

COUNCIL MEETING MINUTES

November 8, 2017

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Public announcement: in compliance with the Open Public Meetings Act of the State of New Jersey, adequate notice of this meeting of the Borough Council has been provided to three newspapers and published in the January 12, 2017 issue of the Beach Haven Times.

A meeting of the Borough Council of the Borough of Surf City was held on the above date in the Council Chambers of the Borough Hall. Roll call, followed by a salute to the flag, showed the following to be in attendance:

Councilman Hadash, Councilman Hartney, Councilman Wm. Hodgson, Councilman Klose, Councilman Russell, Councilwoman Siciliano and Mayor F. Hodgson.

Mayor Hodgson called for the approval of the minutes of the regular meeting held on October 11, 2017. Upon a motion by Mr. Hartney, seconded by Mr. Russell, the minutes were approved as presented.

Roll call vote: ayes - Hadash, Hartney, Wm. Hodgson, Klose, Russell, Siciliano. Nays - none. Abstained – none.

The public hearing, reading by title, and the final adoption of Ordinance 2017-08. On a motion made by Mr. Russell, seconded by Mr. Klose, with a vote in the affirmative; the public hearing was opened. Without public comment from the audience, Mr. Russell made a motion to close the public comment portion of the meeting. A second motion made by Mr. Klose with a vote in the affirmative closed the public comment portion of the meeting.

Upon a motion made by Mr. Klose, followed by a second made by Mr. Russell, Ordinance 2017-08 was adopted on the second and final reading as follows:

ORDINANCE 2017-08

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED "REVISED GENERAL ORDINANCES OF THE BOROUGH OF SURF CITY, COUNTY OF OCEAN, STATE OF NEW JERSEY, 2000" AS THE SAME IN CHAPTER 30 PERTAINS TO "ZONING".

The Mayor and Borough Council of the Borough of Surf City do ordain:

SECTION I

Section 30-6.4 entitled *Building Area and Dimensions*, be and is hereby amended by the addition of subsection (g), as follows:

30-6.4 (g) The following may exceed the height limitations herein established: Chimneys, railings and temporary decorative ornaments, including, but not limited to weather vanes.

Section 30-7.4 entitled *Building Areas and Dimensions*, be and is hereby amended by the addition of subsection (f), as follows:

30-7.4 (f) The following may exceed the height limitations herein established:
Chimneys, railings and temporary decorative ornaments, including, but not limited to weather vanes.

SECTION II

All ordinances or parts of ordinances inconsistent herewith are repealed to the extent of such inconsistency.

SECTION III

If any word, phrase, clause, section or provision of this ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal, or unconstitutional, such word, phrase, clause, section or provision shall be severable from the balance of the ordinance and the remainder of the ordinance shall remain in full force and effect.

SECTION IV

This ordinance shall take effect immediately upon adoption of the ordinance.

Roll call vote: ayes - Hadash, Hartney, Wm. Hodgson, Klose, Russell, Siciliano. Nays - none.
Abstained – none.

A resolution authorizing the release of curb bonds posted by Kevin Amerio for 43 N 24th Street in the amount of \$4,330 and Gina Laird for 37 N 22nd Street in the amount of \$3,000. Upon a motion made by Mr. Klose, followed by a second made by Mr. Russell, the following resolution was adopted:

RESOLUTION 2017- 135

WHEREAS, Pursuant to Ordinances 04-09 and 04-11, a performance guarantee may be posted with the Borough for permanent curb installation at the time of exchange of ownership.

WHEREAS, the below listed person(s) posted a guarantee in the corresponding amount prior to the exchange of ownership;

WHEREAS, The Zoning Official made a final inspection and approved same to be in conformance with the Borough ordinances.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE BOROUGH OF SURF CITY, COUNTY OF OCEAN, STATE OF NEW JERSEY, that:

The following guarantees may be released:

Kevin Amerio for 43 N. 24th Street in the amount of \$4,330.
Gina Laird for 37 N 22nd Street in the amount of \$3,000.

Roll call vote: ayes - Hadash, Hartney, Wm. Hodgson, Klose, Russell, Siciliano. Nays - none.
Abstained – none.

A resolution of consent for Verizon Wireless to upgrade its network by deploying nodes in the right of way. They are proposing the nodes be placed on poles located along Long Beach Boulevard and Central Avenue. This agreement is subject to the terms of the resolution. The matter is tabled for further discussion. Upon a motion made by Mr. Hartney and a second from Mr. Russell the matter was tabled.

Roll call vote: ayes - Hadash, Hartney, Wm. Hodgson, Klose, Russell, Siciliano. Nays - none.
Abstained – none.

A resolution appointing Brian K. Wilkie, Esq. as an additional alternate municipal prosecutor effective as of November 1, 2017. Upon a motion made by Mr. Russell, followed by a second made by Mr. Klose, the following resolution was adopted:

RESOLUTION 2017-134

RESOLUTION OF THE BOROUGH OF SURF CITY, COUNTY OF OCEAN, STATE OF NEW JERSEY, APPOINTING BRIAN K. WILKIE, ESQ. OF THE FIRM CITTA, HOLZAPFEL & ZABARSKY AS ALTERNATE MUNICIPAL PROSECUTOR.

WHEREAS, the Borough of Surf City (hereinafter Borough) entered into a Professional Services Agreement with the Law Firm of Citta, Holzapfel & Zabarsky (hereinafter Firm) for prosecutorial services effective January 1, 2017 through December 31, 2017; and

WHEREAS, the Borough wishes to appoint Brian K. Wilkie, Esq. of the Firm as additional alternate municipal prosecutor.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Surf City, County of Ocean, State of New Jersey, as follows:

1. That the governing body does hereby appoint Brian K. Wilkie, Esq. as additional alternate municipal prosecutor effective as of November 1, 2017.

2. That a certified copy of this resolution shall be forwarded to the Firm and to the Municipal Court Administrator.

Roll call vote: ayes - Hadash, Hartney, Wm. Hodgson, Klose, Russell, Siciliano. Nays - none.
Abstained – none

Bids have been received by the Deputy Borough Clerk for the reconstruction and resurfacing of a portion of Barnegat Avenue under a Department of Transportation Trust Fund Grant. Eight bids were received as follows:

Earl Companies	in the total amount of \$316,413.13
CJ Hesse, Inc	in the total amount of \$319,320.87
Johnson Baran Corp.	in the total amount of \$324,987.90
A.E. Stone	in the total amount of \$325,000.00
Swift & Son, Inc	in the total amount of \$334,575.12
Black Rock Enterprises	in the total amount of \$368,373.61
Seacoast Construction	in the total amount of \$379, 049.71
L&L Paving Companies	in the total amount of \$532.738.00
Diamond Construction	in the total amount of \$544,528.00

All bids have been reviewed by the Borough Engineer and the Borough Attorney who recommend the award to Earl Companies. - in the total amount of \$316,413.13. Upon a motion made by Mr. Klose, followed by a second made by Mr. Hadash the following resolution was adopted:

RESOLUTION NO 2017-142

RESOLUTION OF THE BOROUGH OF SURF CITY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AWARING A CONTRACT TO EARLE ASPHALT COMPANY FOR THE 2017 ROAD RECONSTRUCTION/IMPROVEMENT PROJECT -BARNEGAT AVENUE – PHASE V (NORTH 3RD ST. TO NORTH 5TH ST.)

WHEREAS, the Borough of Surf City duly advertised for the receipt of bids for the 2017 Road Reconstruction/Improvement Project – Barnegat Avenue – Phase V (North 3rd St. to North 5th St.); and

WHEREAS, in response to the invitation to bidders, nine (9) bids were received on November 2, 2017; and

WHEREAS, the bids were reviewed by the Borough Engineer and it has been determined that Earle Asphalt Company has submitted the lowest responsible bid in accordance with the bid specifications, said bid being \$316,413.13; and

WHEREAS, it is the desire of the governing body to award a contract for the 2017 Road Reconstruction/Improvement Project – Barnegat Avenue – Phase V (North 3rd St. to North 5th St.) to Earle Asphalt Company, the lowest responsible bidder.

NOW, THEREFORE BE IT RESOLVED by the governing body of the Borough of Surf City, County of Ocean, State of New Jersey, as follows:

1. That the governing body does hereby award a contract for the 2017 Road Reconstruction/Improvement Project – Barnegat Avenue – Phase V (North 3rd St. to North 5th St.) to Earle Asphalt Company at \$316,413.13.

2. That the award of the contract is subject to the review and approval of the New Jersey Department of Transportation.

3. That the Mayor and Municipal Clerk are hereby authorized to execute a contract with Earle Asphalt Company in accordance with the bid submitted by Earle Asphalt Company and the bid specifications.

4. That a certificate of availability of funds executed by the Chief Financial Officer is annexed hereto. The following are the line item appropriations or ordinances which constitute the availability of funds for this contract: Ordinance 2017-07.

5. That a certified copy of this resolution, together with a copy of the contract between the parties, be forwarded to the Chief Financial Officer and to Earle Asphalt Company

Roll call vote: ayes - Hadash, Hartney, Wm. Hodgson, Klose, Russell, Siciliano. Nays - none. Abstained – none

A resolution approving appropriation transfers. Upon a motion made by Mrs. Siciliano, followed by a second made by Mr. Klose the following resolution was adopted:

RESOLUTION 2017-139

WHEREAS, the calendar date of this Resolution is within the last two months of the calendar year 2017 and the first three months of the calendar year 2018; and

WHEREAS, R.S. 40A:4-58 provides for making transfers between budget appropriation accounts during this five-month period starting November 1st;

NOW, THEREFORE, BE IT RESOLVED that the following transfers be, and they are hereby made between appropriation accounts in the 2017 Municipal Budget.

<u>Amount</u>	<u>From</u>	<u>To</u>
\$1,800.00	Beach & Boardwalk Operations S&W	Land Use Board S&W
\$1,200.00	Beach & Boardwalk Operations S&W	Construction Official S&W
\$1,000.00	Other Code Enforcement Function S&W	Other Code Enforcement Function O/E
\$5,000.00	Solid Waste Collection S&W	Solid Waste Collection O/E

Roll call vote: ayes - Hadash, Hartney, Wm. Hodgson, Klose, Russell, Siciliano. Nays - none. Abstained – none

A Resolution approving the applications for membership in the Surf City Volunteer Fire Co. as submitted by Kyle Constable and Sean Jackson. Councilman Russell and Councilman Hartney must recuse themselves from this item of business in accordance with state statute. Upon a motion made by Mr. Klose, followed by a second made by Mr. Hadash, the following resolution was adopted:

RESOLUTION 2017-138

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Surf City that the application for membership in the Surf City Volunteer Fire Co. as submitted by Kyle Constable and Sean Jackson, for regular membership, is hereby approved:

Roll call vote: ayes - Hadash, Wm. Hodgson, Klose, Siciliano. Nays - none. Abstained – Hartney and Russell.

Reports:

Chief Financial Officer's Report for the month of September 2017.
Municipal Court Report for the month of September 2017.

Committee Reports:

Councilman Hadash, Chairman of Sanitation, gave the Sanitation and Recycling Report for the month of September. Mr. Hadash mentioned that it was an honor to represent the taxpayers of Surf City.

Councilman Russell, Chairman of Public Property and Lifeguards, provided a report on public

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property. He also made a motion for Resolution 2017- 140, seconded by Mr. Klose, the following resolution was adopted:

RESOLUTION 2017-140

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Surf City that authorization be given to proceed with the replacement of four garage doors at the 13th Street Public Works building in the approximate amount of \$6,000 in accordance with the lowest quote received from Jersey Coast Garage Doors.

Roll call vote: ayes - Hadash, Hartney, Klose, Russell, Siciliano. Nays - none. Abstain: Wm. Hodgson.

Councilman Wm. Hodgson, Chairman of Police, provided a statistical report of operations for the month of October 2017. He also commented on some of the successful events throughout the month of October spearheaded by the Surf City Police Department.

Councilwoman Siciliano, Chairwoman of Streets and Roads, reported on road repairs. She also provided an update on the status of the reconstruction of Barnegat Avenue. The Department of Public Works will take care of a problem area on Barnegat Avenue that is outside of the scope of the current project.

Councilman Hartney, Chairman of Beaches, provided a brief report on holiday beach badge sales. The Department of Public Works has finished putting up the dune fencing. He motioned Resolution 2017-141, seconded by Mrs. Siciliano, the following resolution was adopted:

WHEREAS, it is the desire of the Borough of Surf City to purchase products under the NJPA Cooperative Purchasing System to purchase goods and services, to make the procurement process more efficient and to provide cost savings to the Borough.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Surf City, County of Ocean, State of New Jersey hereby authorizes the purchase of the following equipment from Cherry Valley Tractor Sales under NJPA contract number I20535 to accompany the Dingo Skid Steer in the amount of \$6,285.59:

1. A 36 inch manually adjustable fork set.
2. A universal swivel auger power head.
3. A grapple rake.

Roll call vote: ayes - Hadash, Hartney, Wm. Hodgson, Klose, Russell, Siciliano. Nays - none.

Councilman Hartney also made a motion for Resolution 2017-137, seconded by Mr. Russell. The following resolution was adopted:

NOW, THEREFORE, BE IT RESOLVED that the following listed individuals are appointed as employees in the Bathing Beach Department as effective immediately and shall terminate at midnight on December 31, 2017, at the corresponding hourly rate of pay, on an as needed basis for the beach badge booth.

MaryAnn Huzar - 6th year - \$9.29 per hour
Richard Huzar - 8th year - \$9.29 per hour

Roll call vote: ayes - Hadash, Hartney, Wm. Hodgson, Klose, Russell, Siciliano. Nays - none.

Councilman Klose, Chairman of Water/Sewer, reported that the water tank had been painted. He would like to remind everyone to turn off their outside showers to avoid pipes bursting with the upcoming cold weather.

Comments from the Audience:

Rosemary Fallar of 201 N 18th Street inquired about requirements for beach buggy permits.

Correspondence:

Action Required:

Correspondence from Southern Regional High School requesting permission for seniors to participate in beach cleanup for senior service day on Thursday, May 31, 2018. With a motion from Mr. Hartney, seconded by Mr. Hadash, the request was approved.

Roll call vote: ayes - Hadash, Hartney, Wm. Hodgson, Klose, Russell, Siciliano. Nays - none.

Correspondence from Kimberly Cassidy requesting permission to host the 6th Annual Get LBI Running 5K run/walk event on Saturday, May 19, 2018 at the Surf City Vol. Fire Co. No. 1 & EMS. With a motion from Mr. Wm. Hodgson, seconded by Mr. Klose, the request was approved.

Roll call vote: ayes - Hadash, Hartney, Wm. Hodgson, Klose, Russell, Siciliano. Nays - none.

Correspondence from Lauren Rothstein requesting permission employees of the LBI Consolidated School District to borrow the Surf City lifeguard rescue boat & trailer for the annual Ship Bottom Christmas Parade. Mr. Russell made a motion to turn the matter to over committee, seconded by Mr. Klose, with a vote in affirmative.

Roll call vote: ayes - Hadash, Hartney, Wm. Hodgson, Klose, Russell, Siciliano. Nays - none.

No Action Required:

Resolutions received from the Borough of Beach Haven and the Township of Little Egg Harbor.

Comments from the Audience:

Upon a motion by Mrs. Siciliano, seconded by Mr. Klose, the bill monthly resolution was adopted:

BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF SURF CITY, N.J. that the appurtenances known as "Scheduled Payment Reports" containing vouchers to be paid in the total amounts of:

Water & Sewer	\$ 200,813.47
Current	\$ 2,304,931.26
Payroll Account	\$ 131,582.55
Dog License Account	\$ 2.40
Ice Cream Vendor	\$ 0.00
Account	
Escrow Release	\$ 7,330.00
<u>Tax Certificate Amount</u>	<u>\$ 0.00</u>
Total	\$ 2,644,659.68

are hereby ordered paid; and the Mayor and Clerk are authorized to draw an order upon the Borough Treasurer for same.

Approved: Councilman Klose
Councilman Russell
Councilman Hartney

Dated: November 8, 2017

/s/ Francis R. Hodgson, Sr., Mayor

Roll call vote: ayes - Hadash, Hartney, Wm. Hodgson, Klose, Russell, Siciliano. Nays - none.

With there being no further business to come before the Governing Body Mr. Wm. Hodgson made a motion to adjourn the meeting. A second was received by Mr. Hadash and the meeting was adjourned.

Respectfully submitted,

CHRISTINE HANNEMANN
Deputy Municipal Clerk, RMC/CMR