

THE BOROUGH OF SEA GIRT, NEW JERSEY
MINUTES OF THE MEETING OF THE
BOROUGH COUNCIL
HELD MARCH 23, 2005

A regular meeting of the Borough Council of the Borough of Sea Girt was held in the Sea Girt Elementary School, Sea Girt, New Jersey at 7:30 P.M. on Wednesday, March 23, 2005. Notice of the time, date and place of the meeting was transmitted to The Coast Star and the Asbury Park Press in accordance with the "Open Public Meetings Law".

On roll call the following were present:

Edward H. Ahern, Mayor

Barbara N. Brown
Mark E. Clemmensen

Anne B. Morris
Fred E. Niemeyer

Absent: Richard H. Grubaugh

Mayor Ahern declared a quorum present and asked all to rise for the Pledge of Allegiance. William H. Burns, Borough Attorney, Kevin Thompson, Borough Superintendent, William W. Joule, Police Department, Fred Yoerg, Water Plant and twenty visitors were also present.

Mayor Ahern announced an open discussion period and asked members of Council if there were any public interest subjects to be discussed; there was no response. The Mayor stated I know Mr. Grubaugh read this letter about the Chief's retirement at our last meeting, but I was not here and neither was Chief Joule. I would just like to take a moment to formally thank the chief for all the years of service to the Borough. Biff was first hired in February 1968 and became chief in late 1982. On behalf of the governing body I want to thank you for all your years of dedicated service to the town. You certainly leave some big shoes to be filled. (applause)

Motion by Mr. Clemmensen seconded by Mr. Niemeyer to approve the minutes of February 23, 2005. Motion carried.

CASTING OF BALLOTS:

Mayor Ahern stated that Dr. F. Peter Halas has tendered his resignation. The Republican Committee has met and we have received a list of candidates in accordance with State Statute that covers the re-appointment actions. The Mayor read the letter: The Republican Committee nominates the following three candidates for your consideration:

Raymond Bogan
Laura D' Avella
Norman Hall

The Clerk distributed the ballots for the voting and confirmed the five votes. Mayor Ahern declared that Raymond Bogan has been elected. Mayor Ahern administered the Oath of Office to Raymond Bogan.

PRESENTATION:

Mrs. Morris introduced Mr. Fred Yoerg, Licensed Water Engineer, who is working closely with Kevin Thompson and the other water personnel in helping us maintain and update our Water Utility. He brings a lot of knowledge and a lot of expertise. He's very patient, very willing to explain things two or three times, etc. He is here to give a presentation on the Water Department. Mr. Yoerg stated your water system is a typical ground water system with three wells. Unfortunately, the two primary wells have an excessive amount of iron in them therefore you have a treatment plant to remove the iron in the water. There's also a facility to remove organic compounds from the water because there are traces of these compounds in the water. The treatment plant is very efficient and very successful. The system has been reviewed by DEP inspectors and they're satisfied with the operation of the facility. I want to stress the point that the treatment plant removes iron from the water and we take tests of the water daily to see how much iron is in the water that leaves the treatment plant. I've seen levels of 0 which means the water leaving has absolutely no iron in it and in no case have I seen any water leaving the plant that even approached the DEP maximum level for iron and water. The reason I'm talking about iron and water is because I know that there's discoloration problems in some cases within the town. I'm assuring everybody the water leaving the treatment plant has very little concentrations of iron. We have had complaints of discoloration and Kevin has responded to them most of the time. I've also worked with Kevin to solve problems. Iron is not coming from the treatment plant it's coming from the old mains. The New Jersey DEP has a loan program where they will provide a loan to a municipality for infrastructure improvements and the council and I have had discussions about the possibility of a loan for Sea Girt and solving some of these problems. My company has worked in developing plans and we found cases where there are roads with a 4" main that's still alive and a new 6" or 8" and the 4" has not been killed. If we go forward with this infrastructure trust loan one of the first things we'll do is get rid of the 4" mains and every service that's connected to them will be re-connected to the newer main so we think we'll solve that problem. Another problem with the system is called dead ends where a pipe goes down the road and it ends. The standard for that is you don't have dead ends you install a pipe to eliminate them. Eliminating dead ends is a double purpose. If you have a fire hydrant on a dead end main and you need fire flow water can only come to the hydrant from one direction. But if you tie the other end of the pipe in so it's not a dead end you'll get more water from the hydrant because it can come from two directions. So two advantages of eliminating dead ends is improving fire flow and reducing the possibilities of discolored water. That's also part of our

proposal for the loan. We're trying to move forward and solve the problems that exist. Mr. Yoerg asked if anyone had any questions; several residents asked about iron and filters. Mr. Yoerg gave a lengthy discussion on water pressure, iron and filters. Mr. Norcia, Beacon Blvd., asked how often do we send samples to the State and Mr. Yoerg advised Sea Girt has a system of sampling where they retained a lab to do the sampling and the State has a schedule for sampling that reads like a law book. We have to take three samples for bacteria per month and then there's all other types of sampling that vary from monthly to quarterly to annually to once every three years. All the sampling we've done meets DEP frequency requirements. Discussion continued. Mayor Ahern asked if there were any other comments; there were none. Mayor Ahern thanked Mr. Yoerg for his update.

OLD BUSINESS:

The Clerk read the following:

AN ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE NO. 891 ENTITLED "AN ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE NO. 541 AND ESTABLISHING CONSTRUCTION PROCEDURE AND SITE REGULATIONS".

Mayor Ahern opened the hearing on the ordinance and asked if there were any comments; Mr. Niemeyer advised this ordinance has to do with the noise from private garbage collectors that they will not make noise before 7:00 A.M. We have private collectors along the commercial area of town and they've been coming in early and waking people up. It also covers the noise of power tools and equipment by commercial operators for construction. Mr. O'Grady, The Terrace asked if there was a decimal level that's been established for the noise being made by the equipment and Mr. Niemeyer advised not in this ordinance. Mr. O'Grady asked if we could make it part of the ordinance and the Mayor advised this ordinance covers the time and the use of power equipment, it does not address the decimal level. Mr. O'Grady feels we should incorporate the decimal level into the ordinance. Mr. Clemmensen stated as a result of some of our Planning Board meetings this question has come up with mechanical equipment around the home. I reached out to the surrounding communities just to see what they were doing with monitoring through a decimal level. They have not found that to be successful at all because much like a radar gun that the police use it has to be calibrated, you have to have people trained, atmospheric conditions, heavy humid days can cause that sound to retain at the ground level and just have not had any success with that whatsoever. Mayor Ahern stated to Mr. O'Grady we appreciate your comment but I don't think at this point we'll adjust the ordinance. Mr. O'Grady continued discussion on people that might want this and doesn't understand why we can't look into it. Mr. Norcia, Beacon Blvd., reiterated from the last meeting that Council should have workshops before the meeting. Mayor Ahern asked if there were any other comments; there were none.

Motion by Mr. Niemeyer seconded by Mrs. Brown to adopt the ordinance. Motion carried on roll call by the following vote:

Ayes: Mark E. Clemmensen, Barbara N. Brown, Anne B. Morris
Fred E. Niemeyer
Noes: None

Motion by Mr. Clemmensen seconded by Mrs. Morris to publish the ordinance as adopted. Motion carried by unanimous vote.

The Clerk read the following:

ORDINANCE CANCELING THE BALANCE OF ORDINANCE 906 FINALLY
ADOPTED BY THE BOROUGH OF SEA GIRT, 1N THE COUNTY
OF MONMOUTH, NEW JERSEY ON JULY 28, 2004

Mayor Ahern opened the hearing on the ordinance and asked if there were any comments; there were none.

Motion by Mr. Niemeyer seconded by Mrs. Morris that the ordinance be adopted. Motion carried by the following vote on roll call:

Ayes: Raymond Bogan, Barbara N. Brown, Mark E. Clemmensen
Anne B. Morris, Fred E. Niemeyer

Noes: None

Motion by Mrs. Brown seconded by Mrs. Morris to publish the ordinance as adopted. Motion carried by unanimous vote.

The Clerk read the following:

ORDINANCE CANCELING THE BALANCE OF ORDINANCE 872 FINALLY
ADOPTED BY THE BOROUGH OF SEA GIRT, IN THE COUNTY OF
MONMOUTH, NEW JERSEY ON APRIL 9, 2003.

Mayor Ahern opened the hearing on the ordinance and asked if there were any comments; there were none.

Motion by Mr. Niemeyer seconded by Mr. Clemmensen that the ordinance be adopted. Motion carried on roll call by the following vote:

Ayes: Raymond Bogan, Barbara N. Brown, Mark E. Clemmensen
Anne B. Morris, Fred E. Niemeyer

Noes: None

Motion by Mrs. Brown seconded by Mr. Niemeyer to publish the ordinance as adopted. Motion carried by unanimous vote.

COMMITTEE REPORTS:

Mrs. Morris reported we've received a request from St. Mark's Church requesting us to consider the placement of a sidewalk that would cross the median in the middle of Crescent Parkway in order to connect the north and south sides of that street. They would like this in order to provide a designated walkway for safely crossing the street for the children and parishioners. Presently they dañ between cars and unsafely cross the median at any point across the road. It's their feeling that a sidewalk across the median would provide them the ability to enforce stricter crossing guidelines. We certainly will look into this and see if it's feasible. Mayor Ahern stated the police would have to look at it and have the Borough Attorney review it to see if it's legal before we consider it.

Motion by Mrs. Morris seconded by Mr. Niemeyer to expend \$4,000.00 to Mark Woszczak Mechanical Contractors, Inc., Manasquan, NJ to install a new 1" water service at 100 Chicago Blvd. under an emergency situation, and hereby declare that an exigency existed precluding the obtaining of quotations. Motion carried.

Mr. Niemeyer reported we have received bids for the handicapped access ramps and our pedestrian shelters, we only had one bidder and it was entirely too high. We are going to look into other options with our attorney as to what we can and at this time everything is on hold until our attorney comes back.

Mrs. Brown reported I've had communication with Bill Carpenter who is involved with the Manasquan River group of artists. They usually have their show at the lighthouse, but they would like to have it at The Plaza this year the Saturday before Memorial Day. I've indicated that I would see if that was possible and I'd like to make a motion.

Motion by Mrs. Brown seconded by Mrs. Morris to allow the Manasquan River artist group hold their annual show at The Plaza on the Saturday before Memorial Day. Motion carried.

Mayor Ahern stated I would like to welcome Ray Bogan to our council table. He brings a great deal of experience through his legal background and we certainly look forward to having him as pañ of the governing body. I would like someone to offer a motion to turn a11 of Dr. Halas's present assignments to Mr. Bogan at this time.

Motion by Mr. Niemeyer seconded by Mrs. Brown to turn a11 of Dr. Halas' present assignments to Mr. Bogan at this time. Motion carried.

Mayor Ahern also stated I want to also appoint a committee/working group to look at the following items: proper wording on the ballot in November for whether or not the public is in favor of the acquisition of the Yard property and second, the open space tax, whether the voters would be in favor of that tax. I'd like the statements to be done that we are explaining exactly to the people what a yes and a no vote means on it and have a statement that will tell them exactly what it will cost. I'd also like the group to look at other sources of funding for this. Also, to look at the offer that's been made that would like to take that portion of the Borough property over there and turn it into an environmental area for a bird sanctuary, etc. To look at the legalities of that and how we can best go about that.

Motion by Mrs. Brown seconded by Mrs. Morris to appoint a Committee/Working group as previously stated and have the following members:

Richard H. Grubaugh – Chairman
Anne B. Morris
Mark E. Clemmensen
William Burns
Peter Avakian
Robert Hulsart

Motion carried by unanimous vote.

BILLS:

The following bills were approved by Council:

SEE ATTACHED

Mr. Niemeyer offered the following resolution and moved its adoption:

RESOLVED, that the bills listed above, which have been certified as correct and approved, funds available as certified by the Chief Financial Officer, be authorized for payment and that the Mayor or President of Council and the Clerk be authorized to draw checks on the Treasurer payable at an official depository of the Borough of Sea Girt in settlement of same.

Mrs. Brown seconded the resolution and it was adopted on roll call by the following vote:

Ayes: Mark E. Clemmensen, Barbara N. Brown, Anne B. Morris
Fred E. Niemeyer

Noes: None

Mayor Ahern asked if anyone wished to address Council; Mrs. Gately, Trenton Blvd., asked if Sea Girt has a yearly plan, 5 year plan, 20 year plan on the maintenance of our infra structure? Mayor Ahern advised one of the things Fred Yoerg will be working on doing is putting it together. Mrs. Gately also stated last winter I had asked about the spring clean up for the lawns to be later in the year when the holly leaves begin to fall and you said to come back in the spring of this year. So, when is the spring clean up going to be and the Mayor advised I'd like to have the Public Works Committee look into that with Kevin Thompson and come up with a plan. Mrs. MacLeod, Trenton Blvd., stated I had a suggestion that if Mr. Bogan is taking over Dr. Halas' assignments than it would be a good idea to have himbe on the committee for the Yard property. Mayor Ahern stated I appreciate your comment and I've given it a great deal of thought, first of a11 we don't want to have more than three members of council on it and the three people I've chosen are very interested in this project and want to make sure we move forward and get this done as far as the election is concerned. This is Mr. Bogan's first meeting and will be picking up Dr. Halas' shoes so he will certainly have his plate full. It certainly does not mean that he can't provide input to the group. Mrs. MacLeod, also asked Mr. Niemeyer, a while back I asked if you had estimates that we were in line with the grant to build the gazebos and handicapped access and you said yes, my question is what happened. Mr. Niemeyer advised because of a change in the position of the ramp which we are now running north and south. Our attorney felt that we had to go for new bids because there was a significant change in the design. Our new design is in keeping with the CAFRA permit. The contractor said he would do it for this price but because of the change in the direction of the ramp our attorney said we should go for a new bid, which we did. The new bid came in higher because the guy who was going to do it originally had problems getting his surety bond in time for the bid. We are going to work it out.

Mayor Ahern asked if there were any other comments; there were none.
Mayor Ahern announced the next meeting is scheduled for Wednesday, April 13, 2005 at 7:30 P.M. in the Sea Girt School.

Mrs. Brown offered the following resolution and moved its adoption:

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

WHEREAS, this public body is of the opinion that such circumstances presently exist;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Sea Girt as follows:

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matter.
2. The subject matter to be discussed are the terms and conditions of the employment of an officer and employee of the Borough pursuant to N.J.S.A. 10:4-12b(8).

3. The general nature of the subject matter to be discussed is as follows: Legal
4. This resolution shall take effect immediately.

Mrs. Morris seconded the resolution and it was adopted on roll call by the following vote:

Ayes: Raymond Bogan, Barbara N. Brown, Mark E. Clemmensen
Anne B. Morris, Fred E. Niemeyer

Noes: None

At 8:23 P.M. Mayor Ahern declared the governing Body in executive session. At 9:10 P.M. the meeting was adjourned.

A D J O U R N E D

Edward H. Ahern, Mayor

Clerk