# 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 on January 13, 2022, issue of the Beach Haven Times.

Roll call reflected the following members present: Councilman Peter M. Hartney, Council President William D. Hodgson, Councilman Gerry P. Little, Councilman John D. McMenamin, Councilman James B. Russell, Councilwoman Jaqueline L. Siciliano & Mayor Francis R. Hodgson. Absent: none.

All present joined Mayor F. Hodgson in a salute to the Flag.

Councilman Russell moved to enter into executive session by Resolution 2022-184, as attached. Councilman Hartney seconded the motion. With a vote in the affirmative, the Governing Body entered into an executive session where no official action would take place. A separate set of minutes will be kept and may be released upon the Borough attorney's approval.

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

The Governing Body returned from executive session.

Councilwoman Siciliano moved to approve the November 9, 2022, minutes. Councilmen Russell seconded the motion. With a vote in the affirmative, the minutes were approved.

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

Councilman Russell moved to open the public hearing for Ordinance 2022-11. 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. Hartney, Mr. Wm. Hodgson, Mr. Little, Mr. McMenamin, Mr. Russell & Mrs. Siciliano. Nays: none. Abstentions: none. Absent: none.

There were no comments. Councilman Hartney moved to close the public hearing for Ordinance 2022-11. Councilman Wm. Hodgson seconded the motion. With a vote in the affirmative, the public hearing was closed. Roll call reflected the following votes in approval: Mr. Hartney, Mr. Wm. Hodgson, Mr. Little, Mr. McMenamin, Mr. Russell & Mrs. Siciliano. Nays: none. Abstentions: none. Absent: none.

Councilman Hartney moved to approve the adoption and second reading by title for Ordinance 2022-11. Councilman Wm. Hodgson seconded the motion. With a vote in the affirmative,

Ordinance 2022-11 was adopted, as attached, and referred to by title below. Ordinance 2022-11 authorizes the finance department to execute a third-party payroll service.

#### ORDINANCE 2022-11

# ORDINANCE OF THE BOROUGH OF SURF CITY, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER II OF THE BOROUGH CODE OF THE BOROUGH OF SURF CITY ENTITLED "ADMINISTRATION" SO AS TO ESTABLISH NEW ARTICLE VIII ENTITLED "THIRD-PARTY PAYROLL DISBURSEMENT" AUTHORIZING THE USE OF THIRD-PARTY DISBURSEMENT SERVICE AGENT FOR PAYROLL AND OTHER SPECIFIED PURPOSES.

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

Councilman Russell moved to open the public hearing for Bond Ordinance 2022-12. Councilwoman Siciliano seconded the motion. With a vote in the affirmative, the public hearing was opened. Roll call reflected the following votes in approval: Mr. Hartney, Mr. Wm. Hodgson, Mr. Little, Mr. McMenamin, Mr. Russell & Mrs. Siciliano. Nays: none. Abstentions: none. Absent: none.

There were no comments. Councilman Hartney moved to close the public hearing for Ordinance 2022-12. Councilman Wm. Hodgson seconded the motion. With a vote in the affirmative, the public hearing was closed. Roll call reflected the following votes in approval: Mr. Hartney, Mr. Wm. Hodgson, Mr. Little, Mr. McMenamin, Mr. Russell & Mrs. Siciliano. Nays: none. Abstentions: none. Absent: none.

Councilman Hartney moved to approve the adoption and second reading by title for Ordinance 2022-12. Councilman Russell seconded the motion. With a vote in the affirmative, Ordinance 2022-12 was adopted, as attached and referred to by title below. Ordinance 2022-12 authorizes increases in some building department fees.

#### ORDINANCE 2022-12

# 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".

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

Councilman Russell moved to open the public hearing for Bond Ordinance 2022-13. Councilman Little seconded the motion. With a vote in the affirmative, the public hearing was opened. Roll call reflected the following votes in approval: Mr. Hartney, Mr. Wm. Hodgson, Mr. Little, Mr. McMenamin, Mr. Russell & Mrs. Siciliano. Nays: none. Abstentions: none. Absent: none.

There were no comments. Councilman Russell moved to close the public hearing for Ordinance 2022-13. Councilman Hartney seconded the motion. With a vote in the affirmative, the public hearing was closed. Roll call reflected the following votes in approval: Mr. Hartney, Mr. Wm. Hodgson, Mr. Little, Mr. McMenamin, Mr. Russell & Mrs. Siciliano. Nays: none. Abstentions: none. Absent: none.

Councilman Hartney moved to approve the adoption and second reading by title for Ordinance 2022-13. Councilman Russell seconded the motion. With a vote in the affirmative, Ordinance 2022-13 was adopted, as attached, and referred to by title below. Ordinance 2022-13 authorizes increases in some building department fees.

# ORDINANCE 2022-13

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".

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

Councilman Russell moved to open the public hearing for Ordinance 2022-14. Councilwoman Siciliano seconded the motion. With a vote in the affirmative, the public hearing was opened. Roll call reflected the following votes in approval: Mr. Hartney, Mr. Wm. Hodgson, Mr. Little, Mr. McMenamin, Mr. Russell & Mrs. Siciliano. Nays: none. Abstentions: none. Absent: none.

There were no comments. Councilman Russell moved to close the public hearing for Ordinance 2022-14. Councilman Little seconded the motion. With a vote in the affirmative, the public hearing was closed. Roll call reflected the following votes in approval: Mr. Hartney, Mr. Wm. Hodgson, Mr. Little, Mr. McMenamin, Mr. Russell & Mrs. Siciliano. Nays: none. Abstentions: none. Absent: none.

Councilman Russell moved to approve the adoption and second reading by title for Ordinance 2022-14. Councilman McMenamin seconded the motion. With a vote in the affirmative, Ordinance 2022-14 was adopted, as attached and referred to by title below. Ordinance 2022-14 authorizes

# ORDINANCE 2022-14

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 13 PERTAINS TO "FIRE PREVENTION".

Resolutions 2022-185 through 2022-196 were considered and approved, as attached.

Mayor F. Hodgson provided the Chief Financial Officer's and Municipal Courts' reports for October 2022. He also mentioned that the Council approved accepting payment for taxes, water, and sewer payments starting in February 2023.

Councilman McMenamin provided the sanitation report for November 2022.

Councilman Russell wished everyone a very Merry Christmas, happy holidays, and a happy new year. The Department of Public Works (DPW) decorated Borough Hall. We have gotten many compliments on the snowflakes. There has been major landscape work at Veteran's Park with the removal of tree stumps. The Borough may be getting some grant money for the pickleball courts.

Council President Wm. Hodgson provided the statistical report for the police department. He wished everyone a Merry Christmas. He thanked Councilman Russell thanks for the new chairs around the dais.

Councilwoman Siciliano, the DPW, continues to make needed repairs to the roads. The road at 13<sup>th</sup> Street and Central Avenue is in disrepair due to a fire hydrant issue; Councilman Little will address the issue with the fire hydrant. We are preparing the roads for upcoming road projects. She wished all a happy and healthy 2023.

Councilman Hartney, as of today, we have sold seven hundred seventy-seven badges with twenty-two remaining. We are looking into getting more badges. The DPW has been completing the dune fence at the park and the bay beach between fixing the hydrant and other tasks.

Councilman Little has gotten a lot of experience over the last week with the water department. Our team is doing a wonderful job and working very hard to fix the fire hydrant. They have two bolts to finish next week. The water department appreciates all the help and support that the laborers and superintendent have lent. A report from the Ocean County Utilities Authority estimates 130 million gallons into the utility authority system from Surf City. The water department has been patching and winterizing. If folks are away all winter, leaving some heat on is a good idea. He mentioned all of the service men and women away for a holiday and wished all a Merry Christmas.

A request from Margaret Weirich to place a memorial bench for her husband at N. 1<sup>st</sup> Street and the Bay. Councilman Russell moved to approve the request. Councilwoman Siciliano seconded the motion. With a vote in the affirmative, the Superintendent would oversee the request. Roll call reflected the following votes in approval: Mr. Hartney, Mr. Wm. Hodgson, Mr. Little, Mr. McMenamin, Mr. Russell & Mrs. Siciliano. Nays: none. Abstentions: none. Absent: none.

Councilman Russell moved to approve paying the bills. Councilwoman Siciliano seconded the motion. With a vote in the affirmative of the members present, 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	\$77,338
Current	\$945,597.79
Payroll Account	\$276,180.54
Dog License Account	\$0.00
Ice Cream Vendor Account	\$0.00
Escrow Release	\$5,407.49
Tax Certificate Account	\$0.00

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

Approved by: Council President Wm. Hodgson Councilman Hartney Councilman Russell Date: December 14, 2022 /s/ Francis R. Hodgson, Mayor

Roll call reflected the following votes in approval: Mr. Hartney, Mr. Wm. Hodgson, Mr. McMenamin, Mr. Russell & Mrs. Siciliano. Nays: none. Abstentions: Mr. Little voted yes, abstaining from item number 1291. Absent: none.

Anthony Pace then asked if the grant application for the pickleball courts would delay the improvements. Mayor F. Hodgson explained that the work could not be performed prior to the grant approvals.

With no further comments, Councilman Russell moved to adjourn the meeting. Councilman Hartney seconded the motion. With a vote in the affirmative, the meeting was adjourned.

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

Respectfully submitted,

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

WHEREAS, Section 8 of the Open Public Meetings Act, N.J.S.A. 10:4-12(b)(1-9) permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Borough Council is in the opinion that these circumstances exist; and

WHEREAS, prior to the exclusion of the public from a meeting of the Borough Council, it is required that the Board adopt a resolution stating the general nature of the subject to be discussed; 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 public shall be excluded from the discussion of this subject matter.
- 2. The general nature of the subject matter to be discussed is in relation to the sale of property.
- 3. Minutes will be kept. Once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes can be made public under the advice of Counsel for the Borough of Surf City.
- 4. The Borough Council will not take official action during this session.
- 5. The Borough Council will return to a regular session where action may or may not take place.
- 6. This resolution shall take effect immediately.

#### **CERTIFICATIONS**

I, CHRISTINE HANNEMANN, Municipal Clerk of the Borough of Surf City, do hereby certify the foregoing to be a true and exact copy of a resolution duly adopted by the Governing Body at a meeting held on December 14, 2022 at 7:30 P.M. in the Council Chambers located at 813 Long Beach Boulevard, Surf City, NJ.

#### CHRISTINE HANNEMANN, RMC/CMR/QPA

Municipal Clerk/Administrator

Moved: Councilman Russell

Second: Councilman Hartney

#### **ORDINANCE #2022-11**

ORDINANCE OF THE BOROUGH OF SURF CITY, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER II OF THE BOROUGH CODE OF THE BOROUGH OF SURF CITY ENTITLED "ADMINISTRATION" SO AS TO ESTABLISH NEW ARTICLE VIII ENTITLED "THIRD-PARTY PAYROLL DISBURSEMENT" AUTHORIZING THE USE OF THIRD-PARTY DISBURSEMENT SERVICE FOR PAYROLL AND OTHER SPECIFIED AGENT **PURPOSES** 

WHEREAS, pursuant to its statutory authority under N.J.S.A. 52:27D-20.1, the Local Finance Board promulgated regulations governing "Electronic Disbursement Controls for Payroll Purposes" set forth at N.J.A.C. 5:30-17.1 et seq.

WHEREAS, in relevant part, N.J.A.C. 5:30-17.3:(a) provides for an ordinance to be adopted authorizing the use of a third-party disbursement service organization for payroll and other specified purposes;

WHEREAS, the Borough seeks to adopt the required ordinance to allow for the use of a third-party disbursement service for the handling of the Borough's payroll and other related human resources functions.

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

**SECTION 1.** Chapter II of the Borough Code of the Borough of Surf City entitled "Administration" is hereby amended and supplemented to add new Article VIII entitled "Third-Party Payroll Disbursement" which shall read as follows:

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#### ARTICLE VIII THIRD-PARTY PAYROLL DISBURSEMENT

#### 2-70. Purpose.

The purpose and intent of these regulations is to abide by the requirements of N.J.S.A. 52:27D-20.1 and N.J.A.C. 5:30-17.1 et seq., governing electronic disbursement controls for payroll purposes.

#### 2-70.1. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

APPROVAL OFFICER – Person(s) responsible for authorizing and supervising the activities of the payroll service.

PAYROLL SERVICE – Third-party payroll service organization.

BOROUGH – Borough of Surf City.

#### 2-70.2. Authorization.

- a. The Borough is authorized to use a payroll service to prepare payment documentation, take possession of Borough funds, and make such disbursements itself on behalf of the Borough, including the direct deposit of payroll disbursements.
- b. The following payroll service providers shall be required to comply with these regulations:
  - (1) Payroll service providers who use their own customized programming process to execute disbursements for the Borough;
  - (2) Payroll service providers who use a third-party processor to execute disbursements for the Borough.

#### 2-70.3 Borough requirements.

a. The appointment of a payroll service shall be pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. and

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shall require the contractor to do the following, not by way of limitation: data collection, agency report preparation, calculation of withholding, direct deposit of payroll disbursements, and/or transfer of Borough funds to contractor's account for subsequent disbursement of payment.

- b. Any renewal or extension of a contract under these regulations shall be by resolution.
- c. The Chief Financial Officer is hereby appointed the approval officer and is responsible for authorizing and supervising the activities of the payroll service and shall further be charged with the reconciliation and analysis of all general ledger accounts affected by the activities of the disbursing organization.
- d. If required by the contract between the Borough and the payroll service, the payroll service is permitted to hold Borough funds pending transmittal to a payee.

#### 2-70.4 Payroll service requirements.

- a. A payroll service must meet all of the following requirements:
  - (1) Report any irregularities that may indicate potential fraud, noncompliance with appropriate laws, dishonesty or gross incompetence on the part of the approval officer;
  - (2) Report circumstances that could jeopardize its ability to continue operations or otherwise interrupt the services provided to the Borough.
- b. A payroll service must meet the requirements of N.J.A.C. 5:30-17.5, requiring that the approval officer be assured that the servicer has its own internal controls and appropriately guards against theft and other adverse conditions.
- c. All contracts entered into pursuant to these regulations and the laws authorizing the same shall comply with the requirements of N.J.A.C. 5:30-17.6, which sets out a series of mandatory contractual terms and conditions.

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#### 2-70.5. Establishment of service.

The Borough shall enter into a contract for payroll service in accordance with all local public contracting laws and N.J.A.C. 5:30-17. Appointment of the payroll service shall be by resolution of the Borough.

#### **SECTION 2.** Authorization.

The Borough Chief Financial Officer is hereby authorized and directed to take any and all steps reasonably necessary to effectuate the foregoing, including any anticipatory steps following introduction of this ordinance that are appropriate for implementation upon final adoption.

#### SECTION 3. Severability.

If any section, subsection or paragraph of this ordinance be declared unconstitutional, invalid or inoperative, in whole or in part, by a court of competent jurisdiction, such chapter, section subchapter or paragraph shall to the extent that is not held unconstitutional, invalid or inoperative remain in full force and effect and shall not affect the remainder of this ordinance.

#### SECTION 4. Repealer.

All ordinances and resolutions, and parts of ordinances and resolutions which are inconsistent with provisions of this ordinance shall be, and are hereby, repealed to the extent of any such inconsistency.

#### SECTION 5. Effective Date.

This ordinance shall take effect upon final adoption and publication in accordance with law.

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# ORDINANCE 2022-12

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 11-1.2(a)(2) Building Subcode Fee shall be amended to read as follows:

Fee for renovations, alterations, repairs, etc. shall be amended to the amount of \$30 per \$1,000 for \$50,000 or less. From \$50,001 to and including \$100,000, the additional fee shall be in the amount of \$23 per \$1,000 of estimated cost above the \$50,000. Above \$100,000, the additional fee shall be in the amount of \$19 per \$1,000 of estimated cost above \$100,000.

Section 11-1.2(a)(6) Building Subcode Fee shall be amended to read as follows:

The fee for roofing or siding in R-3 and R-4 uses shall be \$100.

Section 11-1.2(f)(7) Other permit fees should be amended to read as follows:

Fee for a demolition permit: is \$100.

#### 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.

#### NOTICE

Public Notice is hereby given that the foregoing Ordinance was introduced and passed on the first reading at a regular meeting of the Mayor and Council of the Borough of Surf City, County of Ocean, State of New Jersey, on Wednesday, November 9, 2022, at 7:30 PM at 813 Long Beach Boulevard, Surf City, New Jersey.

This Ordinance increases the fees for renovation, alteration, repair, roofing, and demolition permits.

Further notice is given that said Ordinance will be considered for final passage and adoption, after a public hearing, to be held at a regular meeting of the Mayor and Council on Wednesday, December 14, 2022, at 7:30 P.M. in the Municipal Building, 813 Long Beach Blvd., Surf City, New Jersey, at which time and place, any person desiring to be heard upon the same will be given the opportunity to be so heard. Full copies of this ordinance are available for public inspection in the office of the Municipal Clerk during regular business hours.

CHRISTINE HANNEMANN, RMC/CMR/QPA

Municipal Clerk/Administrator

# ORDINANCE 2022-13

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 30-9.4, titled Permit and Fee, shall be amended to read as follows:

An application for a permit, accompanied by an application fee of \$50, shall be made to the Zoning Officer; a permit must be obtained prior to erecting any fence in any zone.

Section 30-10.3 titled Permit; Fee shall be amended to read as follows:

An application for a permit, accompanied by an application fee of \$50, shall be made to the Zoning Officer; a permit must be obtained prior to erecting or installing any sign in the Business Zone, except signs giving only directions to or only identifying parking areas.

Section 30-10.3(c) titled Permits shall be amended to read as follows:

Zoning Permit. Applications for a zoning permit to the Zoning Officer shall be accompanied by a fee of \$50.

#### 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.

#### NOTICE

Public Notice is hereby given that the foregoing Ordinance was introduced and passed on the first reading at a regular meeting of the Mayor and Council of the Borough of Surf City, County of Ocean, State of New Jersey, on Wednesday, November 9, 2022, at 7:30 PM at 813 Long Beach Boulevard, Surf City, New Jersey.

This ordinance increases the fee of a zoning permit from thirty dollars (\$30) to fifty dollars (\$50)

Further notice is given that said Ordinance will be considered for final passage and adoption after a public hearing, to be held at a regular meeting of the Mayor and Council on Wednesday, December 14, 2022, at 7:30 P.M. in the Municipal Building, 813 Long Beach Blvd., Surf City, New Jersey, at which time and place, any person desiring to be heard upon the same will be given the opportunity to be so heard. Full copies of this ordinance are available for public inspection in the office of the Municipal Clerk during regular business hours.

CHRISTINE HANNEMANN, RMC/CMR/QPA

Municipal Clerk/Administrator

## ORDINANCE 2022-14

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 13 PERTAINS TO "FIRE PREVENTION".

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

#### SECTION I

Section 13-2 (b) Building Subcode Fee shall be amended to add the following section: 4. Certification in Lieu of Inspection for a CSACMAPFEC: \$45.00.

#### 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.

#### NOTICE

Public Notice is hereby given that the foregoing Ordinance was introduced and passed on the first reading at a regular meeting of the Mayor and Council of the Borough of Surf City, County of Ocean, State of New Jersey, on Wednesday, November 9, 2022, at 7:30 PM at 813 Long Beach Boulevard, Surf City, New Jersey.

This Ordinance authorizes a fee of \$45.00 for Certifications in Lieu of Inspections.

Further notice is given that said Ordinance will be considered for final passage and adoption, after a public hearing, to be held at a regular meeting of the Mayor and Council on Wednesday, December 14, 2022, at 7:30 P.M. in the Municipal Building, 813 Long Beach Blvd., Surf City, New Jersey, at which time and place, any person desiring to be heard upon the same will be given the opportunity to be so heard. Full copies of this ordinance are available for public inspection in the office of the Municipal Clerk during regular business hours.

CHRISTINE HANNEMANN, RMC/CMR/QPA

Municipal Clerk/Administrator

#### **GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT**

WHEREAS, N.J.S.A. 40A: 5-4 requires the Governing Body of every local unit to have made an annual audit of its books, accounts, and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2021 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to <u>N.J.S.A. 40A:</u> 5-6, and a copy has been received by each member of the governing body; and

WHEREAS, <u>R.S.</u> 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations", as evidenced by the group affidavit form of the governing body attached hereto: and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to <u>N.J.A.C.</u> 5:30-6.5: and

WHEREAS, all members of the Governing Body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of <u>R.S.</u> 52:27BB-52, to wit:

<u>R.S.</u> 52:27 BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition, shall forfeit his office. WHEREAS, a corrective action plan, if applicable, outlining actions to be taken to correct the item listed in the comments and recommendations of the Auditor will be prepared in accordance with the law and is on file and available for public inspection in the office of the Municipal Clerk.

NOW, THEREFORE BE IT RESOLVED that the Borough Council of the Borough of Surf City, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

# CERTIFICATION

I, CHRISTINE HANNEMANN, Municipal Clerk of the Borough of Surf City, do hereby certify the foregoing to be a true and exact copy of a resolution duly adopted by the Governing Body at a meeting held on December 14, 2022, at 7:30 PM in the Council Chambers at 813 Long Beach Boulevard Surf City, NJ

CHRISTINE HANNEMANN, RMC/CMR/QPA

Municipal Clerk/Administrator

Moved: Councilman Russell

Second: Councilman Siciliano

WHEREAS, N.J.S.A. 40A:87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any Municipality when such items shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Surf City hereby requests the Director of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2023 in the sum of \$32,000.00, which item is now available as a revenue from the 2022 American Rescue Plan (ARP) Firefighter Grant in the amount of \$32,000.00;

BE IT FURTHER RESOLVED that the like sum of \$32,000.00 is hereby appropriated under the caption of 2022 ARP Firefighter Grant; and

BE IT FURTHER RESOLVED that the above is a result of application to the New Jersey Department of Community Affairs American Rescue Plan Firefighter Grant.

#### **CERTIFICATIONS**

I, CHRISTINE HANNEMANN, Municipal Clerk of the Borough of Surf City, do hereby certify the foregoing to be a true and exact copy of a resolution duly adopted by the Governing Body at a meeting held on December 14, 2022 at 7:30 P.M. in the Council Chambers located at 813 Long Beach Boulevard, Surf City, NJ.

#### CHRISTINE HANNEMANN, RMC/CMR/QPA

Municipal Clerk/Administrator

I, MICHAEL P. GROSS, certify that the Borough of Surf City has realized of the state or federal monies cited in the following resolution, which meets all the state and federal monies cited in the resolution, which meets all statutory requirements, and will be included in the 2023 Budget.

MICHAEL P. GROSS Chief Financial Officer

Moved: Councilman Russell

Second: Councilman Wm. Hodgson

Whereas, the		
desires to apply for and obtain a	(formal name of orga	Inization)
desires to apply for and obtain a	grant from the new Jer	sey Department of Community Affairs
for approximately \$	to carry	y out a project to
(dollar amou	unt of request)	
	(briefly describe the	project)
Be it therefore RESOLVED,		·
1) that the		
does hereby authorize the applic	(formal name of orga	and,
upon receipt of the grant agreem further authorize the execution of	ent from the New Jerse f any such grant agreen epartment, does further	er a lesser or greater amount and therefore, ey Department of Community Affairs, does nent; and also, upon receipt of the fully authorize the expenditure of funds pursuant
	n, and that they or their	es, titles, and signatures appear below are successors in said titles are authorized to ry in connection therewith:
(signature)		(signature)
(type or print name	÷)	(type or print name)
(title)		(title)
CERTIFICATION:		
I	the	
(name of Board Secretary / Govern	ment Clerk) (title of	position - Board Secretary or Government Clerk)
of		
	(formal name of orga	inization)
hereby certify that at a meeting o	f the Board of Directors	s / Governing Body held on (meeting date)
the above RESOLUTION was du	ly adopted.	(
AFFIX GOV'T, CORPORATE OR		
NOTARY SEAL	(Signature of Secret	ary of the Board of Directors or Government Clerk
(12/03)		

RESOLUTION AUTHORIZING A SHARED SERVICE AGREEMENT WITH THE BOROUGHS OF BEACH HAVEN, HARVEY CEDARS, SHIP BOTTOM, AND SURF CITY, WITH THE TOWNSHIP OF LONG BEACH ACTING AS THE LEAD AGENCY FOR ACCESS TO THE POLICE DEPARTMENT VIGILANT LEARN SERVER IN ORDER TO OBTAIN VIGILANT AUTOMATED LICENSE PLATE READER (ALPR).

WHEREAS, pursuant to N.J.S.A. 40:65A et seq., the Township of Long Beach has agreed to enter into Shared Service Agreements for access to the Long Beach Township Police Department Vigilant LEARN Server in order to obtain Vigilant Automated License Plate Reader information with the following municipalities: Beach Haven Borough, Harvey Cedars Borough, Surf City Borough and Ship Bottom Borough; and

WHEREAS, the said Shared Service Agreements provide that the participating members shall pay to Long Beach Township a fee of \$650.00 per unit for 2023; \$700.00 per unit for 2024; and \$750.00 per unit for 2025 for access to the "P.I.P.S." Server for License Plate Recognition data.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach, County of Ocean, state of New Jersey, as follows:

- 1. The Mayor and Municipal Clerk are hereby authorized and directed to execute Shared Service Agreements with each of the abovementioned agencies in accordance with the provisions of the law.
- 2. Each Shared Services Agreement shall have a three-year term from January 1, 2023, through December 31, 2025, with no option to extend with the abovementioned municipalities.
- 3. A copy of the agreements referenced herein shall be kept on file and made available for public inspection at the Municipal Clerk's office during normal business hours.

#### **CERTIFICATIONS**

I, CHRISTINE HANNEMANN, Municipal Clerk of the Borough of Surf City, do hereby certify the foregoing to be a true and exact copy of a resolution duly adopted by the Governing Body at a meeting held on December 14, 2022, at 7:30 P.M. in the Council Chambers located at 813 Long Beach Boulevard, Surf City, NJ.

#### CHRISTINE HANNEMANN, RMC/CMR/QPA

Municipal Clerk/Administrator

Moved: Councilman Wm. Hodgson Second: Councilman Hartney Roll call reflected the following votes in approval: Mr. Hartney, Mr. Wm. Hodgson, Mr. Little, Mr. McMenamin, Mr. Russell & Mrs. Siciliano. Nays: none. Abstentions: none. Absent: none.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Surf City that the incorrect payment of taxes in the amount of \$3,273.19 be refunded to CoreLogic Tax Service, for 24 N. 23<sup>rd</sup> Street, Block 89 Lot 9.

# **CERTIFICATIONS**

I, CHRISTINE HANNEMANN, Municipal Clerk of the Borough of Surf City, do hereby certify the foregoing to be a true and exact copy of a resolution duly adopted by the Governing Body at a meeting held on December 14, 2022, at 7:30 P.M. in the Council Chambers located at 813 Long Beach Boulevard, Surf City, NJ.

CHRISTINE HANNEMANN, RMC/CMR/QPA

Municipal Clerk/Administrator

Moved: Councilwoman Siciliano

Second: Councilman Russell

WHEREAS, an event which the law N.J.S.A. 40A:11-6 defines as a situation affecting the public health, safety, and welfare requiring the immediate delivery of supplies, and goods and/or performance of work; and

WHEREAS, the fire hydrant located at N. 13<sup>th</sup> Street and Central Avenue was in need of immediate repairs; and

WHEREAS, the repairs of the fire hydrant are essential to the safety and welfare to the surrounding neighborhood in the Borough; and

WHEREAS, on November 23, 2022, the Qualified Purchasing Agent authorized the issuance of purchase orders in the approximate amount of \$22,100.00 to Cutter, Drill & Machine Inc to make the necessary repairs.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Surf Governing Body that the Department of Finance issued the final purchase orders for the following items in the corresponding approximate amounts.

#### **CERTIFICATIONS**

I, CHRISTINE HANNEMANN, Municipal Clerk of the Borough of Surf City, do hereby certify the foregoing to be a true and exact copy of a resolution duly adopted by the Governing Body at a meeting held on December 14, 2022, at 7:30 P.M. in the Council Chambers located at 813 Long Beach Boulevard, Surf City, NJ.

CHRISTINE HANNEMANN, RMC/CMR/QPA

Municipal Clerk/Administrator

Moved: Councilman Little

Second: Councilman Russell

WHEREAS, the Governing Body of the Borough of Surf City, under N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the direction of the Qualified Purchasing Agent; and

WHEREAS, under Ordinance 2-11.2, the purchase may be issued over the amount of \$2,000 with the approval of the Mayor & Council; and

NOW, THEREFORE, BE IT RESOLVED by the Borough of Surf Governing Body that the Department of Finance issue the final purchase orders for the following items in the corresponding approximate amounts.

Item	Department	Amount	Vendor
Software for Body Cameras	Police Department	\$9,046.92	Digital Ally, Inc
Communication System Repairs & Replacement of Phone System	All Departments	\$15,213.85	Monmouth Telecom
Repairs to G-10 Trash Truck	Sanitation	Approx. \$4,500	Hunter Jersey Peterbilt

# CERTIFICATION

I, CHRISTINE HANNEMANN, Municipal Clerk of the Borough of Surf City, do hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Governing Body of The Borough of Surf City at a meeting held on November 8, 2022, at 7:30 pm in the Council Chambers at 813 Long Beach Boulevard, Surf City, NJ.

Christine Hannemann, RMC/CMR/QPA

Municipal Clerk/Borough Administrator

Moved: Councilwoman Siciliano

Second: Councilman Russell

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; and

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

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

		<u>Block</u>	Posted	Amount to	<u>Amount to</u>
<u>Applicant</u>	Type	<u>/Lot</u>	<u>Amount</u>	<u>Applicant</u>	<u>Borough</u>
McCann	Curb Bond	69/17	\$7,000	\$7,000	\$0
Mauro	Curb Bond	29/18	\$9,000	\$9,000	\$0
Keegan	Curb Bond	93/6	\$5,400	\$5,400	\$O

#### CERTIFICATION

I, CHRISTINE HANNEMANN, Municipal Clerk of the Borough of Surf City, do hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Governing Body of The Borough of Surf City, at a meeting held on December 14, 2022, at 7:30 pm in the Council Chambers at 813 Long Beach Boulevard, Surf City, NJ.

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

Moved: Councilman Russell

Second: Councilwoman Siciliano

# RESOLUTION NO. 2022-193

# RESOLUTION OF THE BOROUGH OF SURF CITY, COUNTY OF OCEAN, STATE OF NEW JERSEY, APPOINTING DANIEL F. SAHIN AS A MUNICIPAL COURT JUDGE IN ACCORDANCE WITH <u>N.J.S.A.</u> 2B:12-5

WHEREAS, there is a need for the appointment of a Municipal Court Judge to serve the Borough of Surf City; and

WHEREAS, Daniel F. Sahin is qualified to serve as a municipal court judge; and

WHEREAS, it is the desire of the Mayor and Borough Council to appoint Daniel F. Sahin as a Municipal Court Judge.

NOW, THEREFORE, BE IT RESOLVED this 14th day of December 2022, by the governing body of the Borough of Surf City, County of Ocean, State of New Jersey as follows:

- 1. That the governing body does hereby appoint Daniel F. Sahin as a municipal court judge for the Borough of Surf City.
- 2. That Daniel F. Sahin shall be compensated at a rate of \$1,633 per court session.
- 3. That the appointment of Daniel F. Sahin as Municipal Court Judge to fulfill the term beginning January 1, 2023 and expiring August 31, 2024.
- 4. That the appointment of Daniel F. Sahin as Municipal Court Judge is subject to the written consent of the Assignment Judge.
- 5. That a certified copy of this resolution shall be forwarded by the Borough Clerk to the Chief Financial Officer of the Borough of Surf City and Daniel F. Sahin.

# CERTIFICATION

I, CHRISTINE HANNEMANN, Municipal Clerk of the Borough of Surf City, do hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Governing Body of The Borough of Surf City, at a meeting held on December 14, 2022, at 7:30 pm in the Council Chambers at 813 Long Beach Boulevard, Surf City, NJ.

Christine Hannemann, RMC/CMR/QPA

Municipal Clerk/Borough Administrator

Moved: Councilman Russell

Second: Councilman Wm. Hodgson

### RESOLUTION NO. 2022-194

# RESOLUTION OF THE BOROUGH OF SURF CITY, COUNTY OF OCEAN, STATE OF NEW JERSEY, APPOINTING JOSEPH GRISANTI AS A TEMPORARY MUNICIPAL COURT JUDGE IN ACCORDANCE WITH <u>N.J.S.A.</u> 2B:12-5.

WHEREAS, there is a need for the appointment of a Temporary Municipal Court Judge to serve in the absence of the Municipal Court Judge or due to circumstances in which the Municipal Court Judge cannot preside; and

WHEREAS, <u>N.J.S.A.</u> 2B:12-5 provides that with the written consent of the Assignment Judge of the Vicinage, a municipality may increase the number of judgeships of the municipal court or appoint one or more temporary municipal judges to meet a special need of limited duration; and

WHEREAS, Joseph Grisanti is qualified to serve as a municipal court judge; and

WHEREAS, it is the desire of the Mayor and Borough Council to appoint Joseph Grisanti as a Temporary Municipal Court Judge.

NOW, THEREFORE, BE IT RESOLVED this 14th day of December 2022, by the governing body of the Borough of Surf City, County of Ocean, State of New Jersey as follows:

- That the governing body does hereby appoint Joseph Grisanti as a temporary municipal court judge for the Borough of Surf City in accordance with the provisions of <u>N.J.S.A.</u> 2B:12-5.
- 2. That Joseph Grisanti shall be compensated at a rate of \$1,633 per court session.
- 3. That the appointment of Joseph Grisanti as Temporary Municipal Court Judge shall be for a term of one year beginning January 1, 2023 and expiring December 31, 2023.
- 4. That the appointment of Joseph Grisanti as Temporary Municipal Court Judge is subject to the written consent of the Assignment Judge.
- 5. That a certified copy of this resolution shall be forwarded by the Borough Clerk to the Chief Financial Officer of the Borough of Surf City and Joseph Grisanti.

#### CERTIFICATION

I, CHRISTINE HANNEMANN, Municipal Clerk of the Borough of Surf City, do hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Governing Body of The Borough of Surf City, at a meeting held on December 14, 2022, at 7:30 pm in the Council Chambers at 813 Long Beach Boulevard, Surf City, NJ.

Christine Hannemann, RMC/CMR/QPA Municipal Clerk/Borough Administrator Moved: Councilman Wm. Hodgson

Second: Councilman Russell

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Surf City that the applications for probationary membership in the Surf City Volunteer Fire Co. as submitted by William Faunce and Carly Lebda are hereby approved.

#### CERTIFICATION

I, CHRISTINE HANNEMANN, Municipal Clerk of the Borough of Surf City, do hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Governing Body of The Borough of Surf City at a meeting held on December 14, 2022, at 7:30 pm in the Council Chambers at 813 Long Beach Boulevard, Surf City, NJ.

Christine Hannemann, RMC/CMR/QPA

Municipal Clerk/Borough Administrator

Moved: Councilwoman Siciliano

Second: Councilman Hartney

Roll call reflected the following votes in approval: Mr. Wm. Hodgson, Mr. Little, Mr. McMenamin, & Mrs. Siciliano. Nays: none. Abstentions: none. Absent: none. Mr. Hartney and Mr. Russell recused themselves from this item of business.

WHEREAS, Dorothy Emily Bennert, born in Jersey City December 25<sup>th</sup>, 1922 will be 100 years old this Christmas Day; and

WHEREAS, in 1943, Dorothy married the love of her life while he was serving in the army; and

WHEREAS, Dorothy had three children Patty, Larry, and Thomas; and

WHEREAS, Dorothy now has 8 grandchildren and 8 great-grandchildren; and

WHEREAS, Dorothy moved to Livingston, New Jersey where she was a full-time mom and housewife after working for Monroe Calculator; and

WHEREAS, in 1986 purchased a home in Surf City; and

WHEREAS, Dorothy became a volunteer at Southern Ocean County Hospital and St. Francis of Assisi Parish for 20 years; and

WHEREAS, in 1998 Dorothy joined the Surf City Ladies Auxiliary and is currently an active member; and

WHEREAS, Dorothy is a great cook, knitter and is still hard to keep up with; and

NOW, THEREFORE, BE IT RESOLVED, the Mayor and Council of the Borough of Surf City would like to congratulate Dorothy on her life accomplishments; and

BE IT FURTHER RESOLVED, that the Borough of Surf City would like to wish Dorothy a very happy and healthy birthday.

#### CERTIFICATION

I, CHRISTINE HANNEMANN, Municipal Clerk of the Borough of Surf City, do hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Governing Body of The Borough of Surf City at a meeting held on December 14, 2022, at 7:30 pm in the Council Chambers at 813 Long Beach Boulevard, Surf City, NJ.

Christine Hannemann, RMC/CMR/QPA

Municipal Clerk/Borough Administrator

Moved: Councilman Russell

Second: Councilman Hartney