

SEASIDE PARK BOROUGH COUNCIL

The Regular Meeting of the Borough Council of the Borough of Seaside Park was called to order at 8:05 p.m. on Thursday July 23, 2009 in the Borough Council Meeting Room located at Sixth & Central Avenues, Seaside Park, with Mayor Thomas E. Connors presiding.

"In accordance with the requirements of New Jersey's Open Public Meetings Act, public notice of this meeting was included in the required Annual Meeting Notice which was filed in the Office of the Seaside Park Borough Clerk; posted on the Bulletin Board located in the Municipal Building; and forwarded to the Ocean County Observer, the Asbury Park Press, and to all persons requesting notice and providing self-addressed, postage-paid envelopes."

Present: Mayor Connors, James Jablonski, David Meyer, Andy Kelly, Robert Brennan, Fritz McHugh, Randy Appleby

Absent:

Mayor Connors called the meeting to order at 8:05 P.M.
Adm. Julie Keizer read the Statement of Compliance, the announcements and no smoking policy.
Mayor Connors read the mission statement and asked all to stand for a moment of silence and Pledge of Allegiance remembering those in the Armed Forces.
Adm. Julie Keizer takes roll call recorded above.

Approval of minutes: Work Session/Regular Meeting June 25; July 9, 2009.
Motion for approval made by Mr. Meyer and seconded by Dr. McHugh.
AYES: Appleby, Brennan, Jablonski, McHugh, Kelly, Meyer.
MOTION CARRIED.

RESOLUTION PROMOTING FRANCIS P. LARKIN TO THE POSITION OF POLICE LIEUTENANT IN THE BOROUGH OF SEASIDE PARK

WHEREAS, a vacancy exists within the Seaside Park Police Department for a Lieutenant; and

WHEREAS, the Borough of Seaside Park has obtained a certified list from the Department of Personnel of those individuals who have qualified for promotion; and

WHEREAS, the Public Safety Committee has conducted interviews and has recommended the promotion of Francis P. Larkin to the rank of Lieutenant.

WHEREAS, the salary of \$99,164.00 has been established by Collective Bargaining Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council that Francis P. Larkin is hereby appointed as Lieutenant effective July 23, 2009.

Motion for approval made by Mr. Jablonski and seconded by Mr. Kelly.

AYES: Appleby, Brennan, Jablonski, McHugh, Kelly, Meyer.

MOTION CARRIED.

At this point, Francis P. Larkin was sworn in as Police Lt. by R2009-227. Mayor Connors did the honors as his family looked on. He has been serving as Lt. pending the test.

Reports: None

Public Hearings: Final reading of Ordinance No. 1487 entitled:

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et. seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Governing Body of the Borough of Seaside Park in the County of Ocean finds it advisable and necessary to increase its CY 2009 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Governing Body hereby determines that a 3.5% increase in the budget for said year, amounting to \$72,252.86 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Governing Body hereby determines that any amount authorized hereinabove that is not appropriated as part of its final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Governing Body of the Borough of Seaside Park in the County of Ocean, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2009 budget year, the final appropriations of the Borough of Seaside Park shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$252,885.01 and that the CY 2009 municipal budget for the Borough of Seaside Park be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to the final appropriations in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Public comments. None.

Motion for approval made by Mr. Jablonski and seconded by Mr. Kelly.

AYES: Brennan, Jablonski, McHugh, Kelly,

NAYS: Appleby, Meyer.

MOTION CARRIED.

Final reading of Ordinance No. 1480 entitled:

There will be a few minor changes with e-mail addresses and phone numbers regarding who to call for removal of real estate signs once a sale is final.

Audience: Karen Barna, Ocean Avenue and John Vanna, Ocean Ave both comments on these issues.

Motion for approval made by Mr. Jablonski and seconded by Mr. Brennan.

AYES: Brennan, Jablonski, McHugh, Kelly, Meyer.

ABSTAIN: Appleby

MOTION CARRIED.

Ordinance Introductions: None.

Resolutions: Adm. Julie Keizer reviews the following resolutions:

R2009-228 entitled:

Resolution of the Borough Council authorizing the designated Miscellaneous refund.

WHEREAS, the Borough of Seaside Park collects fees for various services and programs and occasionally it is necessary to refund the payment of the fee when the service or program is cancelled or otherwise not provided; and

WHEREAS, upon the recommendation of the appropriate Borough Official it is necessary for the governing body to authorize the legitimate refund of the fee paid.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Seaside Park, Ocean County, NJ as follows:

The following refund is hereby authorized.

| Refund to: | Address: | Refund amount: |
|------------------------------|---|---------------------------|
| Ambassador Christian Academy | 700 Main St. TR, NJ 08753 | Dep. Beach fire \$300.00 |
| Sandy Madigan | 307 Cutty Ct. TR, NJ 08753 | Dep. Beach fire \$300.00 |
| Dr. David Foynt | 1213 Steeplechase ct. TR, NJ 08755 | Dep. Beach fire \$300.00 |
| Donna L. Milana | 34 Lexington Ave. TR, NJ 08753 | Dep. Beach fire \$300.00 |
| Kim O'Leary | 95 Jean Terrace Union, NJ 07083 | Dep. Beach fire \$300.00 |
| Ted Ricchiuti | 30 E Street, Seaside Park, NJ 08752 | Dep. Beach fire \$300.00 |
| Braden DeMartin | 1145 Cherokee Ct. TR, NJ 08753 | Recreation refund \$30.00 |
| Christopher Brassil | 200 E. 90 th St. Apt. 14F NY, NY 10128 | Rec. refund \$30.00 |
| Berkeley Striper Club | 160 Doherty Dr. Clifton, NJ 07013 | Use of room dep. \$300.00 |
| Connor Williams | 230 E. 88 th St. Apt.12C NY, NY 10128 | Recreation refund \$85.00 |
| Nicholas & Daniella Walano | 108 Glenwood Terr. Clark, NJ 07066 | Rec. refund \$170.00 |

The Borough Clerk is hereby directed to forward a certified copy of this resolution to the Borough treasurer/CFO.

R2009-229 entitled:

RESOLUTION AUTHORIZING THE TAX COLLECTOR TO CANCEL THE DESIGNATED TAX SALE CERTIFICATE.

WHEREAS, the Tax Collector has been paid the amounts necessary to redeem the Tax Sale Certificate on a selected property; and

WHEREAS, the Tax Collector has recommended that the liens on this property be cancelled.

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. The Tax Collector is hereby authorized to cancel the lien on the following designated property from the Borough's records and forward the certificate endorsed for cancellation to the designated property owner.

| <i>No.</i> | <i>Property Owner</i> | <i>Premises Block-Lot</i> | <i>Certificate Holder</i> | <i>Amount</i> |
|------------|-----------------------|-------------------------------|---------------------------|-------------------------|
| 2007-005 | 970 Valley Road Inc | 82-12.02CA2 | American Tax Premium | \$10,604.44 6,000.00 |
| | | | Total | \$16,604.44 |

2. The Borough Treasurer is hereby authorized and directed to draw a check in the total amount indicated above payable to the holders of the designated Tax Sale Certificate and forward said check to the Tax Collector.
3. The Borough Clerk is hereby directed to forward a certified copy of this Resolution to the Borough Treasurer and the Tax Collector.

30 entitled:

**RESOLUTION FOR JULY 9, 2009, FOR EMERGENCY TEMPORARY
APPROPRIATIONS FOR PERIOD BETWEEN THE BEGINNING OF THE
CURRENT FISCAL YEAR AND THE DATE OF THE ADOPTION OF THE
BUDGET FOR SAID YEAR, ACCORDING TO 40A:4-20:**

| | | |
|---|-------------|---------------------|
| Current Fund Appropriations: | | |
| Social Security System | | \$ 20,000.00 |
| Telephone | | \$ 5,000.00 |
| Ocean County Tourism Grant: | | |
| Local Match | | \$ 700.00 |
| Fuel for Motor Vehicles | | \$ 20,000.00 |
| Public Works: | | |
| Other Expenses | | \$ 20,000.00 |
| Vehicle Maintenance: | | |
| Other Expenses | | \$ 10,000.00 |
| Total - Current Fund | \$ - | \$ 75,700.00 |
| Water Sewer Operating Fund Appropriations: | | |
| Salaries & Wages | | |
| Social Security: | | |
| Total - Water Sewer Operating Fund | \$ - | \$ - |

| | | |
|--|-------------|-------------|
| Marina Operating Fund Appropriations: | | |
| Social Security | | |
| Green Trust Loan-Principal & Interest | | |
| Total - Marina Operating Fund | \$ - | \$ - |

R2009-231 entitled:

2009 BILL LIST BOROUGH OF SEASIDE PARK

July 9, 2009

| | FUND ACCOUNT | CHECK NUMBERS | AMOUNT |
|-------------------------|-----------------|------------------|---------------|
| Computer Checks: | CURRENT ACCOUNT | 025512 - 025567 | \$ 104,910.18 |

| | | | | |
|-----------------------|--------------------------|------------------|----|-------------------|
| | | | | |
| | WATER & SEWER ACCOUNT | 007495 - 007501 | \$ | 8,386.91 |
| | | | | |
| | MARINA OPERATING | 002842 - 002845 | \$ | 878.10 |
| | | | | |
| | GENERAL CAPITAL ACCOUNT | 003927 - 003929 | \$ | 7,737.50 |
| | | | | |
| | WATER SEWER CAPITAL | 003813 | \$ | 405.00 |
| | | | | |
| | MARINA CAPITAL | 050211 | \$ | 316.00 |
| | | | | |
| | GENERAL TRUST | 000415 | \$ | 3,519.25 |
| | | | | |
| | DEVELOPERS ESCROW | 001527 - '001528 | | |
| | | | | |
| | ANIMAL TRUST ACCOUNT | | | |
| | | | | |
| | RECREATION TRUST | 001014 | \$ | 1,643.45 |
| | | | | |
| Manual Checks: | CURRENT ACCOUNT | | | |
| | Interfunds | | | |
| | Treasurer State of NJ | | \$ | 3,917.54 |
| | O.C. Landfill | | | |
| | Payroll | | \$ | 197,588.35 |
| | NJ State Health Benefits | | | |
| | WATER SEWER OPERATING | | | |
| | Interfunds | | | |
| | Payroll | | \$ | 13,536.18 |
| | MARINA OPERATING | | | |
| | Payroll | | \$ | 3,279.16 |
| | Interfunds | | | |
| | | | | |
| | TOTAL* | | \$ | 346,117.62 |

R2009-232 entitled:

**RESOLUTION OF THE BOROUGH OF SEASIDE PARK, COUNTY OF OCEAN
APPOINTING JAMES MACKIE TO THE INTERIM PART TIME POSITION OF ZONING
OFFICIAL FOR THE BOROUGH OF SEASIDE PARK**

Whereas, the Mayor and Council have determined it is necessary to appoint a interim Zoning Official on a part time basis in order to serve the needs of the Borough and its residents until such a time a Shared Service Agreement or other employment arrangement is in place; and

Whereas, the Borough of Seaside Park wishes to appoint James Mackie to the Interim Part Time Position of Zoning Official; and

Now, Therefore be it resolved by the Borough Council of the Borough of Seaside Park, County of Ocean, State of New Jersey as follows:

1. James Mackie is hereby appointed to the interim part time position of Zoning Official.
2. The Borough Clerk is hereby authorized to forward copies of same to the Borough Administrator, the Borough's CFO, and any other interested parties.

There were no public comments.

Motion for approval made by Mr. Jablonski and seconded by Mr. Kelly.

AYES: Appleby, Brennan, Jablonski, McHugh, Kelly, Meyer.

MOTION CARRIED.

Committee Reports:

Adm. Julie Keizer: No report this meeting.

Mr. Appleby: No report this meeting other than the fact that the movie on the beach was very successful as reported by the Mayor.

Mr. Brennan: The garbage bids are being reviewed. We see a potential savings of about \$30,000.00 for the 3 years; however, we need better answers on a few items. The next water and sewer meeting is Aug. 5th. Meetings continue for 7th Avenue; NJIT phase 1. Wells 8 & 9 are keeping us afloat; well 7 is still down. We are waiting for an answer from the engineer regarding the permits.

Dr. McHugh: The water system is done at the marina, payment to be made after a few valve problems are fixed. New boxes for fire extinguishers are installed; crushed clam shells are being spread.

Mr. Meyer: Public Safety committee met. We have no Flood Plan Manager or Code Enforcement Officer. Congratulations to Murphy Larkin on his official swearing in as Lt. It is well deserved. Mr. Meyer reviewed the police report on calls etc. Some are down and some are up slightly from last year. The report is available.

Mayor Connors would like a sign up notifying visitors when IBSP is closed, preferably before the summer is over. He also reports the Sawmill has a full C.O for both floors.

Mr. Kelly: Labor negotiations are still ongoing with both unions.

Mr. Jablonski: Energy audit is done; we should have the results soon. Lacey Township will host presentations on shell fish restoration and the health of Barnegat Bay. Energy and Environment: Adm. Julie Keizer did a pre-application to the Gas Co.

Public Comments: Pat DeGutis, Stockton Avenue: We have done studies previously on farming out the garbage. It does not include tipping fees and did not prove to be worthy of savings. The costs could escalate after the 3 years are up. Dr. McHugh finds the numbers disappointing.

Karen Barna, Ocean Avenue: A bus load of people arrived at the F Street beach no knowing where to go. People in the street on Ocean Ave. could be a safety hazard. She does not want any signs on the S curve.

Ed Gallagher, 144 K Street: He discusses picking up garbage one day a week in the winter months. He also discusses the vacancy for Code Enforcement Officer and Flood Plan Manager. He discusses fishing and crabbing on K Street bulkhead, he reports having to call the Police Department 11 times last week-end. He would like a beach badge box and checker at that location.

Tony DiCaro, J Street: He discusses the Sawmill which is still in litigation with Attorney Guy Ryan.
Sue, 31 Lafayette Avenue: She discusses the traffic going to the beach on her street as very heavy.

Al Vassallo, 609 Central Avenue: He questions the benches destroyed over the week-end, beach control turned several right side up while several were completely destroyed when hitting the street at a cost of \$250.00 each.

Mike Tierney, N Street: He would like a summer police officer on his corner.

Linda Stefanik, 5th Avenue: She suggests directing Seaside Heights traffic to the left lane on Pelican Island. She thanks all the volunteers who worked hard to make the July 4th bike parade a huge success.

Mike Juliano, L Street: He suggests not directing traffic to the beach at the north end of town where it is necessary to cross over the Boulevard which can be very dangerous.

Meeting adjourned at 9:20 P.M. for a closed session authorized by R2009-233. All in favor.

Res. submitted,

Barbara Greger, Dep. Borough Clerk.