

THE BOROUGH OF SEA GIRT, NEW JERSEY
MINUTES OF THE METING OF THE
BOROUGH COUNCIL,
HELD MAY 11, 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, May 11, 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

Raymond D. Bogan
Barbara Brown
Mark E. Clemmensen

Richard H. Grubaugh
Anne B. Morris
Fred E. Niemeyer

Mayor Ahern declared a quorum present and asked all to rise for the Pledge of Allegiance. William H. Burns, Borough Attorney, Lt. Conway, Police Department, Office Justin Macko, Police Department and 18 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; Mr. Clemmensen stated he had an opportunity to observe the police department doing their firearms qualification at the range and he further stated that he would like to commend them on the professionalism in which they conduct that qualification. Mr. Clemmensen also stated that we should commend both Sgt. Kremp and Patrolman Davenport for the outstanding job they do in maintaining high standards for our department in firearms qualification. He continued by stating he has observed that four of our patrol cars have been fitted with the cam cameras for the vehicles, and that he was happy to observe this because it is good for policing and for the community. Mayor Ahern asked if any member of the public would like to comment; there was no response.

NEW BUSINESS:

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

WHEREAS, Mayor and Council of the Borough of Sea Girt have received bids for the purchase of two refuse vehicles, and

WHEREAS, funds are free and unencumbered in an improvement authorization, Ordinance #923; and

WHEREAS, Kevin Thompson, Borough Superintendent has reviewed the only bid received, Lincoln Service and Equipment Co., and has found them to be satisfactory and recommends awarding the contract for the purchase of two Cushman Haulster Model #898738 in the amount of \$25,970.00 each totaling \$51,940.00.

NOW, THEREFORE, BE IT RESOLVED, that the bid for the purchase of two Cushman Haulster refuse vehicles be awarded to Lincoln Service & Equipment Co., Union, New Jersey, in the total amount of \$51,940.00 the only bid received.

Mayor Ahern asked if anyone would like to make a comment; Mr. Niemeyer stated that these are the four wheel Cushman vehicles, similar to two of the ones we currently have. He also stated there is only one company that makes this type of thing and this is the best price we could get. Mayor Ahern asked if any member of the public cared to comment. John O'Grady, The Terrace, asked what was done with the old vehicles. Mr. Niemeyer stated that we will still be using them to do some light hauling around until they completely go, and then we will put them up for auction. Mr. Niemeyer also stated that we will be saving one of them for parts to maintain the other one.

Mr. Clemmensen seconded the resolution and on roll call it was adopted by the following vote:

Ayes: Raymond D. Bogan, Barbara Brown, Mark E. Clemmensen,
Richard H. Grubaugh, Anne B. Morris, Fred E. Niemeyer

Noes: None

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

WHEREAS, Mayor and Council of the Borough of Sea Girt have received bids for the purchase of a 30 cubic yard leaf vacuum machine, and

WHEREAS, funds are free and unencumbered in an improvement authorization, Ordinance #923; and

WHEREAS, Kevin Thompson, Borough Superintendent has reviewed the only bid received, ODB Co., and has found them to be satisfactory and recommends awarding the contract for the purchase of 30 CY Self Contained Vacuum Leaf Machine in the amount of \$32,770.00.

NOW, THEREFORE, BE IT RESOLVED, that the bid for the purchase of a 30 CY Self Contained Vacuum Leaf Machine be awarded to ODB Co. Richmond, VA in the amount of \$32,770.00 the only bid received.

Mayor Ahern asked if Council would like to comment. Mr. Niemeyer stated this will replace one of the leaf machines that we have, and the other leaf machine will go up for bid. Mayor Ahern asked if any one from the public would care to comment. There was no response.

Mr. Clemmensen seconded the resolution and on roll call it was adopted by the following vote:

Ayes: Raymond D. Bogan, Barbara Brown, Mark E. Clemmensen,
Richard H. Grubaugh, Anne B. Morris, Fred E. Niemeyer

Noes: None

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

WHEREAS, Mayor and Council have requested that the Borough Engineer seek proposals for the termination and abandonment of an existing 4 inch diameter cast iron water main on Trenton Boulevard between First and Second Avenue, and,

WHEREAS, the Engineer has requested 4 proposals and received two completed proposals in return, ranging from \$6,500.00 to \$7,500.00, and,

WHEREAS, the lowest bid received was from D & D Utility Contractors, Long Branch, NJ, in the amount of \$6,500.00, and the engineer has recommended award of this proposal;

NOW, THEREFORE BE IT RESOLVED that the contract for termination and abandonment of an existing 4 inch diameter cast iron water main on Trenton Boulevard be awarded to D & D Utility Contractors, Long Branch, NJ, in the amount of \$6,500.00.

Mayor Ahern asked if there were any comments. There was no response.

Mr. Bogan seconded the resolution and it was adopted on roll call by the following vote:

Ayes: Raymond D. Bogan, Barbara Brown, Mark E. Clemmensen,
Richard H. Grubaugh, Anne B. Morris, Fred E. Niemeyer

Noes: None

The Clerk read the following:

AN ORDINANCE FIXING THE SALARIES OF THE SUMMER SEASON
EMPLOYEES OF THE BOROUGH OF SEA GIRT IN THE COUNTY OF
MONMOUTH AND STATE OF NEW JERSEY

BE IT ORDAINED by the Borough Council of the Borough of Sea Girt in the County of Monmouth and State of New Jersey.

SECTION ONE - The salaries to be paid to summer season employees and the time for payment of same are hereby fixed as follows:

1. Beach Manager - \$976.25 per week for sixteen weeks, payable bi-weekly
2. Head Cashier - \$10.38 per hour, payable bi-weekly
3. Assistant Cashier - \$9.25 per hour, payable bi-weekly
4. First Aid - EMT - \$9.18 per hour, payable bi-weekly
5. Lifeguard Supervisor - \$678.50 per week for sixteen weeks, payable bi-weekly
6. Crew Chief - \$11.97 per hour, payable bi-weekly
7. Lifeguard - Fifth year - \$10.74 per hour, payable bi-weekly
8. Lifeguard - Fourth year - \$9.94 per hour, payable bi-weekly
9. Lifeguard - Third Year - \$9.48 per hour, payable bi-weekly
10. Lifeguard - Second Year - \$9.25 per hour, payable bi-weekly
11. Lifeguard - First Year - \$8.77 per hour, payable bi-weekly
12. Gate guard - Fifth Year - \$8.00 per hour, payable bi-weekly
13. Gate guard - Fourth Year - \$7.66 per hour, payable bi-weekly
14. Gate guard - Third Year - \$7.36 per hour, payable bi-weekly
15. Gate guard - Second Year - \$6.75 per hour, payable bi-weekly
16. Gate guard- First Year - \$6.48 per hour, payable bi-weekly
17. Beach Cleaner - \$7.10 per hour, payable bi-weekly
18. Rest Room Attendant - \$8.97 per hour, payable bi-weekly
19. Summer Recreation Director - A salary not to exceed \$4,010.77 payable in equal installments during the periods of employment, payable bi-weekly

20. Casual Labor Recreation Commission - an hourly wage not to exceed \$10.00 per hour, payable bi-weekly
21. Recreation Commission Supervisor - an hourly wage not to exceed \$18.00 per hour, payable bi-weekly. Recreation Commission wages are at the discretion of the Commission Chairperson.
22. Jr. Lifeguard Director - \$10.74 per hour, payable bi-weekly
23. Jr. Lifeguard Assistant - an hourly wage not to exceed \$9.00 an hour at the discretion of the Commission Chairperson
24. Summer Recreation Assistant Director - an hourly wage not to exceed \$20.00 per hour, payable bi-weekly

SECTION TWO - All ordinances or parts of ordinances in conflict with this ordinance or any part thereof is hereby repealed.

SECTION THREE - This ordinance shall take effect upon final passage and publication pursuant to law.

Motion by Mr. Clemmensen seconded by Mrs. Morris that the ordinance pass on first reading. Motion carried on roll call by the following vote:

Ayes: Raymond D. Bogan, Barbara Brown, Mark E. Clemmensen,
Richard H. Grubaugh, Anne B. Morris, Fred E. Niemeyer

Noes: None

Motion by Mrs. Brown seconded by Mr. Niemeyer to advertise for public hearing on June 8, 2005. Motion carried by unanimous vote.

The Clerk read the following:

AN ORDINANCE AMENDING AND SUPPLEMENTING PORTIONS OF ORDINANCE #822 ENTITLED "AN ORDINANCE AMENDING AND SUPPLEMENTING AN ORDINANCE ENTITLED `AN ORDINANCE TO PROVIDE FOR THE FORMATION OF A DEPARTMENT TO BE KNOWN AS "THE WATER DEPT.," TO REGULATE THE APPOINTMENT OF OFFICERS AND EMPLOYEES THEREFORE, AND TO PRESCRIBE THEIR DUTIES AND POWERS, AND DEFINING THE RULES AND REGULATIONS FOR THE DISTRIBUTION, SUPPLY, USE AND PROTECTION OF THE PUBLIC WATER OF THE BOROUGH OF SEA GIRT, AND FIXING THE WATER RENTS, FEES AND

CHARGES, THEREFORE, AND IMPOSING PENALTIES FOR THE VIOLATION AND NON-PAYMENT THEREOF DESIGNATED AS ORDINANCE NO. 150, AND TO REPEAL ORDINANCES NO. 187, NO. 221, NO. 233, NO. 298, NO. 312, NO. 474, NO. 607, NO. 608, NO. 659, NO. 679, AND NOS. 444 AND 633 BEING AMENDMENTS THEREOF."

BE IT ORDAINED by the Council of the Borough of Sea Girt that portions of Ordinance No. 822 are amended as follows:

Section 1.

A) Section Four of Ordinance No. 822 is amended to read:

- 1) The word "Borough" shall mean the Borough of Sea Girt.
- 2) The word "Building" shall mean any building or structure heretofore or hereafter constructed and designed or used for commercial, residential, industrial, or other use occupancy by persons, either temporary or permanent.
- 3) The word "Customer" shall mean the applicant for water service who is the owner of a household or business, who enters into an agreement therefore.
- 4) The word "Engineer" shall mean the Borough Engineer.
- 5) The word "Main" shall mean the Borough-owned piping and appurtenances, in or along public highways and streets, or along privately owned rights-of-way, used for the transmission or distribution of water to its customers.
- 6) The words "Residential User" shall mean:
 - a. Single-Family - A building on a lot, designed and occupied exclusively as a residence for one (1) family.
 - b. Two-Family - A building on a lot, designed and occupied exclusively as a residence for two (2) families.
 - c. Three-Family - A building on a lot, designed and occupied exclusively as a residence for three (3) families.
 - d. Multiple-Family - A building on a lot, designed and occupied exclusively as a residence for four or more families.

e. A multiple dwelling or group of multiple dwellings on a lot which is held and is designed to be held in single ownership on which common yards and other common facilities and services may be provided for residences of families.

f. Boarding House, Lodging House, Nursing Home - A dwelling having one (1) kitchen and used for the purpose of providing lodging, or both lodging and meals for pay or compensation of any kind, whether computed by day, week, or month, to persons occupying such dwelling other than members of a family.

7. The words "Other than Residential User" shall mean all users and connections other than residential as described above."

B) Section Five of Ordinance No. 822 is amended and supplemented to read:

"(a) All water delivered in the Borough of Sea Girt, except special service connections for public and private fire hydrants, and private fire sprinkler systems, and temporary construction/demolition water supplies shall be measured by meters and sold at the meter rates set forth in the Schedule which accompanies and is made a part of this ordinance.

(b) The rate for each private fire hydrant on a sprinkler system, which hydrant shall be used for fire purposes only, shall be \$300.00 per annum and the applicant shall pay all costs in connection therewith.

(c) The rate for private fire sprinkler systems, which sprinkler systems shall be used for fire purposes only, not including private hydrants on the system, shall be as follows:

Size of Service	Per Quarter
1"	\$ 35.00
2"	125.00
3"	250.00
4"	400.00
6"	850.00
8"	1350.00

(d) Temporary water supplies from Borough fire hydrant service shall be at the flat rate of \$200.00 per day with approval. Upon written request from a person, firm or corporation stating the purpose of the intended use, the Council Chairperson of the Water Department may grant permission for use of the Borough Fire Hydrant only when it is evident that no other means of water service is available or reasonable for the intended use. Upon approval a flat rate of \$200.00 per day will be charged. Said use will be with supervision as to not cause detriment to the health, safety and welfare of the residents of the Borough of Sea Girt.

(e) Temporary Construction/Demolition Water Supplies. When a temporary water supply for construction or demolition is requested, the Water Department shall install a yard hydrant on the existing water service or shall install a new service with a yard hydrant. The applicant shall pay both the cost of installing the yard hydrant and/or service and shall pay a flat quarterly rate for water service. All fees, including the quarterly water service fee shall be paid in advance. The cost for installing the yard hydrant includes the cost for the Water Department to remove the yard hydrant.

All costs shall be as follows:

A. Installation/Removal of yard hydrant only	\$500.00
B. Installation/Removal of yard hydrant and new water service	\$500.00
	(+cost of service)
C. Water usage per quarter	\$85.00

(f) All water meters shall be read quarterly and bills issued on or before the 15th day of February, May, August, and the 15th day of November of each year.

All water delivered in the Borough of Sea Girt except special service connections for public and private fire hydrants and private sprinkler systems and temporary construction/demolition water supplies shall be measured by meters and sold and charged at the rate of \$4.10 per thousand gallons as registered on said meter. The minimum charge and usage per quarter is as follows:

<u>Meter Size</u>	<u>Minimum Usage</u>	<u>Charge</u>
3/4 inch	7,500 gallons	\$ 30.75
1 inch	11,250 gallons	46.13
1 1/2 inch	12,250 gallons	50.23
2 inch	15,000 gallons	61.50
3 inch	47,500 gallons	194.75
4 inch	60,000 gallons	246.00
6 inch	120,000 gallons	492.00

(g) Bills rendered quarterly shall include the quarterly minimum charge, together with the charge for any excess used during the previous quarterly term which shall be due and payable within thirty (30) days. If said charges are not paid within the time above prescribed, interest at the rate of eight percent (8%) per annum shall be added to the charge.

In the event that said charge remains unpaid for a period of sixty (60) days, the water service will be shut off from the premises affected. In the event that the water services shall be shut off to any premises by reason of nonpayment, water service shall not be resumed unless and until all charges and interest, together with the cost of \$100.00 for turning on or off said service.

(h) The above charge shall be reviewed annually and shall be revised periodically to reflect actual operations and maintenance costs."

C) Section Six of Ordinance No. 822 is amended and supplemented to read:

Requirements. All users shall be equipped with water meters and remote reading transmitter and sensor.

Separate Meters. Each structure or building having a separate water service, except for special service connections for public and private hydrants, and private fire sprinkler systems, shall be separately metered. A property owner may request that additional water service lines be supplied to the premises at the property owner's expense.

In the event that the owner of the premises fails to install a water meter and remote reading transmitter and sensor within the time period established in this Article, water usage shall be suspended.

No water meters will be supplied for subtractive water metering purposes.

Location. All water meters shall be: located within the structure receiving the water supply; protected from the elements; located as close as possible to the point where the service enters the building; and located in a suitable and readily accessible area to permit meter reading and service to the meter. A suitable shut off valve shall be installed on each side of the water meter. The location of the water meter shall be approved by the Water Department prior to its installation. If the meter is to be located in other locations requested by the property owner receiving water service; the property owner shall be responsible for repair or replacement costs of the meter because of the deviation from the location prescribed herein.

Remote reading transmitter location. The user shall provide a suitable and readily accessible place on the interior of the building or structure for the installation of a remote reading transmitter. The location of the remote reading transmitter shall be located so as to facilitate its maintenance and replacement.

Remote reading sensor location. The user shall provide a suitable and readily accessible place on the exterior of the building or structure for the installation of a remote reading sensor. In no event shall a remote reading device be installed inside of a fence, in an area where animals are kept, behind any large

shrubbery, or in any other location that would prohibit the meter reader to access it. The location of the remote reading sensor shall be approved by the Water Department prior to its installation.

Meters and Remote Readers and Transmitters and Sensors Owned by the Municipality.

Meters measuring the quantity of water consumed shall be made available by the Water Department and together with all remote reading transmitters and sensors, shall remain the property of the Municipality. The property owner shall pay for all meter repairs or replacement costs, along with repairs or replacement costs of the remote sensor, due to the negligence of the property owner or occupant of the property receiving water service. The Water Department shall be charged with the responsibility of determining whether damage to the water meter, transmitter and remote sensor was caused by the negligence of the property owner or occupant of the property receiving water service.

When any structure containing a water meter, remote transmitter and sensor is to be demolished or substantially altered, the property owner or a designated agent shall deliver to the Water Department both the meter and remote reading transmitter and sensor, for storage. Property owners shall be liable for the cost of replacement for any meter or remote that is lost or damaged during demolition, alteration or construction.

A copy of required procedures for water disconnect may be obtained from the Borough Clerk.

D) Section Seven of Ordinance No. 822 is amended and supplemented to read:

"The property owner of any premises connected to the municipal water system shall install, at the expense of the property owner, a water meter, remote reading transmitter and sensor to be supplied by the Water Department. The water meter and remote reading transmitter and sensor shall be installed within ten (10) days of the date on which it is supplied or made available to the owner or user. In the case of new water service to a building or structure constructed after the adoption of this Article, a Certificate of Occupancy shall not be issued

until a water meter; remote transmitter and sensor have been installed. All work in connection with the installation of the water meter must be accomplished by a licensed plumber and shall be inspected by the Water Department.

Property Owner Responsible. The property owner of any premises where a meter is installed shall be held responsible for its care and protection from freezing, hot water or from any other damage thereto. The property owner shall also be responsible for the remote reading transmitter and sensor and the wires from them to the meter, and shall protect the same from being lost, broken or otherwise damaged. The property owner or user shall notify the Water Department of any damage to or of the nonworking of the meter, remote reading transmitter and sensor as soon as the property owner has knowledge of this condition.

Bypass of Water Meter Prohibited. No bypass of a water meter shall be permitted. Any property owner determined to be bypassing a water meter shall be charged the prevailing rate for unmetered water for the entire quarter, and shall be subject to disconnection of water service.

Repairs to Water Meters. Repairs to water meters shall be made by the Water Department; provided, however, that if proper protection has not been provided, all expenses incurred by the Department for repairing or replacing the meter shall be charged to the property owner of the premises where such meter is located at cost.

Measurement. Where water is furnished by metered measurement, the quantity recorded by the meter shall be conclusive on both the user and the Municipality, except where the meter has been found to be registering incorrectly or has ceased to register. In such case or cases, the quantity may be determined by the average registration of another meter for a period of 30 days, or by the same meter for a period of 30 days after it has been repaired and tested, during a similar use period. The period of similar use or the previous corresponding period shall be determined by the Office of the Collector of Water and Sewer Rates.

Tests. The Water Department shall, at the request of any property owner, test the meter, upon the payment of the meter fee listed below. If the meter is found to be more than 1 1/2% fast, the meter test fee shall be refunded. Meter test fees are as follows:

3/4"	\$150
1"	\$150
1 1/2"	\$300
2"	\$300
3"	\$400
4"	\$400
6"	\$400
8"	\$400

Only one test is permitted per year. A meter shall be considered to be functioning correctly if it is found to be not more than 1 1/2% fast. If the water meter is determined to be recording a flow in excess of the water actually delivered, the water charge shall be adjusted; provided, however, that the adjustment shall be for a maximum of one year's water charges."

E) Section Eleven of Ordinance No. 822 is amended and supplemented to read:

"All applications for water service or the extension of water distribution system shall be made to the Borough Clerk's office and shall contain an assent by the owner of the property where the water service is desired or by his duly authorized agent to these rules, rates and regulations and, at the same time, said applicant shall pay all charges of the Water Department up to the commencement of the succeeding term including all charges of the Water Department incidental to the introduction and extension of the water distribution system or service applied for. The application shall state the date, name of party, kind and extent of service applied for, description and location of property to be supplied and the rates and terms of payment. All water taps two (2) inches or smaller may be made by the Water Department or a licensed plumbing contractor, at the option

of the Superintendent of Public Works or any authorized employee of the Water Department or any person or persons designated by the Mayor and Council of the Borough of Sea Girt for that purpose. All water taps larger than two-inch shall be made by the applicant and all water taps shall be subject to inspection by the Superintendent of Public Works or an authorized employee of the Water Department. Charges for making connection to the water system shall be as hereinafter set forth in this ordinance, it being expressly understood that all services from the water main to the curb stops or valves to the curb stop or valve at the curb, including curb boxes, roadway boxes and valve boxes are to be owned by the Borough of Sea Girt.

All applications must receive the approval of the Borough before connection is made, for the class of service to be provided.

No application for service will be accepted by the Borough until the applicant has paid, or made satisfactory arrangements to pay all arrears and charges due by the applicant at any premises now or heretofore occupied by him.

The accepted application shall constitute a contract between the Borough and the applicant, obliging the applicant to pay to the Borough its rates as established from time to time and to comply with its rules and regulations.

Applications for service connections may be accepted subject to there being existing mains in streets or rights-of-way abutting the premises to be served.

When a prospective customer has made application for a new service, or has applied for the reinstatement of an existing service, it is assumed that the piping and fixtures on the applicant's premises are in good condition, and the Borough will not be liable in any event, for any accident, breaks, or leakage arising in any way in connection with the supply of water or failure to supply same or the freezing of water pipes or fixtures of the customer, nor for any damage to the property which may result from the usage of water supplied to the premises.

Although property may be occupied or leased to a tenant, the owner is responsible for payment of water bills.

Commercial establishments making application for water service, in addition to making written application for such services, and the requirements of the paragraph above, shall furnish a detailed description of the type and size of buildings, the nature of the business to be conducted in each structure, the number and type of fixture to be served, the type, volume, and chemical characteristics of the waste to be discharged."

F) Section Fourteen of Ordinance No. 822 is amended and supplemented to read:

"The Water Department will not tap its water mains and run service to curb lines until application is properly executed and tapping fee, as per schedule, is paid in advance.

A terminated water service will be renewed under proper application, when the conditions under which such service was discontinued are corrected and upon the payment of all charges provided in the schedule of rates, or rules of the Borough. The applicant shall pay the cost of renewal as with a new service."

G) Section Fifteen of Ordinance No. 822 is amended and supplemented to read:

"All water taps made and services installed must be metered except for private fire sprinkler systems."

H) Section Sixteen of Ordinance No. 822 is amended and supplemented to read:

"All water service connections from the curb to and in the building and land surrounding the same must be made by a plumber registered and licensed under and in accordance with the ordinances of the Borough of Sea Girt heretofore or hereafter adopted by the Mayor and Council of said Borough.

Said connections shall be inspected by the Plumbing Inspector of the Borough of Sea Girt and shall be properly reported to the Water Department as provided in ordinances heretofore or hereafter adopted by the Mayor and Council of the Borough of Sea Girt.

All changes of water services, connections or fixtures must also be inspected by the Plumbing Inspector of the Borough of Sea Girt and reported to

the Water Department. No water service connection shall be made without proper written application and prepayment of all fees and charges as required by other sections of this ordinance. Copper tubing, "K" type, or poly tubing shall be used and installed for the service lines ranging in size from 3/4" to 2" inclusive; ductile iron pipe shall be used and installed for all service and fire lines ranging in sizes from 3" upwards. All service pipes from the main to a house or building must be laid at least 4 feet under ground."

I) Section Seventeen of Ordinance No. 822 is amended and supplemented to read:

"Where several premises or several houses, buildings, stores, apartment units, persons or customers in the same premises now or hereafter are supplied by the same service pipe, each one shall be responsible for all of the others connected to the service pipe.

If there be no payment of water rents, fee or charges or if there be any violation of any provision of this ordinance by anyone or more of them, the Borough Superintendent or his agent shall have the right to shut off the water service and none of them shall have any claim for damages or compensation or for the abatement of any charge made or fee imposed. Further, when any premises are now or hereafter occupied by more than one tenant drawing water through the same service pipe, the owner of the property shall be responsible for water fees or charges, and if the water be shut off from said premises, the same shall not be turned on until all of the fees or charges due and all expenses for shutting off and turning on the water services shall be paid in full. If not paid, such fees and/or charges shall be a lien upon the property affected thereby."

J) Section Nineteen of Ordinance No. 822 is hereby amended and supplemented to read:

"In the case of a temporary occupancy by the owner or occupant of any premises the water will be turned on and meter installed by the Water Department upon the written request of the owner or his authorized agent, given three working days in advance. In the case of a temporary vacancy by the owner of any premises, the water will be turned off and meter removed by the Water

Department, until a written request and payment of \$100.00 disconnect/reconnect fee is received to reinstate the water service. Said request or order must be in writing, but the shutting off of water, upon the request of the owner shall not in any way impair the contract then existing between the Borough and the owner or customer under this Ordinance. No meter may be installed or removed, except by the Water Department personnel or a licensed plumbing contractor having received prior written authorization from the Borough Superintendent or authorized employee of the Water Department. Meters not in actual service must be stored in the possession of the Water Department. The owner is responsible for any damage or loss of the meter while the meter remains in the premises while service is suspended. No meter will be reinstalled as herein provided unless and until all outstanding charges are paid. Any violation of his section is subject to the penalties provided in this ordinance."

K) Section Twenty-One of Ordinance No. 822 is amended and supplemented to read:

"Service under an application may be discontinued for any of the following reasons:

(a) For the use of water on any other property or building or purpose than that described in the application.

(b) For willful waste of water through improper or imperfect pipe, fixtures or otherwise.

(c) For failure to maintain in good order, connections, service lines or fixtures owned by applicant.

(d) For molesting, disturbing or interfering with any service pipe, meter, curb stop, or any other appliance of the Water Department.

(e) In the case of vacancy of premises.

(f) For neglecting to make or renew advance payments or for nonpayment of water service or any other charges accruing under the application.

(g) For refusal of reasonable access of the property for purposes of inspecting or reading, caring for or removing meters.

(h) For fraudulent representation on the part of the customer or the owner of the premises.

(i) Persistent violation of the rules and regulations of the Water Department.

(j) For refusal to pay the cost of any necessary repairs for damage to equipment as stated in Section Ten."

L) Section Twenty-Four of Ordinance No. 822 is amended and supplemented to read:

"No person shall remove, replace or in any manner interfere with a meter, remote reading transmitter or sensors attached to a water pipe, used or intended to be used to supply water to any premises other than an employee of the Water Department or a licensed plumber who has received authorization from the Borough Superintendent or authorized employee of the Water Department. This applies whether the meter is set within or outside a building. All meters shall be sealed by the authorized Borough employee. Any person, firm, or corporation, breaking said seal, or in any manner interfering with the operation of said meter, shall upon conviction, be subject to the penalties provided in this ordinance."

M) Section Twenty-Six of Ordinance No. 822 is amended and supplemented to read:

"All customers having boilers upon their premises depending upon the pressure of the water main and pipes of the Water Department to keep them supplied are hereby cautioned against the danger of collapse "failure due to excessive pressure or reduced pressure due to main breaks" and all such damage must be borne exclusively by the customer. Under no circumstances will the Water Department be responsible for any accident to pipes, fixtures or property caused by the turning on or off of water for any cause whatsoever. To provide against accident to boilers or hot water heaters, a safety valve should be installed to relieve excessive steam pressure or a tank should be provided so arranged as to keep the supply of water in such boiler or heater when the water supply is discontinued at the main."

N) Section Twenty-Seven of Ordinance No. 822 is amended and supplemented to read:

"The Water Department may at any time restrict or regulate the quantity of water used by the customer in case of scarcity or if in the judgment of the Mayor and Council of the Borough of Sea Girt such restriction or regulation may be necessary for the safety of the community in case of fire or any other emergencies; and in case of emergencies, the Water Department may be at liberty to shut off the water supply in order to make repairs and the Borough of Sea Girt shall not be liable under any circumstances for the shutting off thereof or for the deficiency or failure in the supply of water whether by occasion of shutting off of water or for any other cause whatsoever nor shall the Borough of Sea Girt be held liable for any damage caused by increased or reduced pressure being put on the mains during the times of fire, drills by the fire companies or fire flows tests, or any other times; and all applications made hereunder shall be held and construed to be made subject to the provisions of this section.

However, the Borough of Sea Girt shall have the right to modify, rescind, amend, or alter any of the terms of this ordinance or make such additional regulations and restrictions as shall be found advisable for the protection of the municipal water system."

O) Section Twenty-Eight of Ordinance No. 822 shall be amended and supplemented to read:

"In the event that the Mayor and Council of the Borough of Sea Girt or the NJ Department of Environmental protection shall determine that a shortage of water may occur due to prolonged drought or heat or level of reservoir or any well serving the water system of the borough of Sea Girt is at a low level or because of breakdown of equipment of the water system or the necessity or repair of same or for any other emergency reason, the following uses of water not essential to health, welfare, and safety of the residents of the Borough of Sea Girt or any municipality using the water system of said borough may be restricted or prohibited by order of the Water Department or the NJ Department of Environmental Protection.

(a) The sprinkling, watering or irrigation of shrubbery, trees, lawns, grass, ground, ground covers, plants, vines, gardens, vegetables, flowers or any other vegetation.

(b) The washing of automobiles, trucks, trailers, trailer houses, railroad cars, buses, or any other types of mobile equipment.

(c) The washing of sidewalks, driveways, filling station aprons, porches and other outdoor surfaces.

(d) The washing of the outside of dwellings and the washing of the inside and outside of office buildings and business establishments of any type.

(e) The washing and cleaning of any business or industrial equipment and machinery.

(f) The operation of any ornamental fountain or other structure making a similar use of water.

(g) Swimming and wading pools and bath houses and bathing establishments of any nature whatsoever or recreation involving lawn sprinklers or hand held hoses.

(h) The use of water by any business or industrial establishment whose business or work is not essential to health, welfare and safety of the residents of the Borough of Sea Girt. The words "business establishment" as used in this section shall include restaurants, hotels, rooming houses, boarding houses and similar establishments.

(i) Or as described or required by the NJ Department of Environmental Protection."

P) Section Thirty of Ordinance No. 822 is amended and supplemented

to read:

"The charge for tapping the water main with service pipe to curb, corporation stop, curb box, meter yoke and meter shall be:

3/4" pipe	\$2,550.00
1"	\$3,000.00

1 1/2"	3,400.00
2"	3,900.00

Included in the above fees are tapping the water main with service pipe to curb, corporation stop, curb box, meter, street excavation, road opening fee and turn on fee.

All customers of water supplied by the Borough shall keep the water pipes and fixtures upon the premises in good repair and shall protect the same from frost and freezing and at his or their own expense. The replacement of any water service line from the house to the curb stop shall be at the expense of the property owner."

Q Section Thirty-Two of Ordinance No. 822 is amended and supplemented to read:

"No plumber or owner or occupant of a premise shall turn on water to any premises whether an old or new supply in cases where water has been turned off for non-payment or water rent or for any other cause."

R) Section Thirty-Three of Ordinance No. 822 is amended and supplemented to read:

"No person or persons shall take water from any public fire hydrant except for fire purposes or for the use of the Fire Department in case of fire nor shall anyone in any way use or take water for private use unless such person shall first pay the applicable fee and receive a permit for such use from the Borough Clerk."

S) Section Thirty-Five of Ordinance No. 822 is amended and supplemented to read:

"The service from the main to the shut off valve at the curb line is owned by the Borough of Sea Girt, including curb stops or valves or curb boxes or roadway boxes or valve boxes which are to be used by the Water Department for the turning on or shutting off of the water supply."

T) Section Thirty-Six of Ordinance No. 822 is amended and supplemented to read:

"Excessive or unnecessary use or waste of water whether caused by carelessness or defective or leaking plumbing or fixtures is strictly prohibited. Water must not be kept running for landscape sprinkling purposes longer than specified by the rules and regulations of the Water Department. In no case shall there be a waste of water."

U) Section Thirty-Eight of Ordinance No. 822 is amended and supplemented to read:

"(a) No person firm, or corporation shall excavate, dig up or disturb any street, avenue, highway, road, alley, sidewalk, or any public place whatsoever in the Borough of Sea Girt, in the County of Monmouth for the purpose of laying, installing, replacing or repairing of water, or for any other purpose whatsoever without obtaining a permit in accordance with the requirements of the Road Opening Ordinance.

(b) Tunneling or boring will be required for the installation of water service lines when the main is located on the opposite side of the road from the residence to be served by the service lines.

A boring tool must be used. The opening over the water or sewer main and the opening for the boring tool must be only that amount of opening necessary in the blacktop to make the tap or insert the boring tool.

The contractor, replacing or installing individual services, must be a licensed plumber in the State of New Jersey. For larger projects, the contractor must be insured and bonded and be experienced in installing water services. All piping and fittings must be approved by the Water Department before installation, 24 hours' notice must be given to the Water Department before work begins, subject to the approval of the Supervisor of Public Works or authorized employee of the Water Department."

V) Section Thirty-Nine of Ordinance No. 822 is amended and supplemented to read:

" Each and every person, firm, association, organization or corporation violating any provisions of this ordinance shall for each and every violation thereof, upon conviction, be subject to a fine of not more than \$1,250.00 or to be

imprisoned in the County jail for a period not to exceed ninety (90) days or both, at the discretion of the Judge of the Municipal Court. Each day that a violation is permitted to exist, shall constitute a separate offense."

Section 2. Any ordinance or portions thereof inconsistent with this ordinance are hereby repealed.

THIS ORDINANCE will take effect upon adoption at final hearing and publication according to law.

Motion by Mrs. Morris seconded by Mr. Niemeyer that the ordinance pass on first reading. Motion carried on roll call by the following vote:

Ayes: Raymond D. Bogan, Barbara Brown, Mark E. Clemmensen,
Richard H. Grubaugh, Anne B. Morris, Fred E. Niemeyer

Noes: None

Motion by Mr. Bogan seconded by Mr. Niemeyer to advertise at public hearing on June 8, 2005. Motion carried by unanimous vote.

Mayor Ahern made the following appointments to be confirmed by Council:

Laura Mulligan, 101 Neptune Place to fill the unexpired term of Jeff Schobel to December 31, 2005.

Mary Lyons, 315 Crescent Parkway to fill the unexpired term of Charles Sweeney to December 31, 2008.

Mayor Ahern asked if anyone from the public cared to comment; there was no response.

Motion by Mr. Clemmensen seconded by Mr. Grubaugh that the foregoing appointments be made; Motion on roll call carried by the following vote:

Ayes: Raymond D. Bogan, Barbara Brown, Mark E. Clemmensen,
Richard H. Grubaugh, Anne B. Morris, Fred E. Niemeyer

Noes: None

COMMITTEE REPORTS:

Mr. Grubaugh reported that he had a police report. During date range of 04/28/2005 – 05/11/2005 the Sea Girt Police Department handled a total of 326

calls for police services. There were 9 first aid calls, 127 assist resident calls, 3 motor vehicle accidents, 2 subjects were arrested for driving while intoxicated, and patrols made 52 motor vehicle stops and issued 6 summonses. A total of 113 hours, 14 minutes of man hours were represented answering these calls.

Mr. Clemmensen reported that the Sea Girt Day Family Picnic with the SK Race is scheduled for Sunday, August 7, 2005. This will be run through the organization of Mary and Pete Lyons. They've done a fine job of organizing and running this race for the past 7 years. The race has gone on for the past 14 years. Unfortunately, Mary and Pete Lyons will no longer be able to run and organize this race, so we will be looking for a new race director for the 2006 SK race. If anyone is interested, let us know through Borough Hall.

Motion by Mrs. Morris seconded by Mr. Clemmensen to expend \$17,200.00 to A.C. Schultes, Woodbury Heights, New York for a Lime Feeder for the Water Department, the only bid received by the Water Engineer, Fred Yoerg & Associates PC. Motion carried by unanimous vote on roll call.

Mrs. Morris also gave an update on the improvements made so far this year to the water treatment plant. Filter Gauge and loss of head gauges have been installed; these assist in backwashing the system. Air valves on the filters have been replaced. The lime feeder has been rebuilt. A gauge on the air stripper has also been replaced. Repairs on the wash water reclamation system have also been performed. Sediment settles at the bottom of the tank and the treated water is able to be returned back to the raw water supply, these repairs enabled us to prevent wasting anymore water that was previously treated. Also, we repaired a leak on a discharge pipe which was near the pump station building, and we restocked domestic meters and batteries. We have reviewed our water ordinance and updated the fees and out sourcing hook ups. The water treatment facility is well over 40 years old and these improvements that we've made are necessary to make it run more effectively and efficiently and in order to continue to deliver a quality product to our customers. Our infrastructure dates from about the 1920's, and right now our Engineer is compiling a project memorandum which will propose improvements to the infrastructure. Once the Mayor and Council receive this and review it we will be able to evaluate it and come up with what improvements need to be done in the near future and what improvements we can defer. Also, regarding 103 The Terrace, Mrs. Morris stated she, the Borough engineer, the Mayor, and our Code Enforcement Official met with a DEP official a week or so ago from the enforcement division, and we shared with him our concerns about the project and about the bluff line. The DEP official took measurements and pictures. He will go back to the permit division of the DEP and present our concerns and issues, and they will then inform us of their findings. In addition to that, the Mayor has written a letter to Chris Dolphin of the DEP, again outlining our issues with this property. The Code Enforcement Official has also written a letter to the homeowners reminding them that they have agreed to restore the berm and is asking them for a timetable as to when the restoration will occur. Lastly, with regard to codification,

the planning board is reviewing the hopefully, final review of the land use ordinances and if they approve they will be passed onto Council for their adoption.

Motion by Mr. Bogan seconded by Mr. Niemeyer to expend \$4,481.50 for Beach Uniforms to RKE Athletic Lettering, Belmar, NJ the lower of two bids received. Motion carried by unanimous vote on roll call.

Motion by Mr. Bogan seconded by Mr. Niemeyer to expend \$8,977.00 to Atlantic Polaris, Brick, NJ for the purchase of an ATV for use by the Beach Department the lower of three quotes received. Motion carried by unanimous vote on roll call.

Mr. Bogan reported the present pavilion should be up and running by Memorial Day, there's quite a bit of work being done on it by both public works as well as some of the lifeguards. We should soon be receiving the plans for the new pavilion; we expect that within the next week. With regard to the lifeguards,; our lifeguard testing took place over the last two weekends, and it consisted of a 500 meter swim test in under 10 minutes, a mile and a half run in under 12 minutes; we had 24 new applicants, 19 showed up and 16 passed. Nine of the 19 and of the 16 that passed were former Sea Girt Jr. Guards. That is a great testament to our Jr. Guard program. This is where the minor league system helps out, however, the only problem is that most of the 19 people are under 17 years old with no experience. All new hires will attend rookie lifeguard training school and will be required to pass a test in that regard. The new lifeguard storage building is up next to the water tower and likewise the lifeguards are in that skeleton crew helping out with the pavilion fix up. As you know, there was a significant amount of work that needed to be done, but again we expect it will be ready by Memorial Day. Mr. Bogan also stated he attended a Wreck Pond water shed meeting recently. As a follow up to a question that he was asked to inquire into, he has asked Peter Avakian about the issue of maintenance on lawns and how that might involve the storm water runoff. Mr. Bogan further stated that Mr. Avakian told him that within the next six months that we should have ordinances that are going to be presented which would address those very issues. With regard to coolers on the beach and the questions about that; Mr. Bogan stated he has inquired about it and he is hopeful to have a meeting within the next few days with Jim Freda. He and I discussed it and we want to make sure whatever is done is done consistent with what ordinances we presently have on the books and that they can accommodate the needs of everyone while at the same time making sure the present ordinance is enforceable. Finally, there is an upcoming meeting with the DEP that the Mayor and I will be attending. The DEP contacted us and asked if they could have a meeting regarding among other things the outfall pipe, the dredging project within Wreck Pond, as well as, an alternate route to the beach from The Terrace and some modifications of the Dunes on The Terrace, so as to accommodate the endangered species.

Mr. Niemeyer reported there was an inquiry done into an inter-local agreement with Brielle and Manasquan having to do with our salt storage. We've

got a mandate from the State that we cannot store solid salt like we used to. Now it has to be in an enclosed building. We have no room to put a building #1, what we're trying to do is work with Manasquan and Brielle and one of them will store the liquid salt and the other the solid salt and we can buy in bulk. A letter went out to both of their Mayors and Councils and we got response back that they will work with Kevin Thompson and see what we come up with. Next, the sheds are in the process of being put up; one for the garbage trucks on the south side of the Borough Property next to the tennis courts, and the other for the beach people over by the water tower. Mr. Niemeyer also stated we had the monument at The Crescent and the monument at Borough Hall; both of those monuments were pretty crummy looking with the algae and what not that was on them. Hall Monument Co. had come out gravis and cleaned them for us, so I believe they should get recognition for it.

Mrs. Brown reported the Library Sale was definitely scheduled to begin on June 4, 2005, a Saturday. The hours on Saturday will be 10:00 a.m. until 2:00 p.m. and then it is going to continue for the following week and the hours will coincide with the hours the Library is now open. There will be lots of children's books there this time, as well as, a lot of current fiction.

BILLS:

The following bills were approved by Council:

SEE ATTACHED

Mr. Grubaugh 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.

Mr. Niemeyer seconded the resolution and it was adopted on roll call by the following vote:

Ayes: Raymond D. Bogan, Barbara Brown, Mark E. Clemmensen,
Richard H. Grubaugh, Anne B. Morris, Fred E. Niemeyer

Noes: None

Mayor Ahern asked if anyone wished to address Council: Judith Gately, Trenton Boulevard, asked with regard to the coolers, how do you plan to enforce the people not eating once they've gotten on the beach with their coolers. Mr. Bogan responded currently he did not have an answer for her, but that he is going to

BOROUGH OF SEAGIRT
Check Register

Report Selections: Checking Acct: CLAIMS to CLAIMS Report Type: All Checks Report Format: Super Condensed
Check Date: 05/10/05 to 05/10/05 Check Type: Manual & Computer

Check Account: CLAIMS

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void
025083	05/10/05	*** Alignment Check ***	.00	*VOID*
025084	05/10/05	00001 SEA GIRT PAYROLL ACCOUNT	103,747.86	
025085	05/10/05	00007 VERIZON	144.53	
025086	05/10/05	00008 AT&T	229.38	
025087	05/10/05	00012 WEST PUBLISHING CO.	56.00	
025088	05/10/05	00016 JERSEY CENTRAL POWER & LIGHT	2,094.10	
025089	05/10/05	00029 SEA BREEZE FORD	349.55	
025090	05/10/05	00035 SEELY EQUIPMENT & SUPPLY CO.	143.92	
025091	05/10/05	00037 HI WAY OIL SERVICE, INC.	216.70	
025092	05/10/05	00040 MONMOUTH COUNTY TREASURER	3,209.24	
025093	05/10/05	00041 SUPPLY KING, INC.	248.90	
025094	05/10/05	00051 NJ NATURAL GAS CO.	1,629.01	
025095	05/10/05	00057 NJ TRANSIT CORP.	350.00	
025096	05/10/05	00095 WOODKAVEN LUMBER & MILLWORK	383.71	
025097	05/10/05	00096 A.T. THORN & SON	58.82	
025098	05/10/05	00106 DICKSON SUPPLY CO.	120.75	
025099	05/10/05	00101 ZEE MEDICAL, INC.	403.25	
025100	05/10/05	00144 BARGS LAWN EQUIPMENT	383.52	
025101	05/10/05	00157 WINEMILLER PRESS	200.70	
025102	05/10/05	00161 ALVA PLASTIC PRINTING CO.	1,438.00	
025103	05/10/05	00211 GALL'S INC.	180.86	
N/A	05/10/05	00245 VERIZON ONLINE	17.95	
N/A	05/10/05	00246 BILLS WORK CLOTHING	475.00	05/18/05*VOID*
025106	05/10/05	00255 AMERICAN UNIFORM & SUPPLY	634.95	
025107	05/10/05	00263 RKE ATHLETIC LETTERING	6,016.50	
025108	05/10/05	00275 A.C. SCHULTES, INC.	17,200.00	
025109	05/10/05	00313 MUNICIPAL RECORDS SERVICE	106.00	
025110	05/10/05	00348 BORDEN'S	.00	*VOID*
025111	05/10/05	00348 BORDEN'S	3,849.10	
025112	05/10/05	00349 VERIZON WIRELESS	432.41	
025113	05/10/05	00379 GAYLORD	72.93	
025114	05/10/05	00396 BARLOW FLOWER FARM	80.89	
025115	05/10/05	00409 SOUTH JERSEY AGRICULTURAL PROD	1,395.00	
025116	05/10/05	00516 ANNE RYAN	420.09	
025111	05/10/05	00555 DELTA DENTAL PLAN OF NJ	4,096.21	
025118	05/10/05	00565 ELENA VELTRE	200.00	
025119	05/10/05	00641 TREASURER, STATE OF NJ	1,665.00	
025120	05/10/05	00663 FOX EQUIPMENT CO.	90.00	
025121	05/10/05	00765 NJ LAW JOURNAL	410.00	
025122	05/10/05	00889 STATE OF NEW JERSEY	29.40	
025123	05/10/05	00954 VITAL COMPUTER RESOURCES	375.00	
025124	05/10/05	00959 CODED SYSTEMS CORP.	2,520.00	
025125	05/10/05	00967 BANK OF NEW YORK	1,489.46	
025126	05/10/05	00975 VERIZON CABS	212.77	
025127	05/10/05	00992 AVAYA, INC.	811.85	
025128	05/10/05	01008 MCINERNEY'S CUSTOM LETTERING	532.00	
N/A	05/10/05	01123 AQUIS COMMUNICATIONS, INC.	10.82	
N/A	05/10/05	01180 USA BLUE BOOK	86.53	
025131	05/10/05	01219 BARNES & NOBLE, INC.	1,145.12	

Check Account: CLAIMS

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void
025132	05/10/05	01253 PRINCETON COMPUTER SUPPORT,INC	129.83	
025133	05/10/05	01295 FORD MOTOR CREDIT COMPANY	4,819.51	
025134	05/10/05	01296 P.L.CUSTOM BODY AND EQUIPMENT	2,227.85	
025135	05/10/05	01317 ADP, INC.	262.19	
025136	05/10/05	01323 ROSANO ASPHALT, LLC	56.78	
025131	05/10/05	01321 CDW CORP.	300.00	
025138	05/10/05	01902 M. ROBINSON & SON, INC.	900.00	
025139	05/10/05	01412 LANDEX NURSERIES L.L.C.	2,570.00	
025140	05/10/05	01429 KEVIN THOMPSON	415.32	
025141	05/10/05	01434 JAF INDUSTRIES, LLC	1,089.00	
025142	05/10/05	01971 CAPE MAY COUNTY	650.00	
025143	05/10/05	01506 FRED YOERG & ASSOCIATES PC	5,030.73	
025144	05/10/05	01518 COYNE CHEMICAL CO.	488.00	05/18/05*VOID*
025145	05/10/05	01520 L.P. STATILE	1,445.00	
025146	05/10/D5	01521 RIEPHOFF SAW MILL, INC.	71.60	
025147	05/1D/05	01522 FERGUSON ENTERPRISES,INC.	525.00	
025148	05/10/05	01524 ATLANTIC POLARIS	8,977.00	

Check Account: CLAIMS Total Checks: 66 Void Checks: 4 Total Void: 963.00 Total Paid: 188,989.65

follow up on it with Jim and others who work on the beach to get a sense from them as to how to do it. For example, is one of the alternatives to go through coolers as they come on the beach? There are a lot of questions that have to be asked, part of which is a practical question the other part is a matter of the common courtesy we extend people. So as to try and balance that, I want to have another meeting with them to bounce back and forth the opinions of other folks who feel like they don't want to have that restriction. Mrs. Gately then asked don't you think you have to update the restrictions you get when you purchase your badges, because you can't give people who buy badges saying there is no food on the beach and then allow people to bring their coolers to the beach and to be eating there. Mr. Bogan responded we can't assume a person bringing down a cooler is going to be bringing food down. For example if there is a food restriction and people otherwise comply with the restrictions on the type of beverages they might bring. An example is one couple pointed out that what if their grandchildren came down and they had bottles for the children and they bring them in a cooler. How much do we restrict that? Mr. Bogan further stated that he respected Mrs. Gately's concern and that is why he wants to take the time to make sure that what is stated and whatever steps are taken to address this issue are done consistent with whatever the ordinance says and if there has to be a change we can address that. Anthony Cavallo, The Terrace, stated he noticed the proliferation of the port o johns in the town, and I also noticed that some of the other States require fencing or some type of a shed around them, and they have to be on the work site. We are living next to someone who is building a house and the port o john was right next to our patio. Would the town consider passing an ordinance on this issue? Mayor Ahern responded it was something they should take into consideration. Mr. Grubaugh asked what kind of enclosure do the other States put around it. Mr. Cavallo responded if you go past the Army Camp, it looks like there is a wooden fence that covers the top and sides and just leaves the entrance to the port o john open so you don't have to look at it. Mr. Bogan commented, a stockade fence. Mayor Ahern thanked Mr. Cavallo for his comments. Clay Adams, Stockton Boulevard stated every meeting you announce that the press has been notified about the meeting tonight and the agenda, but the open meetings law also requires 48 hrs. before the meeting for it to be posted in a prominent place. Mr. Adams further stated that he would propose that it be posted on our website and that currently we are not in compliance of the law. Mayor Ahern commented that he believes that it is posted on the web site. Mr. Grubaugh reiterated that it is posted on the website. Mr. Adams went on to read what was posted on today's web site. The next meeting will be held at the Sea Girt School on April 27, 2005, that's two weeks ago. Mr. Grubaugh responded that he would guarantee that if you were to get on the website right now it would say May 10, 2005. He went on to explain that the website is a completely volunteer operation. The meeting and the minutes were posted before noon today. When you're talking about something has to be published for 48 hours ahead of time, it does not include the website. It includes the newspapers which we read they were notified. It also includes the sign right here in town, which is another courtesy which was posted. Mr. Adams continued to state that the agenda must be posted 48 hours prior. Mr. Grubaugh disagreed. Mr. Adams asked if he could read his findings in the NJ State Law to the Council, he continued

Adequate notice, at least 48 hours, giving the time, date, location, and the extent known of the agenda. Mr. Grubaugh responded the ruling says extent known, and our agenda is never, ever known 48 hours before the meetings. Mr. Adams asked if that was in violation of the state law. Mayor Ahern asked the Borough Attorney to check on that with the State Statute and come back to Mr. Adams with an answer on it. Mr. Adams also stated that it cost \$17.00 to get the minutes from Borough Hall; he further stated that he felt the cost to obtain the minutes were a discouragement for people to come and get the minutes and then questioned why we couldn't post the minutes on the website for free. Mayor Ahern stated that the policy for copies is \$0.75 for the first ten pages, \$0.50 for the next ten pages, and \$0.25 for each page thereafter, and that's according to State Statute. Mr. Adams once again suggested posting the minutes on the website and thanked the Council. John O'Grady, The Terrace, stated there is a big pile of cement at 103 The Terrace and asked if that was from the original house that was put up there, or was it from the garage that was there prior to it that the town owned. If that cement is from the garage it should have not been removed because that is just another nail in the coffin of Wreck Pond. Mayor Ahern responded that he saw the cement there while he was out there with the DEP and assumed it was from the old driveway that had been removed. He further stated that he did not know that for sure and that we could have that looked into. Mr. O'Grady also asked if anyone had an update on the sand dunes that we were going to put along the boardwalk and with plantings, etc. Mr. Bogan responded that the Committee plans on meeting in June to get together and begin a plan. We can't do the dunes during the summer, so the meeting taken place in the summer will be a good time to meet, so that come fall, we at least have begun to structure a plan. Debbie Watson, Stockton Boulevard, stated that she is on the other side of the fence with regard to the cooler situation. Certain circumstances require people to have coolers on the beach; such as mothers with small children, elderly, people who have health issues, etc. She stated that it is not about making more ordinances; it is about enforcing the ordinances we have. She further commented that she understood what Mrs. Gately had pointed out earlier that there were people on the beach with blankets unfolded, beer bottles and Kentucky Fried Chicken clearly being eaten. She also stated that it was discouraging to watch it, because you can't expect the lifeguards to handle it because they are supposed to be watching the people. The gate guards are too far away to see what's going on, and unfortunately, when the beach patrol walks, they walk in tandem so everyone knows they are coming. She further suggested that there has to be a better way to enforce this so there is not this blatant disregard for the food on the beach. Mayor Ahern said he agreed. Mayor Ahern further stated that it has been discussed several times, and one of the things talked about that Deputy Chief Sídley is aware of is that we shouldn't have beach patrol officers walking in tandem; they should be on an individual basis. Mayor Ahern also stated we need to come up with a plan on how to best enforce that. He further agreed with Mrs. Watson that the answer to this problem is not more ordinances, but rather to enforce the ones that we have. Mr. Bogan commented that he and Mr. Freda had discussed getting recycled walkie talkies for the lifeguards, as well as, for the gate guards, this will be one way of boosting communication in addition to saving money by using recycled rather than

purchasing new. Mrs. Watson responded that she thought the walkie talkie idea was a good one. Mrs. Watson went on to comment about the website. She suggested not making it a volunteer service, because it is a reflection on the town, and it isn't informative whatsoever. Mrs. Watson further went on to add, Mr. Adams makes a good point, that we should have the minutes of the meeting where we can look at them, as on the website. She further added that Mayor Ahern does comment each week on whether the Council read the minutes and if there are there any comments? She stated that there could be some errors or questions from the public, and we should have an opportunity to review those. Mrs. Watson also suggested looking at the websites of some of the neighboring towns that have very nice websites. Mayor Ahern commented that he agreed with Mrs. Watson's suggestions and that perhaps we need to go to a paid service to provide additional services and that maybe that is the way we should go. Mrs. Watson asked why not ask if there is anyone in town who would be interested in helping with the website. Mr. Grubaugh responded that his only problem with the person who controls and hosts the website is that person has the password to do any editing. Mayor Ahern commented that we need to look at the issue. Mr. Grubaugh agreed, as well as, Mrs. Watson. Kathy MacLeod, Trenton Boulevard, suggested different signs at the beach as a means of enforcing the no food on beach rules. She suggested signs with larger, more easily observed lettering so that people will notice the rules. Mr. Bogan responded that signage was issue #11 and will be something they will be discussing. Ray Bogan, Beacon Boulevard, stated Manasquan has garbage cans on the beaches and you are allowed to eat. He suggested putting signs on the garbage cans that say Please Do No Eat. Mr. Bogan responded that would go with the signage issue. Ray Bogan further suggested that there should be garbage cans on the beach containing a sign stating no food on beach, and that should people choose to have food on the beach anyway, they would have a place to throw their garbage away. Mayor Ahern asked if there were any other questions from the public on any topic. There was no response.

Mayor Ahern announced that the next regular meeting will be held on Wednesday, May 25, 2005 at 7:30 P.M. at the Sea Girt Elementary School.

Mr. Bogan 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 and Personnel
4. This resolution shall take effect immediately.

Mr. Bogan seconded the resolution and it was adopted by the following vote on roll call:

Ayes: Raymond D. Bogan, Barbara Brown, Mark E. Clemmensen,
Richard H. Grubaugh, Anne B. Morris, Fred E. Niemeyer

Noes: None

At 8:15 P.M. Mayor Ahern declared the Governing Body in executive session. At 9:00 P.M. the meeting was adjourned.

A D J O U R N E D

Edward H. Ahern, Mayor

Clerk