March 4, 2020

A Caucus meeting of the Governing Body of Seaside Heights was held at the Municipal complex in Court Room annex on March 4, 2020 at 4:10 pm

Mayor, Vaz, opened the meeting with the Open Public Meetings statement.

Council Members present on roll call: Harry Smith, Lou DiGuilio, Mike Carbone, Agnes Polhemus, Penny Graichen, Rich Tompkins

Borough Attorney: Jean Cipriani
Administrator: Chris Vaz
Borough Clerk: Diane Staley

RESOLUTION NO. 20-85

RESOLUTION OF THE BOROUGH OF SEASIDE HEIGHTS, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE CONVENCING OF AN EXECUTIVE SESSION IN ACCORDANCE WITH THE OPEN PUBLIC MEETINGS ACT

Motion to approve: Smith Second: Carbone
Approve: Smith, DiGuilio, Polhemus, Carbone, Graichen, Tompkins

Discussed Saddy vs Seaside Heights and Wycoff vs Seaside Heights

Councilman Carbone recused himself from the remainder of the executive session

Discussed Seaside vs SJV, Inc; Seaside Heights ads. Block 5.01, Lots 58, 59 and 63; and Seaside Heights ads. Seaside Ocean Terrace LLC

The executive session was adjourned by unanimous vote at 4:38 pm

Chris Vaz reviewed the regular meeting agenda, status of the parking kiosks, bus parking, Fire safety code shared services and hotel/motel multiple dwelling inspections and an ordinance amending Chapter 227, entitled Vehicles on the Beach

The caucus session was adjourned by unanimous vote at 4:55 pm
A regular meeting of the Governing Body of the Borough of Seaside Heights was held at the Municipal Complex in the Courtroom on March 4, 2020 at 5:00 pm

Administrator, Chris Vaz, read the Serenity Prayer.

Pledge of Allegiance.

Mayor Vaz asked for a moment of silence for the passing of Gary Swayze

Council members present on roll call: Harry Smith, Lou DiGuilio, Mike Carbone, Agnes Polhemus, Penny Graichen, Rich Tompkins

Borough Attorney: Jean Cipriani
Administrator: Chris Vaz
Borough Clerk: Diane Stabley

Approval of meeting minutes of February 5, 2020 (Councilman Rich Tompkins was absent)

Motion to approve: Smith Second: Carbone
Approve: Smith, DiGuilio, Polhemus, Carbone, Graichen
Councilman Tompkins abstained

The following were approved by consent agenda;

RESOLUTION NO. 20-86
RESOLUTION OF THE BOROUGH OF SEASIDE HEIGHTS, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE PAYMENT OF BILLS IN THE AMOUNT OF $ 2,762,781.96

RESOLUTION NO. 20-88
RESOLUTION OF THE BOROUGH OF SEASIDE HEIGHTS, COUNTY OF OCEAN, STATE OF NEW JERSEY, APPOINTING BOROUGH ADMINISTRATOR AND PUBLIC WORKS SUPERINTENDENT AS CODE ENFORCEMENT OFFICERS

RESOLUTION NO. 20-89
RESOLUTION OF THE BOROUGH OF SEASIDE HEIGHTS, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING THE 2020 TEMPORARY OPERATING BUDGET SO AS TO ADOPT AN EMERGENCY TEMPORARY OPERATING VUDGET PURSUANT TO N.J.S.A. 40A:4-20

RESOLUTION NO. 20-90
RESOLUTION OF THE BOROUGH OF SEASIDE HEIGHTS, COUNTY OF OCEAN, STATE OF NEW JERSEY, REQUESTIN PERMISSION FOR THE DEDICATION BY RIDER FOR RECREATION PURPOSES

RESOLUTION NO. 20-91
RESOLUTION OF THE BOROUGH OF SEASIDE HEIGHTS, COUNTY OF OCEAN, STATE OF NEW JERSEY, REQUESTIN PERMISSION FOR THE DEDICATION BY RIDER FOR RECYCLING PURPOSES
RESOLUTION NO. 20-92
RESOLUTION OF THE BOROUGH OF SEASIDE HEIGHTS, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE BOROUGH ADMINISTRATOR, PUBLIC WORKS SUPERINTENDENT AND BOROUGH ENGINEER TO EXECUTE SEWER APPLICATIONS AND RELATED DOCUMENTS RE: DEWEY LANE (O’GRADY’S BEACH HOUSE LLC PROJECT)

RESOLUTION NO. 20-93
RESOLUTION OF THE BOROUGH OF SEASIDE HEIGHTS, COUNTY OF OCEAN, STATE OF NEW JERSEY, APPOINTING JOSEPH D. GRISANTI, ESQUIRE, AS A MUNICIPAL COURT CONFLICT JUDGE FOR THE BOROUGH OF SEASIDE HEIGHTS

RESOLUTION NO. 20-94
RESOLUTION OF THE BOROUGH OF SEASIDE HEIGHTS, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING EMPLOYMENT CONTRACT WITH THE QUALIFIED PURCHASING AGENT

RESOLUTION NO. 20-95
RESOLUTION OF THE BOROUGH OF SEASIDE HEIGHTS, COUNTY OF OCEAN, STATE OF NEW JERSEY, APPROVING INDIVIDUALS FOR TRAINING AS CLASS I SPECIAL LAW ENFORCEMENT OFFICERS

Motion to approve: Carbone  Second: Smith
Approve: Smith, DiGuilio, Polhemus, Carbone, Graichen, Tompkins

RESOLUTION NO. 20-87
RESOLUTION OF THE BOROUGH OF SEASIDE HEIGHTS, COUNTY OF OCEAN, STATE OF NEW JERSEY, APPROVING AMUSEMENT GAMES LICENSE APPLICATION(S)

Motion to approve: Tompkins  Second: Carbone
Approve: DiGuilio, Polhemus, Carbone, Graichen, Tompkins
Councilman Smith abstained

RESOLUTION NO. 20-96
RESOLUTION OF THE BOROUGH OF SEASIDE HEIGHTS, COUNTY OF OCEAN, STATE OF NEW JERSEY, SUPPORTING SENATE RESOLUTION NO. 23 URGING CONGRESS TO DESIGNATE “THE MOST BEAUTIFUL LADY IN THE WORLD: STATUE OF LIBERTY AMTHEM” AS THE OFFICIAL ANTHEM OF THE STATUE OF LIBERTY

Motion to approve: Carbone  Second: Tompkins
Approve: Smith, DiGuilio, Polhemus, Carbone, Graichen, Tompkins
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RESOLUTION NO. 20-97

RESOLUTION OF THE BOROUGH OF SEASIDE HEIGHTS, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF A SETTLEMENT AGREEMENT WITH SJV, INC

Motion to approve: Smith
Second: DiGuilio
Approve: DiGuilio, Polhemus, Smith, Graichen, Tompkins
Councilman Carbone abstained

Second Reading and Public Hearing;

Councilmen Carbone and Tompkins recused themselves.

ORDINANCE 20-01

AN ORDINANCE OF THE BOROUGH OF SEASIDE HEIGHTS, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER 246 ENTITLED “ZONING AND LAND USE” AND CREATING A RESORT RECREATIONAL ZONE B

The Mayor opened the hearing to the public;

Rich Sasso of 245 Kearney Ave for 40 years is supportive of the North ends evolving family atmosphere and would welcome upscale restaurants that serve liquor but concerned if a night club would open

Kris Sabey of 13 Boulevard understands both sides but feels the ordinance is too restrictive and should allow some sort of entertainment

Pete Carlino of Sampson Ave commended Mayor and Council for adopting the zoning change and said he thinks borough businesses should not be centered on alcohol and reminded council of frequent issues with the Wine Cellar

Mike Mergott of 1105 and 1303 Boardwalk said the new restrictions in the rezoned area will hamper their ability to bring new attractions to the North end of the boardwalk, and will make it more difficult for existing businesses to thrive

Steven Sinisi, Esq., representing Mark Pallaro of Fresh Cut Fries wishing to operate a restaurant that serves alcoholic beverages asked that the Mayor and Council be polled to make sure there were no conflicts; Councilmen Carbone and Tompkins already recused themselves due to conflict the rest of council claimed no conflict. Mr. Sinisi stated that they felt the ordinance was overly restrictive and asked that it be tabled until further discussion and consideration could be reached, he asked that the following exhibits, A & B, be entered into the minutes; a letter from Administrator Chris Vaz dated 2/11/2020 and a Planning Report Analysis of Ordinance 2020-01 by Christine Nazzaro-Cofone, AICP, PP New Jersey Professional Planner License #5517

Patty Hershey of 1020 Ocean Terrace said that in a stroke of a pen, my properties are going to be devalued and that it’s not just unfair, it’s not right. Everybody should be applying the same rules to the
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entire boardwalk. She asked that 4 letters from other business owners be submitted into the minutes as exhibits C-F.

Mike Redpath, executive Director of Seaside Heights Business Improvement District, said the Borough needs a greater diversity of fun activities for our guests to continue its evolution into a more family-friendly destination also that he is concerned that the new law puts so many restrictions on boardwalk businesses in the North end that it could discourage entrepreneurs from investing there

Denise from 40 Porter Ave. felt that the ordinance was very limited and that Alcohol is not evil and can be family friendly, its one boardwalk

Jeff Jackson owner of Jimbo’s and Marathon Steak said his 1950s-themed boardwalk restaurant has 100 barstools, and I don’t think anyone sees us as a nuisance or a problem. If a 25-year old is in there fist-pumping, he’s either lost or with his grandparents. He was concerned that he would not be able to operate a business like Jimbo’s on the North end of the boardwalk if the rezoning was approved

Mark Pollaro of Fresh Cut Fries and Kearney Ave. showed the council images of a two-story restaurant that he and his brother have proposed to construct at 1219 Boardwalk. The restrictions in the new law could make running a profitable restaurant impossible. He said that the north end needs change and newer nicer things to attract business and support the carousel building.

Tony Mendel of 221 Hiering Ave. grew up here and that council needed to think long term business plan for year round uses.

Mark Fusari of 1309 Boardwalk felt the ordinance too restrictive there is wiggle room and asked council to create a workshop with businesses, planning board and council to discuss further and asked that it be tabled.

Chris Vaz submitted 5 letters to be included in the minutes as exhibits G-K

Jean Cipriani explained the ordinance further and advised Mayor and Council of their options on voting on same

Motion to approve: Smith
Second: DiGuilio
Approve: DiGuilio, Polhemus, Smith, Graichen
Councilmen Carbone and Tompkins abstained

The following were approved by consent agenda;

1. Seaside Heights Volunteer Fire Department and NJ State Firemen’s Association Membership application re: Nicholas R. Farrell

2. Friedreich’s Ataxia Research Alliance fundraising walk. May 16th. Boardwalk. 11am-12pm.

3. Motor Media Jersey Shore Festival. May 15th & May 16th. Grant Ave. (w/street closure) and other locations. 12pm-10pm each day.
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5. Seaside Heights BID. Kite Show. July and August dates. Beach at Carteret Ave. 2pm-10pm.

6. Children’s Tumor Foundation’s “Shine A Light Walk.” Boardwalk. Oct. 3rd. 2pm-8pm.
   
   Motion to approve: Carbone Second: Polhemus
   Approve: Smith, DiGuilio, Polhemus, Carbone, Graichen, Tomkins

The Mayor opened the meeting to the public;

Rich Sasso asked about getting street end signs up on the boardwalk so people knew which street they were on, he was told they were ordered and would be up before Memorial Day

Pete Carlino thanked Mayor and Council for their vision

Mayor and Council thanked everyone for coming, looking forward to the St. Patty’s Day parade and nice weather coming.

The meeting was adjourned by unanimous vote at 6:13 pm