

Council President Keeler called the meeting to order and requested those present to join him in the Pledge of Allegiance to the Flag.

Administrator Smeltzer read the following statement:

**"GOOD EVENING LADIES AND GENTLEMEN. THIS MEETING IS NOW CALLED TO ORDER. IN LINE WITH THE BOROUGH OF SEA BRIGHT'S LONGSTANDING POLICY OF OPEN GOVERNMENT, AND IN COMPLIANCE WITH THE "OPEN PUBLIC MEETINGS ACT", I WISH TO ADVISE YOU THAT ADEQUATE NOTICE OF THIS REGULARLY SCHEDULED MEETING HAS BEEN ADVERTISED IN THE LINK ON JANUARY 13, 2011 AND POSTED ON THE BULLETIN BOARD IN THE BOROUGH OFFICE. IN EACH INSTANCE, THE DATE, TIME AND LOCATION OF THIS MEETING WERE PROVIDED IN THE NOTICE. THIS MEETING IS OPEN TO THE PUBLIC."**

**3. ROLL CALL:**

**PRESENT:** Bills, Keeler, Kelly, Murphy, Attorney Oxley, Chief Financial Officer Bascom, Engineer Flor, Police Chief Sorrentino, Administrator Smeltzer,  
**ABSENT:** LoBiondo, Long

**4. REMARKS FROM THE AUDIENCE (limited to 3 minutes)** There being none Councilman Murphy introduced a motion to close the meeting to the public. Second by Councilman Kelly and approved upon unanimous voice vote.

**5.**

**A.** Administrator Smeltzer read by title only and Councilman Murphy introduced an Ordinance entitled.

**ORDINANCE NO. 1-2011**  
**AN ORDINANCE AUTHORIZING**  
**THE BOROUGH OF SEA BRIGHT TO EXCEED**  
**THE 2.5% COLA RATE APPROPRIATION LIMIT**  
**FOR PURPOSES OF INTRODUCING THE 2011**  
**MUNICIPAL BUDGET**

and moved the same be approved upon first Reading, held over for Second Reading and Public Hearing to be held on February 1, 2011. Second by Councilman Kelly and approved upon the following vote:

Ayes: Bills, Keeler, Kelly, Murphy

Nays: None

Abstain: None

Absent: LoBiondo, Long

**6. CONSENT AGENDA:** A Certification of Funds supports any items requiring expenditure; any items requiring discussion will be removed from the Consent Agenda:

**A. MINUTES:**

**1.** Councilman Murphy introduced a motion approving the December 15, 2010 Special Council Meeting. Second by Councilman Kelly and approve upon the following roll call vote.

Ayes: Bills, Keeler, Kelly, Murphy

Nays: None

Abstain: None

Absent: LoBiondo, Long

2. Councilman Murphy introduced a motion approving the December 15, 2010 Closed Session Meeting. Second by Councilman Kelly and approve upon the following roll call vote.

Ayes: Bills, Keeler, Kelly, Murphy

Nays: None

Abstain: None

Absent: LoBiondo, Long

3. Councilman Murphy introduced a motion approving the December 21, 2010 Special Council Meeting. Second by Councilman Kelly and approve upon the following roll call vote.

Ayes: Bills, Keeler, Kelly, Murphy

Nays: None

Abstain: None

Absent: LoBiondo, Long

4. Councilman Murphy introduced a motion approving the December 21, 2010 Closed Session Meeting. Second by Councilman Kelly and approve upon the following roll call vote.

Ayes: Bills, Keeler, Kelly, Murphy

Nays: None

Abstain: None

Absent: LoBiondo, Long

5. Councilman Murphy introduced a motion approving the December 21, 2010 Council Meeting. Second by Councilman Kelly and approve upon the following roll call vote.

Ayes: Bills, Keeler, Kelly, Murphy

Nays: None

Abstain: None

Absent: LoBiondo, Long

6. Councilman Murphy introduced a motion approving the January 8, 2011 Reorganization Meeting. Second by Councilman Kelly and approve upon the following roll call vote.

Ayes: Bills, Keeler, Kelly, Murphy

Nays: None

Abstain: None

Absent: LoBiondo, Long

7.. Councilman Murphy introduced a motion approving the January 11, 2011 Special Council Meeting. Second by Councilman Kelly and approve upon the following roll call vote.

Ayes: Bills, Keeler, Kelly, Murphy

Nays: None

Abstain: None

Absent: LoBiondo, Long

B. Councilman Murphy introduced and offered for adoption the following Resolution:

**BOROUGH OF SEA BRIGHT  
RESOLUTION NO. 28-2011**

**WHEREAS**, the Emergency Communication Network, Inc. contract for the Code Red Emergency Warning System is in need of renewal for a one year term pursuant to the terms of the original contract for an amount not to exceed \$2,500.00 and

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Sea Bright, County of Monmouth and State of New Jersey that the Emergency Communication Network, Inc Code Red Emergency Warning System agreement is hereby renewed as stated above.

**CERTIFICATION OF FUNDS**

I, Michael J. Bascom, Chief Financial Officer of the Borough of Sea Bright, do hereby certify that funds are available in Police OE appropriation for the purpose stated herein.

---

**MICHAEL J. BASCOM, CFO**

Second by Councilman Kelly and adopted upon the following roll call vote:

Ayes: Bills, Keeler, Kelly, Murphy

Nays: None

Abstain: None

Absent: LoBiondo, Long

C. Councilman Murphy introduced and offered for adoption the following resolution:

**RESOLUTION NO. 29-2011  
BOROUGH OF SEA BRIGHT**

**WHEREAS**, the Fire Official for the Township of Ocean Fire District No. 2 is also the Housing Inspector for the Borough of Sea Bright; and

**WHEREAS**, the entities have an arrangement whereby, the Borough of Sea Bright will pay to the Township of Ocean Fire District No. 2, an annual rental fee for the use of the fire official vehicle in the sum of \$600.00 and for the use as Housing Inspection the sum of \$300.00 for an annual total of \$900.00; and

**WHEREAS**, the Borough of Sea Bright and Township of Ocean Fire District No. 2 wish to enter into a shared service agreement for the term of January 1, 2011 through December 31, 2011; and

**WHEREAS**, under the terms of the Agreement, the Borough of Sea Bright will pay to the Township of Ocean Fire District No. 2 \$900.00 annually; and

**WHEREAS**, it has been determined by the Borough of Sea Bright and Township of Ocean Fire District No. 2 that it is in the best interest of both entities to share the expenses for a vehicle by eliminating unnecessary cost.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body that the shared service agreement be authorized as above mentioned and that the Mayor or Acting Mayor and Borough Clerk are hereby authorized to sign the agreement for 2011.

**CERTIFICATION OF FUNDS**

I, Michael J. Bascom, Chief Financial Officer of the Borough of Sea Bright do hereby certify that funds will be available in the 2011 temporary budget.

---

**MICHAEL J. BASCOM, CFO**

Second by Councilman Bills and adopted upon the following roll call vote:

Ayes: Bills, Keeler, Kelly, Murphy

Nays: None

Abstain: None

Absent: LoBiondo, Long

D. Councilman Murphy introduced and offered the following Resolution for adoption:

**RESOLUTION NO. 30-2011  
BOROUGH OF SEA BRIGHT**

**WHEREAS**, the Mayor and Council of the Borough of Sea Bright hereby authorize the renewal of Car/Truck Wash services for all Borough owned vehicles in order to be in compliance with Stormwater regulations.

**NOW THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Sea Bright hereby authorize the renewal of a contract for Car/Truck Wash services to:

**Conte's Car Wash  
684 Highway 36  
Long Branch, NJ 07740  
CERTIFICATION OF FUNDS**

**WHEREAS**, Michael J. Bascom, Chief Financial Officer of the Borough of Sea Bright has certified that funds will be available in the 2011 budgets for Police, DPW, Fire, First Aid, OEM for the purpose stated herein.

---

MICHAEL J. BASCOM, CFO

Second by Councilman Bills and approved upon the following roll call vote:

Ayes: Bills, Keeler, Kelly, Murphy

Nays: None

Abstain: None

Absent: LoBiondo, Long

**E.** Councilman Murphy introduced and offered for adoption the following Resolution:

**RESOLUTION NO. 31-2011  
BOROUGH OF SEA BRIGHT**

**WHEREAS**, there exists a need for a **Construction/Building Sub-Code Official** within the building department effective January 1, 2011.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Sea Bright, County of Monmouth that **EDWARD WHEELER** be appointed and receive the annual salary as specified below.

Construction/Building Sub-Code Official                      \$14,128.24

**CERTIFICATION OF FUNDS**

I, Michael J. Bascom, Chief Financial Officer, of the Borough of Sea Bright, do hereby certify that funds are available in Construction Department Salaries & Wages for the purpose stated herein.

---

MICHAEL J. BASCOM, CFO

Second by Councilman Kelly and adopted upon the following roll call vote:

Ayes: Bills, Keeler, Kelly, Murphy

Nays: None

Abstain: None

Absent: LoBiondo, Long

**F.** Resolution Councilman Murphy introduced and offered for adoption the following Resolution:

**RESOLUTION NO. 32-2011  
BOROUGH OF SEA BRIGHT**

**WHEREAS**, there exists a need for an **Assistant Code Enforcement Official** within the building department effective January 1, 2011.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Sea Bright, County of Monmouth that **JOHN SORRENTINO** be appointed and receive the annual salary as specified below.

**CERTIFICATION OF FUNDS**

I, Michael J. Bascom, Chief Financial Officer, of the Borough of Sea Bright, do hereby certify that funds are available in Construction Department Salaries & Wages for the purpose stated herein.

---

**MICHAEL J. BASCOM, CFO**

Second by Councilman Kelly and adopted upon the following roll call vote:

Ayes: Bills, Keeler, Kelly, Murphy

Nays: None

Abstain: None

Absent: LoBiondo, Long

**G.** Councilman Murphy introduced and offered for adoption the following Resolution:

**RESOLUTION NO. 33-2011  
BOROUGH OF SEA BRIGHT**

**WHEREAS,** there exists a need for snow removal services within the Borough of Sea Bright.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Sea Bright, County of Monmouth authorize that snow removal services at **\$250.00 per hour only on as needed basis** be supplied by the following:

**Jersey Shore Excavating, Inc.**

**P.O. Box 388**

**Monmouth Beach, NJ 07750**

**CERTIFICATION OF FUNDS**

I, Michael J. Bascom, Chief Financial Officer, of the Borough of Sea Bright, do hereby certify that funds are available in Streets and Roads O/E for the purpose stated herein.

---

**MICHAEL J. BASCOM, CFO**

Second by Councilman Kelly and adopted upon the following roll call vote:

Ayes: Bills, Keeler, Kelly, Murphy

Nays: None

Abstain: None

Absent: LoBiondo, Long

**H.** Councilman Murphy introduced a motion approving the NJ State Firemen's Association Membership Application for Timothy K. Mulheren. Second by Councilman Kelly and adopted upon the following roll call vote:

Ayes: Bills, Keeler, Kelly, Murphy

Nays: None

Abstain: None

Absent: LoBiondo, Long

**I.** Councilman Murphy introduced a motion approving the request for Social Affair Permit - Clean Ocean Action - May 22, 3-7 p.m. Ship Ahoy Beach Club. Second by Councilman Kelly and adopted upon the following roll call vote:

Ayes: Bills, Keeler, Kelly, Murphy

Nays: None

Abstain: None

Absent: LoBiondo, Long

**7. NEW BUSINESS:**

**A.** Councilman Murphy introduced and offered for adoption the following Resolution:

**RESOLUTION NO. 34-2011  
BOROUGH OF SEA BRIGHT  
AUTHORIZING EMERGENCY REPAIRS FOR EAST WALL  
OF BOROUGH HALL LOCATED AT 1167 OCEAN AVENUE**

**WHEREAS**, it was determined by the Borough's Engineer, Jaclyn Flor of T&M Associates that the east wall of Borough Hall located at 1167 Ocean Avenue in the Borough of Sea Bright (the "property") was unsafe, and, as such, emergency repair of the condition was necessary; and

**WHEREAS**, the Borough solicited sealed proposals for emergency repairs to Borough Hall which were received and found in accordance with the specifications prepared by the appropriate Borough Officials and approved by the Governing Body of the Borough of Sea Bright; and

**WHEREAS**, quotes were received and Seaport Builders Seaport Builders of New Jersey, LLC, 1 Robbins Parkway, Suite 103, Toms River, New Jersey 08753 of New Jersey, LLC submitted the lowest qualified response; and

**WHEREAS**, this is an emergency services contract pursuant to N.J.S.A. 40A:11-6 since the Borough cannot allow the east wall of the Borough Hall to deteriorate further and thereby exacerbate the unsafe condition.

**CERTIFICATION OF FUNDS**

I, Michael J. Bascom, Chief Financial Officer, of the Borough of Sea Bright, do hereby certify that funds are available in Bond Ordinance 8-2010 for the purpose stated herein.

---

**MICHAEL J. BASCOM, CFO**

**NOW, THEREFORE, BE IT RESOLVED**, as follows:

1. The Borough concurs with the immediate action that was taken by the Borough Engineer as necessary to protect the public health, safety and welfare.

2. The emergency repairs to be made to this property by Seaport Builders are hereby approved and ratified.

3. Subject to a certification of the availability of funds, Michael J. Bascom, the Chief Financial Officer is directed to disburse payment to Seaport Builders in an amount not to exceed \$50,000.00 upon receipt of appropriate vouchers.

4. The Mayor, Borough Clerk and any other applicable Borough officers or employees are hereby authorized and directed to take such ministerial actions as are necessary to effectuate the terms of this resolution.

Second by Councilman Kelly and adopted upon the following roll call vote:

Ayes: Bills, Keeler, Kelly, Murphy

Nays: None

Abstain: None

Absent: LoBiondo, Long

B. Councilman Murphy introduced and offered for adoption the following Resolution:

**RESOLUTION NO. 35-2011  
BOROUGH OF SEA BRIGHT**

BE IT RESOLVED, by the Mayor and Council of Sea Bright that the proper officers, be and are hereby authorized to refund a donation from the recreation trust fund to the following person:

Name	AMOUNT
Cristine Sinnott 20 Center Street Sea Bright, NJ 07760	\$300.00

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Sea Bright hereby approve the refund of \$300.00.

Second by Councilman Kelly and approved upon the following roll call vote:

Ayes: Bills, Keeler, Kelly, Murphy

Nays: None

Abstain: None

Absent: LoBiondo, Long

C. Councilman Murphy introduced a motion approving the request from Ronald McDonald House for polar plunge - February 5, 2011 - 1 p.m. on public beach. Second by Councilman Kelly and approved upon the following roll call vote:

Ayes: Bills, Keeler, Kelly, Murphy

Nays: None

Abstain: None

Absent: LoBiondo, Long

**8. CORRESPONDENCE AND COMMUNICATIONS:**

A. Library Director December report

B. Chief of Police December report

C. Court Administrator report

**9. COMMITTEE REPORTS:**

A. **Beach/Education/Environment:** Councilman Murphy reported progress on behalf of Councilwoman Long who was absent.

**B. Public Works/Building Department/Public Relations:**

Councilman Kelly reported progress on behalf of Councilman LoBiondo who was absent.

**C. Public Safety/Insurance**

Councilman Keeler reported that the police made 3038 motor vehicle stops and 7006 service calls in 2010, there were 1475 house checks in November. He said that the polar bear plunge on January 16<sup>th</sup> was well attended despite the freezing temperatures. He commended the public safety for overseeing this event. He reported progress.

**D. Finance/Grants/Court:**

Councilman Murphy reported that the budget meeting will be February 1. CFO Bascom will have the annual financial statement done by February 10 and the annual debt statement by January 31. State aid numbers will not be known to us until February or March. He reported progress.

**E. Personnel/Administration/Cultural Arts/Recreation:**

Councilwoman Bills reported progress.

**F. Smart Growth/Flood Mitigation/Beautification:** Councilman Kelly reported progress.

**10. MAYOR FERNANDES - REPORT AND COMMUNICATIONS.**

Administrator Smeltzer announced that Mayor Fernandes will be returning home on January 22, 2011.

**11. REMARKS FROM THE AUDIENCE (limited to 3 minutes)**

There being none.

Councilman Murphy introduced a motion to close the meeting to the public. Second by Councilman Kelly and approved upon unanimous voice vote.

Councilman Keeler asked Attorney Oxley to comment on Sea Bright's form of government and to address the questions raised about reorganization day and as to why certain decisions were made or not made that reflects on our form of government.

Attorney Oxley said the Borough of Sea Bright operates under the weak mayor form of government that is outlined under Title 40A:60-1, pursuant to that form of government; the mayor has very limited responsibilities. The mayor can break ties, with the advice and consent of the council. The mayor can offer appointments and has the right to veto ordinances approved by the council. At the reorganization meeting, there was an attempt to issue three executive orders. There is no statutory or legal authority for these types of executive orders. Assuming that no authority existed, the orders as they were issued were inappropriate. The one order was a direction to carry a cell phone and get an email address. That was not a proper subject matter for an executive order. There is a specific provision in NJSA 40A:60-3c that addresses the circumstances that we found ourselves in before the reorganization meeting. That section is very specific. It says that the president of the council shall perform all the duties of the mayor during any period in which the mayor is absent from the borough for three days or more, or is unable to perform the duties of the office. The president of the council shall become the acting mayor until the mayor returns. If the president of the council is unable to perform the duties of the acting mayor, then the councilmember with the longest time of service may act temporarily for the president of the council.

There has been, regretfully, an extended absence and we wish the Mayor God's speed in her recovery. I for the first time that morning realized how serious her complications had become. The business of this borough, the residents, the taxpayers are entitled to continuity of government. As elected officials, they carried out the reorganization meeting professionally. I hope that this clears up any misconception about executive orders. Just as a recap, an authority, legal or statutory states that we had a mayor at the reorganization meeting, who ran the meeting and ushered in the New Year on behalf of the borough, residents and taxpayers.

**12. ADJOURNMENT:**

There being no further business before the Governing Body. Councilman Murphy made a motion to adjourn the meeting at 7:56 P.M. Second by Councilman Kelly and approved upon unanimous voice vote.

Respectfully Submitted,

Maryann M. Smeltzer, RMC  
Municipal Clerk