rd at the library at Noon.

- Councilman Mulroy reported the Fire Company has had discussions on capital expenditures namely an anticipated fire truck purchase in 2020-2021; presentation will be in near future.
- Council President Fetzer noted that the next PBA negotiating session is on October 26th.
- Mayor Farrell reported as follows:
 - SMRSA budget adopted; the Borough's sewer use charge up will be up approximately 2.7%; flow reduced by 4.2% due to infrastructure improvements;
 - Completed IT Cybersecurity improvements; deductible reduced.

9. Resolution No. 170-2017: 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 date October 19, 2018 in the totals as follows:

CURRENT FUND	\$ 2,298,885.43
WATER/SEWER OPERATING FUND	\$ 12,241.49
BEACH OPERATING FUND	\$ 7,028.29
TRUST FUND	\$ 3,862.00
RECREATION TRUST FUND	\$ 357.95
CAPITAL FUND	\$ 1,400.00
WATER/SEWER CAPITAL FUND	\$ 4,412.50

Recorded Vote:

	AYES	NAYS	ABSENT	ABSTAIN
Councilman Foley	X			
Councilman Meixsell	X			
Councilwoman Morris	X			
Council President Fetzer	X			
Councilman Mulroy	X			
Councilwoman Anthony	X			

10. PUBLIC PARTICIPATION ON ANY SUBJECT (Comments limited to 7 minutes)

Lynn Ward, Sea Girt Avenue, thanked Council for their efforts. She then discussed changes that she and other residents would like to see regarding setbacks; the size of subdivided corner lots which should be a minimum of 75' x 150'; location of chimney vents and enacting a height restriction on for homes built on smaller lots. She also provided information to Council

Melissa Geigerich, supports leaving MCL; concerned that it is tied to building in open space; not in favor of changing downtown area by putting either an addition on the Library or moving the municipal offices to the site. Mayor Farrell explains the two matters are not connected, that leaving the MCL is solely for the long-term benefit of the Borough and allowing the Borough to control its own tax dollars.

Ray Petronko, Beacon Blvd., asked for clarification on Carriage Way monitoring wells; he was advised that the wells were installed several years ago by the DEP to track the White Swan plume from Wall Township.

Robert Kregg, Boston Blvd., noted that he is in favor of riding bikes on boardwalk; asked Council to consider reduced hours; Councilman Foley agreed.

John O'Grady, The Terrace, stated that the Borough bulletin board is still not updated; asked for a better sound system in the meeting room; noted that he is not in favor of bikes on the boardwalk nor is he in favor of the MCL referendum.

There being no further comments, and by consensus, the public hearing was closed. Mayor Farrell advised that Council has matters to discuss in Executive Session, and requested a motion to adjourn for purposes of the discussion. . **UPON MOTION** of Councilperson Mulroy, seconded by Councilperson Morris, carried, that the following **Resolution No. 171-2018** 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 as follows:
 - a. Ira Walker v. the Borough of Sea Girt, F. Ken Farrell, Individually and in his official capacity as Mayor; James Quigley, Individually and in his official capacity as Zoning and Code Enforcement Official;
 - b. Kenneth Hagel v. Kevin Davenport, Individually and in his official capacity as Chief of the Borough of Sea Girt Police Department; the Borough of Sea Girt Police Department and the Borough of Sea Girt;
 - c. Potential litigation.

Recorded Vote:

	AYES	NAYS	ABSENT	ABSTAIN
Councilman Foley				
Councilman Meixsell				
Councilwoman Morris				
Council President Fetzer				
Councilman Mulroy				
Councilwoman Anthony				

The Council returned to public session at 9:55 PM.

Resolution No. 172-2018: **UPON MOTION** of Councilman Meixsell, seconded by Councilwoman Morris, carried, that the Borough employ the firm of Starkey and Kelly as Special Litigation Counsel for a limited scope engagement as discussed in Executive Session at the flat rate of \$3,000.

Recorded Vote:

	Ayes	Nays	Absent	Abstain
Councilman Foley	X			
Councilman Meixsell	X			
Councilwoman Morris	X			
Council President Fetzer	X			
Councilman Mulroy	X			
Councilwoman Anthony	X			

There being no further business, and **UPON MOTION** of Council President Fetzer, seconded by Councilwoman Anthony, carried, that the meeting be finally adjourned at 10:00 PM.

Lorraine P. Carafa

LORRAINE P. CARAFA, RMC
Municipal Clerk

October 19, 2018
12:48 PM

BOROUGH OF SEA GIRT
Bill List By P.O. Number

Page No: 1

P.O. Type: All

Range: First to Last

Format: Condensed

Open: N Paid: N Void: N
Rcvd: Y Held: Y Aprv: N
Bid: Y State: Y Other: Y Exempt: Y

PO #	PO Date	Vendor	PO Description	Status	Amount	Void Amount	PO Type
18-00002	01/09/18	00045	SEA GIRT BOARD OF ED	School Tax 2nd half 2018	Open	383,632.00	0.00 B
18-00015	01/10/18	00002	COUNTY OF MONMOUTH - COUNTY	2018 Final Tax Billing	Open	1,482,535.01	0.00 B
18-00016	01/10/18	00003	COUNTY OF MONMOUTH - LIBRARY	2018 Final Library Tax Billing	Open	106,270.14	0.00 B
18-00017	01/10/18	00680	COUNTY OF MON. - OPEN SPACE	2018 Final Open Space Tax bill	Open	240,902.08	0.00 B
18-00026	01/12/18	01688	HORIZON BC/BS OF NJ DENTAL	2018 Dental Ins	Open	2,578.97	0.00 B
18-00027	01/12/18	01142	STANDARD INSURANCE COMPANY	2018 Short term disability Ins	Open	254.40	0.00 B
18-00028	01/12/18	00964	A'S GARDEN & HOME CENTER	2018 Misc Supplies	Open	469.71	0.00 B
18-00029	01/12/18	00964	A'S GARDEN & HOME CENTER	Misc. Supplies 2018	Open	87.76	0.00 B
18-00033	01/12/18	00295	ASBURY PARK PRESS	2018 Legal ads	Open	85.60	0.00 B
18-00035	01/12/18	00099	ASSOCIATED HUMANE SOCIETY	2018 Animal Control Services	Open	463.00	0.00 B
18-00041	01/12/18	00774	BOROUGH OF BRIELLE	2018 Gasoline Interlocal	Open	3,776.13	0.00 B
18-00053	01/12/18	DYN01	Dynamic Testing Services	2018 Drug/Alcohol screening	Open	215.00	0.00 B
18-00071	01/12/18	KEK01	The Law Offices of	Planning Brd. Services	Open	1,036.00	0.00 B
18-00072	01/12/18	LEVEL3	Level 3	2018 Services	Open	944.14	0.00 B
18-00076	01/12/18	MAZZA	Mazza Mulch, Inc.	2018 Recycling, Brush	Open	550.00	0.00 B
18-00079	01/12/18	MWCRI01	Monmouth wire and Computer	2018 Recycling, electronics	Open	350.00	0.00 B
18-00081	01/12/18	01258	NJ American Water	2018 Public Fire Service	Open	95.36	0.00 B
18-00082	01/12/18	00051	NJ NATURAL GAS CO.	2018 Service	Open	280.64	0.00 B
18-00083	01/12/18	00051	NJ NATURAL GAS CO.	2018 service	Open	26.16	0.00 B
18-00084	01/12/18	00051	NJ NATURAL GAS CO.	2018 Service	Open	26.16	0.00 B
18-00088	01/12/18	00614	Optimum	2018 Cable	Open	258.96	0.00 B
18-00089	01/12/18	00614	Optimum	2018 Cable	Open	30.99	0.00 B
18-00099	01/12/18	00888	TREASURER, STATE OF NEW JERSEY	Marriage/Civil Union fees	Open	75.00	0.00 B
18-00100	01/12/18	01607	TREASURER, STATE OF NEW JERSEY	UCC Training Fees	Open	3,576.91	0.00 B
18-00105	01/12/18	00007	VERIZON	2018 Service	Open	39.86	0.00 B
18-00107	01/12/18	00349	VERIZON WIRELESS	2018 Service	Open	211.52	0.00 B
18-00109	01/12/18	00503	MARK WOSZCZAK MECH.CONTS. INC.	Water Taps & Maintenance	Open	11,145.00	0.00 B
18-00110	01/12/18	00096	A.T. THORN & SON	2018 Service	Open	2,685.06	0.00 B
18-00112	01/12/18	01786	TOWNSHIP OF WALL	Municipal Court Services 2018	Open	15,501.75	0.00 B
18-00382	04/10/18	KEK01	The Law Offices of	Schatzman, 304 Crescent Pkwy	Open	238.00	0.00 B
18-00443	04/27/18	00633	TAYLOR HARDWARE	Blanket	Open	77.91	0.00 B
18-00549	06/07/18	00081	NJ ST.ASSOC., CHIEFS of POLICE	Course registration, M. Mason	Open	105.00	0.00
18-00619	06/29/18	00053	VAN WICKLE AUTO SUPPLY	Blanket	Open	264.75	0.00 B
18-00657	07/11/18	PRINCIPA	Principal Life Insurance Co	Life Insurance, Start 7/1/18	Open	225.61	0.00 B
18-00783	08/22/18	00752	JEFFREY C. WOSZCZAK	Refund Planbrd escrow balance	Open	1,575.00	0.00
18-00791	08/29/18	IEZ01	International E-Z Up, Inc.	Replacement Frame	Open	331.79	0.00
18-00792	08/29/18	LF01	Lifeforce USA, Inc.	Annual recertification supplie	Open	918.44	0.00
18-00824	09/05/18	01155	NJ WATER ASSOCIATION	Conference registration	Open	560.00	0.00
18-00858	09/17/18	SECURITY	Security Shutter Corp.	Rolling storm Shutter	Open	2,995.00	0.00
18-00860	09/20/18	FARMINGD	Farmingdale Recycling	Recycling	Open	579.64	0.00 B
18-00880	09/26/18	KEK01	The Law Offices of	PB Ragen 221 Chicago	Open	364.00	0.00 B
18-00881	09/26/18	01931	LORRAINE P. CARAFA	Reimbursement	Open	270.55	0.00
18-00882	09/27/18	KEK01	The Law Offices of	PB Meyer 108 Chicago, B20, L13	Open	1,470.00	0.00 B
18-00884	09/27/18	01591	ORIENTAL TRADING CO., Inc.	Halloween glow necklaces	Open	220.24	0.00
18-00888	10/02/18	00086	HACH COMPANY	Spectrophotometer	Open	4,412.50	0.00
18-00899	10/03/18	01440	NJ SHADE TREE FEDERATION	Conference Registration	Open	125.00	0.00
18-00908	10/12/18	KEK01	The Law Offices of	Klein 802 First Ave. B8, L11	Open	140.00	0.00 B
18-00909	10/12/18	SANDCAST	Sandcastle Home Builders, Inc.	Fascia supplied and Installed	Open	275.00	0.00
18-00911	10/12/18	00053	VAN WICKLE AUTO SUPPLY	Requisition Request 18-236	Open	206.15	0.00
18-00916	10/16/18	KREBS	Krebs Construction	Lighthouse stone installation	Open	1,400.00	0.00

October 19, 2018
12:50 PM

BOROUGH OF SEA GIRT
Bill List By P.O. Number

Page No: 2

PO #	PO Date	Vendor	PO Description	Status	Amount	Void Amount	PO Type
18-00920	10/18/18	01838 KAREN S. BRISBEN	Reimbursement Tax Coll License	Open	50.00	0.00	
18-00922	10/19/18	LLUKE Lisa Luke	Reimbursment	Open	139.96	0.00	
18-00923	10/19/18	SL BATH Spring Lake Bath & Tennis Club	Library Volunteer Luncheon	Open	573.00	0.00	
Total Purchase Orders:		53	Total P.O. Line Items:	0	Total List Amount:	2,275,620.85	Total Void Amount: 0.00

State of New Jersey

Health Benefits, October
Total

52,566.81
2,328,187.66

October 19, 2018
12:50 PM

BOROUGH OF SEA GIRT
Bill List By P.O. Number

Page No: 3

Totals by Year-Fund							
Fund Description	Fund	Budget Rcvd	Budget Held	Budget Total	Revenue Total	G/L Total	Total
		2,298,885.45					
CURRENT FUND	8-01	2,246,318.62	0.00	2,246,318.62	0.00	0.00	2,246,318.62
WATER OPERATING	8-05	12,241.49	0.00	12,241.49	0.00	0.00	12,241.49
BEACH OPERATING	8-09	7,028.29	0.00	7,028.29	0.00	0.00	7,028.29
TRUST OTHER	8-25	3,862.00	0.00	3,862.00	0.00	0.00	3,862.00
BOARD OF RECREATI	8-26	357.95	0.00	357.95	0.00	0.00	357.95
Year Total:		2,269,808.35	0.00	2,269,808.35	0.00	0.00	2,269,808.35
GENERAL CAPITAL	C-04	1,400.00	0.00	1,400.00	0.00	0.00	1,400.00
WATER CAPITAL	W-06	4,412.50	0.00	4,412.50	0.00	0.00	4,412.50
Total of All Funds:		2,275,620.85	0.00	2,275,620.85	0.00	0.00	2,275,620.85
		2,328,187.88					

SCHEDULE OF LIMITATIONS
Borough of Sea Girt
(Section 17-4)

	DISTRICT 1 EAST, 1 WEST SINGLE FAMILY	DISTRICT 2 EAST and 2 WEST CONVENIENCE COMMERCIAL	DISTRICT 3 BEACH	DISTRICT 4 RECREATIONAL OPEN SPACE
PURPOSE	To maintain this substantial portion of the Borough for single family residential uses together with the necessary public and quasi-public uses required for the normal functioning of the Borough such as fire house, town hall, library, parks and other uses customarily found within the Borough.	To preserve the existing primary area of commercial concentration in the Borough and permit such uses that meet the daily and other convenience needs of the Borough within the zoning district area designated in order to be compatible with the overall low density residential character of the Borough. It is intended that major shopping and commercial needs such as those relying on major highway access or serving a regional market be met in locations other than the Borough where more intensive business activities are already established or where major tracts of land are available to develop modern shopping center facilities.	The purpose of this district is to preserve the existing natural beach area and dunes which are present in the Borough. In addition, the uses permitted are selective in recognition of the periodic flooding or high tides which occur throughout the year and hence are designed to prohibit structures which would house or require personnel to be in the structures at the time of a hurricane, heavy storm or threat of flooding.	To provide for and preserve passive and active recreational uses, adequate light, air and open space to preserve the environment, open space, environmentally sensitive areas and valuable natural resources.
<u>PRINCIPALLY PERMITTED USE ON AND/OR IN BUILDING</u>	<ol style="list-style-type: none"> 1. Single family dwelling. 2. Municipal buildings and facilities. 3. Municipal parks and playgrounds. 4. Public libraries. 5. See subsections 17-5.9 and 17-5.15. 	<ol style="list-style-type: none"> 1. Restaurants, tea rooms, luncheonettes and grills, but not including fast food restaurants. Fast food restaurants are prohibited. 2. Stores and shops for the retail sale of groceries, meats, fruits, vegetables, alcoholic beverages, stationery, newspapers, appliances, wearing apparel, antiques, gifts and other similar retail uses. 3. Service uses such as beauty salons, barber shops, tailors, banks, professional offices, post office and other similar service uses. 4. Apartments above businesses not to exceed two (2) per lot. 5. Service stations. See subsection 17-5.20. 6. See subsections 17-5.9 and 17-5.15. 	The permitted uses in District 3 shall be the boardwalk, not more than one (1) Municipal pavilion, which may serve refreshments, open beach area, and Ocean Avenue with its designated curb-side parking spaces.	Beach Zone, Active Recreational Uses; Passive Recreational Uses; Environmentally Sensitive Areas and Buffers; Government Use

<u>CONDITIONALLY PERMITTED USE ON AND/OR IN BUILDING</u>	<p>1. Houses of Worship</p> <p>2. Schools for the purpose of general academic instruction and accredited by the New Jersey Department of Education</p>	<p>1. Houses of Worship</p> <p>2. Schools for the purpose of general academic instruction and accredited by the New Jersey Department of Education</p>	<p>1. Houses of Worship</p> <p>2. Schools for the purpose of general academic instruction and accredited by the New Jersey Department of Education</p>		
PERMITTED ACCESSORY USES	<p>1. Fences and walls (See subsection 17-5.11).</p> <p>2. Garages providing space for a maximum of three (3) automobiles. In no case shall the garage be higher than the dwelling house.</p> <p>3. See Section 17-5.</p> <p>4. Private residential pools in accordance with subsection 17-5.22.</p>	<p>1. Fences and walls (See subsection 17-5.11).</p> <p>2. Garages providing space for a maximum of three (3) automobiles. In no case shall the garage be higher than the dwelling house.</p> <p>3. See Section 17-5.</p> <p>4. Private residential pools in accordance with subsection 17-5.22.</p>	<p>1. Garages</p> <p>2. Off-street parking</p>	Not applicable.	Municipal Facilities; Museums; Wireless Telecommunications Facilities; Parking
HEIGHT LIMITS	<p>1. All buildings, other than Accessory Buildings, schools, libraries, Municipal Buildings and other Municipal facilities, shall be at least twenty-two (22) feet in height, but shall not exceed thirty-five (35) feet in height nor have more than two and one-half (2 1/2) stories. Height shall be measured from the crown of the road to the maximum elevation of the building, covered or uncovered.</p>	<p>1. All buildings, other than Accessory Buildings, schools, libraries, Municipal Buildings and other Municipal facilities, shall be at least twenty-two (22) feet in height, but shall not exceed thirty-five (35) feet in height nor have more than two and one-half (2 1/2) stories. Height shall be measured from the crown of the road to the maximum elevation of the building, covered or uncovered.</p>	<p>1. No building shall exceed thirty-five (35) feet in height nor have more than two and one-half (2 1/2) stories.</p> <p>2. No building shall be less than fourteen (14) feet in height.</p>	Pavilions shall not exceed fourteen (14) feet above the level of the boardwalk.	
AREA AND YARD REQUIREMENT	<p>1. No lot for a single family dwelling shall be less than fifty (50) feet in width, one hundred fifty (150) feet in depth, and seven thousand five hundred (7,500) square feet in area. See subsection 17-6.1.</p> <p>2. Each single family dwelling shall contain a minimum principal building coverage of nine hundred thirty seven point five (937.5) square feet and a maximum principal building coverage equal to twenty (20%) percent of the lot size.</p> <p>3. Single family dwellings,</p>	<p>1. No lot shall be less than fifty (50) feet in width, one hundred fifty (150) feet in depth, and seven thousand five hundred (7,500) square feet in area. See subsection 17-6.1.</p> <p>2. There shall be no more than one (1) building per lot.</p> <p>3. All buildings shall have a minimum setback of fifteen (15) feet from the street line, thirty (30) feet from the rear lot line and six (6) feet from each side lot line. For corner lots there shall be a side yard of not less than fifteen (15) feet on that side of the lot nearest the street; other front, side and rear yard provisions</p>	<p>1. No lot shall be less than fifty (50) feet in width, one hundred fifty (150) feet in depth, and seven thousand five hundred (7,500) square feet in area. See subsection 17-6.1.</p> <p>2. There shall be no more than one (1) building per lot.</p> <p>3. All buildings shall have a minimum setback of fifteen (15) feet from the street line, thirty (30) feet from the rear lot line and six (6) feet from each side lot line. For corner lots there shall be a side yard of not less than fifteen (15) feet on that side of the lot nearest the street; other front, side and rear yard provisions</p>	Not applicable	

<p>AREA AND YARD REQUIREMENT (continued)</p>	<p>libraries, municipal buildings and other municipal facilities in both districts shall have a minimum setback of forty (40) feet from the front lot line and thirty (30) feet from the rear lot line except along Sea Girt Avenue, where the minimum setback shall be twenty-five (25) feet on one side. For all lots, the total side yard setbacks shall be thirty (30%) per cent of the lot width; on lots up to fifty (50') in width are required to have side yard setbacks of at least fifteen (15') feet with a minimum of ten (10') feet on one side. On lots greater than fifty (50') feet in width, the total side yard setbacks shall be thirty (30%) percent of the lot width with a minimum of ten (10%) percent on any one side.</p> <p>There shall be no minimum requirements for any future municipal facilities that may be constructed in The Plaza area between the railroad and Sixth Avenue from Washington Boulevard to Boston Boulevard and except further as allowed in subsection 17-6.2. For corner lots, there shall be a side yard of not less than fifteen (15) feet on that side of the lot nearest the street. Other front, side and rear yard provisions shall apply. In the case of a corner lot, the smaller of the two (2) lot lines co-existent with the street line shall be considered the front lot line.</p>	<p>shall apply. In the case of a corner lot, the smaller of the two lot lines co-existent with the street line shall be considered the front lot line.</p> <p>4. Building Coverage in the District 2 East and 2 West Convenience Commercial District will be restricted to the amount of property remaining after the above described setbacks have been met, inclusive of compliance with parking, drainage and accessibility requirements, except for residential lots where building coverage is limited to twenty (20) percent of the lot area.</p>		
<p>SIGNS</p>	<p>See subsection 17-5.21.</p>	<p>1. Each nonresidential use shall be permitted one (1) sign, lighted or unlighted, the area of one (1) side not to exceed twenty-five (25) square feet, and with no more than two (2) sides exposed.</p> <p>2. Signs shall not extend outward from</p>	<p>The only signs permitted in this District shall be those installed by the Borough.</p>	

SIGNS (continued)		the building facade or any other wall more than six (6) feet. 3. Animated, illusionary or flashing signs are prohibited. 4. See subsection 17-5.21.		
OFF-STREET PARKING	Single family dwellings shall have not less than two (2) spaces, one of which shall be in a garage.	1. One (1) space for each six hundred (600) square feet of gross floor area. 2. Each apartment permitted over a business shall provide two (2) spaces separate from any spaces provided for customers. 3. See subsection 17-5.13.	Not applicable	

** See Conditional Use Standards for Houses of Worship and School Facilities

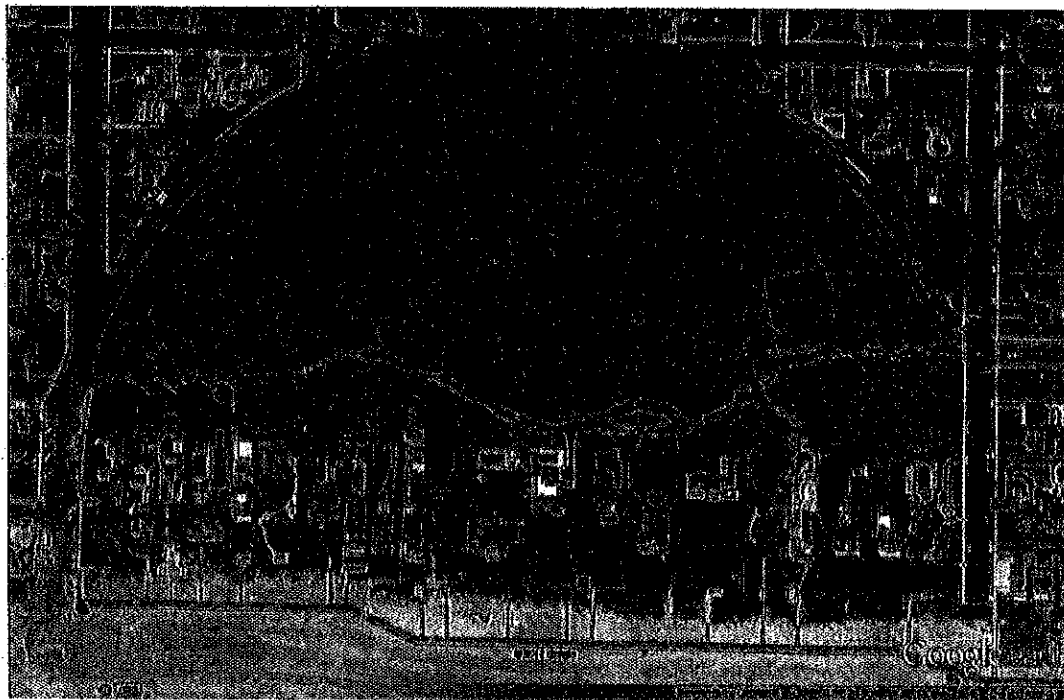
Schedule A
Borough Owned Vehicle

<u>Year</u>	<u>Make/Model</u>	<u>Color</u>	<u>Vin#/Serial #</u>
2010	Chevrolet Tahoe	Black	1CN1C2E06BR166344
1994	Ford Explorer	White	1FMDU34X3RUD27900
1999	Dodge Durago	Red	1B4HS28Y9X5F513268
2002	Ford F250 Pickup	White	1FTNF21L92EC57270
2002	Elgin Geo Vac	White	1FVAADB02DJ48358
2000	Peterbilt 25CY Rearloader	White	2NPNCD9X01M495253

Public Works Equipment

<u>Item</u>	<u>Make/Model</u>	<u>Serial #</u>
Cushman 1600 XD		LZ9100259
Mount O Matic Loader Bucket		2255LDR - JAG0227807
Cushman Haulster		2336754
Cushman Haulster		84071002031
Cushman Haulster		2336753
Single Axle Utility Trailer		n/a

CRESCENT PARK SANITARY SEWER INVESTIGATION AND REPORT



Prepared For:

**Borough of Sea Girt
321 Baltimore Boulevard
Sea Girt, NJ 08750**

Prepared By:

**Leon S. Avakian, Inc.
788 Wayside Road
Neptune, NJ 07753**

November 2018

Investigation Area Description

There are 21 properties that discharge sanitary sewer waste through a 12" vitrified clay pipe (VCP) located in Crescent Park. The Borough Council has authorized Leon S Avakian, Inc (LSA) to investigate and prepare a report on the condition of the 12" VCP sewer main that runs through the Park.

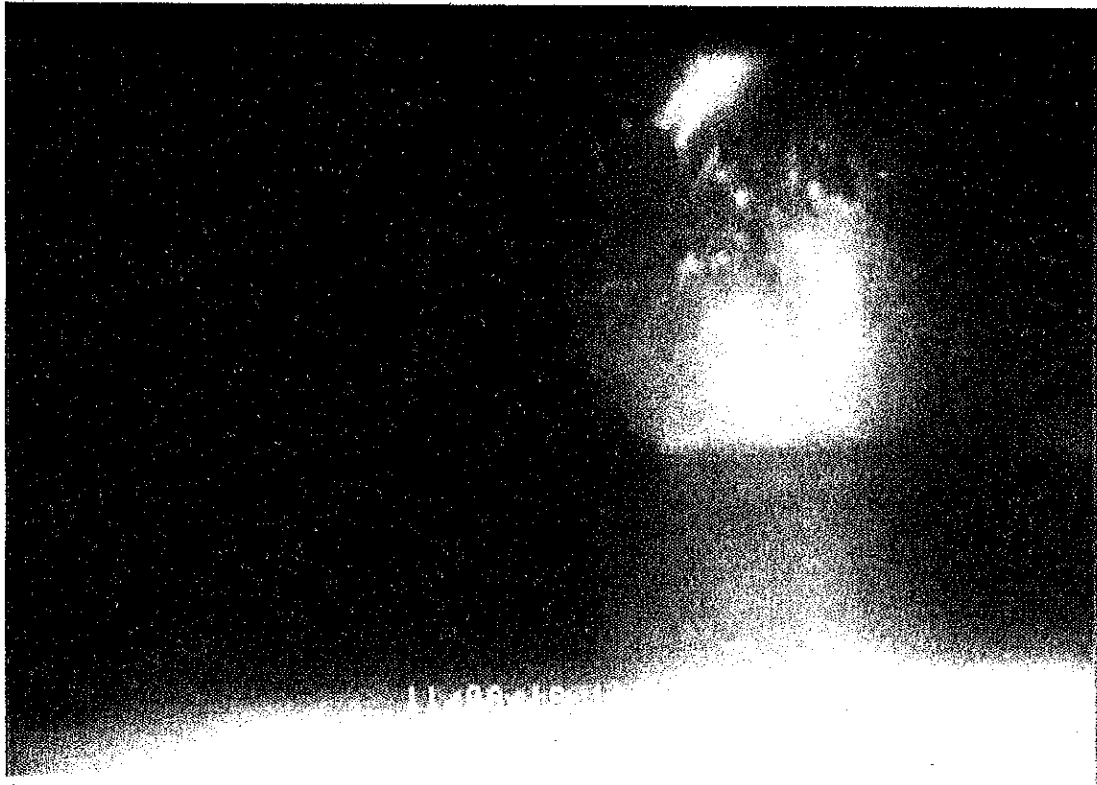
Purpose of the Investigation

The purpose of the investigation was to determine the condition of the sewer main and to recommend necessary measures to rehabilitate the sewer and bring it into compliance with current state and local regulations. By cleaning and televising the system, we were able to evaluate the pipe and make recommendations to improve the condition and operation of existing sewer main.

Investigation Findings

On November 8, 2018, American Pipe Cleaning, LLC conducted a cleaning and video inspection of the sanitary sewer main flowing to through Crescent Park. The inspection revealed that, although the sewer main is in very good condition structurally, much of the sanitary sewer joints had roots growing through them along the majority of the sewer line. When constructed, the joints in VCP sewer pipes were sealed with an oakum material that has deteriorated over the many years underground. The deteriorated joints are now susceptible to root infestation as can be seen in the following pictures of the interior of the sewer main.





Evaluation and Recommendations

To remedy the observed root infiltration, our office recommends cleaning and cutting of the roots and then lining of the pipe with a Cured-in-Place pipe liner. Since the existing pipe is in good shape structurally, we do not recommend replacement. Lining would prevent both root and groundwater infiltration at the joints at a much lower cost than replacing the pipe.

In addition the existing sanitary sewer has only two access manholes within the entire length of sewer running through the park. N.J.A.C. 7:14A Subchapter 22. Treatment Works Approval, indicates the distance between manholes shall not exceed 400 feet for sewers 18 inches or less. We therefore recommend at a minimum, three additional manholes are installed in the stretch of sewer between Philadelphia and Trenton Blvds. Depending on location and accessibility, a fourth manhole might be necessary.