

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 June 17, 2021 issue of the Beach Haven Times.

Roll call reflected the following members present: Councilman Peter Hartney, Councilman William D. Hodgson, Councilman James B. Russell, Councilwoman Jaqueline L. Siciliano & Mayor Francis R. Hodgson. Absent: Council President John Klose & Councilman John G. Hadash.

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

Mayor F. Hodgson announced that Councilman John G. Hadash submitted his resignation from Council. Councilman Hartney moved to approve filling the term of that position by nominating John McMenamain. Councilman Wm. Hodgson seconded that motion. With a vote in the affirmative, Mr. McMenamain was appointed to Council.

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

Councilman Russell moved to approve the minutes from the September 8, 2021 regular meeting. Councilman Hartney seconded the motion. With a vote in the affirmative, the minutes were approved as presented.

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

Councilman Russell moved to open the public hearing for Ordinance 2021-13. Councilwoman Siciliano seconded the motion. With a vote in the affirmative of the members present, the public hearing was opened. There were no comments. Councilwoman Siciliano moved to close the public hearing for Ordinance 2021-13. Councilman Russell seconded the motion. With a vote in the affirmative of the members present, the public hearing was closed.

Councilwoman Siciliano moved to approve the adoption and second reading by title for Ordinance 2021-13. Councilman Russell seconded the motion. With a vote in the affirmative, the following was adopted.

BOND ORDINANCE AMENDING IN PART BOND ORDINANCE NO. 2021-03 ADOPTED ON MARCH 10, 2021, PROVIDING FOR THE ACQUISITION OF VARIOUS BEACH EQUIPMENT, IN ORDER TO EXPAND THE SCOPE OF IMPROVEMENTS TO INCLUDE THE ACQUISITION OF A NEW TRACTOR FOR BEACH MAINTENANCE, AND TO INCREASE THE APPROPRIATION THEREFOR BY \$30,000 FOR A TOTAL APPROPRIATION OF \$150,000, AND

TO INCREASE THE AUTHORIZED BONDS AND NOTES TO BE ISSUED TO FINANCE A PORTION OF THE COSTS THEREOF BY \$28,500 FOR A TOTAL DEBT AUTHORIZATION OF \$142,500, AUTHORIZED IN AND BY THE BOROUGH OF SURF CITY, IN THE COUNTY OF OCEAN, NEW JERSEY.

WHEREAS, the Borough of Surf City, in the County of Ocean, New Jersey (the “Borough”) finally adopted Bond Ordinance No. 2021-03 on March 10, 2021 (the “Prior Ordinance”) providing for the acquisition of various beach equipment; and

WHEREAS, the Borough has determined that the costs associated with said improvements are higher than anticipated and has determined to supplement the appropriation and bonds and notes authorized therefor; and

WHEREAS, the Borough has determined that the project description set forth in the Prior Ordinance needs to be amended to include the acquisition of a new tractor for beach maintenance.

NOW, THEREFORE, BE IT ORDAINED by the BOROUGH COUNCIL OF THE BOROUGH OF SURF CITY, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvements described in Section 3 of this bond ordinance are hereby authorized as general improvements to be undertaken in and by the Borough. For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$30,000 in addition to the \$120,000 appropriated by the Prior Ordinance, said sums being inclusive of all appropriations heretofore made therefor and including the sum of \$7,500 as down payment, \$6,000 of such down payment was previously appropriated by the Prior Ordinance, and an additional down payment of \$1,500 is authorized hereby and is now available by virtue of provision for down payment or for capital improvement purposes in the Capital Improvement Fund of one or more previously adopted budgets.

Section 2. In order to finance the costs of said improvements or purposes, \$28,500 negotiable bonds are hereby authorized to be issued in addition to the \$114,000 previously authorized by the Prior Ordinance for a total principal amount not to exceed \$142,500 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized and the purposes for which the obligations are to be issued consist of the acquisition of various beach equipment, including, but not limited to, a beach truck, a utility vehicle, and a new tractor for beach maintenance, together with all purposes necessary, incidental or appurtenant thereto, all as shown on and in accordance with contracts, plans, specifications or requisitions therefor on file with or through the Borough Clerk, as finally approved by the governing body of the Borough.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes described in Section 3(a) hereof is \$142,500 including the \$28,500 authorized herein, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$150,000, which is equal to the amount of the \$30,000 supplemental appropriation herein made therefor and the \$120,000 appropriation made by the Prior Ordinance.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Borough, provided that no note shall mature later than one (1) year from its date. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer, who shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of such notes occurs, such report shall include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not a current expense and are improvements or purposes that the Borough may lawfully undertake as general improvements and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the improvements or purposes, within the limitations of the Local Bond Law and taking into consideration the amount of the obligations authorized for said purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is seven (7) years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Municipal Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such Statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$28,500 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$4,000 for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.

(e) To the extent that moneys of the Borough are used to finance, on an interim basis, costs of said improvements or purposes, the Borough reasonably expects such costs to be paid or reimbursed with the proceeds of obligations issued pursuant hereto. This ordinance shall constitute a declaration of official intent for the purposes and within the meaning of Section 1.150-2(e) of the United States Treasury Regulations.

Section 6. The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Municipal Clerk and is available there for public inspection.

Section 7. Any grant or similar moneys from time to time received by the Borough for the improvements or purposes described in Section 3 hereof, shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are received and so used.

Section 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and, unless paid from other sources, the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation as to rate or amount.

Section 9. All Ordinances or parts of ordinances in conflict or inconsistent with any of the terms of this ordinance are hereby repealed to the extent that they are in such conflict or are inconsistent. In the event that any section, part or provision of this ordinance shall be held to be unconstitutional or invalid by any court, such holding shall not affect the validity of this ordinance as a whole, or any part hereof other than the part so held unconstitutional or invalid.

Section 10. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

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

Councilwoman Siciliano moved to approve Resolution 2021-140. Councilman Hartney seconded the motion. With a vote in the affirmative, the following was approved.

NOW, THEREFORE, BE IT RESOLVED that Council President John Klose, be and is hereby excused from absence at the Borough Council Meetings due to a brief illness.

BE IT FURTHER RESOLVED that the Borough Council extends to him, best wishes, for a speedy recovery.

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

Councilman Russell moved to approve Resolution 2021-141. Councilwoman Siciliano seconded the motion. With a vote in the affirmative, the following was approved.

WHEREAS, the Governing Body of the Borough of Surf City wishes to honor distinguished individuals whose lifework and civic endeavor served to enhance life in this community; and

WHEREAS, John L. Gutbrod distinguished record merits this recognition and respectful tribute; and

WHEREAS, John L. Gutbrod was among the first of the United States Army 82nd Airborne Division paratroopers to arrive on the beaches of Normandy on June 6, 1944 and following this heroic and brave effort, he proceeded to defend our freedom at the Battle of the Bulge; and

WHEREAS, among the many medals he has received both here and abroad, John L. Gutbrod has been award the Purple Heart and the Bronze Star for Valor for his brave and meritorious actions; and

WHEREAS, true to his altruistic character, John L. Gutbrod carried on his civic duties to become a dedicated member of the Surf City Vol. Fire Company; and

WHEREAS, after retirement from the service, John L. Gutbrod became a Code Enforcement Officer for the Borough of Surf City. He served with great ardency and fairness; and

WHEREAS, 100 years ago on September 24, 1921 John L. Gutbrod was born and came into this world with a servant's heart; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Surf City that John L. Gutbrod hereby be celebrated and honored for his life achievements on this grand occasion of his 100th Birthday.

BE IT FURTHER RESOLVED that a certified copy of this resolution, duly adopted on October 13, 2021 executed by the Mayor and attested by the Municipal Clerk, be transmitted to our good friend, John Gutbrod.

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

Councilwoman Siciliano moved to approve Resolution 2021-142. Councilman Russell seconded the motion. With a vote in the affirmative, the following was approved.

NOW, THEREFORE, BE IT RESOLVED that authorization be and is hereby given to Mayor Hodgson to proceed with sending his 2021 Fall letter to the Borough taxpayers.

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

Councilwoman Siciliano moved to approve Resolution 2021-143. Councilman Hartney 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 and is hereby given to proceed with contracting with ADP for payroll services for the year 2022.

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

Councilman Russell moved to approve Resolution 2021-144. Councilwoman Siciliano seconded the motion. With a vote in the affirmative, the following was approved.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Surf City that the application for probationary membership in the Surf City Volunteer Fire Co. as submitted by Daniel Burgess is hereby approved.

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

Councilman Russell moved to approve Resolution 2021-145. Councilman Hartney seconded the motion. With a vote in the affirmative, the following was approved.

WHEREAS, the Borough is in receipt of escrow bonds posted pertaining to professional fees, performance guarantees and inspection fees; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Surf City that the following listed escrow bonds be released to the corresponding applicants with the balances to be released to the Borough of Surf City.

<u>Applicant</u>	<u>Type</u>	<u>Posted Amount</u>	<u>Amount to Applicant</u>	<u>Amount to Borough</u>
Curcio	Professional	\$500.00	\$255.00	\$245.00
Monnig	Professional	\$3,000.00	\$6.92	\$2,993.08
Kelly	Professional	\$1,500.00	\$441.92	\$1,058.08
Miller	Professional	\$1500.00	\$151.15	\$1,348.85

Ziman	Professional	\$1500.00	\$273.77	\$1,226.23
Friedman	Professional	\$1500.00	\$743.33	\$756.67
Romano	Professional	\$1,500.00	\$0.00	\$1,500.00
Costanza	Performance	\$7000.00	\$7,000.00	\$0
Gannon	Performance	\$6,300.00	\$6,300.00	\$0
Dave's Electric	Inspection fees	\$300.00	\$300.00	\$0

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

Councilman Russell moved to approve Resolution 2021-146. Councilman Hartney seconded the motion. With a vote in the affirmative, the following was approved.

WHEREAS, on March 9, 2020 Governor Philip D. Murphy declared a State of Emergency and a Public Health Emergency in response to the COVID-19 pandemic: and

WHEREAS, Governor Philip D. Murphy has since issued a series of executive orders resulting in the closure or limited scope of operations to local businesses within the Borough of Surf City; and

WHEREAS, the Borough Council of Surf City found it appropriate to temporarily relax outdoor dining procedures on February 10, 2021 by Resolution 2021-41; and

NOW, THEREFORE BE IT RESOLVED by the Governing Body of Surf City that the ban of amplified music be temporarily suspended, effective immediately with the following provisions.

1. Outdoor amplified/live music be permitted from 11:00 am until 9:00 pm, daily.
2. Effective October 15, 2021 until December 31, 2021 unless terminated by Mayor or Council.

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

Councilman Russell informed everyone that the Borough was in receipt of a lot of compliments about the Gator program. The lifeguards are about finished for the season. He mentioned that the town is getting ready for the Christmas lights. Councilman Russell moved Resolution 2021-148. Councilman Wm. Hodgson seconded the motion. With a vote in the affirmative, the following was approved.

NOW, THEREFORE, BE IT FURTHER RESOLVED that Mark Dileo be paid an hourly rate of \$23.00 for off-season and preparatory work. Craig Turner, Ryan Bonanni, Conner McMenamin, & Scott Meggitt shall be paid an hourly rate of \$15.00 off-season preparatory work, all hours to be approved by the Administrator, effective October 15, 2021 and shall terminate on November 12, 2021.

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

Councilman Wm. Hodgson provided the September 2021 police and sanitation reports. He also mentioned that Trunk or Treat is on October 23, 2021. He moved to approved Resolution 2021-147. Councilman Hartney seconded the motion. With a vote in the affirmative, the following was approved.

BE IT FURTHER RESOLVED that Jeannie Frazier be and are hereby appointed in the municipal offices as a part time clerk, without benefits, at the rate of \$15 per hour, effective September 15, 2021 terminating December 31, 2021.

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

Councilwoman Siciliano mentioned the pothole repair, barricades. The Borough superintendent mentioned there are some problems with some of the street valves. There is also some roadwork on Ocean Avenue that will be taking place soon. New Jersey Natural Gas would be milling and paving portions of some streets in town.

Councilman Hartney mentioned that the beaches have been quiet with exception of the fisherman and walkers. Lenny from the Borough met the NJDEP coastal engineer to repair the handicap beach access ramp . The truck ordered for the beaches in 2021 had arrived earlier this month.

Mayor F. Hodgson mentioned the Alliance for a Living Ocean (ALO) proposal for trash cans lids. It was said that they had reported to the Surf City Taxpayers Association that the trash can lids would not cost additional money. However, the grant that ALO was referring to is already used by the Borough to offset trash collection costs. The group has not yet been present to talk about the matter during public comment.

Mayor F. Hodgson also talked about a petition from residents of North 1st Street requesting beach mats to place over that walkover. The cost to place beach mats on each beach walkover throughout the Borough would be approximately \$165,000. The mats cause maintenance and must be stored. It is not a one-time expense; they wear out over time and will eventually need replacing. Mr. Russell mentioned that we can't place mats at North 1st Street without doing the whole town. Mr. Hartney added that the North 12th street mat is designated by the ACOE. We also have a gator and the beach wheels program on North 12th Street.

Mayor F. Hodgson also touched on Councilwoman Siciliano's report mentioned that as the streets are reconstructed the streets will be raised.

Mayor F. Hodgson invited Bob Stern to discuss an email received from by Council about the proposed windmill project offshore. Bob Stern introduced Wendy Kouba. Wendy mentioned that they have spoken to the federal government and asked them if the wind farm complex would affect the local land mass temperatures. BOEM agreed that LBI may become a microclimate. Bob Stern articulated that the North Atlantic Great Whale will have to pass through the leased areas. The underwater noise is going to block the migration corridor. He invited anyone with questions to visit SAVELBI.org for more information.

Councilman Wm. Hodgson moved to approve to pay the bills. Councilwoman Siciliano seconded the motion. With a vote in the affirmative of the members present, 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	\$ 78,681.51
Current	\$2,556,017.56
Payroll Account	\$292,261.47
Dog License Account	\$0.00
Ice Cream Vendor Account	\$0.00
Escrow Release	\$26,300.00
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: Council President Klose
Councilman Hartney
Councilman Russell

Dated: October 13, 2021

/s/ Francis R. Hodgson, Mayor

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

Jennifer Bitman of 32 N. 8th Street requested to speak about the noise at the Surf City Hotel. The amplified music is playing at the bar from noon until 10 pm. They have large speakers outside until 9:00 pm. She mentioned that she had been called obscenities. She was encouraged to work with the police department.

With no further comments, Councilman Russell moved to adjourn the meeting. Councilman Hartney seconded the motion. The meeting was adjourned.

Respectfully submitted,



Christine Hannemann, RMC/CMR/QPA

Borough Clerk/Administrator