

**March 13, 2019**

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Mayor Hodgson called the meeting to order and read the following statement: 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 10, 2019 issue of the Beach Haven Times. This meeting took place at the Surf City Borough Hall in the Council Chambers at 7:30 pm on Wednesday, March 13, 2019.

Roll call reflected the following present: Councilman Hadash, Councilman Hartney, Councilman Wm. Hodgson, Councilman Klose, Councilman Russell, Councilwoman Siciliano and Mayor F. Hodgson. Absent: none.

After a salute to the Flag, Councilman Russell moved to approve the February 13, 2019 regular council meeting minutes. Councilman Klose seconded the motion. With a vote in the affirmative, the minutes were approved.

Roll call vote reflected the following in favor: Hadash, Hartney, Wm. Hodgson, Klose, Russell, and Siciliano. Nays: none. Abstain: none. Absent: None.

Councilman Hartney moved to open the public hearing for Ordinance 2019-02, establishing the position of Deputy Zoning Officer. Councilman Russell seconded the motion. With a vote in the affirmative, the public hearing was opened. There were no comments. Councilman Hartney moved to close the public hearing for Ordinance 2019-02. Councilman Klose seconded the motion. With a vote in the affirmative, the public hearing was closed.

Councilman Hartney moved to approve the final adoption of Ordinance 2019-02, establishing the position of Deputy Zoning Officer. Councilman Klose seconded the motion. With a vote in the affirmative, the following ordinance was adopted.

ORDINANCE OF THE BOROUGH OF SURF CITY, COUNTY OF  
OCEAN, STATE OF NEW JERSEY, AMENDING AND  
SUPPLEMENTING CHAPTER XXX OF THE BOROUGH CODE OF  
THE BOROUGH OF SURF CITY ENTITLED "ZONING" SO AS TO  
ESTABLISH THE POSITION OF DEPUTY ZONING OFFICER

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

Section 1. Chapter XXX of the Borough Code of the Borough of Surf City entitled "Zoning" is hereby amended and supplemented to add new Sections 30-15.7 and 30-15.8 which shall read as follows:

30-15.7 Deputy Zoning Official. There is hereby created in the  
Borough the position of Deputy Zoning Officer who shall, in the  
absence of the Zoning Officer, have all the duties of Zoning Officer as  
set forth in Section 30-15.2.

30-15.8 Term of Office. The term of office of the Deputy Zoning Officer shall be for one (1) year commencing January 1 of the year of appointment and ending December 31. The Deputy Zoning Officer, however, shall continue to serve until his or her successor shall be appointed and qualified. The Deputy Zoning Officer shall receive an annual salary as may be fixed by the Mayor and Council in the Salary Ordinance of the Borough.

Section 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid of 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.

Section 4. This ordinance shall take effect after public reading and publication as required by law.

Roll call vote reflected the following in favor: Hadash, Hartney, Wm. Hodgson, Klose, Russell, and Siciliano. Nays: none. Abstain: none. Absent: None.

Councilman Russell moved to open the public hearing for Ordinance 2019-03, entitled smoking prohibition. Councilman Klose seconded the motion. With a vote in the affirmative, the public hearing was opened. There were no comments. Councilman Hartney moved to close the public hearing for Ordinance 2019-03. Councilman Russell seconded the motion. With a vote in the affirmative, the public hearing was closed.

Councilman Hartney moved to approve the final adoption of Ordinance 2019-03, entitled smoking prohibition. Councilwoman Siciliano seconded the motion. With a vote in the affirmative, the following ordinance was adopted.

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 PARKS, BEACHES AND  
RECREATIONAL AREAS"

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

SECTION I

Section 19-7 entitled Smoking Prohibition, be and is hereby amended as follows:

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Section 19-7.2 entitled Restricted Area, be and is hereby amended to include new subsections (c), (d) and (e) to read as follows:

c. The carrying or smoking of lighted tobacco products is prohibited along the ocean beaches in accordance with State Statute. An exception to the smoking prohibition shall be in an area not to exceed fifteen (15%) percent of the total beach area, which area shall be designated by Resolution of the Governing Body.

d. The carrying or smoking of lighted tobacco products is prohibited in the Veteran's Memorial Park.

e. For the purposes of this section, the term lighted tobacco products shall include but not be limited to a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco or any other matter that can be smoked, or the inhaling or exhaling of smoke or vapor from an electronic smoking device.

#### 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 reflected the following in favor: Hadash, Hartney, Wm. Hodgson, Klose, Russell, and Siciliano. Nays: none. Abstain: none. Absent: None.

Councilman Russell moved to open the public hearing for Ordinance 2019-04, pertaining to deck railing. Councilman Klose seconded the motion. With a vote in the affirmative, the public hearing was opened.

Bill Creelman was present to request that the Borough Council reconsider permitting only open deck railing. He had brought a sample of a closed glass rail. Councilman Wm. Hodgson inquired about wind rating. Mr. Creelman could not ascertain the rating. Bob Burnett interjected that he installs this type of railing and considers it to be safe. Mayor F. Hodgson explained that this proposal was to address Mr. Creelman's safety concerns about the current rail height limits.

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The existing rail height, permitted in excess of the overall building height limitations, is thirty-six inches. Ordinance 2019-04 provides for forty-eight inches. It was also explained that closed rails are permitted, when not in excess of the overall building height.

Councilman Hartney moved to close the public hearing for Ordinance 2019-04. Councilman Russell seconded the motion. With a vote in the affirmative, the public hearing was closed.

Councilman Hartney moved to approve the final adoption of Ordinance 2019-04, pertaining to deck railing. Councilman Klose seconded the motion. With a vote in the affirmative, the following ordinance was adopted.

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 11 PERTAINS TO "BUILDING AND HOUSING"

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

SECTION I

Section 11-7.8 entitled Specifications, be and is hereby amended by the addition of a new subsection (h) as same pertains to deck railings:

h. Deck railings on a residential structure shall be constructed in accordance with the Uniform Construction Codes whereby they shall be a minimum of 36 inches high. Residential deck railings may be constructed to exceed the 36 inches in height but shall be no more than 48 inches in height and must have open style balusters spaced in accordance with the Uniform Construction and/or building codes. Said railing shall be exempt from the height restrictions, as reflected in the Zoning Ordinances, and shall be subject to review and a permit issued by the Zoning Official.

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 reflected the following in favor: Hadash, Hartney, Wm. Hodgson, Klose, Russell, and Siciliano. Nays: none. Abstain: none. Absent: None.

Councilwoman Siciliano moved to open the public hearing for Ordinance 2019-05, pertaining to outdoor recreational fire devices. Councilman Klose seconded the motion. With a vote in the affirmative, the public hearing was opened.

Dan Malay, owner of How You Brewin, requested the Borough Council to reconsider the proposed setback of ten feet. He suggested the setback be five feet, instead. Mayor F. Hodgson explained that the setback of ten feet was appropriate due to the average size of lots throughout the Borough. The proposed setback offers additional space between approved fire pits and the neighboring properties.

Councilman Hartney moved to close the public hearing for Ordinance 2019-05. Councilman Russell seconded the motion. With a vote in the affirmative, the public hearing was closed.

Councilman Hartney moved to approve the final adoption of Ordinance 2019-05, pertaining to outdoor recreational fire devices. Councilman Russell seconded the motion. With a vote in the affirmative, the following ordinance was adopted.

ORDINANCES OF THE BOROUGH OF SURF CITY, COUNTY OF  
OCEAN, STATE OF NEW JERSEY, AMENDING AND  
SUPPLEMENTING CHAPTER XXX OF THE BOROUGH CODE OF  
THE BOROUGH OF SURF CITY ENTITLED "ZONING" SO AS TO  
PROVIDE FOR THE REGULATION OF FIRE PITS.

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

Section 1. Chapter XXX of the Borough Code of the Borough of Surf City be and is hereby amended to include a new subsection 30-11.5 entitled "Outdoor Recreational Fires and Devices" to read as follows:

30-11.5. No person shall authorize or create, kindle, or maintain any open burning or fire unless conducted and permitted and/or approved in accordance with this section.

A. Permitted outdoor fires are limited to recreational fires entirely contained within permitted portable fire devices and permanent fire devices, and which may only be lit and maintained with clean firewood, charcoal, manufactured fire logs, propane, and

natural gas as permissible fuels. All other fuels, including, but not limited to, brush, leaves, trees, trash, refuse, and treated and wet wood are prohibited.

1. All permitted outdoor fires shall be maintained in a manner that ensures any smoke and embers arising therefrom do not interfere with the air quality, peace and quiet enjoyment of neighboring residents.
2. With the sole exception of grills and related, permitted cooking devices, all portable fire devices and permanent fire devices shall possess and employ an ember-suppressing lid (stone/masonry devices must have a lid or screen).
3. No outdoor fire shall be left unattended and must be extinguished for the night.

B. All solid fuel-burning (wood) fire pits, open wood burning, and/or open and unenclosed, and/or contained burning of any kind not in accordance with this section is prohibited.

C. No permanent fire device may be constructed, affixed, and/or placed on any lot until a permit therefor has been issued by the Zoning Officer.

1. An application shall be submitted to the Zoning Officer accompanied by a survey and a survey affidavit of no change, indicating the type of device and location to be installed. The location of the required fire extinguisher or working garden hose, as per this section, shall be shown on said plan.
2. Portable fire devices are authorized and permitted for use without application for a permit from the Zoning Officer but shall comply with location requirements as indicated in this section.
3. Portable fire devices shall be a minimum of five (5) feet from any building or accessory structure and a minimum of ten (10) feet from any lot line, except that such shall be permitted on decks and patios, provided such are a minimum of five (5) feet from any building and 10 feet from any lot line .
4. Permanent fire devices shall be a minimum of five (5) feet from any building or accessory structure and a minimum of ten (10) feet from any lot line.
5. Permanent fire devices shall not exceed three (3) feet in height nor cover an area greater than six (6) feet by six (6) feet.
6. No more than one (1) permanent fire device shall be permitted per lot or continuous lots under common ownership.

7. Portable and permanent fire devices shall be within the radius of a working garden hose nozzle or a working fire extinguisher shall be stored within 10 feet therefrom.

8. Permanent fire devices in compliance with this section shall not be included in lot coverage calculation.

9. Permanent fire devices must be constructed from materials that are in accordance with the requirements of the Fire Marshall and/or Fire Inspector and any applicable provisions of the Borough Ordinances.

10. Permanent and portable fire devices may be permitted on decks and patios.

D. Exterior masonry and wood burning fireplaces may be freestanding or attached to the principal or accessory buildings and shall comply with all fire codes, building codes and zoning regulations for masonry fireplaces.

1. Fireplaces may not be higher than five (5) feet above grade, must be a minimum of ten (10) feet from any lot line and will not count as lot coverage.

E. Portable Barbeque grills and portable outdoor patio heaters shall be exempt from this section.

F. Outdoor kitchens shall be governed by the Building and Zoning codes.

G. Enforcement, violations and penalties

1. This section shall be enforced by the Surf City Zoning Officer, the Surf City Police Department and/or the Ocean County Fire Marshal.

2. Any authorized officer, agent, employee or representative of the Borough who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this section.

3. A violation of this section shall be punishable as provided in Chapter 1-5 entitled General Penalties.

Section 2. All ordinances or parts of ordinances inconsistent herewith are repealed to the extent of such inconsistency.

Section 3. If any phrase, clause, section, subsection, sentence or portion of this ordinance is for any reason held 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.

Section 4. This ordinance shall take effect after public reading and publication as required by law.

Roll call vote reflected the following in favor: Hadash, Hartney, Wm. Hodgson, Klose, Russell, and Siciliano. Nays: none. Abstain: none. Absent: None.

Councilman Russell moved to open the public hearing for Ordinance 2019-06, pertaining to outdoor dining in the Business Zone. Councilwoman Siciliano seconded the motion. With a vote in the affirmative, the public hearing was opened.

Bob Burnett stated he would like the permit to be valid for three or more years, instead of the proposed year. Discussion provided that a one-year permit is necessary to provide for compliance in relation possible complaints submitted.

Dana DiSalvio, owner of the Sand Box Café, expressed her appreciation of the proposed ordinance.

Councilman Hartney moved to close the public hearing for Ordinance 2019-06. Councilman Russell seconded the motion. With a vote in the affirmative, the public hearing was closed.

Councilman Hartney moved to approve the final adoption of Ordinance 2019-06, pertaining to outdoor dining in the business zone. Councilwoman Siciliano seconded the motion. With a vote in the affirmative, the following ordinance was adopted.

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 30-5 entitled Business Zone - Uses and Regulations, be and is hereby amended as follows:

In subsection 30-5.2 entitled Principal Uses and Buildings Permitted, paragraph (f) be and is hereby amended, as follows:

1. All approved restaurants and food service establishments shall be entitled to the following, subject to the enumerated restrictions:
  - a. two (2) tables or a counter with no more than eight (8) seats or stools located on the inside or the outside of the business.



b. outdoor tables and chairs which shall not exceed fifteen (15%) percent of the previously approved indoor seating with a maximum of six (6) tables with twenty-four (24) seats and a minimum of two (2) tables with no more than eight (8) chairs.

1. The following conditions shall apply to the permitted outdoor seating:

a. all use of outdoor seating shall cease by 10:00 p.m. unless otherwise fixed by resolution.

b. outdoor seating shall only be permitted in the Business Zone.

c. outdoor seating shall be located entirely within the property boundary lines and shall not impede ingress, egress or parking. Tables and chairs shall be secured while the business is closed or during times of inclement weather.

2. Any business establishment wishing to utilize the provisions of this section shall be required to apply for an annual license on an application provided by the Municipal Zoning Official subject to the following conditions:

a. Said application shall be submitted no later than April 30th of each year and shall include a \$50.00 fee, a survey and photograph showing the proposed location of the seating. The survey shall not be more than two years old or more than two years old but less than five years old unless accompanied by a Survey Affidavit of No Change.

b. Upon review as to compliance with the terms of this section, a license will be issued for a period of one year.

c. An application hereunder shall be denied if the business has been found to be in violation of any provisions herein during the previous year.

Under no circumstances shall any seats in combination with tables, which may currently be in place, be considered, to be grand fathered unless same have been given appropriate Land Use Board approval prior the introduction of this ordinance.

Outside seating utilized for customer waiting only may be permitted provided said seats are not used in conjunction with any type of table and are located entirely within the property lines and do not impede ingress, egress or parking.

Free standing umbrellas may be utilized with permitted outside tables provided the umbrellas are freestanding, securely anchored and are no larger in diameter then the table to which the umbrella is utilized. No umbrella shall encroach in any walkways or create a safety hazard. All umbrellas shall be closed and secured while the business is closed or during times of inclement weather.

**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 reflected the following in favor: Hadash, Hartney, Wm. Hodgson, Klose, Russell, and Siciliano. Nays: none. Abstain: none. Absent: None.

Councilman Klose moved to approve the introduction and first reading of Ordinance 2019-07, after Mayor F. Hodgson read the following title:

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"

Councilman Hartney seconded the motion. With a vote in the affirmative, Ordinance 2019-07 was approved as introduced. It will be further considered for final adoption at a public hearing to be scheduled for the regular meeting on Wednesday, April 10, 2019.

Roll call vote reflected the following in favor: Hadash, Hartney, Wm. Hodgson, Klose, Russell, and Siciliano. Nays: none. Abstain: none. Absent: None.

Councilman Russell moved to approve the introduction and first reading of Ordinance 2019-08, after Mayor F. Hodgson read the following title:

AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET  
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A: 4-45.14)

Councilman Hartney seconded the motion. With a vote in the affirmative, Ordinance 2019-08 was approved as introduced. It will be further considered for final adoption at a public hearing to be scheduled for the regular meeting on Wednesday, April 10, 2019.

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Roll call vote reflected the following in favor: Hadash, Hartney, Wm. Hodgson, Klose, Russell, and Siciliano. Nays: none. Abstain: none. Absent: None.

Councilwoman Siciliano moved to approved Resolution 2019-42 certifying compliance with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions under Title VII of the Civil Rights Act of 1964". Mr. Hartney seconded the motion. With a vote in the affirmative, Resolution 2019-42 was approved, as follows.

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," as amended, 42 U.S.C. § 2000e et seq., (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body of the Borough of Surf City have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the Group Affidavit Form of the governing body attached hereto:

NOW, THEREFORE, BE IT RESOLVED, this 13th day of March, 2019, by the Mayor and governing body of the Borough of Surf City, County of Ocean, State of New Jersey, that the Borough has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Borough Clerk to cause to be maintained and available for inspection a certified copy of this Resolution and the required affidavit to show evidence of said compliance; and

IT IS FURTHER RESOLVED, that a certified copy of this Resolution shall be forwarded by the Borough Clerk to the following:

1. The Honorable Francis R. Hodgson, Sr., Mayor;
2. Surf City Borough Council Members;
3. Michael Gross, C.F.O.;
4. Kevin Frenia, RMA, Auditor; and
5. Christopher J. Connors, Esquire

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Roll call vote reflected the following in favor: Hadash, Hartney, Wm. Hodgson, Klose, Russell, and Siciliano. Nays: none. Abstain: none. Absent: None.

Councilman Klose moved to approved Resolution 2019-41 to affirm the Borough of Surf City's Civil Rights Policy with respect to all officials, appointees, employees, prospective employees, volunteers, independent contractors, and members of the public that, come into contact, with municipal employees, officials and volunteers. Councilman Hartney seconded the motion. With a vote in the affirmative, Resolution 2019-41 was approved, as follows.

WHEREAS, it is the policy of the Borough of Surf City to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disability Act and the Conscientious Employee Protection Act, and

WHEREAS, the governing body of the Borough of Surf City has determined that certain procedures need to be established to accomplish this policy.

NOW, THEREFORE BE IT ADOPTED by the Governing Body of the Borough of Surf City that:

**Section 1:** No official, employee, appointee or volunteer of the Borough of Surf City by whatever title known, or any entity that is in any way a part of the Borough of Surf City shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the Borough of Surf City's business or using the facilities or property of the Borough of Surf City.

**Section 2:** The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer or inter-local organization, whether structured as a government entity or a private entity, that receives authorization or support in any way from the Borough of Surf City to provide services that otherwise could be performed by the Borough of Surf City.

**Section 3:** Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

**Section 4:** The Borough Council may establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the

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person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

**Section 5:** No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

**Section 6:** The Borough Council may establish written procedures that require all officials, employees, appointees and volunteers of the Borough of Surf City as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

**Section 7:** The Borough Council may establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.

**Section 8:** At least annually, the Borough Council shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Borough of Surf City. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the Borough of Surf City's bulletin board.

**Section 9:** This resolution shall take effect immediately.

**Section 10:** A copy of this resolution shall be published in the official newspaper of the Borough of Surf City, in order, for the public to be made aware of this policy and the Borough of Surf City's commitment to the implementation and enforcement of this policy.

Roll call vote reflected the following in favor: Hadash, Hartney, Wm. Hodgson, Klose, Russell, and Siciliano. Nays: none. Abstain: none. Absent: None.

Councilman Hartney moved to approved Resolution 2019-44. Councilman Russell seconded the motion. With a vote in the affirmative, Resolution 2019-44 was approved, as follows.

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

Roll call vote reflected the following in favor: Hadash, Hartney, Wm. Hodgson, Klose, Russell, and Siciliano. Nays: none. Abstain: none. Absent: None.

Councilwoman Siciliano moved to approved Resolution 2019-43. Councilman Russell seconded the motion. With a vote in the affirmative, Resolution 2019-43 was approved, as follows.

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WHEREAS, The Recycling Enhancement Act, P.L.2007, chapter 311, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, there is levied upon the owner or operator of every solid waste facility (with certain exceptions) a recycling tax of \$3.00 per ton on all solid waste accepted for disposal or transfer at the solid waste facility; and

WHEREAS, Whenever a municipality operates a municipal service system for solid waste collection, or provides for regular solid waste collection service under a contract awarded pursuant to the "Local Public Contracts Law", the amount of grant monies received by the municipality shall not be less than the annual amount of recycling tax paid by the municipality except that all grant moneys received by the municipality shall be expended only for its recycling program;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Surf City in the County of Ocean that the Borough of Surf City hereby certifies a submission of expenditure for taxes paid pursuant to P.L. 2007, chapter 311 in 2018 in the amount of \$5,183.79. Documentation supporting this submission is available at the Borough Hall and shall be maintained for no less than five (5) years from this date.

BE IT FURTHER RESOLVED that the authorization be and is hereby given to proceed with the application for a Recycling Tonnage Grant.

Roll call vote reflected the following in favor: Hadash, Hartney, Wm. Hodgson, Klose, Russell, and Siciliano. Nays: none. Abstain: none. Absent: None.

Councilman Klose moved to approved Resolution 2019-46. Councilman Hartney seconded the motion. With a vote in the affirmative, Resolution 2019-46 was approved, as follows.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Surf City that authorization be and is hereby given to proceed with the following purchase in the amount of \$51,721.76 from the Sourcewell (NJPA) Cooperative purchasing:

NJPA Sourcewell #042815-KBA One (1) 2019 Compact Excavator KX040-4R3P

Roll call vote reflected the following in favor: Hadash, Hartney, Wm. Hodgson, Klose, Russell, and Siciliano. Nays: none. Abstain: none. Absent: None.

Councilman Klose moved to approved Resolution 2019-48. Councilman Hartney seconded the motion. With a vote in the affirmative, Resolution 2019-48 was approved, as follows.

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NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Surf City that the application for an on-premise cash 50/50 license as submitted by the Auxiliary Coordinating Council of Southern Ocean Medical Center Foundation, ID#477-5-42300, for raffles to be held on June 12, 2019 and September 18, 2019 at the Surf City Yacht Club, be and is hereby approved and the Municipal Clerk is authorized to issue License RL 19-03

BE IT FURTHER RESOLVED that the Municipal Fee for said license be and is hereby waived in accordance with Ordinance 95-4 of this Municipality.

Roll call vote reflected the following in favor: Hadash, Hartney, Wm. Hodgson, Klose, Russell, and Siciliano. Nays: none. Abstain: none. Absent: None.

Councilwoman Siciliano moved to approved Resolution 2019-49. Councilman Klose seconded the motion. With a vote in the affirmative, Resolution 2019-49 was approved, as follows.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Surf City that the application for an on-premise merchandise license as submitted by the Auxiliary Coordinating Council of Southern Ocean Medical Center Foundation, ID#477-5-42300, for raffles to be held on June 12, 2019 and September 18, 2019 at the Surf City Yacht Club, be and is hereby approved and the Municipal Clerk is authorized to issue License RL 19-04.

BE IT FURTHER RESOLVED that the Municipal Fee for said license be and is hereby waived in accordance with Ordinance 95-4 of this Municipality.

Roll call vote reflected the following in favor: Hadash, Hartney, Wm. Hodgson, Klose, Russell, and Siciliano. Nays: none. Abstain: none. Absent: None.

Councilwoman Siciliano moved to approved Resolution 2019-50 for emergency temporary appropriations. Councilman Klose seconded the motion. With a vote in the affirmative, Resolution 2019-50 was approved, attached hereto.

Roll call vote reflected the following in favor: Hadash, Hartney, Wm. Hodgson, Klose, Russell, and Siciliano. Nays: none. Abstain: none. Absent: None.

Councilman Klose moved to approved Resolution 2019-54 to award the bid to A.C. Schulte's for the 2018 Hazard Mitigation Elevation Project for Wells 6 & 7. Councilman Russell seconded the motion. With a vote in the affirmative, Resolution 2019-54 was approved, attached hereto.

Roll call vote reflected the following in favor: Hadash, Hartney, Wm. Hodgson, Klose, Russell, and Siciliano. Nays: none. Abstain: none. Absent: None.

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Councilman Hartney moved to approved Resolution 2019-51. Councilman Russell seconded the motion. With a vote in the affirmative, Resolution 2019-51 was approved, as follows.

WHEREAS, the below listed applicant has posted escrow with the Borough of Surf City in accordance with Ordinance 99-4 to cover professional fees associated with Land Use Board applications; and

WHEREAS, said application has been completed and all invoices for professional fees associated with same have been received and the Land Use Board recommends the release of the escrow monies held.

NOW, THEREFORE, BE IT RESOLVED that authorization be and is hereby given to the Chief Financial Officer to release the below listed amount to the Borough of Surf City for payment of the professional fee invoices and the remainder be returned to said applicant.

Applicant	Amount posted	Amount to be released to applicant	Amount to be released to the Borough
How You Brewin Coffee Company	\$2,098.21	\$ . 00	\$2,098.21
Raban & Raban, LLC	\$1,500.00	\$420.10	\$1,079.90
Eugene Brady	\$1,500.00	\$323.59	\$1,176.41
Builders 22	\$2,183.97	\$ . 00	\$2,183.97

Roll call vote reflected the following in favor: Hadash, Hartney, Wm. Hodgson, Klose, Russell, and Siciliano. Nays: none. Abstain: none. Absent: None.

Mayor F. Hodgson gave both, the Chief Financial Officer's and the Municipal Courts, reports.

Councilman Hadash delivered the sanitation report for the month of February. He also moved to approve Resolution 2019-45, as follows.

NOW, THEREFORE, BE IT RESOLVED that the following laborers appointed as seasonal/on call employee in the Public Works Department effective as of March 6, 2019 at the corresponding rate of pay per hour without benefits. Said appointment is on an as needed basis, and shall terminate on December 31, 2019:

Noah Hernandez at \$12.00 per hour.



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Brett Sweeney at \$12.00 per hour.

Gary Ruhmshottel at \$12.50 per hour

Councilman Russell seconded that motion. With a vote in the affirmative, Resolution 2019-45 was approved.

Roll call vote reflected the following in favor: Hadash, Hartney, Wm. Hodgson, Klose, Russell, and Siciliano. Nays: none. Abstain: none. Absent: None.

Councilman Russell reported that the lifeguard captain has begun soliciting quotations for uniforms and equipment for the 2019 season. The process for recruiting new applicants and returning guards is currently underway. Councilman Russell wished all a Happy St. Patty's Day.

Councilman Wm. Hodgson reviewed the statistical report for the Police Department. He commented that Sergeant Sarah Roe and Patrolman Jared Cornelius have completed a course related to a recent mandate to have a Humane Law Officer on staff. The Surf City Police Department also hosted a tactical active shooter exercise. Councilman Wm. Hodgson moved to approved Resolution 2019-39, as follows.

NOW, THEREFORE, BE IT RESOLVED that the following listed individual is appointed as seasonal/on call employee in the Police Department effective as of February 13, 2019 at the corresponding hourly rate of pay. Said appointment is on an as needed basis, and shall terminate on December 31, 2019:

Brian Forfa - Class II Special Officer \$12.50/per hour

Councilwoman Siciliano seconded that motion. With a vote in the affirmative, Resolution 2019-45 was approved.

Roll call vote reflected the following in favor: Hadash, Hartney, Wm. Hodgson, Klose, Russell, and Siciliano. Nays: none. Abstain: none. Absent: None.

Councilman Wm. Hodgson also moved to approved Resolution 2019-52, as follows.

NOW, THEREFORE, BE IT RESOLVED that the following individuals be and are hereby appointed Deputy Zoning Officers effective immediately:

Mary Madonna

Christine Hannemann

Councilman Russell seconded that motion. With a vote in the affirmative, Resolution 2019-45 was approved.

Roll call vote reflected the following in favor: Hadash, Hartney, Wm. Hodgson, Klose, Russell, and Siciliano. Nays: none. Abstain: none. Absent: None.

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Councilwoman Siciliano stated that the Department of Public Works was in the process of cold patch repairs with hot patch repairs to soon follow, pending material availability. On March 5<sup>th</sup>, Councilwoman Siciliano along with the Deputy Clerk, attended a meeting with Ocean County representatives to discuss potential projects. The discussion included bulkhead replacement, gravel beach walkovers, storm drain and catch basin cleaning, as well as, possible paving overlay streets, as needed. The N. 5<sup>th</sup> Street and N. 6<sup>th</sup> Street projects are almost done being designed. Councilwoman Siciliano also commented that the work on the sewer line on N. 5<sup>th</sup> Street should begin within the next two weeks. The road project is expected to be bid in June, with construction to be scheduled to begin in September.

Councilman Hartney reported that the beaches were holding up well over this winter. He also announced that the Borough was currently seeking applicants for badge checkers.

Councilman Klose reported that everything was fine with water and sewer. He moved to approve Resolution 2019-47, as follows.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Surf City that authorization be and is hereby given to proceed with the purchase of a trailer from Ace Outdoor Power Equipment in the approximate amount of \$6,075.00

Councilman Hartney seconded that motion. With a vote in the affirmative, Resolution 2019-47 was approved.

Roll call vote reflected the following in favor: Hadash, Hartney, Wm. Hodgson, Klose, Russell, and Siciliano. Nays: none. Abstain: none. Absent: None.

Mayor F. Hodgson called for any comments from the audience. Susan Wood had asked about the percentage of beach that would be allocated for smoking on the beach. The Mayor asked her if she had any suggestions, to which she replied, she did not. Ms. Woods further commented that she would rather not see any smoking on the beach.

With no further comments, the Mayor and Council reviewed a request for John Klose to place a memorial bench on N. 14<sup>th</sup> Street and the Ocean. Councilman Russell moved to approve the request. Councilman Hartney seconded that motion. With a vote in the affirmative, that request was approved.

Roll call vote reflected the following in favor: Hadash, Hartney, Wm. Hodgson, Russell, and Siciliano. Nays: none. Abstain: Klose. Absent: None.

A correspondence was received from Suzanne Smith, Esq. in relation to a water and sewer billing issue on behalf of her client Kara Ekert. Councilman Russell moved that the matter be handled by the Water and Sewer Committee. Councilman Hartney seconded the motion, with a vote in the affirmative.

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Roll call vote reflected the following in favor: Hadash, Hartney, Wm. Hodgson, Klose, Russell, and Siciliano. Nays: none. Abstain: none. Absent: None.

A letter was written from the Scripture Union requesting the Borough Council to permit their annual SuperKids program on the Surf City N. 11<sup>th</sup> Street beach from August 3<sup>rd</sup> to August 17<sup>th</sup>. Councilman Russell moved to approve the request. Councilman Klose seconded the motion, with a roll call vote in the affirmative.

Roll call vote reflected the following in favor: Hadash, Hartney, Wm. Hodgson, Klose, Russell, and Siciliano. Nays: none. Abstain: none. Absent: None.

Mayor F. Hodgson received a request from John Tilton. Mr. Tilton was seeking permission to place a flag pole near the baseball diamond, at his own expense, to honor his late father. Councilman Wm. Hodgson moved to approve the request. Councilman Klose seconded the motion, with a roll call vote in the affirmative.

Roll call vote reflected the following in favor: Hadash, Hartney, Wm. Hodgson, Klose, Russell, and Siciliano. Nays: none. Abstain: none. Absent: None.

With no comments from the audience, Councilman Klose moved to approve the payments of bills. Councilman Russell seconded that motion. With a vote in the affirmative the following was approved for payment.

Water & Sewer	\$116,753.64
Current	\$895,299.26
Payroll Account	\$178,790.38
Dog License Account	\$13.80
Ice Cream Vendor Account	\$0.00
Escrow Release	\$7,282.28
Tax Certificate Account	\$0.00

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

Dated March 13, 2019 and approved by Councilman Hartney, Councilman Klose, & Councilwoman Siciliano.

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

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With no further business, Councilwoman Siciliano moved to adjourn the meeting. Councilman Hartney seconded that motion. With a vote in the affirmative, the meeting was adjourned.

Respectfully submitted,

A handwritten signature in blue ink that reads "Christine Hannemann". The signature is written in a cursive, flowing style.

Christine Hannemann, RMC/CMR/QPA

Deputy Municipal Clerk