

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 Asbury Park Press on January 11, 2024.

The roll call reflected the following members present: Councilman Joseph DeBenedetto, Councilman Peter M. Hartney, Council President William D. Hodgson, Councilman Gerry P. Little, Councilman John D. McMenamain, Councilwoman Jaqueline L. Siciliano, and Mayor Francis R. Hodgson. None were absent.

Chief Financial Officer Michael P. Gross, Police Chief Jack Casella, and Acting Superintendent Leonard Wilson were also in attendance.

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

Councilwoman Siciliano moved to approve the June 12, 2024, minutes. Councilman Hartney seconded the motion. With a vote in the affirmative, the minutes were approved.

The roll call reflected the following votes for approval: Mr. DeBenedetto, Mr. Wm. Hodgson, Mr. Little, Mr. McMenamain, and Mrs. Siciliano. Nays: none. Abstentions: none. Absent: none.

Councilman Hartney moved to open the public hearing for Ordinance 2024-12. Councilman Little seconded the motion. With a vote in the affirmative, the hearing was open. The roll call reflected the following votes for approval: Mr. DeBenedetto, Mr. Hartney, Mr. Wm. Hodgson, Mr. Little, Mr. McMenamain, and Mrs. Siciliano. Nays: none. Abstentions: none. Absent: none.

There were no comments. Councilman Hartney moved to close the public hearing. Councilwoman Siciliano seconded the motion. With a vote in the affirmative, the hearing was closed. The roll call reflected the following votes for approval: Mr. DeBenedetto, Mr. Hartney, Mr. Wm. Hodgson, Mr. Little, Mr. McMenamain, and Mrs. Siciliano. Nays: none. Abstentions: none. Absent: none.

Councilman Hartney moved to approve the final reading of the Ordinance 2024-12 by title. Councilman DeBenedetto seconded the motion. With a vote in the affirmative, Ordinance 2024-12 was adopted. This ordinance regulates private salt storage as mandated by the NJDEP.

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 4 PERTAINS TO "POLICE
REGULATIONS" TO REGULATE PRIVATE SALT STORAGE.

The roll call reflected the following votes for approval: Mr. DeBenedetto, Mr. Hartney, Mr. Wm. Hodgson, Mr. Little, Mr. McMenamain, and Mrs. Siciliano. Nays: none. Abstentions: none. Absent: none.

Councilman Little moved to open the public hearing for Ordinance 2024-13. Councilman Hartney seconded the motion. With a vote in the affirmative, the hearing was open. The roll call reflected the following votes for approval: Mr. DeBenedetto, Mr. Hartney, Mr. Wm. Hodgson, Mr. Little, Mr. McMenamain, and Mrs. Siciliano. Nays: none. Abstentions: none. Absent: none.

Ed Marefka asked if the water tank would be painted the same color. Mayor F. Hodgson explained and offered that a wave or a flag may also be added. Councilman Hartney moved to close the public hearing. Councilwoman Siciliano seconded the motion. With a vote in the affirmative, the hearing was closed. The roll call reflected the following votes for approval: Mr. DeBenedetto, Mr. Hartney, Mr. Wm. Hodgson, Mr. Little, Mr. McMenamain, and Mrs. Siciliano. Nays: none. Abstentions: none. Absent: none.

Councilman Hartney moved to approve the final reading of the Ordinance 2024-13 by title. Councilman McMenamain seconded the motion. With a vote in the affirmative, Ordinance 2024-13 was adopted. This ordinance authorizes the spending for the repairs and painting of the N. 14th Street Water Tower.

BOND ORDINANCE PROVIDING FOR THE PAINTING AND REPAIRMENT OF THE NORTH 14TH STREET WATER TANK, APPROPRIATING \$1,500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,425,000 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF SURF CITY, IN THE COUNTY OF OCEAN, NEW JERSEY.

The roll call reflected the following votes for approval: Mr. DeBenedetto, Mr. Hartney, Mr. Wm. Hodgson, Mr. Little, Mr. McMenamain, and Mrs. Siciliano. Nays: none. Abstentions: none. Absent: none.

Councilman Little moved to open the public hearing for Ordinance 2024-14. Councilman Hartney seconded the motion. With a vote in the affirmative, the hearing was open. The roll call reflected the following votes for approval: Mr. DeBenedetto, Mr. Hartney, Mr. Wm. Hodgson, Mr. Little, Mr. McMenamain, and Mrs. Siciliano. Nays: none. Abstentions: none. Absent: none.

Tony Pace asked if the State mandated this. Mayor F. Hodgson confirmed that the State required the Borough to adopt this ordinance. Councilman Hartney moved to close the public hearing. Councilwoman Siciliano seconded the motion. With a vote in the affirmative, the hearing was closed. The roll call reflected the following votes for approval: Mr. DeBenedetto, Mr. Hartney, Mr. Wm. Hodgson, Mr. Little, Mr. McMenamain, and Mrs. Siciliano. Nays: none. Abstentions: none. Absent: none.

Councilman Hartney moved to approve the final reading of the Ordinance 2024-14 by title. Councilman McMenamain seconded the motion. With a vote in the affirmative, Ordinance 2024-14 was adopted. This ordinance provides regulations for tree removal and replacement.

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 25 PERTAINS TO "TREE REMOVAL REPLACEMENT. "

The roll call reflected the following votes for approval: Mr. DeBenedetto, Mr. Hartney, Mr. Wm. Hodgson, Mr. Little, Mr. McMenammin, and Mrs. Siciliano. Nays: none. Abstentions: none. Absent: none.

Resolutions 2024-112 through 2024-113 were considered and approved, as attached.

Mayor F. Hodgson read the May 2024 Chief Financial Officer and Municipal Court reports.

Councilman McMenammin provided the June 2024 sanitation analysis. He then moved Resolution 2024-115, which was approved, as attached.

Councilman DeBenedetto reported that the pickleball courts are completed, and the signs for the pickleball etiquette have been posted. He provided the June 2024 beach patron census report. With forty-five LIT participants, we will have a new generation of lifeguards. On Friday, June 21st, the Beach Patrol placed third overall in the Wildwood tournament. All gator positions have been filled. He moved Resolution 2024-118, which was approved, as attached.

Mayor F. Hodgson pointed out that Jean Daniels helped to launch the LIT program. Jean Daniels had questions about the AED machines.

Council President Wm. Hodgson provided the statistical report for June 2024. On June 25th, Sergeant Rice and Patrolman Costabile successfully treated someone with an AED machine. A new fraud warning has been issued to the Surf City residents. Someone has called a resident who is posing as Chief Casella. He had a similar incident happen to him. He contacted the appropriate office to confirm that the call was a scam. All residents are encouraged to contact the police department if they are concerned that they are being scammed. The Borough deposited \$500,000 into a six-month money market CD that will earn a 5.1 percent interest.

Councilwoman Siciliano gave the June 2024 DPW streets and roads work order report. DPW has been informed of a small sinkhole on N. 6th Street. On July 15, 2024, at 3:00 pm, we will meet with residents of N. 22nd Street to discuss street end and drainage improvements. Details are being finished to put out bids on the fall road project.

Councilman Hartney announced that last Tuesday, at 9:00 a.m., sixty-five people participated in the Barnegat Bay Hands-on Learning program with Alliance for a Living Ocean. He met with the ACOE to discuss how to improve the N. 12th Street beach ramp and the shifting dune. The administrative staff will work with the Borough engineer to execute the work in the future. The most recent beach badge report reflects a record number of sales on July 4th.

Councilman Little stated that water and sewer had a good month. There were no shutoffs. The valves have been repaired at Well 7. The water ditches at N. 2nd and Shore and at the Bay Beach water fountain were also repaired. We have conducted the lead and copper samples in advance. The chemical feed pumps have been replaced at Wells 5, 6, and 7.

The following memorial bench requests were approved on a motion by Councilwoman Siciliano. Councilman McMenammin seconded the motion. The roll call reflected the following votes for approval: Mr. DeBenedetto, Mr. Hartney, Mr. Wm. Hodgson, Mr. Little, Mr. McMenammin, and Mrs. Siciliano. Nays: none. Abstentions: none. Absent: none.

- Robert Baranowski requested a memorial bench at N. 1st and the Bay for his parents, Thomas & Dolores Baranowski.
- Dustinne Lau requested a memorial bench for Stephanie and Ronald Diamond at N. 1st and the Bay.
- Megan Rykowski requested a bench at N. 8th and the Ocean for Walter Rykowski.

Councilman Hartney moved to approve paying the bills. Councilman Little seconded the motion. With a vote in the affirmative of the members present, bills were approved to be paid.

BE IT RESOLVED BY THE 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	\$61,344.94
Current	\$3,445,934.53
Payroll Account	\$406,976.50
Dog License Account	\$0.00
Ice Cream Vendor Account	\$0.00
Escrow Release	\$2,502.25
Tax Certificate Account	\$0.00

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

Date: July 10, 2024/s/ Francis R. Hodgson, Mayor

The roll call reflected the following votes for approval: Mr. DeBenedetto, Mr. Hartney, Mr. Wm. Hodgson, Mr. Little, Mr. McMenammin, and Mrs. Siciliano. Nays: none. Abstentions: none. Absent: none.

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

Tony Pace gave the pickleball courts high marks and requested an additional bench. They also asked for a blower for the sand on the courts. Councilman DeBenedetto explained that he met with the Assistant Superintendent.

Stacey Parella wanted to know about exterior house lighting.

Jim Nast said that the SCTA has received much positive feedback on the beach mats and the pickleball courts.

Ed Marefka mentioned that the 4th of July fireworks were spectacular.

Mayor F. Hodgson thanked the donors, the Surf City Vol. Fire Co. & EMS and the county for their work putting on the fireworks show.

Councilman DeBenedetto moved to adjourn the meeting. Councilman Hartney seconded the motion. With a vote in the affirmative, the meeting was adjourned. The roll call reflected the following votes for approval: Mr. DeBenedetto, Mr. Hartney, Mr. Wm. Hodgson, Mr. Little, Mr. McMenamin, and Mrs. Siciliano. Nays: none. Abstentions: none. Absent: none.

Respectfully submitted,



Christine Hannemann, RMC/CMR/QPA

Borough Clerk/Administrator

ORDINANCE 2024-12

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 4 PERTAINS TO "POLICE REGULATIONS" SO AS TO REGULATE PRIVATE SALT STORAGE.

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

Chapter 4 Section 4-18 be added as follows.

SECTION I. Purpose:

This ordinance prevents the exposure of stored salt and other solid de-icing materials to stormwater.

This ordinance establishes requirements for the storage of salt and other solid de-icing materials on properties not owned or operated by the municipality (privately owned), including residences, in the Borough of Surf City to protect the environment, public health, safety, and welfare, and to prescribe penalties for failure to comply.

SECTION II. Definitions:

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- A. "De-icing materials" means any granular or solid material such as melting salt or any other granular solid that assists in the melting of snow.
- B. "Impervious surface" means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.
- C. "Storm drain inlet" means the point of entry into the storm sewer system.
- D. "Permanent structure" means a permanent building or permanent structure that is anchored to a permanent foundation with an impermeable floor, and that is completely roofed and walled (new structures require a door or other means of sealing the access way from wind driven rainfall).

A fabric frame structure is a permanent structure if it meets the following specifications:

- 1. Concrete blocks, jersey barriers or other similar material shall be placed around the interior of the structure to protect the side walls during loading and unloading of de-icing materials;

2. The design shall prevent stormwater run-on and run through, and the fabric cannot leak;
 3. The structure shall be erected on an impermeable slab;
 4. The structure cannot be open sided; and
 5. The structure shall have a roll up door or other means of sealing the access way from wind driven rainfall.
- E. "Person" means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- F. "Resident" means a person who resides on a residential property where de-icing material is stored.

SECTION III. Deicing Material Storage Requirements:

- A. Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15th and April 15th:
1. Loose materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through;
 2. Loose materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, ditches and/or other stormwater conveyance channels;
 3. Loose materials shall be maintained in a cone-shaped storage pile. If loading or unloading activities alter the cone-shape during daily activities, tracked materials shall be swept back into the storage pile, and the storage pile shall be reshaped into a cone after use;
 4. Loose materials shall be covered as follows:
 - a. The cover shall be waterproof, impermeable, and flexible;
 - b. The cover shall extend to the base of the pile(s);
 - c. The cover shall be free from holes or tears;
 - d. The cover shall be secured and weighed down around the perimeter to prevent removal by wind; and
 - e. Weight shall be placed on the cover(s) in such a way that minimizes the potential of exposure as materials shift and runoff flows down to the base of the pile.
 - (1) Sandbags lashed together with rope or cable and placed uniformly over the flexible cover, or poly-cord nets provide a suitable method.

Items that can potentially hold water (e.g., old tires) shall not be used;

5. Containers must be sealed when not in use; and
 6. The site shall be free of all de-icing materials between April 16th and October 14th.
- B. De-icing materials should be stored in a permanent structure if a suitable storage structure is available. For storage of loose de-icing materials in a permanent structure, such storage may be permanent, and thus not restricted to October 15 -April 15.
- C. **All such temporary and/or permanent structures must also comply with all other local ordinances, including building and zoning regulations.**
- D. The property owner, or owner of the de-icing materials if different, shall designate a person(s) responsible for operations at the site where these materials are stored outdoors, and who shall document that weekly inspections are conducted to ensure that the conditions of this ordinance are met. Inspection records shall be kept on site and made available to the municipality upon request.
1. Residents who operate businesses from their homes that utilize de-icing materials are required to perform weekly inspections.

SECTION IV. Exemptions:

Residents may store de-icing materials outside in a solid-walled, closed container that prevents precipitation from entering and exiting the container, and which prevents the de-icing materials from leaking or spilling out. Under these circumstances, weekly inspections are not necessary, but repair or replacement of damaged or inadequate containers shall occur within 2 weeks.

If containerized (in bags or buckets) de-icing materials are stored within a permanent structure, they are not subject to the storage and inspection requirements in Section III above. Piles of de-icing materials are not exempt, even if stored in a permanent structure.

This ordinance does not apply to facilities where the stormwater discharges from de-icing material storage activities are regulated under another NJPDES permit.

SECTION V. Enforcement:

This ordinance shall be enforced by the Police Department during the course of ordinary enforcement duties.

SECTION VI. Violations and Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall have 72 hours to complete corrective action. Repeat violations and/or failure to complete corrective action shall be subject to the maximum fines and penalties established under N.J.S.A. 40:49-5 and any subsequent amendments to the statute.

SECTION VII. Severability:

Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause, and phrase, and finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause or reason shall not affect any other portion of this Ordinance.

SECTION VIII. Effective Date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by 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, June 12, 2024, at 7:30 pm in the Council Chambers of the Municipal Building. This ordinance develops rules and regulations for privately owned salt storage.

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, July 10, 2024, 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 are available in the Municipal Clerk's office during regular business hours.

CHRISTINE HANNEMANN, RMC/CMR/QPA
Municipal Clerk/Administrator

Introduction 6/12/2024

Method	Approved			Denied	Carried			Note
	Moved	Second	Ayes	Nays	Abstain	Absent		
Council Member DeBenedetto			✓					
Hartney		✓	✓					
Wm. Hodgson	✓		✓					
Little			✓					
McMenamin			✓					
Siciliano			✓					

Adopted 7/10/2024

Method	Approved			Denied	Carried			Note
	Moved	Second	Ayes	Nays	Abstain	Absent		
Council Member DeBenedetto		✓	✓					
Hartney	✓		✓					
Wm. Hodgson			✓					
Little			✓					
McMenamin			✓					
Siciliano			✓					

**BOROUGH OF SURF CITY
COUNTY OF OCEAN**

BOND ORDINANCE NO. 2024-13

BOND ORDINANCE PROVIDING FOR THE PAINTING AND REPAIRMENT OF THE NORTH 14TH STREET WATER TANK, APPROPRIATING \$1,500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,425,000 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF SURF CITY, IN THE COUNTY OF OCEAN, NEW JERSEY

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 Water Utility improvements to be undertaken in and by the Borough of Surf City, in the County of Ocean, New Jersey (the "Borough"). For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$1,500,000, said sum being inclusive of all appropriations heretofore made therefor, including the sum of \$75,000 as the down payment for said purposes. Said down payment 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. In accordance with N.J.S.A. 40A:2-11c of the Local Bond Law, no down payment is required as this bond ordinance authorizes obligations solely for purposes which are self-liquidating and deductible from the gross debt of the Borough as set forth in N.J.S.A. 40A:2-7h.

Section 2. In order to finance the costs of said improvements or purposes not provided for by the application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount not to exceed \$1,425,000, 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 painting and repairment of the North 14th Street Water Tank, 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 \$1,425,000, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$1,500,000, which is equal to the amount of the appropriation herein made therefor. The excess of the appropriation of \$1,500,000 over the estimated maximum amount of bonds or notes to be issued therefor being the amount of said \$75,000 down payment for said purposes.

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 Water Utility 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 ten (10) 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 not increased by the authorization of the \$1,425,000 bonds and notes provided in this bond ordinance because the purposes authorized herein are self-liquidating and are deductible from the Borough's gross debt in accordance with N.J.S.A. 40A:2-44c and the obligations authorized herein will be within all debt limitations prescribed by said Law.

(d) An aggregate amount not exceeding \$75,000 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.

(f) This bond ordinance authorizes obligations of the Borough solely for purposes described in subparagraph (h) of §40A:2-7 of the Local Bond Law, and the obligations authorized herein are to be issued for purposes which are self-liquidating within the meaning and limitation of N.J.S.A. 40A:2-45 of said Law and are deductible from the gross debt of the Borough pursuant to N.J.S.A. 40A:2-44c and N.J.S.A. 40A:2-46 of said Law.

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 Borough 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 within the appropriation herein authorized 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. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Introduction 6/12/2024

	Approved			Denied	Carried		
Method	Roll Call						
Council Member	Moved	Second	Ayes	Nays	Abstain	Absent	Note
DeBenedetto			✓				
Hartney			✓				
Wm. Hodgson			✓				
Little	✓		✓				
McMenamin			✓				
Siciliano		✓	✓				

Adopted 7/10/2024

	Approved			Denied	Carried		
Method	Roll Call						
Council Member	Moved	Second	Ayes	Nays	Abstain	Absent	Note
DeBenedetto			✓				
Hartney			✓				
Wm. Hodgson			✓				
Little		✓	✓				
McMenamin			✓				
Siciliano	✓		✓				

ORDINANCE 2024-14

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 25 PERTAINS TO "TREE REMOVAL REPLACEMENT".

SECTION I. Purpose:

An ordinance to establish requirements for tree removal and replacement in the Borough of Surf City to reduce soil erosion and pollutant runoff, promote infiltration of rainwater into the soil, and protect the environment, public health, safety, and welfare.

SECTION II. Definitions:

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this ordinance clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The use of the word "shall" mean the requirement is always mandatory and not merely directory.

- A. "Applicant" means any "person", as defined below, who applies for approval to remove trees regulated under this ordinance.
- B. "Critical Root Radius (CRR)" – means the zone around the base of a tree where the majority of the root system is found. This zone is calculated by multiplying the diameter at breast height (DBH) of the tree by 1.5 feet. For example: a tree with a 6" DBH would have a CRR = 6"x1.5' = 9'.
- C. "Diameter at Breast Height (DBH)" means the diameter of the trunk of a mature tree generally measured at a point four and a half feet above ground level from the uphill side of the tree. For species of trees where the main trunk divides below the 4 ½ foot height, the DBH shall be measured at the highest point before any division.
- D. "Hazard Tree" means a tree or limbs thereof that meet one or more of the criteria below. Trees that do not meet any of the criteria below and are proposed to be removed solely for development purposes are not hazard trees.
 - 1. Has an infectious disease or insect infestation.
 - 2. Is dead or dying.
 - 3. Obstructs the view of traffic signs or the free passage of pedestrians or vehicles, where pruning attempts have not been effective.
 - 4. Is causing obvious damage to structures (such as building foundations, sidewalks, etc.); or

5. Is determined to be a threat to public health, safety, and/or welfare by a certified arborist or Licensed Tree Expert (LTE).

E. "Person" means any individual, resident, corporation, utility, company, partnership, firm, or association.

F. "Planting strip" means the part of a street right-of-way between the public right-of-way and the portion of the street reserved for vehicular traffic or between the abutting property line and the curb or traveled portion of the street, exclusive of any sidewalk.

G. "Resident" means an individual who resides on the residential property or contractor hired by the individual who resides on the residential property where a tree(s) regulated by this ordinance is removed or proposed to be removed.

H. "Street Tree" means a tree planted in the sidewalk, planting strip, and/or in the public right-of-way adjacent to (or specified distance from) the portion of the street reserved for vehicular traffic. This also includes trees planted in planting strips within the roadway right-of-way, i.e., islands, medians, pedestrian refuges.

I. "Tree" means a woody perennial plant, typically having a single stem or trunk growing to a considerable height and bearing lateral branches at some distance from the ground.

J. "Tree Caliper" means the diameter of the trunk of a young tree, measured six (6) inches from the soil line. For young trees whose caliper exceeds four (4) inches, the measurement is taken twelve (12) inches above the soil line.

K. "Tree removal" means to kill or to cause irreparable damage that leads to the decline and/or death of a tree. This includes, but is not limited to, excessive pruning, application of substances that are toxic to the tree, over-mulching or improper mulching, and improper grading and/or soil compaction within the critical root radius around the base of the tree that leads to the decline and/or death of a tree. Removal does not include responsible pruning and maintenance of a tree, or the application of treatments intended to manage invasive species.

SECTION III. Regulated Activities:

A. Tree Replacement Requirements

1. Any person who removes one or more street tree(s) with a DBH of 2.5" or more, unless exempt under Section IV, shall be subject to the requirements of the Tree Replacement Requirements Table below.

- Any person, who removes one or more tree(s), as defined as Tree removal, with a DBH of 6" or more per acre, unless otherwise detailed under Section IV, shall be subject to the requirements of the Tree Replacement Requirements Table.

The species type and diversity of replacement trees shall be in accordance with Appendix A.

Replacement tree(s) shall:

- Be replaced in kind with a tree that has an equal or greater DBH than tree removed or meet the Tree Replacement Criteria in the table below.
- Be planted within twelve (12) months of the date of removal of the original tree(s) or at an alternative date specified by the municipality.
- Be monitored by the applicant for a period of two (2) years to ensure their survival and shall be replaced as needed within twelve (12) months; and
- Shall not be planted in temporary containers or pots, as these do not count towards tree replacement requirements.

Tree Replacement Requirements Table:

Category	Tree Removed (DBH)	Tree Replacement Criteria (See Appendix A)
1	DBH of 2.5" (for street trees) or 6" (for non-street trees) to 12.99"	Replant 1 tree with a minimum tree caliper of 1.5" for each tree removed
2	DBH of 13" to 22.99"	Replant 2 trees with minimum tree calipers of 1.5" for each tree removed
3	DBH of 23" to 32.99"	Replant 3 trees with minimum tree calipers of 1.5" for each tree removed
4	DBH of 33" or greater	Replant 4 trees with minimum tree calipers of 1.5" for each tree removed

B. Replacement Alternatives:

1. If the municipality determines that some or all required replacement trees cannot be planted on the property where the tree removal activity occurred, then the applicant shall do one of the following:
 - a. Plant replacement trees in a separate area(s) approved by the municipality.
 - b. Pay a fee of \$50 per tree removed. This fee shall be placed into a fund dedicated to tree planting and continued maintenance of the trees.

SECTION IV. Exemptions:

All persons shall comply with the tree replacement standard outlined above, except in the cases detailed below. Proper justification shall be provided, in writing, to the municipality by all persons claiming an exemption by photos or statements made by a licensed tree expert or arborist.

- A. Residents who remove less than four (4) trees per acre fall into category 1, 2, or 3 of the Tree Replacement Requirements Table within a five-year period. [The number of trees removed is a rolling count across a five-year period. For example, if 3 trees from category 1 are removed in July 2023, the 'count' resets to zero in July 2028. However, if 1 tree from category 1 is removed in July 2023 and another in July of 2025 the first tree will come off the count in July 2028 and the second in July 2030.]
- B. Tree farms in active operation, nurseries, fruit orchards, and garden centers.
- C. Properties used for the practice of silviculture under an approved forest stewardship or woodland management plan that is active and on file with the municipality.
- D. Any trees removed as part of a municipal or state decommissioning plan. This exemption only includes trees planted as part of the construction and predetermined to be removed in the decommissioning plan.
- E. Any trees removed pursuant to a New Jersey Department of Environmental Protection (NJDEP) or U.S. Environmental Protection Agency (EPA) approved environmental clean-up, or NJDEP approved habitat enhancement plan;
- F. Approved game management practices, as recommended by the State of New Jersey Department of Environmental Protection, Division of Fish, Game and Wildlife.
- G. Hazard trees may be removed with no fee or replacement requirement.

SECTION V. Enforcement

Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause, and phrase, and finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause or reason shall not affect any other portion of this Ordinance.

SECTION VIII. Effective Date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by 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, June 12, 2024, at 7:30 PM at 813 Long Beach Boulevard, Surf City, New Jersey. This ordinance provides regulations for tree removal and replacement under certain circumstances.

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, July 10, 2024, 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 allowed to be so heard. Complete 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

Introduction 6/12/2024	Approved			Denied	Carried		
	Roll Call						
Council Member	Moved	Second	Ayes	Nays	Abstain	Absent	Note
DeBenedetto			✓				
Hartney	✓		✓				
Wm. Hodgson			✓				
Little			✓				
McMenamin		✓	✓				
Siciliano			✓				

Adopted 7/10/2024	Approved			Denied	Carried		
	Roll Call						
Council Member	Moved	Second	Ayes	Nays	Abstain	Absent	Note
DeBenedetto			✓				
Hartney	✓		✓				
Wm. Hodgson			✓				
Little			✓				
McMenamin		✓	✓				
Siciliano			✓				

RESOLUTION 2024-112
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 2023 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A: 5-6, and each member of the governing body has received a copy; and

WHEREAS, R.S. 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 N.J.A.C. 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 R.S. 52:27BB-52, to wit:

R.S. 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, he 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 has been 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 June 12, 2024 at 7:30 PM in the Council Chambers at 813 Long Beach Boulevard Surf City, NJ.



CHRISTINE HANNEMANN, RMC/CMR/QPA

Municipal Clerk/Administrator





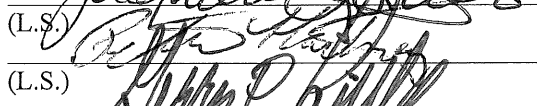
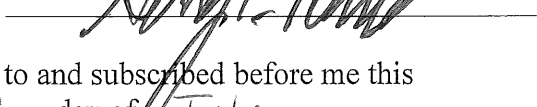
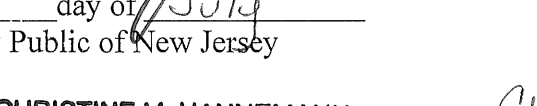
	Approved		Denied	Carried			
Method	Roll Call						
Council Member	Moved	Second	Ayes	Nays	Abstain	Absent	Note
DeBenedetto			✓				
Hartney			✓				
Wm. Hodgson	✓		✓				
Little			✓				
McMenamin			✓				
Siciliano		✓	✓				

**CERTIFICATION OF GOVERNING BODY OF THE ANNUAL AUDIT
GROUP AFFIDAVIT FORM
NO PHOTO COPIES OF SIGNATURES**

STATE OF NEW JERSEY
COUNTY OF OCEAN

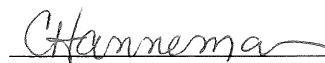
We, members of the governing body of the Surf City of, in the County of Ocean, being duly sworn according to law, upon our oath depose and say:

1. We are duly elected members of the Governing Body of the Borough of Surf City in the county of Ocean;
2. In the performance of our duties, and pursuant to N.J.A.C. 5:30-6.5, we have familiarized ourselves with the contents of the Annual Municipal Audit filed with the Clerk pursuant to N.J.S.A. 40A:5-6 for the year 2023;
3. We certify that we have personally reviewed and are familiar with, as a minimum, the sections of the Annual Report of Audit entitled "Comments and Recommendations."

(L.S.) 	(L.S.) 
(L.S.) 	(L.S.) 
(L.S.) 	(L.S.)
(L.S.) 	(L.S.)
(L.S.) 	(L.S.)

Sworn to and subscribed before me this
10th day of July
Notary Public of New Jersey

CHRISTINE M. HANNEMANN
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Nov. 5, 2025


Clerk

The Municipal Clerk (or Clerk of the Board of Chosen Freeholders as the case may be) shall set forth the reason for the absence of signature of any members of the governing body.

IMPORTANT: This certificate must be sent to the Bureau of Financial Regulation and Assistance, Division of Local Government Services, P.O. Box 803, Trenton, New Jersey 08625.

RESOLUTION NO. 2024-113

AUTHORIZATION FOR THE BOROUGH OF SURF CITY TO PROCESS AN INVOLUNTARY DISABILITY RETIREMENT APPLICATION

WHEREAS, the Borough of Surf City has employed Richard Rible as a Police Officer since September 15, 2004; and

WHEREAS, Richard Rible is an active member of the New Jersey Police and Fireman's Retirement System; and

WHEREAS, the Borough has received medical information from an examining physician who after a thorough examination is of the opinion that Officer Rible sustained injuries that permanently preclude him from performing the duties of a law enforcement officer; and

WHEREAS, after review of the medical documentation provided, the Borough of Surf City is of the opinion that Officer Rible is totally and permanently disabled and no longer is able to perform his assigned duties with or without reasonable accommodation; and

WHEREAS, the Borough of Surf City is unable to provide an alternative to the PFRS covered position with duties capable of being performed by 'Officer Rible.

NOW, THEREFORE, BE IT RESOLVED BY the Borough of Surf City hereby consents to the processing of the Involuntary Disability Retirement application. The Chief Financial Officer for the Borough of Surf City is authorized to take whatever action necessary to effectuate the application process. '

BE IT FURTHER RESOLVED that certified copies of this Resolution shall be forwarded to all appropriate parties involved in the administration of this action.

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 July 10, 2024 at 7:30 PM in the Council Chambers at 813 Long Beach Boulevard Surf City, NJ



CHRISTINE HANNEMANN, RMC/CMR/QPA

Municipal Clerk/Administrator

Method	Approved		Denied		Carried		Note
	Moved	Second	Ayes	Nays	Abstain	Absent	
DeBenedetto			✓				
Hartney			✓				
Wm. Hodgson	✓		✓				
Little					✓		
McMenamin			✓				
Siciliano		✓	✓				

RESOLUTION 2024-115

NOW, THEREFORE, BE IT RESOLVED that Isaiah Olivio be appointed to the Department of Public Works as Laborers at \$17.00 per hour, effective June 26, 2024, to September 30, 2024, part-time, with no benefits.

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 July 10, 2024, 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

Method	Approved			Denied	Carried		
	Roll Call						
Council Member	Moved	Second	Ayes	Nays	Abstain	Absent	Note
DeBenedetto			✓				
Hartney			✓				
Wm. Hodgson		✓	✓				
Little			✓				
McMenamin	✓		✓				
Siciliano			✓				

RESOLUTION 2024-116

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Surf City that Dominic Berdecia be appointed part time, no benefits to the Beach Patrol Department at \$17.00 to operate a Beach Gator through September 14, 2024.

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 July 10, 2024, at 7:30 PM in the Council Chambers at 813 Long Beach Boulevard Surf City, NJ.



CHRISTINE HANNEMANN, RMC/CMR/QPA

Municipal Clerk/Administrator

Method	Approved			Denied		Carried	
	Roll Call						
Council Member	Moved	Second	Ayes	Nays	Abstain	Absent	Note
DeBenedetto			✓				
Hartney	✓		✓				
Wm. Hodgson		✓	✓				
Little			✓				
McMenamin			✓				
Siciliano			✓				

RESOLUTION 2024-117

NOW, THEREFORE, BE IT RESOLVED that the following listed individuals are appointed seasonal employees in the Bathing Beach Department, effective as of this date unless otherwise noted, and shall terminate on September 2, 2024 at the corresponding pay rate.

BEACH BADGE CHECKER/SELLERS

1st Year \$15.25 per hour

- Gavin Lesnovich
- Rebecca Woods
- Sarah Woods
- Abigail Hernandez
- Mia Mastroianni
- Davin Sheikovitz
- Christian Turso

BOAT RAMP ATTENDANT/BEACH BADGE CHECKER/SELLER at \$17.00 per hour

- Rena Di Nero

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 July 10, 2024 at 7:30 PM in the Council Chambers at 813 Long Beach Boulevard Surf City, NJ



CHRISTINE HANNEMANN, RMC/CMR/QPA

Municipal Clerk/Administrator

Method	Approved			Denied	Carried		
	Roll Call						
Council Member	Moved	Second	Ayes	Nays	Abstain	Absent	Note
DeBenedetto	✓		✓				
Hartney			✓				
Wm. Hodgson		✓	✓				
Little			✓				
McMenamin			✓				
Siciliano			✓				