

**Borough of Surf City
Governing Body Meeting Minutes**

Mayor F. Hodgson called the meeting to order, reading 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 30, 2020 issue of the Beach Haven Times.

Roll call reflected the following members present: Councilman John G. Hadash, Councilman Hartney, Councilman Wm. Hodgson, Council President John H. Klose, Councilman James B. Russell, Councilwoman Jacqueline L. Siciliano & Mayor Francis R. Hodgson. Absent: none.

All present joined Mayor Hodgson in a salute to the flag.

Council President Klose moved to approve the regular and executive session minutes from the January 2, 2020 reorganization and regular meeting, as well as the January 8, 2020 regular meeting. Councilman Russell seconded the motion. With a vote in the affirmative, the minutes were approved. Roll call reflected the following votes in approval: Mr. Hadash, Mr. Hartney, Mr. Wm. Hodgson, Mr. Klose, Mr. Russell & Mrs. Siciliano. Nays: none. Abstentions: Councilman Hartney and Councilman Wm. Hodgson for the January 8th minutes. Absent: none.

Councilman Russell moved to open the public hearing for the final adoption of Ordinance 2020-1. Councilman Hartney seconded the motion. With a vote in the affirmative, the public hearing was opened. Roll call reflected the following votes in approval: Mr. Hadash, Mr. Hartney, Mr. Wm. Hodgson, Mr. Klose, Mr. Russell & Mrs. Siciliano. Nays: none. Abstentions: none. Absent: none. There were no comments. Councilman Russell moved to close the public hearing for the final adoption of Ordinance 2020-1. Council President Klose seconded the motion. With a vote in the affirmative, the public hearing was closed. Roll call reflected the following votes in approval: Mr. Hadash, Mr. Hartney, Mr. Wm. Hodgson, Mr. Klose, Mr. Russell & Mrs. Siciliano. Nays: none. Abstentions: none. Absent: none.

Councilman Russell moved to approve the final adoption of Ordinance 2020-1. Councilman Hartney seconded the motion. With a vote in the affirmative, the following was adopted.

AN ORDINANCE GRANTING RENEWAL OF MUNICIPAL CONSENT TO COMCAST OF LONG BEACH ISLAND, LLC. TO CONSTRUCT, CONNECT, OPERATE AND MAINTAIN A CABLE TELEVISION AND COMMUNICATIONS SYSTEM IN THE MUNICIPALITY OF SURF CITY, OCEAN COUNTY, NEW JERSEY

BE IT ORDAINED and enacted by the Mayor and Council of the Borough of Surf City, Ocean County, New Jersey, as follows:

SECTION 1. PURPOSE OF THE ORDINANCE.

The Borough hereby grants to Comcast renewal of its non-exclusive Municipal Consent to place in, upon, across, above, over and under highways, streets alleys, sidewalks, easements, public ways and public places in the Borough, poles, wires, cables, underground conduits, manholes and other television conductors, fixtures, apparatus, and equipment as may be

necessary for the construction, operation and maintenance in the Borough of a cable television and communications system.

SECTION 2. DEFINITIONS.

For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. Such meaning or definition of terms in supplemental to those definitions of the Federal Communications Commission (“FCC”) rules and regulations, 47 C.F.R. Subsection 76.1 et seq., and the Cable Communications Policy Act, 47 U.S.C. Section 521 et seq., as amended, and the Cable Television Act, N.J.S.A. § 48:5A-1 et seq., and shall in no way be construed to broaden, alter or conflict with the federal and state definitions:

- a. “Borough” is the Borough of Surf City, County of Ocean, State of New Jersey.
- b. “Company” or “Comcast” is the grantee of rights under this Ordinance and is known as Comcast of Long Beach Island LLC.
- c. “Act” or “Cable Television Act” is Chapter 186 of the General Laws of New Jersey, and subsequent amendments thereto, N.J.S.A. § 48:5A-1, et seq.
- d. “FCC” is the Federal Communications Commission.
- e. “Board” or “BPU” is the Board of Public Utilities, State of New Jersey.
- f. “Office” or “OCTV” is the Office of Cable Television of the Board.
- g. “Basic Cable Service” means any service tier, which includes the retransmission of local television broadcast signals as defined by the FCC.
- h. “Application” is the Company’s Application for Renewal of Municipal Consent.
- i. “Primary Service Area” or “PSA” consists of the area of the Borough currently served with existing plant as set forth in the map annexed to the Company’s Application for Municipal Consent.

SECTION 3. STATEMENT OF FINDINGS.

Public hearings conducted by the Borough, concerning the renewal of Municipal Consent herein granted to the Company were held after proper public notice pursuant to the terms and conditions of the Act and the regulations of the Board adopted pursuant thereto. Said hearings, having been fully open to the public, and the Borough, having received at said public hearings all comments regarding the qualifications of the Company to receive this renewal of Municipal Consent, the Borough hereby finds that the Company possesses the necessary legal, technical, character, financial and other qualifications and that the Company’s operating and construction arrangements are adequate and feasible.

SECTION 4. DURATION OF FRANCHISE.

The non-exclusive Municipal Consent granted herein shall expire 10 years from the date of expiration of the previous Certificate of Approval issued by the Board.

In the event that the Borough shall find that the Company has not substantially complied with the material terms and conditions of this Ordinance, the Borough shall have the right to petition the OCTV, pursuant to N.J.S.A. § 48:5A-47, for appropriate action, including modification AND/OR termination of the Certificate of Approval; provided, however, that the Borough shall first have given the Company written notice of all alleged instances of non-compliance and an opportunity to cure same within ninety (90) days of that notification.

SECTION 5. FRANCHISE FEE.

Pursuant to the terms and conditions of the Act, the Company shall, during each year of operation under the consent granted herein, pay to the Borough two percent (2%) of the gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for cable television reception service in the Borough or any higher amount permitted by the Act or otherwise allowable by law, whichever is greater.

SECTION 6. FRANCHISE TERRITORY.

The consent granted under this Ordinance for the renewal of the franchise shall apply to the entirety of the Borough and any property subsequently annexed hereto

SECTION 7. EXTENSION OF SERVICE.

The Company shall be required to proffer service to any residence along any public right-of-way in the Primary Service Area, as set forth in the Company's Application. Any extension of plant beyond the Primary Service Area shall be governed by the Company's Line Extension Policy, as set forth in the Company's Application, with a HPM ("homes-per-mile") of 35 dwellings per linear mile from the nearest active trunk or feeder line.

SECTION 8. CONSTRUCTION REQUIREMENTS.

- a. Restoration: In the event that the Company or its agents shall disturb any pavement, street surfaces, sidewalks, driveways, or other surface in the natural topography, the Company shall, at its sole expense, restore and replace such places or things so disturbed in as good a condition as existed prior to the commencement of said work
- b. Relocation: If at any time during the period of this consent, the Borough shall alter or change the grade of any street, alley or other way or place the Company, upon reasonable notice by the Borough, shall remove, re-lay or relocate its equipment, at the expense of the Company prior to approval of the board.
- c. Removal or Trimming of Trees: During the exercise of its rights and privileges under this franchise, the Company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks or other public places of the Borough so as to prevent the branches of such trees from coming in contact with the wires and cable of the Company. Such trimming shall be only to the extent necessary to maintain proper clearance of the Company's wire and cables.
- d. Temporary removal of cables: The Company shall, upon request of the Borough, at the company's expense, temporarily raise, lower or remove its lines in order to facilitate the

moving of buildings or machinery or in other like circumstances, subject to the prior approval of the board.

e. Installation of equipment: The Company shall install equipment in the same location and manner as existing public utilities whenever possible, in order to minimize the impact of same on surrounding property.

SECTION 9. CUSTOMER SERVICE.

In providing services to its customers, the Company shall comply with N.J.A.C. § 14:18-1, et seq. and all applicable state and federal statutes and regulations. The Company shall strive to meet or exceed all voluntary company and industry standards in the delivery of customer service and shall be prepared to report on it to the Borough upon written request of the Borough Administrator or Clerk.

a. The Company shall continue to comply fully with all applicable state and federal statutes and regulations regarding credit for outages, the reporting of same to regulatory agencies and notification of same to customers.

b. The Company shall continue to fully comply with all applicable state and federal statutes and regulations regarding the availability of devices for the hearing impaired and the notification of same to customers.

c. The Company shall use every reasonable effort to meet or exceed voluntary standards for telephone accessibility developed by the National Cable Television Association (“NCTA”).

d. Nothing herein shall impair the right of any subscriber or the Borough to express any comment with respect to telephone accessibility to the Complaint Officer or impair the right of the Complaint Officer to take any action that is permitted under law.

SECTION 10. MUNICIPAL COMPLAINT OFFICER.

The Office of Cable Television is hereby designated as the Complaint Officer for the Borough pursuant to N.J.S.A. § 48:5A-26(b). All complaints shall be received and processed in accordance with N.J.A.C. § 14:17-6.5. The Borough shall have the right to request copies of records and reports pertaining to complaints by Borough customers from the OCTV.

SECTION 11. LOCAL OFFICE.

During the term of this franchise, and any renewal thereof, the Company shall maintain a business office or agent in accordance with N.J.A.C. § 14:18-5.1 for the purpose of receiving, investigating and resolving all local complaints regarding the quality of service, equipment malfunctions, and similar matters. Such a business office shall have a publicly listed toll-free telephone number and be open during standard business hours.

SECTION 12. PERFORMANCE BOND.

During the life of the franchise the Company shall give to the Borough a bond in the amount of Twenty-Five Thousand Dollars (\$25,000). Such bond shall be to insure the faithful performance

of all undertakings of the Company as represented in its application for municipal consent incorporated herein.

SECTION 13. SUBSCRIBER RATES.

The rates of the Company shall be subject to regulation as permitted by federal and state law.

SECTION 14. COMMITMENTS BY THE COMPANY.

- a. The Company shall provide Expanded Basic or a similar tier of cable television service to one (1) outlet at no cost to each qualified existing and future school in the Borough, public and private, elementary, intermediate and secondary, provided the school building is within two hundred (200) feet of active cable distribution plant or through customer owned conduit. Each additional outlet installed, if any, shall be paid for on a material plus labor basis by the school requesting service.
- b. The Company shall provide Expanded Basic or a similar tier of cable television service at no cost to one (1) outlet to each qualified existing and future municipal building, police, fire, emergency management facility and public library in the Borough, provided the facility is located within two hundred (200) feet of active cable distribution plant or through customer owned conduit. Each additional outlet installed, if any, shall be paid for on a material plus labor basis by the Borough.
- c. Within six months of the issuance of a Renewal Certificate of Approval by the BPU, the Company shall provide to the Borough a one-time Technology Grant in the amount of \$8,000 to meet the technology and/or cable related needs of the community.
- d. The Communications Act of 1934, as amended [47 U.S.C. § 543 (b)], allows the Company to itemize and/or identify: (1.) the amount on the subscriber bill assessed as a franchise fee and the identity of the governmental authority to which the fee is paid; (2.) the amount on the bill assessed to satisfy any requirements imposed on the Company by the cable franchise to support public, education, and/or governmental access channels or the use of such channels; and (3.) any grants or other fees on the bill or any tax, assessment, or charge of any kind imposed by any governmental authority on the transaction between the operator and the subscriber. The Company reserves its external cost, pass-through rights to the full extent permitted by law.

SECTION 15. GOVERNMENTAL ACCESS

- a. The Company shall continue to make available one shared government access channel. The government access channel is maintained by the Borough for the purpose of cablecasting non-commercial government access programming.
- b. The Company does not relinquish its ownership of or ultimate right of control over a channel by designating it for Government use. A Government access user acquires no property or other interest by virtue of the use of a channel so designated and may not rely on the continued use of a particular channel number, no matter how long the same channel may have been designated for such use.

- c. The Company shall not exercise editorial control over any governmental use of channel capacity, except Company may refuse to transmit any governmental access program or portion of a governmental access program that contains obscenity, indecency, or nudity.
- d. Government Access. “Government Access” shall mean noncommercial use by the Township for the purpose of showing the local government at work.
- e. Company Use of Fallow Time. Because blank or underutilized EG channels are not in the public interest, in the event the Municipalities or other EG access users elect not to fully program their EG access channel, Company may program unused time on those channels subject to reclamation by the Municipality upon no less than 60 days written notice.
- f. Indemnification. The Township shall indemnify Company for any liability, loss, or damage it may suffer due to violation of the intellectual property rights of third parties on the EG channel and from claims arising out of the Municipalities’ rules for or administration of EG access channel and its programming.

SECTION 16. EMERGENCY USES.

- a. The Company will comply with the Emergency Alert System (“EAS”) rules in accordance with applicable state and federal statutes and regulations.
- b. The Company shall in no way be held liable for any injury suffered by the Borough or any other person, during an emergency, if for any reason the Borough is unable to make full use of the cable television system as contemplated herein.

SECTION 17. LIABILITY INSURANCE.

The Company shall at all times maintain a comprehensive general liability insurance policy with a single limit amount of One Million Dollars (\$1,000,000) covering liability for any death, personal injury, property damages or other liability arising out of its construction and operation of the cable television system, and an excess liability (or “umbrella”) policy in the amount of Five Million Dollars (\$5,000,000).

SECTION 18. INCORPORATION OF THE APPLICATION.

All of the statements and commitments contained in the Application or annexed thereto and incorporated therein, and any amendment thereto, except as modified herein, are binding upon the Company as terms and conditions of this consent. The Application and other relevant writings submitted by the Company shall be annexed hereto and made a part hereof by reference provided same do not conflict with application State or Federal law.

SECTION 19. COMPETITIVE EQUITY.

Should the Borough grant municipal consent for a franchise to construct, operate and maintain a cable television system to any other person, corporation or entity on terms materially less burdensome or more favorable than the terms contained herein, the Company may substitute such language that is more favorable or less burdensome for the comparable provision of this Ordinance subject to the provisions of N.J.A.C. § 14:17-6.7.

SECTION 20. SEPARABILITY.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and its validity or unconstitutionality shall not affect the validity of the remaining portions of the Ordinance.

SECTION 21. THIRD PARTY BENEFICIARIES.

Nothing in this Franchise or in any prior agreement is or was intended to confer third-party beneficiary status on any member of the public to enforce the terms of such agreements or Franchise.

SECTION 22. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon issuance of a Renewal Certificate of Approval from the BPU.

Roll call reflected the following votes in approval: Mr. Hadash, Mr. Hartney, Mr. Wm. Hodgson, Mr. Klose, Mr. Russell & Mrs. Siciliano. Nays: none. Abstentions: none. Absent: none.

Councilwoman Siciliano moved to the approve a public hearing and Resolution 2020-39 for the Borough Engineer to submit the 2020 CDBG Grant Application on behalf of the Borough for parking lot accessibility improvements. Mayor F. Hodgson explained more about the application. There were no comments. Council President Klose seconded the motion. With a vote in the affirmative, the following was approved.

WHEREAS, the Borough of Surf City participates in the Community Development Block Grant Program with the County of Ocean, State of New Jersey; and

WHEREAS, the Borough of Surf City has held the required public hearings; and

WHEREAS, one application was received by the Borough from the Borough Engineer for the Borough of Surf City; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Surf City that the Engineer, be and, is hereby authorized to proceed with an application for parking lot accessibility improvements in the amount of \$40,000.00

Roll call reflected the following votes in approval: Mr. Hadash, Mr. Hartney, Mr. Wm. Hodgson, Mr. Klose, Mr. Russell & Mrs. Siciliano. Nays: none. Abstentions: none. Absent: none.

Councilman Wm. Hodgson moved to the approve Resolution 2020-32. Councilman Hartney seconded the motion. With a vote in the affirmative, the following was approved.

RESOLUTION OF THE BOROUGH OF SURF CITY, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT BETWEEN THE BOROUGH OF SURF CITY AND THE COUNTY OF OCEAN FOR THE PROSECUTORS DRUG RECOGNITION EXPERT CALLOUT PROGRAM.

WHEREAS, the Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq., authorizes the Borough of Surf City to contract for the provision of certain governmental

services with the County of Ocean; and

WHEREAS, N.J.S.A. 40A:65-5 requires that such a contract be authorized by resolution; and

WHEREAS, it is the desire of the Borough of Surf City to authorize the execution of a Shared Services Agreement with the County of Ocean for the Prosecutors Drug Recognition Expert Callout Program.

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

1. The Mayor and Municipal Clerk are hereby authorized and directed to enter into and execute a Shared Services Agreement with the County of Ocean for the Prosecutors Drug Recognition Expert Callout Program, in accordance with the terms of said agreement and made a part hereof as Schedule A.
2. A copy of this agreement shall be kept on file and be available for public inspection in the office of the Municipal Clerk.
3. A certified copy of this resolution shall be forwarded to the County of Ocean.

Roll call reflected the following votes in approval: Mr. Hadash, Mr. Hartney, Mr. Wm. Hodgson, Mr. Klose, Mr. Russell & Mrs. Siciliano. Nays: none. Abstentions: none. Absent: none. Councilman Wm. Hodgson moved to the approve Resolution 2020-33. Councilwoman Siciliano seconded the motion. With a vote in the affirmative, the following was approved.

RESOLUTION OF THE BOROUGH OF SURF CITY, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT BETWEEN THE BOROUGH OF SURF CITY AND THE COUNTY OF OCEAN FOR THE PROSECUTORS DRIVING WHILE INTOXICATED ENFORCEMENT PROGRAM.

WHEREAS, the County of Ocean has created and established a program to assist municipalities through a program called the Driving While Intoxicated Program; and

WHEREAS, the Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq., authorizes the Borough of Surf City to enter into a contract for the provision of certain governmental services with the County of Ocean; and

WHEREAS, N.J.S.A. 40A:65-5 requires that such a contract be authorized by resolution; and

WHEREAS, the Borough of Surf City wishes to enter into an agreement with the County of Ocean to provide assistance in the identification and removal of intoxicated drivers from the roadways; and

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

1. The Mayor and Municipal Clerk are hereby authorized and directed to execute a Shared Services Agreement with the County of Ocean for the Prosecutors Driving While Intoxicated Program, in accordance with the terms of said agreement.

2. A copy of this agreement shall be kept on file and be available for public inspection in the office of the Municipal Clerk.

3. A certified copy of this resolution shall be forwarded to the County of Ocean.

Roll call reflected the following votes in approval: Mr. Hadash, Mr. Hartney, Mr. Wm. Hodgson, Mr. Klose, Mr. Russell & Mrs. Siciliano. Nays: none. Abstentions: none. Absent: none.

Councilman Wm. Hodgson moved to the approve Resolution 2020-35. Council President Klose seconded the motion. With a vote in the affirmative, the following was approved.

RESOLUTION OF THE BOROUGH OF SURF CITY, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT BETWEEN THE BOROUGH OF SURF CITY AND THE COUNTY OF OCEAN FOR THE PROSECUTORS “MOVE OVER” LAW ENFORCEMENT PROGRAM.

WHEREAS, the Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq., authorizes the Borough of Surf City to enter into a contract for the provision of certain governmental services with the County of Ocean; and

WHEREAS, N.J.S.A. 40A:65-5 requires that such a contract be authorized by resolution; and

WHEREAS, it is the desire of the Borough of Surf City to authorize the execution of a Shared Services Agreement with the County of Ocean for the Prosecutors “Move Over” Law Enforcement Program.

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

1. The Mayor and Municipal Clerk are hereby authorized and directed to enter into and execute an Shared Services Agreement with the County of Ocean for the Prosecutors “Move Over” Law Enforcement Program, in accordance with the terms of said agreement attached hereto and made a part hereof as Schedule A.

2. A copy of this agreement shall be kept on file and be available for public inspection in the office of the Municipal Clerk.

3. A certified copy of this resolution shall be forwarded to the County of Ocean.

Roll call reflected the following votes in approval: Mr. Hadash, Mr. Hartney, Mr. Wm. Hodgson, Mr. Klose, Mr. Russell & Mrs. Siciliano. Nays: none. Abstentions: none. Absent: none.

Councilman Wm. Hodgson moved to the approve Resolution 2020-35. Council President Klose seconded the motion. With a vote in the affirmative, the following was approved.

RESOLUTION OF THE BOROUGH OF SURF CITY, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT BETWEEN THE BOROUGH OF SURF CITY AND THE COUNTY OF OCEAN FOR THE PROSECUTORS “MOVE OVER” LAW ENFORCEMENT PROGRAM.

WHEREAS, the Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq., authorizes the Borough of Surf City to enter into a contract for the provision of certain governmental services with the County of Ocean; and

WHEREAS, N.J.S.A. 40A:65-5 requires that such a contract be authorized by resolution; and

WHEREAS, it is the desire of the Borough of Surf City to authorize the execution of a Shared Services Agreement with the County of Ocean for the Prosecutors “Move Over” Law Enforcement Program.

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

1. The Mayor and Municipal Clerk are hereby authorized and directed to enter into and execute an Shared Services Agreement with the County of Ocean for the Prosecutors “Move Over” Law Enforcement Program, in accordance with the terms of said agreement attached hereto and made a part hereof as Schedule A.
2. A copy of this agreement shall be kept on file and be available for public inspection in the office of the Municipal Clerk.
3. A certified copy of this resolution shall be forwarded to the County of Ocean.

Roll call reflected the following votes in approval: Mr. Hadash, Mr. Hartney, Mr. Wm. Hodgson, Mr. Klose, Mr. Russell & Mrs. Siciliano. Nays: none. Abstentions: none. Absent: none.

Councilman Wm. Hodgson moved to the approve Resolution 2020-38. Council President Klose seconded the motion. With a vote in the affirmative, the following was approved.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Surf City that the Office of Emergency Management be authorized to proceed with mailing the 2020-2025 disaster re-entry placards.

Roll call reflected the following votes in approval: Mr. Hadash, Mr. Hartney, Mr. Wm. Hodgson, Mr. Klose, Mr. Russell & Mrs. Siciliano. Nays: none. Abstentions: none. Absent: none.

Councilman Wm. Hodgson moved to the approve Resolution 2020-38. Council President Klose seconded the motion. With a vote in the affirmative, the following was approved.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Surf City that the Office of Emergency Management be authorized to proceed with mailing the 2020-2025 disaster re-entry placards.

Roll call reflected the following votes in approval: Mr. Hadash, Mr. Hartney, Mr. Wm. Hodgson, Mr. Klose, Mr. Russell & Mrs. Siciliano. Nays: none. Abstentions: none. Absent: none.

Council President Klose moved to the approve Resolution 2020-40. Councilman Russell seconded the motion. With a vote in the affirmative, the following was approved.

WHEREAS, the Borough of Surf City has determined that the personal property described on Schedule A, attached hereto, and incorporated herein is no longer needed for public use; and

WHEREAS, pursuant to State Contract A70967 the Borough of Surf City intends to utilize the online auction services of GovDeals, located at www.govdeals.com; and

WHEREAS, the sales are being conducted pursuant to N.J.S.A. 40A:11-36 and the guidance set forth in the Division of Local Government Services' Local Finance Notice 2019-15; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Surf City in the County of Ocean, State of New Jersey, that the Qualified Purchasing Agent is hereby authorized to sell the surplus personal property as indicated on Schedule A on an online auction website entitled www.govdeals.com; and

BE IT FURTHER RESOLVED, that the terms and conditions of the agreement entered into between GovDeals and the Borough of Surf City are available at www.govdeals.com and in the Borough Clerk's office;

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Director of the Division of Local Government Services.

Roll call reflected the following votes in approval: Mr. Hadash, Mr. Hartney, Mr. Wm. Hodgson, Mr. Klose, Mr. Russell & Mrs. Siciliano. Nays: none. Abstentions: none. Absent: none.

Councilwoman Siciliano moved to the approve Resolution 2020-41. Councilman Russell seconded the motion. With a vote in the affirmative, the following was approved.

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.

Mary Jean Wallace for 26 N. 11th Street in the amount of \$4,300.

David Cowles for 234 N. 16th Street in the amount of \$5,560.

Roll call reflected the following votes in approval: Mr. Hadash, Mr. Hartney, Mr. Wm. Hodgson, Mr. Klose, Mr. Russell & Mrs. Siciliano. Nays: none. Abstentions: none. Absent: none.

Councilwoman Siciliano moved to the approve Resolution 2020-42. Councilman Russell seconded the motion. With a vote in the affirmative, the following was approved.

WHEREAS, pursuant to the provisions of the State of New Jersey Hazard Mitigation Grant Program Project 4264-0005, the Borough of Surf City secured professional guarantees from grant recipients; and

WHEREAS, the Borough Engineer has certified that all invoices have been satisfied; and

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 be released to the Borough of Surf City for payment of professional services; and

George Patisso for 216 Division Avenue in the amount of \$3,784.65.

Alma & Michael Quinlan for 323 N. 5th Street in the amount of \$2,547.81.

Elizabeth Taylor for 118 N. 6th Street in the amount of \$3,087.75.

Roll call reflected the following votes in approval: Mr. Hadash, Mr. Hartney, Mr. Wm. Hodgson, Mr. Klose, Mr. Russell & Mrs. Siciliano. Nays: none. Abstentions: none. Absent: none.

Councilman Hartney moved to the approve Resolution 2020-43. Councilman Hadash seconded the motion. With a vote in the affirmative, the following was approved.

NOW THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Surf City to authorize and direct the qualified purchasing agent to proceed with the procurement of beach badges, in accordance with all Borough policies and N.J.S.A. 40A:11-1.

Roll call reflected the following votes in approval: Mr. Hadash, Mr. Hartney, Mr. Wm. Hodgson, Mr. Klose, Mr. Russell & Mrs. Siciliano. Nays: none. Abstentions: none. Absent: none.

Councilman Russell moved to the approve Resolution 2020-44. Councilman Hadash seconded the motion. With a vote in the affirmative, the following was approved.

NOW THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Surf City to authorize and direct the Borough Clerk to place an advertisement for the Borough in the annual Surf City Yacht Club Yearbook.

Roll call reflected the following votes in approval: Mr. Hadash, Mr. Hartney, Mr. Wm. Hodgson, Mr. Klose, Mr. Russell & Mrs. Siciliano. Nays: none. Abstentions: none. Absent: none.

Councilman Hartney moved to the approve Resolution 2020-45. Councilman Russell seconded the motion. With a vote in the affirmative, the following was approved.

WHEREAS, Chapter 27, Section 2.18 entitled “Fees” of the Borough Ordinances provides the Governing Body to set Land Use Board fees by resolution; and

WHEREAS, the Land Use Board of the Borough of Surf City has recommended the fee schedule, hereto attached as Schedule A; and

NOW, THEREFORE BE IT RESOLVED that the Governing Body of the Borough of Surf City hereby approve the attached schedule of fees, as recommended by the Land Use Board.

Roll call reflected the following votes in approval: Mr. Hadash, Mr. Hartney, Mr. Wm. Hodgson, Mr. Klose, Mr. Russell & Mrs. Siciliano. Nays: none. Abstentions: none. Absent: none.

Councilman Hartney moved to the approve Resolution 2020-45. Councilman Russell seconded the motion. With a vote in the affirmative, the following was approved.

WHEREAS, Chapter 27, Section 2.18 entitled “Fees” of the Borough Ordinances provides the Governing Body to set Land Use Board fees by resolution; and

WHEREAS, the Land Use Board of the Borough of Surf City has recommended the fee schedule, hereto attached as Schedule A; and

NOW, THEREFORE BE IT RESOLVED that the Governing Body of the Borough of Surf City hereby approve the attached schedule of fees, as recommended by the Land Use Board.

Roll call reflected the following votes in approval: Mr. Hadash, Mr. Hartney, Mr. Wm. Hodgson, Mr. Klose, Mr. Russell & Mrs. Siciliano. Nays: none. Abstentions: none. Absent: none.

Councilman Hartney moved to the approve Resolution 2020-46. Councilman Russell seconded the motion. With a vote in the affirmative, the following was approved.

NOW THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Surf City to authorize and direct the qualified purchasing agent to proceed with the procurement of building department from Edmunds GovTech, in accordance with all Borough policies and N.J.S.A. 40A:11-1.

Roll call reflected the following votes in approval: Mr. Hadash, Mr. Hartney, Mr. Wm. Hodgson, Mr. Klose, Mr. Russell & Mrs. Siciliano. Nays: none. Abstentions: none. Absent: none.

Councilman Wm. Hodgson moved to the approve Resolution 2020-47. Councilwoman Siciliano seconded the motion. With a vote in the affirmative, the following was approved.

WHEREAS, the Women’s Auxiliary of the Surf City Vol. Fire Company #1 and EMS has applied for a license for an on-premise merchandise raffle to take place on July 21, 2020; and

WHEREAS, pursuant to N.J.A.C. 13:45-2.1, the Surf City Vol. Fire Company #1 and EMS has obtained ID number 485-9-17286 from the Legalized Games of Chance Control Commission; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Surf City that license 20-01 be issued for on-premise merchandise raffle to be held on July 21, 2020 from 9 am to 3 pm; and

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 reflected the following votes in approval: Mr. Hadash, Mr. Wm. Hodgson, Mr. Klose, & Mrs. Siciliano. Nays: none. Abstentions: Mr. Hartney & Mr. Russell recused themselves. Absent: none.

Councilman Wm. Hodgson moved to the approve Resolution 2020-48. Council President Klose seconded the motion. With a vote in the affirmative, the following was approved.

WHEREAS, the Women’s Auxiliary of the Surf City Vol. Fire Company #1 and EMS has applied for a license for a 50/50 raffle to take place on September 7, 2020; and

WHEREAS, pursuant to N.J.A.C. 13:45-2.1, the Surf City Vol. Fire Company #1 and EMS has obtained ID number 485-9-17286 from the Legalized Games of Chance Control Commission; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Surf City that license 20-02 be issued for a 50/50 raffle to be held on September 7, 2020 at 12 pm: and

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 reflected the following votes in approval: Mr. Hadash, Mr. Wm. Hodgson, Mr. Klose, & Mrs. Siciliano. Nays: none. Abstentions: Mr. Hartney & Mr. Russell recused themselves. Absent: none.

Councilman Wm. Hodgson moved to the approve Resolution 2020-49. Councilman Russell seconded the motion. With a vote in the affirmative, the following was approved.

NOW, THEREFORE, BE IT RESOLVED that the following safety plans be and are hereby approved in accordance with OSHA requirements.

- Emergency Action & Fire Prevention Plan
- Blood Borne Pathogen Exposure Control Plan
- Hazard Communication Plan
- Confined Space Plan
- Hot Work Plan
- Indoor Air Quality Plan
- Personal Protective Equipment Plan
- Respiratory Protection Plan
- Control of Hazardous Energy Plan

Roll call reflected the following votes in approval: Mr. Hadash, Mr. Hartney, Mr. Wm. Hodgson, Mr. Klose, Mr. Russell & Mrs. Siciliano. Nays: none. Abstentions: none. Absent: none.

Councilman Russell moved to the approve Resolution 2020-50. Councilman Hartney seconded the motion. With a vote in the affirmative, the following was approved.

RESOLUTION OF THE BOROUGH OF SURF CITY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING AN ADDENDUM TO THE CONTRACT WITH AC SCHULTES, INC FOR THE 2018 HAZARD MITIGATION PROJECT FOR WELL NO. 6 & WELL NO. 7.

WHEREAS, a contract was previously awarded to AC Schultes, Inc for the 2018 Hazard Mitigation Project for Well No. 6: and

WHEREAS the original contract for said work was in an amount of \$132,800; and

WHEREAS the governing body wishes to authorize Change Order No 1, which will result in an increase of \$1,937 in the contract price; and

WHEREAS this change order amounts to a total of 1.46 percent of the original contract awarded to the contractor; and

WHEREAS it is the desire of the governing body to authorize this change order.

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 authorize the execution of an addendum to the contract with AC Schultes, Inc for the 2018 Hazard Mitigation Project for Well No. 6 with an increase of \$1,937.00 in the contract price.
2. That the Mayor and Municipal Clerk are hereby authorized to execute an addendum to the contract with AC Schultes, Inc in accordance with the provisions of this resolution.
3. That a certified copy of this resolution, together with a copy of the contract addendum between the parties, be forwarded to the Chief Financial Officer and that three (3) certified copies be forwarded to the Municipal Engineer.

Roll call reflected the following votes in approval: Mr. Hadash, Mr. Hartney, Mr. Wm. Hodgson, Mr. Klose, Mr. Russell & Mrs. Siciliano. Nays: none. Abstentions: none. Absent: none.

Councilwoman Siciliano moved to the approve Resolution 2020-51. Council President Klose seconded the motion. With a vote in the affirmative, the following was approved.

RESOLUTION OF THE BOROUGH OF SURF CITY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING AN ADDENDUM TO THE CONTRACT WITH SHORE CONNECTION, INC. FOR THE SANITARY SEWER RECONSTRUCTION IMPROVEMENT PROJECT - 5TH STREET.

WHEREAS, a contract was previously awarded to Shore Connection Inc. for the Sanitary Sewer Reconstruction/Improvement Project - 5th Street; and

WHEREAS the original contract for said work was in an amount of \$209,615.50; and

WHEREAS, Change Order No. 1. increased the contract by \$5,000 to \$214,615.50; and

WHEREAS the Governing Body wishes to authorize Change Order No 2, which will result in an overall reduction of \$19,415.00 in the contract price; and

WHEREAS this change order amounts to a total of less than twenty (20%) percent of the original contract awarded to the contractor; and

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 authorize the execution of an addendum to the contract with Shore Connection Inc. for the Sanitary Sewer Reconstruction Improvement Project - 5th Street to provide for a reduction in the contract price from \$214,615.50 to \$195,200.50.
2. That the Mayor and Municipal Clerk are hereby authorized to execute an addendum to the contract in accordance with the provisions of this resolution.

3. That a certified copy of this resolution, together with a copy of the contract addendum between the parties, be forwarded to the Chief Financial Officer and that three (3) certified copies be forwarded to the Municipal Engineer.

Roll call reflected the following votes in approval: Mr. Hadash, Mr. Hartney, Mr. Wm. Hodgson, Mr. Klose, Mr. Russell & Mrs. Siciliano. Nays: none. Abstentions: none. Absent: none.

Council President Klose moved to the approve Resolution 2020-53. Councilman Hadash seconded the motion. With a vote in the affirmative, the following was approved.

WHEREAS, in accordance with NJSA 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 2019; 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; and

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.

Roll call reflected the following votes in approval: Mr. Hadash, Mr. Wm. Hodgson, Mr. Klose, & Mrs. Siciliano. Nays: none. Abstentions: Mr. Hartney & Mr. Russell recused themselves. Absent: none. Mayor F. Hodgson briefed members present with reports from the Municipal Court and the Chief Financial Officer for December of 2019.

Councilman Hadash read the total receipts from the sanitation report and mentioned repairs to one of the trash trucks by the Department of Public Works. He also moved to approve Resolution 2020-36. Councilman Wm. Hodgson seconded the motion. With a vote in the affirmative, the following was approved.

WHEREAS, N.J.S.A. 13:1E-99.16 provides that each municipality in the State of New Jersey shall designate one or more persons as the Municipal Certified Recycling Professional, as certified by the Department of Environmental Protection; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Surf City that Sean McLaughlin, Certified Recycling Professional hereby be appointed and designated to the duties as provided in N.J.S.A. 13:1E-99.16 at an annual rate of \$500.

Roll call reflected the following votes in approval: Mr. Hadash, Mr. Hartney, Mr. Wm. Hodgson, Mr. Klose, Mr. Russell & Mrs. Siciliano. Nays: none. Abstentions: none. Absent: none.

Councilman Russell reported that the newly donated garage was finished and housing twenty-four beach wheelchairs. He also mentioned that the Borough offices were working to obtain quotes for decorative holiday lights and pickleball courts. Councilman Russell moved to approved Resolution 2020-31. Councilwoman Siciliano seconded the motion. With a vote in the affirmative, the following was approved.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Surf City that authorization be given to proceed to contract with Progressive Fencing to replace the Borough fence along north side Block 35 Lot 1 in the amount of \$9,138.

Roll call reflected the following votes in approval: Mr. Hadash, Mr. Hartney, Mr. Wm. Hodgson, Mr. Klose, Mr. Russell & Mrs. Siciliano. Nays: none. Abstentions: none. Absent: none.

Councilman Wm. Hodgson provided a statistical report from the Police Department. He informed all present that the Police Department provided winter house checks. Forms can be found by visiting the Police Department or the Borough website. He moved to approve Resolution 2020-52. Council President Klose seconded the motion. With a vote in the affirmative, the following was approved.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Surf City that the Chief of Police proceed with the purchase of a 2020 Ford F150 4x4 Crew Cab Pick-up under State Contract No. 88728 in the amount of \$37, 540.70.

Roll call reflected the following votes in approval: Mr. Hadash, Mr. Hartney, Mr. Wm. Hodgson, Mr. Klose, Mr. Russell & Mrs. Siciliano. Nays: none. Abstentions: none. Absent: none.

Councilman Wm. Hodgson then moved Resolution 2020-37. Councilman Hartney seconded the motion. With a vote in the affirmative, the following was approved.

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, 2020 at the corresponding hourly rate of pay. Said appointment is on an as needed basis, and shall terminate on December 31, 2020:

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

Roll call reflected the following votes in approval: Mr. Hadash, Mr. Hartney, Mr. Wm. Hodgson, Mr. Klose, Mr. Russell & Mrs. Siciliano. Nays: none. Abstentions: none. Absent: none.

Councilwoman Siciliano reported that work was scheduled to begin for the reconstruction and resurfacing of N. 5th and N. 6th Streets in the coming weeks. Drainage work would begin in the middle of February. The project is scheduled to be completed by May, pending any unforeseen weather events.

Councilman Hartney reported that the beaches were in good condition. He commented on a recent Assembly Bill 678. The proposed bill is set to mandate education for Zoning Officers and Land Use Board Administrators in non-civil service communities. Councilman Hartney moved to approve a resolution to be drafted opposing Assembly Bill 678. Councilman Russell seconded the motion. With a vote in the affirmative, a resolution would be drafted and circulated to the Ocean County Freeholders and municipalities including members of the 9th District. Council President Klose reported that improvements continued to be made with the wells and all was well with water & sewer.

Mayor F. Hodgson called for any comments from the public.

A letter received from the Surf City Volunteer Fire Company Chief Costabile requesting permission to host an overnight team building event on the N. 8th Street beach in May. Councilman Wm. Hodgson moved to approve the event under the direction of the police department. Council President Klose seconded the motion. With a vote in the affirmative, the request was approved. Roll call reflected the following votes in approval: Mr. Hadash, Mr. Wm. Hodgson, Mr. Klose, & Mrs. Siciliano. Nays: none. Abstentions: Mr. Hartney & Mr. Russell recused themselves. Absent: none.

A letter from Eileen Champagne requesting a memorial bench for the N. 4th or N. 3rd beach entrances. Councilman Wm. Hodgson moved to approve the request. Councilman Hartney seconded the motion. With a vote in the affirmative, the request was approved. Roll call reflected the following votes in approval: Mr. Hadash, Mr. Hartney, Mr. Wm. Hodgson, Mr. Klose, Mr. Russell & Mrs. Siciliano. Nays: none. Abstentions: none. Absent: none.

A letter from Michael Curcio of 1801 N. Ocean Avenue requesting to replace a public retaining wall. Councilman Russell moved to approve the request under the direction of the Borough Engineer at the cost of the applicant. Council President Klose seconded the motion. With a vote in the affirmative, the request was approved. Roll call reflected the following votes in approval: Mr. Hadash, Mr. Hartney, Mr. Wm. Hodgson, Mr. Klose, Mr. Russell & Mrs. Siciliano. Nays: none. Abstentions: none. Absent: none.

A letter from Robert Long requesting permission for Boy Scout Troop 44 to camp on the N. 18th Street beach. Councilman Russell moved to approve the request under the direction of the police department and public works. Councilman Hartney seconded the motion. With a vote in the affirmative, the request was approved. Roll call reflected the following votes in approval: Mr. Hadash, Mr. Hartney, Mr. Wm. Hodgson, Mr. Klose, Mr. Russell & Mrs. Siciliano. Nays: none. Abstentions: none. Absent: none.

Mayor F. Hodgson called for any comments from the public.

Councilman Russell moved to pay the bills. Council President Klose seconded the motion. With a vote in the affirmative, the bills were approved to be paid.

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	\$104,862.67
Current	\$2,298,570.88
Payroll Account	\$ 226,099.86
Dog License Account	\$49.20
Ice Cream Vendor Account	\$0.00
Escrow Release	\$0.00
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.

Approved by: Councilman Hartney
Council President Klose
Councilman Russell

Dated: February 12, 2020.

/s/ Francis R. Hodgson, Mayor

Roll call reflected the following votes in approval: Mr. Hadash, Mr. Klose, Mr. Russell & Mrs. Siciliano. Nays: none. Abstain: none. Absent: Mr. Hartney & Mr. Hodgson.

Councilman Russell moved to adjourn the meeting. Council President Klose seconded the motion. With a vote in the affirmative, the meeting was adjourned.

Roll call reflected the following votes in approval: Mr. Hadash, Mr. Klose, Mr. Russell & Mrs. Siciliano. Nays: none. Abstain: none. Absent: Mr. Hartney & Mr. Hodgson.

Respectfully submitted,



Christine Hannemann, RMC/CMR/QPA
Borough Clerk/Administrator

RESOLUTION 2020-45
SCHEDULE A

It is hereby recommended by Resolution 2020-03 of the Land Board of the Borough of Surf City that the following schedule of fees amend Chapter 27, Section 2.18 entitled "Fees" of the Borough Ordinances.

- 1) Minimum deposit upon initial application for bulk variances, minor and major subdivisions be \$1,500; and
- 2) Minimum deposit upon initial application for use variances, preliminary and final site plans be \$2,500; and
- 3) Should said escrow fall below the amount of \$500, the applicant shall be required to replenish the account with the minimum amount of \$750 or such greater amount considered reasonably necessary to cover anticipated or remaining expenses.