COUNCIL MEETING MINUTES

April 10, 2019
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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 10, 2019 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 showed the following to be in attendance:


Mayor Hodgson called for approval of the minutes of the regular meeting held on March 13, 2019. Upon a motion by Mr. Russell, seconded by Mr. Hadash, the minutes were approved as presented.


A Salute to our flag was held.

Public hearing and final adoption of Ordinance 2019-07, 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"

Motion by Mr. Russell, seconded by Mr. Hartney, and, a vote in the affirmative, the public hearing was opened. With there being no comment from the audience, upon a motion by Mr. Hartney, seconded by Mr. Russell, and, a vote in the affirmative, the public hearing was closed. Upon a motion by Mr. Hartney, seconded by Mr. Russell, Ordinance 2019-07 was passed on second and final reading as follows:

ORDINANCE 2019-07

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"

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

Sections 19-1.6(f) as same pertains to Fees, be and is hereby amended to read as follows:

19-1.6(f) Eight ($8.00) dollars per person, per day, or any fractional part thereof, of the bathing season.

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All ordinances or parts of ordinances inconsistent herewith are repealed to the extent of such inconsistency.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 after final adoption according to law.


Public hearing and final adoption of Ordinance 2019-08, which was read by title only, as follows:

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

Motion by Mrs. Siciliano, 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. Hartney, and, a vote in the affirmative, the public hearing was closed. Upon a motion by Mr. Russell, seconded by Mrs. Siciliano, Ordinance 2019-08 was passed on second and final reading and is attached hereto as Schedule 1:


Introduction and first reading of Ordinance 2019-09, 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 III PERTAINS TO "PERSONNEL POLICIES"

and moved that same be given its first reading. Upon a motion by Mr. Klose, seconded by Mr. Hartney, Ordinance 2019-09 was introduced and passed on first reading and will be considered for final passage, after a public hearing, to be held on May 8, 2019.

Proclamation designating the week of April 7-13, 2019 as National Library Week. The Branch Manager, Toni Smirniw, was present at the meeting and explained the programs being offered at the library. Upon a motion by Mr. Wm. Hodgson, seconded by Mr. Hartney, the proclamation, attached hereto as schedule 2, was adopted:


Resolution 2019-40 waiving the right of the Governing Body to locally examine and certify the 2019 Municipal Budget and requesting the Director of the Division of Local Government Services to conduct the examination and certification. Upon a motion by Mr. Hartney, seconded by Mr. Russell, the following resolution, was adopted:

RESOLUTION 2019-40

RESOLUTION OF THE BOROUGH OF SURF CITY COUNTY OF OCEAN, STATE OF NEW JERSEY, WAIVING THE RIGHT OF THE GOVERNING BODY TO LOCALLY EXAMINE AND CERTIFY THE 2019 MUNICIPAL BUDGET AND REQUESTING THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO CONDUCT THE EXAMINATION AND CERTIFICATION.

WHEREAS, Section 13 of P.L. 1996, c.113, now codified as N.J.S.A. 40A:4-78(b), authorizes the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination required by the local budget law; and

WHEREAS, the local examination process grants the Chief Financial Officer and the Governing Body the responsibility, and authority traditionally held by the Director to review and approve a municipal budget; and

WHEREAS, the Division of Local Government Services has determined that the Borough of Surf City is eligible for local examination approval of its budget, based on the Borough's fiscal soundness; and

WHEREAS, the New Jersey Department of Community Affairs, Division of Local Government Services, has issued Local Finance Notice CFO-98-1, which requires a municipality wishing to waive its right to locally examine the Municipal Budget to pass a resolution requesting the Director of the Division of Local Government Services to conduct such an examination; and
WHEREAS, the Governing Body of the Borough of Surf City believes that an examination of the Municipal Budget by the Director of the Division of Local Government Services provides an additional safeguard to the taxpaying public, and ensures the continued sound fiscal condition of the Municipality which has led to the determination by the Director that the Borough is eligible for self-review and certification in the first place; and

WHEREAS, it is the desire of the Mayor and Borough Council to request examination and certification of the 2019 Municipal Budget by the Director of the Division of Local Government Services.

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 waive its right to locally examine and certify the 2019 Municipal Budget of the Borough of Surf City.

2. That the Governing Body does hereby request review and certification of the 2019 Municipal Budget by the Director of the Division of Local Government Services.

3. That two (2) certified copies of this resolution shall be forwarded by the Municipal Clerk to the Director of the Division of Local Government Services and a certified copy to the Chief Financial Officer of the Borough of Surf City.

Resolution introducing and approving the 2019 Municipal Budget. Mike Gross, CFO explained the change in the tax rate. Upon a motion by Mr. Klose, seconded by Mr. Hartney, the following resolution, was adopted:

INTRODUCTION AND APPROVAL OF THE 2019 MUNICIPAL BUDGET
MUNICIPAL BUDGET NOTICE

Municipal Budget of the Borough of Surf City, County of Ocean for the Fiscal Year 2019.

BE IT RESOLVED that the following statements of revenue and appropriations shall constitute the Municipal Budget for the year 2019;

BE IT FURTHER RESOLVED that said Budget be published in the Beach Haven Times in the issue of April 18, 2019.
The Governing Body of the Borough of Surf City, does hereby approve the following as the Budget for the Fiscal year 2019:

Notice is hereby given that the Budget and Tax Resolution were approved by the Borough Council of the Borough of Surf City, County of Ocean, on April 10, 2019.

A hearing on the Budget and Tax Resolution will be held at the Borough Hall, 813 Long Beach Boulevard, Surf City, New Jersey on May 8, 2019 at 7:30 o'clock p.m. at which time and place objections to said Budget and Tax Resolution for the year 2019 may be presented by taxpayers or other interested persons.


Resolution setting forth 2019 salaries to be paid effective as of January 1, 2019. Upon a motion by Mr. Klose, seconded by Mr. Russell, the resolution attached hereto as Schedule 3, was adopted:


Resolution 2019-61 approving emergency temporary appropriations to cover expenditures until the adoption of the 2019 Municipal Budget. Upon a motion by Mr. Russell, seconded by Mr. Klose, the resolution attached hereto as Schedule 4, was adopted:


Resolution 2019-59 entering into a Shared Service Agreement for the provision of a Municipal Transportation system and designating Long Beach Township as the lead agency. Mayor Hodgson explained the program briefly and noted that this year there will be a bus to Manahawkin during the summer months only. Upon a motion by Mr. Russell, seconded by Mr. Hartney, the following resolution, was adopted:

RESOLUTION NO. 2019-59


WHEREAS, 40A:65-1 et seq., authorizes several municipalities to agree to provide services jointly by contract, when approved by resolution under N.J.S.A.40A:65-5; and
WHEREAS, the Borough of Surf City wishes to enter into an agreement with the Township of Long Beach, the Borough of Beach Haven, the Borough of Harvey Cedars, the Borough of Ship Bottom and the Borough of Barnegat Light for the provision of a Municipal Transportation System and designating the Township of Long Beach as lead agency;

NOW, THEREFORE, BE IT AGREED by the Borough of Surf City:

1. The Mayor and Municipal Clerk of the Borough of Surf City shall be and are hereby authorized and directed to enter into and execute a Shared Services Agreement in the form herein attached as Exhibit A.

2. A copy of the Agreement together with the agreement annexed shall further remain on file and be available for public inspection at the office of the Municipal Clerk located at the Borough of Surf City Municipal Building, 813 Long Beach Blvd., Surf City, New Jersey 08008.

3. This resolution shall take effect immediately upon final adoption.


Resolution 2019-60 amending “Schedule C” of the Construction Code Shared Services Agreement. Mayor Hodgson advised that this is pertaining to our Construction Officials and the program has been in operation successfully for many years. Upon a motion by Mr. Russell, seconded by Mr. Hartney, the following resolution, was adopted:

RESOLUTION 2019-60

WHEREAS, the Borough of Surf City has entered into a contract with the municipalities of Beach Haven, Harvey Cedars and Barnegat Light to jointly employ a Construction Code Official; and

WHEREAS, certain amendments need to be made to Schedule C of the agreement as attached hereto;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Surf City, County of Ocean, State of New Jersey, that the attached Schedule C is hereby approved, effective as of January 1, 2019,

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be forwarded to the Borough's of Beach Haven, Harvey Cedars and Barnegat Light.

Resolution 2019-67 authorizing the Tax Collector to mail estimated tax bills for the 2019 3rd Quarter tax cycle. Upon a motion by Mr. Klose, seconded by Mrs. Siciliano, the following resolution, was adopted:

RESOLUTION 2019-67

WHEREAS, it has been recommended by the State of New Jersey that the Municipality should consider mailing estimated tax bills for the 2019 3rd quarter tax cycle; and

WHEREAS, this has been discussed with the Tax Collector, who agrees that estimated tax bills should be mailed;

NOW, THEREFORE, BE IT RESOLVED that the Surf City Collector of Taxes is hereby authorized to proceed with mailing estimated tax bills for the 2019 3rd quarter tax cycle; and

BE IT FURTHER RESOLVED as follows:
The estimated tax rate is $ .854 per hundred dollars of assessed value.
This bill is payable on August 1, 2019, and allows for the usual 10 day grace period. Postmark is not accepted.
When the 2019 tax rate for the Borough of Surf City has been certified by the Ocean County Tax Board, the Tax Collector will send another bill reflecting the final tax payment due on November 1, 2019 and preliminary payments due February 1 and May 1, 2020.
This final bill will reflect the total taxes billed for the calendar year 2019.


Resolution 2019-66 authorizing release of a Land Use Board Escrow. Upon a motion by Mr. Russell, seconded by Mr. Klose, the following resolution, was adopted:

RESOLUTION 2019-66

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.

<table>
<thead>
<tr>
<th>APPLICANT</th>
<th>AMOUNT TO BE POSTED</th>
<th>AMOUNT TO BE RELEASED TO APPLICANT TO BOROUGH</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vindana, LLC</td>
<td>$1,500.00</td>
<td>$560.83</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$939.17</td>
</tr>
</tbody>
</table>


Resolution 2019-65 authorizing release of curb bonds posted by Nathan Colmer - 358 N. 3rd Street in the amount of $3,998 and Donna Borland - 36 N. 16th Street in the amount of $3,000.

Resolution approving the minutes of the Multi-jurisdictional Public Information Program for Long Beach Island. The Deputy Clerk attended the meeting and approval of the minutes is required under our Community Flood Rating Program. Upon a motion by Mr. Klose, seconded by Mr. Russell, the following resolution, was adopted:
RESOLUTION 2019-57

NOW, THEREFORE, BE IT RESOLVED, that in accordance with the requirements under our Community Flood Rating Program, the minutes of the Multi-jurisdictional Public Information Program for Long Beach Island be and is hereby approved as requested by the Clerk/Administrator


Resolution 2019-55 authorizing a change fund in the amount not to exceed $5,000. as needed by the Beach Badge Checkers and Sellers and the Boat Ramp Attendants. Upon a motion by Mr. Hartney, seconded by Mrs. Siciliano, the following resolution, was adopted:

RESOLUTION 2019-55

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Surf City that authorization be and is hereby given to the Chief Financial Officer of the Borough of Surf City to proceed with obtaining the necessary change fund in the amount not to exceed $5,000. as needed by the Beach Badge Checkers and Sellers and the Boat Ramp Attendants.


Resolution 2019-63 authorizing the posting of the LOSAP list for the qualifying list of members of the Surf City Volunteer Fire Company No. 1. 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 Mr. Wm. Hodgson, the following resolution, was adopted:

RESOLUTION 2019-63

WHEREAS, in accordance with 40A:14-191 et seq., the Surf City Volunteer Fire Company and Emergency Medical Services has submitted the list of membership qualifying for the Length of Service Awards Program for the year 2018; and

WHEREAS, in accordance with said statutory provisions, a review of the list has been performed by the Municipal Clerk's office and same has been found to be accurate;

NOW THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Surf City that in accordance with the law, the Governing Body hereby authorizes the posting of said list in accordance with the law.
Resolution approving the application(s) for probationary membership in the Surf City Volunteer Fire Co. as submitted by Morgan Gross. Councilman Russell and Councilman Hartney must recuse themselves from this item of business in accordance with State Statutes. Upon a motion by Mrs. Siciliano, seconded by Mr. Hadash, the following resolution, was adopted:

RESOLUTION 2019-62

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Surf City that the application(s) for probationary membership in the Surf City Volunteer Fire Co. as submitted by Morgan Gross is hereby approved:

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

Reports:
Chief Financial Officer's Report for the month of February, 2019
Municipal Court Report for the month of February, 2019

Comments from the Audience:

Committee Reports:

Councilman Hadash, Chairman of Sanitation provided the sanitation and recycling report for the month of March, 2019. He also motioned resolution 2019-58, seconded by Mr. Russell, the following resolution was adopted:

RESOLUTION 2019-58

NOW, THEREFORE, BE IT RESOLVED that the following listed individuals be and are hereby appointed as seasonal/on call laborers in the Public Works Department. Said appointments are on an as needed basis.

Devonte Olivo - effective April 3, 2019 and terminating December 3, 2019. $12.50/hr.


The DEP stickers have arrived for the new trash truck which will be placed in service soon. Mayor Hodgson advised that the we will be cracking down on trash and oversized trash cans.

Councilman Russell, Chairman of Public Property and Lifeguards reported that the lifeguards are preparing for the upcoming summer season and supplies are starting to arrive. The Veterans' Memorial Park is being prepared for the summer.
Councilman Wm. Hodgson - Finance and Police provided the Statistical Report of Operations for the month of March 2019. He also motioned resolution 2019-64, seconded by Mrs. Siciliano, the following resolution was adopted:

RESOLUTION 2019-64

NOW, THEREFORE, BE IT RESOLVED that John N. Casella, Jr. be and is hereby appointed Deputy Emergency Management Coordinator for a 3 year term commencing on January 1, 2019 and terminating on December 31, 2021.


Councilwoman Siciliano, Chairwoman of Streets and Roads provided a report that the Public Works has used 16 tons of hot patch and 3 yards of cold patch on the roads. The 5th Street road project has commenced. She also advised that the Borough has been awarded a DOT grant for another road resurfacing project.

Mayor Hodgson commented on so much patch being used and that hot patch holds up better than cold patch.

Councilman Hartney, Chairman of Beaches provided a report on the beaches and sale of badges begins on April 19th. He also motioned resolution 2019-56, seconded by Mr. Russell, the following resolution was adopted:

RESOLUTION 2019-56

NOW, THEREFORE, BE IT RESOLVED that the following listed individuals are appointed as employees in the Bathing Beach Department as effective as of April 18, 2019, and shall terminate at midnight on September 3, 2019, at the corresponding hourly rate of pay.

Beach badge booth/boat ramp attendants
MaryAnn Huzar - 8th year - $10.00 per hour
Richard Huzar - 9th year - $10.00 per hour


Council President Klose, Chairman of Water/Sewer reported on the replacement of the sewer in the 300 block of 5th Street.
Correspondence:

Action Required:
Request from Mary Ann Molnar to purchase two memorial benches, in memory of Ernie Histing, to be placed on 17th Street and the Ocean and the second to be placed on Shore Avenue at the bayfront, which was approved upon a motion by Russell, seconded by Hartney for action to be taken by the Borough Superintendent.


Correspondence from the Surf City 5 & 10 regarding a chainsaw carving demonstration. The owner of the 5&10 was present and discussed the plans. After brief discussion he was advised that he did not need a permit but should meet with the Zoning Officer and Chief of Police prior to the event.

No Action Required:
Resolutions received from the Borough of Barnegat Light.

Comments from the audience:
Mike Feeney of 20th Street commented that NJNG painted his street and asked if something was being planned. Mayor Hodgson explained that anytime work is going to be done at a property a mark out has to be performed. If it is a main replacement, they are normally quick and perform the work with a mole.

Mr. Feeney also asked if Surf City makes any money on the recycling or do we pay. Mayor Hodgson explained the issue with the purchase of our recycling by China and there is a crackdown on improper recycling. We really don’t make any money on recycling.

Toni Smirniw advised that the library will be holding a program on proper recycling.

Linda Grasso asked about the new signs on the center median of Barnegat Avenue. Mayor Hodgson explained that Barnegat Avenue is now a County Road and all of the signs and work performed on the road will be done by the County.

Bill Resolution: Upon a motion by Mr. Hadash, seconded by Mr. Klose, the following 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:
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Water & Sewer - $ 123,671.03
Current - 556,372.40
Payroll Account - 184,220.22
Dog License Account - 6.00
Ice Cream Vendor Acct. - .00
Escrow Release - 8,498.26
Tax Certificate Acct. - .00

$ 872,767.91

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

Approved: Councilman Wm. Hodgson
Councilman P. Hartney
Councilman J. Klose

Dated: April 10, 2019
/s/ Francis R. Hodgson, Sr., Mayor

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

Respectfully submitted,

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