

## **BOROUGH COUNCIL WORK SESSION**

**OCTOBER 8, 2009**

**7:00 PM**

Meeting was called to order by Mayor Connors.

Roll call:

Members present: Councilmen, Appleby, Brennan, Kelly, McHugh and Meyer.

Members absent: Councilman Jablonski.

### **Requests for Use of Borough Facilities:**

**Ambassador Christian Academy – October 30<sup>th</sup> –Walk** was approved along with parking for 3 buses, rain date is November 2<sup>nd</sup>.

**Seaside Park PTA – October 25<sup>th</sup> – Halloween Parade** was approved.

### **Correspondence:**

**Letter from Richard Carroll, re: smoking on beach.** Referred to the Beach and Recreation Committee for their consideration and recommendation. Councilman Appleby reminded Council that the Committee will also be discussing the potential of allowing dogs on the beach during the off season, he noted that this discuss was held off until fall.

**Resolution from Berkley Township, re: Central Regional** Councilman Meyer suggested the Mayor request a meeting with the Commissioner of Education to discuss the Central Regional issue. The Mayor will reach out to the Commission and request a meeting.

**Memorandum from Chief Dickson, re: New Year's Eve liquor license closing times.** Councilman Meyer explained that Chief Dickson will be presenting a recommendation to the Public Safety Committee for their consideration. The Public Safety Committee will report back to the Borough Council with their recommendation at a work session.

### **Discussion:**

**Ethics/Pay to Play Ordinance Update** – The Borough Administrator informed the Council that she is compiling both ethics and pay to play ordinances for the review and recommendation of the Administration Committee.

**Marina/Current Fund surplus discussion** – Councilman McHugh spoke about the options that the Marina Committee has been discussing relative to the use of Marina Utility surplus in support of the municipal budget. Councilman McHugh expressed that it is the Marina Committee's recommendation that the utility maintain a balance of at least \$200,000 in surplus funds in order to remain fiscally responsible. He further explained that the Committee has considered different scenarios including but not limited to rate increases. The Marina Committee will provide the Borough Council with a recommendation for an appropriate amount of surplus to utilize for the 2010 budget.

Councilman Appleby discussed the need for a resolution extending the interlocal contract with Berkeley Township from October 31, 2009 to December 31, 2009. This time extension will provide the Borough ample time to consider all options relative to construction and zoning services.

### **Public Comment:**

The meeting was opened to the public for their comments.

Al Vassallo, Central Avenue commented on the Berkeley Township resolution as it related to Central Regional.

Pat DeGutis, Stockton Avenue commented that she does not have an opinion on whether dogs should be permitted on the beach but does feel that the ordinance that is in place should be

enforced. She suggested that the Council look at non-smoking ordinances from municipalities that currently have ordinances in place.

Nancy Koury, Sixth Avenue commented that if the Borough is going to pursue renewing an agreement with Berkley Township for construction inspection services the percentage of revenue which the Borough receives should increase over the 12% the Borough currently receives.

Katherine Kusion, explained that prohibiting smoking on the beach is a difficult issue and cautioned Council of the pros and cons to this idea.

Motion to adjourn into an Executive Session was made and seconded.

For: Kelly, McHugh, Appleby, Meyer, Brennan

Against: None

Abstain: None

Absent: Jablonski

**RESOLUTION 2009-296**

**A RESOLUTION EXCLUDING THE PUBLIC FROM A PUBLIC MEETING**

**WHEREAS**, Section 7.a of Chapter 231, Public Law 1975, otherwise known as the “Open Public Meetings Act” states that, except as provided by in Section 7.a, all meetings of a public body, such as the Borough Council, shall be open to the public at all times; and

**WHEREAS**, Section 7.b provides that the Borough Council may exclude the public only from the portion of a meeting at which Borough Council discusses certain subjects which are listed in the aforementioned Section; and.

**WHEREAS**, the Borough Council desires to discuss certain subject(s) which are listed in the aforementioned section and desires to exclude the public from the portion of the meeting held on October 8, 2009 at which the Borough Council will discuss said subject(s); and,

**WHEREAS**, Section 8 of Chapter 231, Public Law 1975 states that no public body shall exclude the public from any meeting to discuss any matter described in Section 7.b until the public body shall, at a meeting to which the public shall be admitted, first adopt a resolution making certain statements with respect to the subject(s) to be discussed;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Seaside Park, in the County of Ocean, State of New Jersey, as follows:

1. That the Borough Council hereby declares that the general nature of the subject(s) to be discussed by the Borough Council in closed session is as follows:

Potential Litigation – K Court

2. That the Borough Council hereby declares that it’s discussion of the aforementioned subject(s) may be made public at a time when the Borough Solicitor advised the Borough Council that the disclosure will not detrimentally affect any right, interest, or duty of the Borough or any other entity with respect to said discussion.

3. That the Borough Council for the aforementioned reasons hereby declares that the public is excluded from the portion of the meeting during which the above discussion shall take place and hereby directs the Borough Clerk to take the appropriate action to effectuate the terms of this resolution.

Returned from Executive Session at 8:05 pm.