

COUNCIL MEETING MINUTES

October 12, 2016

Page 106.01

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 14, 2016 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 approval of the minutes of the regular meeting held on September 14, 2016. Upon a motion by Mr. Russell, seconded by Mr. Klose, the minutes were approved as presented.

Roll Call Vote: Ayes - Hadash, Hartney, Wm. Hodgson, Klose, Russell, Siciliano. Nays - None.

Public hearing and final adoption of Ordinance 2016-07, which was read by title only. Motion by Mr. Hartney, seconded by Mr. Klose, and, a vote in the affirmative, the public hearing was opened. With there being no comment from the audience, upon a motion by Mr. Russell, seconded by Mr. Klose, and, a vote in the affirmative, the public hearing was closed.

Upon a motion by Mr. Klose, seconded by Mr. Hartney, Ordinance 2016-07 was passed on second and final reading as follows:

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 17 PERTAINS TO "SOLID WASTE MANAGEMENT", CHAPTER 19 PERTAINS TO PARKS, BEACHES AND RECREATIONAL AREAS AND CHAPTER 7 PERTAINS TO "TRAFFIC"

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

SECTION I

Chapter 17 entitled "*SOLID WASTE MANAGEMENT*" be and is hereby amended as follows:

Section 17-3.3 entitled *establishment of program* be and is hereby amended, as follows:
Section 17-3.3(a) Residential Sector

11. Corrugated cardboard boxes, clean cardboard pizza boxes, books with cover removed, greeting cards, wrapping paper, brown paper bags, construction paper, office/computer/school paper.

Section 17-3.3(b) Commercial, Industrial and Institutional Sector.

11. Corrugated cardboard boxes, clean cardboard pizza boxes, books with cover removed, greeting cards, wrapping paper, brown paper bags, construction paper, office/computer/school paper.

SECTION II

Chapter 19 entitled "PARKS, BEACHES AND RECREATIONAL AREAS" be and is hereby amended as follows:

Section 19-1.6 entitled "*Fees*" be and is hereby amended, as follows:

Section 19-1.6(b) No fee shall be charged to or collected from any individual while attired in street clothing upon the beach. For purposes of this section, street clothing shall be defined as long pants or jeans and a short or long sleeve shirt, with or without a collar.

Section 19-6.1 entitled "*Richard A. Zachariae Recreational Area, Division Avenue*" "*Permitted Use of Facilities*" be and is hereby amended, as follows:

Section 19-6.1(c) No person above the age of 11 years shall be permitted to utilize or play upon the equipment located at the Division Avenue children's playground.

SECTION III

Chapter 16 entitled "*TRAFFIC*" be and is hereby amended as follows:

Section 7-10 entitled "*Parking Prohibited At All Times On Certain Streets*" be and is hereby amended by deleting the following language:

Long Beach Boulevard - West - Between Sixth and Ninth Streets.

Section 7-13 entitled *"Parking Time Limited On Certain Streets"*, be and is hereby amended to read as follows"

7-13.1 Time Limit Parking. No person shall park a vehicle for longer that the time limit listed on any day, upon any of the streets or parts of streets described.

October 12, 2016

Page 108.03

<u>Location</u>	<u>Street</u>	<u>Side</u>	<u>Time Limit</u>	<u>Location</u>
Long Beach Boulevard		West	30 minutes	North Eighth Street To North Ninth Street

Section 7-41.3 entitled *"Handicapped Parking on Private Property Open to the Public"* be and is hereby amended to read as follows:

"Handicapped Parking on Public Property and Private Property Open to the Public"

Section 7-41.3, paragraph 4 pertaining to the fine is amended to read as follows:

Pursuant to P.L. 1989, C201, as amended, the penalties for violations must be two hundred and fifty (\$250.00) dollars for a first offense and for a subsequent offense must be a fine of at least two hundred and fifty (\$250.00) dollars and up to ninety (90) days community service on such terms and such form as the court shall deem appropriate, or any combination thereof.

SECTION IV

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

SECTION V

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 V

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

Roll Call Vote: Ayes - Hadash, Hartney, Wm. Hodgson, Klose, Russell, Siciliano. Nays - None.

Introduction and first reading of Ordinance 2016-08, which was read by title only, as follows:

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 19 PERTAINS TO "BEACH RESORT REGULATIONS"

and moved that same be given its first reading. Upon a motion by Mr. Hartney, seconded by Mr. Russell, Ordinance 2016-08 was introduced and passed on first reading and will be considered for final passage, after a public hearing, to be held on November 9, 2016.

October 12, 2016

Page 109.04

Roll Call Vote: Ayes - Hadash, Hartney, Wm. Hodgson, Klose, Russell, Siciliano. Nays - None.

Resolution authorizing the Mayor to execute the 2017-2019 Community Development Block Grant Agreement with Ocean County. Upon a motion by Mr. Russell, seconded by Mr. Klose, the resolution 2016-127 attached hereto as Schedule 1, was adopted:

Roll Call Vote: Ayes - Hadash, Hartney, Wm. Hodgson, Klose, Russell, Siciliano. Nays - None.

Resolution authorizing the release of curb bonds as posted by Kevin Hartnett - 373 N. 5th Street in the amount of \$4,815, Louis Barsoni - 283 S. 1st Street in the amount of \$4,500, Doris Schultz - 357 N. 9th Street in the amount of \$3,000, Heritage Construction 285 N. 13th Street in the amount of \$1,600 and Charles Miller - 282 N. 10th Street in the amount of \$2,400. Upon a motion by Mr. Klose, seconded by Mr. Russell, the following resolution was adopted:

RESOLUTION 2016-132

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 guarantee may be released:

Kevin Hartnett - 373 N. 5th Street in the amount of \$4,815.

Louis Barsoni - 283 S. 1st Street in the amount of \$4,500.
Doris Schultz - 357 N. 9th Street in the amount of \$3,000.
Heritage Construction 285 N. 13th Street in the amount of \$1,600.
Charles Miller - 282 N. 10th Street in the amount of \$2,400.

Roll Call Vote: Ayes - Hadash, Hartney, Klose, Russell, Siciliano. Nays - None. Councilman Wm. Hodgson abstained only on Heritage Construction and voted yes on the remainder of the bond releases.

Resolution appointing DeMaio's Incorporated - Environmental Engineers as Licensed Site Remediation Professional (LSRP) and authorizing execution of an agreement with same. Upon a motion by Mr. Klose, seconded by Mr. Russell, the following resolution was adopted:

October 12, 2016
Page 110.05

RESOLUTION 2016-128

WHEREAS, the Borough of Surf City is in need of the services of the following professionals as a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A-20.4 or 20.5*:

Licensed Site Remediation Professional (LSRP); and

WHEREAS, the Borough Council of the Borough of Surf City desire to contract the services of the following professionals to fill said position:

DeMaio's Incorporated - Environmental Engineers

WHEREAS, the Chief Financial Officer has determined and certified that the value of the acquisition may exceed \$17,500, the maximum amount of the contract to be awarded under this Resolution is set forth in the 2016 Municipal Budget; and

WHEREAS, funds are available for this purpose as certified by the Chief Financial Officer; and

WHEREAS, the listed individuals have submitted a proposal indicating they will provide the related services per their schedule of rates as attached or included in the agreement; and

WHEREAS, the listed individuals have completed and submitted a Business Entity Disclosure Certification, which certifies that they have not made any reportable contributions to a political or candidate committee in the Borough of Surf City in the previous one year, and that the contract will prohibit them from making any reportable contributions through the term of the contract, and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) authorizes the award of

contracts for "Professional Services without competitive bids and requires that the Resolution and contracts for each professional be made available for public inspection.

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 following be appointed for the Borough of Surf City for a term of one (1) year, commencing October 1, 2016 and ending September 30, 2017.

Licensed Site Remediation Professional (LSRP) - DeMaio's Incorporated - Environmental Engineers

2. The Mayor and Municipal Clerk are hereby authorized and directed to execute the attached agreements with said professionals.

October 12, 2016

Page 111.06

3. These contracts are without competitive bidding and is awarded as a professional service in accordance with N.J.S.A. 40A:11-5(1)(a)(i) of the Local Public Contracts Law because it is for services to be performed by a person(s) authorized to practice a recognized profession.

4. This resolution takes effect October 1, 2016.

5. A certified copy of this Resolution shall be provided by the Borough Clerk to the Chief Financial Officer and to each professional .

6. That a certificate of availability of funds executed by the Chief Financial Officer is annexed hereto.

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

Roll Call Vote: Ayes - Hadash, Hartney, Wm. Hodgson, Klose, Russell, Siciliano. Nays - None.

Resolution authorizing the Mayor to send his fall letter to the Borough taxpayers. Upon a motion by Mr. Russell, seconded by Mrs. Siciliano, the following resolution was adopted:

RESOLUTION 2016-130

NOW, THEREFORE, BE IT RESOLVED that authorization be and is hereby given to Mayor Hodgson to proceed with sending his fall letter to the Borough taxpayers.

Roll Call Vote: Ayes - Hadash, Hartney, Wm. Hodgson, Klose, Russell, Siciliano. Nays - None.

Acknowledge receipt of the CY2016 Best Practice Inventory as prepared by the Chief Financial Officer and required by the State of New Jersey. Upon a motion by Mr. Russell, seconded by Mr.

Klose, the receipt was acknowledged.

Roll Call Vote: Ayes - Hadash, Hartney, Wm. Hodgson, Klose, Russell, Siciliano. Nays - None.

Resolution authorizing the sale of surplus property through GovDeals. Upon a motion by Mr. Hartney, seconded by Mr. Klose, the resolution attached hereto as Schedule 2, was adopted:

Roll Call Vote: Ayes - Hadash, Hartney, Wm. Hodgson, Klose, Russell, Siciliano. Nays - None.

Resolution approving an application for regular probationary membership in the Surf City Volunteer Fire Co. as submitted by Donna McDowell. Councilman Russell and Councilman Hartney must recuse themselves from this item of business in accordance with State Statutes. Upon a motion by Mr. Klose, seconded by Mrs. Siciliano, the following resolution was adopted:

October 12, 2016

Page 112.07

RESOLUTION 2016-131

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 below, is hereby approved:

Regular Probationary Membership - Donna McDowell

Roll Call Vote: Ayes - Hadash, Wm. Hodgson, Klose, Siciliano. Nays - None.

Reports:

Chief Financial Officer's report for the month of August, 2016.

Municipal Court report for the month of August, 2016.

Committee Reports:

Councilman Hadash, Chairman of Sanitation gave the Sanitation and Recycling Report for the month of September, 2016. He also motioned for adoption, Resolution 2016-129 appointing seasonal laborers , seconded by Mr. Russell.

RESOLUTION 2016-129

NOW, THEREFORE, BE IT RESOLVED that the following listed individuals be and are hereby appointed as laborers in the Public Works Dept. on a part time, as needed basis at the rate of \$10.00 per hour, effective immediately and terminating on December 31, 2016:

Bryan Carey

Richard Zennario

Matthew Copeland

Matthew Fishman

Giovanni Rossini

Brett Sweeney

Roll Call Vote: Ayes - Hadash, Hartney, Wm. Hodgson, Klose, Russell, Siciliano. Nays - None.

He also motioned for adoption, Resolution 2016-134 appointing a seasonal laborer, seconded by Mr. Russell.

RESOLUTION 2016-134

NOW, THEREFORE, BE IT RESOLVED that the Matthew Henry be and is hereby appointed a laborer in the Public Works Dept. on a part time, as needed basis at the rate of \$10.00 per hour, effective immediately and terminating on November 23, 2016.

Roll Call Vote: Ayes - Hadash, Hartney, Wm. Hodgson, Klose, Russell, Siciliano. Nays - None.

October 12, 2016

Page 113.08

Councilman Russell, Chairman of Public Property and Lifeguards reported on the close of activities for the 2016 season and commented on the new rugs and floors in the municipal building.

Councilman Wm. Hodgson, Chairman of Police gave the Statistical Report of Operations for the month of September, 2016 and thanked the Police and Fire Department for their help during this past weekends 18 mile run.

Councilwoman Siciliano, Chairwoman of Streets and Roads reported on the patching of potholes and a meeting she will be attending with Councilman Hartney to discuss the nuisance flooding.

Councilman Hartney, Chairman of Beaches provided a final report on the beach operations. He also advised that the dune grass has arrived, in case any residents wish to plant and the Borough will be selling holiday beach badges with a limited availability. He also commented on the upcoming meeting on the flooding.

Councilman Klose, Chairman of Water/Sewer advised that hydrant flushing will take place next week.

Councilman Hodgson also thanked Tom and the Public Works Department for setting up the barricades this past weekend.

Comments from the Audience: None

Correspondence:

Action Required:

Correspondence from the Attorneys for the Long Beach Island Board of Education regarding the sale of the grade school. Mayor Hodgson advised that his position has not changed although the

cost of construction keeps changing. He commented that 16 million dollars is a lot of money, costs keep rising and he does not feel we need to spend 16 million dollars. The Mayor will not give them the resolution that they want. Councilman Klose does not feel the need for us to pass a resolution. Mrs. Siciliano felt all voters are free to go to the ballot box. Councilman Hodgson agreed, they are building a big school with declining enrollment. Discussion concerned the Choice Student Program and the cost to construct the new school. It was agreed that we respond advising that they do not need a resolution from the Borough in order to place a question on the ballot.

No Action Required:

Resolutions received from the Township of Lacey and the County of Ocean.

Comments from the Audience: None

October 12, 2016

Page 114.09

Bill Resolution: Upon a motion by Mr. Russell, seconded by Mr. Klose, the following resolution was adopted:

BE IT RESOLVED BY 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 -	\$	58,685.94	
Current -		498,085.96	
Payroll Account -		184,707.10	
Dog License Account -		.00	
Ice Cream Vendor Acct. -			.00
Escrow Release -			16,315.00
Tax Certificate Acct. -			<u>.00</u>
	\$		757,794.00

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: October 12, 2016

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

Roll Call Vote: Ayes - Hadash, Hartney, Wm. Hodgson, Klose, Russell, Siciliano. Nays - None.

Mayor Hodgson commented on the letter received from the mother of a woman who almost drowned this fall, which was turned over to the committee to take under advisement.

With there being no further business to come before the Governing Body, upon a motion by Mr. Russell, seconded by Mr. Klose, and, a vote in the affirmative, the meeting was adjourned.

Respectfully submitted,

MARY P. MADONNA, RMC/MMC/QPA/CPM
Municipal Clerk/Borough Administrator