

Mayor Fernandes called the meeting to order and requested those present to join her in the Pledge of Allegiance to the Flag.

Mayor Fernandes 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 ASBURY PARK PRESS ON JANUARY 20, 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, LoBiondo Long, Murphy, Attorney Oxley, Engineer Flor, Police Chief Sorrentino, Administrator Smeltzer

ABSENT: Chief Financial Officer Bascom

4. MAYORS PROCLAMATION 1-2011 - Arc of Monmouth

WHEREAS, intellectual and developmental disabilities are conditions which affect more than 7 million Americans and their families AND;

WHEREAS, public awareness and education enhance a community's understanding of the issues affecting people with intellectual and developmental disabilities AND;

WHEREAS, people with intellectual and developmental disabilities can be vital and vibrant members of our communities, improving the quality of life for all of us AND;

WHEREAS, the month of March has been designated DEVELOPMENTAL DISABILITIES AWARENESS MONTH by the state of New Jersey with 20 chapters of The Arc undertaking public awareness, educational and fundraising initiatives AND;

WHEREAS, The Arc of Monmouth serves over 2000 individuals with INTELLECTUAL disabilities throughout Monmouth County and advocates for and with people with intellectual and developmental disabilities and their families AND;

WHEREAS, The Arc of Monmouth is celebrating 62 years of service to families and individuals throughout Monmouth County.

NOW, THEREFORE, Honorable Maria D. Fernandes, Mayor of Sea Bright does hereby Proclaim March, 2011 as Developmental Disabilities Awareness Month In the borough of Sea Bright, New Jersey and urges that the citizens of Sea bright, New Jersey give full support of efforts towards enabling people with intellectual and developmental disabilities to live full and productive lives of inclusion in our communities.

5. PRESENTATION: Two Rivers Water Reclamation Authority: Michael Gianforte, Executive Director reported that a 27" sewer main failed in Monmouth Beach which serves Rumson, Sea Bright and a portion of Monmouth Beach. Temporarily the pipe was

secured by a bypass pumping, groundwater lowering equipment and traffic control. The final repair will include slipping a 24" pipe within the 27" pipe.

On February 2nd, we were alerted of a sinkhole, the emergency contractor temporarily fixed what we thought was a minor problem. We tried to televisive the pipe but was clogged with debris. Several attempts were made to identify the problem. Now it appears that the top of the pipe dissolved. The complication lies with the pipe running deep and underneath the 48" treatment plant outfall and under many other utilities lines and all within an easement between Seaview and River Avenues making it difficult to repair. The cost is approaching \$300,000 to be billed to Rumson, Sea Bright and other participants. It is an expensive project and that Two Rivers Water Reclamation Project has this built into a bond. We could pay for this out of the renewal replacement fund and we are seeking repayment slowly over a period of years.

Mayor Fernandes said that Councilman Murphy and his Finance Committee should meet to discuss the cost of this project and its impact to the 2012 budget.

6. REMARKS FROM THE AUDIENCE (limited to 3 minutes)

No one wished to be heard. Councilman Murphy introduced a motion to close the meeting to the public. Second by Councilman Kelly and approved upon unanimous voice vote.

7. Administrator Smeltzer called for the Second Reading, by Title Only, of the following Ordinance, which was introduced and approved at the Council Meeting of February 1, 2011.

A. Councilman Murphy moved to approve this Ordinance upon Second Reading.

BOND ORDINANCE NO. 5-2011

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$200,000 FOR THE IMPROVEMENTS TO MUNICIPAL FACILITIES FOR AND BY THE BOROUGH OF SEA BRIGHT IN THE COUNTY OF MONMOUTH, NEW JERSEY AND, AUTHORIZING THE ISSUANCE OF \$190,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.

BE IT ORDAINED, BY THE BOROUGH COUNCIL OF THE BOROUGH OF SEA BRIGHT, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1:

The improvements described in Section 3 of this bond ordinance (the "Improvements") are hereby authorized to be undertaken by the Borough of Sea Bright, New Jersey (the "Borough") as general improvements. For the said Improvement there is hereby appropriated the amount of \$200,000, such sum includes the sum of \$10,000 as the down payment (the "Down Payment") required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the "Local Bond Law"). The Down Payment is now available by virtue of provisions in one or more previously adopted budgets for down payments for capital improvement purposes.

SECTION 2:

In order to finance the cost of the Improvements not covered by application of the Down Payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$190,000 pursuant to the provisions of the Local Bond Law (the "Bonds"). In anticipation of the issuance of the Bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes of the Borough are hereby authorized to be issued in the principal amount not exceeding \$190,000 pursuant to the provisions of the Local Bond Law (the "Bond Anticipation Notes" or "Notes").

SECTION 3:

(a) The Improvements authorized and the purpose for the financing of which said obligations are to be issued is for the improvements to municipal facilities, including all work and materials necessary therefor and incidental thereto, and as shown on and in accordance with the plans and specifications on file with the Borough Clerk.

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvements is \$190,000.

(c) The estimated cost of the Improvements is \$200,000 which amount represents the initial appropriation made by the Borough.

SECTION 4:

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Borough (the "Chief Financial Officer"); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of Section 8(a) of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the Borough Council of the Borough at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

SECTION 5:

The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Borough Clerk and is available for public inspection.

SECTION 6:

The following additional matters are hereby determined, declared, recited and stated:

(a) The Improvements described in Section 3 of this bond ordinance are not current expenses, and are capital improvements or properties that the Borough may lawfully make or acquire as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the Improvements, within the limitations of the Local Bond Law, and according to the reasonable life thereof computed from the date of the Bonds authorized by this bond ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Borough, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this bond ordinance by \$190,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$100,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

SECTION 7:

Any funds received from time to time by the Borough as contributions in aid of financing the purposes described in Section 3 of this Ordinance shall be used for financing said Improvements by application thereof either to direct payment of the cost of said Improvements or to the payment or reduction of the authorization of the obligations of the Borough authorized therefor by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvements shall, be held and applied by the Borough as funds applicable only to the payment of obligations of the Borough authorized by this Bond Ordinance.

SECTION 8:

The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

SECTION 9:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Borough reasonably expects to pay expenditures with respect to the Improvements prior to the date that Borough incurs debt obligations under this Bond Ordinance. The Borough reasonably expects to reimburse such expenditures with the proceeds of debt

to be incurred by the Borough under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$190,000.

SECTION 10:

This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

moved the Public Hearing to be held. Second by Councilwoman Bills and approved by the following vote:

Ayes: Bills, Keeler, Kelly LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: None

There being no members of the Public who wished to be heard a motion to close the Public Hearing was made by Councilman Murphy. Second by Councilman Keeler and approved by the following vote:

Ayes: Bills, Keeler, Kelly LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: None

Councilman Murphy made a motion to approve Ordinance No. 5-2011 on its Third and Final Reading and advertise it according to law. Second by Councilman Keeler and approved upon the following vote:

Ayes: Bills, Keeler, Kelly LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: None

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

A. Councilman Keeler introduced and approved for adoption the following:

RESOLUTION NO.55-2011

PAYMENT OF BILLS 03-01-2011

WHEREAS, the following listed vouchers have been audited and found to be correct.

NOW, THEREFORE, BE IT RESOLVED that these vouchers totaling \$603,620.09 are to be paid; and

BE IT FURTHER RESOLVED, that proper Officers are hereby authorized to execute and issue warrants for payments of said vouchers, but only if and when conditions of the Borough Treasury shall permit, and the said vouchers be approved by the proper Committees.

02182	A.M./P.M. SERVICES		
11-00090	02/01/11 MUNI CLERK-4/1/11 SEMINAR	Open	184.00
11-00202	02/11/11 MUNI CLERK-3/11/11 SEMINAR	Open	99.00

			283.00
00350	ABSOLUTE FIRE PROTECTION, INC.		
11-00160	02/07/11 FIRE DEPT-REPAIRS #4375	Open	222.50
00006	AVAYA, INC.		
11-00203	02/11/11 POLICE DEPT-2011 PHONE MAINT	Open	66.51
02036	BAHRLE, DAVID		
11-00209	02/14/11 DPW-REIMB:CPWM LICENSE RENEWAL	Open	50.00
01241	BAIN'S HARDWARE, INC.		
11-00162	02/07/11 JAN 2011 PURCHASES	Open	429.04
01631	BOROUGH OF OCEANPORT		

11-00213	02/14/11	COURT SHARED SERVICES:MAR 2011	Open	6,503.34
01565		BOROUGH OF SEA BRIGHT		
11-00243	02/22/11	T/F ADMIN FEE:02/15/11 PAYROLL	Open	372.00
01546		C.I.T. TECHNOLOGY FIN SERV,INC		
11-00061	01/21/11	POLICE DEPT-2011 COPIER LEASE	Open	147.72
01358		CAMPBELL SUPPLY CO., L.L.C.		
11-00158	02/07/11	FIRE DEPT-4377 REPAIRS	Open	627.04
00249		CLARK, DOUGLAS		
11-00250	02/23/11	DPW-TRAVEL REIMB:2/20/11	Open	26.00
00198		COMCAST		
11-00216	02/17/11	POLICE DEPT-INTERNET:FEB 2011	Open	95.17
11-00253	02/23/11	LIBRARY-INTERNET:FEB 2011	Open	100.12

				195.29
01320		DEMAIO, R.N.		
11-00150	02/07/11	BLDGS/GRNDS-JANITORIAL SUPPL	Open	371.50
00091		DIGIROLAMO, LOUIS		
11-00234	02/18/11	2011 PYMT 03/12 HEALTH REIMB	Open	2,141.70
02116		EBSCO SUBSCRIPTION SERVICES		
10-01521	12/31/10	LIBRARY-MAGAZINE SUBSCRIPTIONS	Open	486.96
02181		GATEWAY PRESS		
11-00169	02/08/11	A&E-MAILERS:CAT PROGRAM	Open	150.00
11-00178	02/09/11	A&E-2011 MUNICIPAL DIRECTORY	Open	580.00

				730.00
01194		LENCO SUPPLY, INC.		
11-00100	02/01/11	DPW-"STOP" SIGNS	Open	820.00
01657		GOWAN, KERRY		
11-00246	02/22/11	POLICE DEPT-2/10,2/16 MATRON	Open	56.00
01634		GRAMCO BUSINESS COMMUNICATIONS		
11-00121	02/02/11	2011 MAINTENANCE CONTRACT	Open	450.00
00022		HILL INTERNATIONAL, INC.		
11-00229	02/18/11	CONSULTING SERV RE:LITIGATION	Open	5,000.00
01572		HUTCHINS, FARRELL, MEYER &		
11-00230	02/18/11	PREP:SUPP DEBT STMT/CAP BUDGET	Open	400.00
00227		INTERN'L INST/MUNICIPAL CLERKS		
11-00117	02/02/11	MUNICIPAL CLERK-2011 DUES	Open	135.00
01526		JCP & L		
11-00255	02/23/11	JAN 2011 ELECTRIC SERVICE	Open	10,862.63
00297		JESSE A. HOWLAND & SONS, INC.		
11-00240	02/22/11	GARAGE RENT - MAR 2011	Open	1,772.00
11-00241	02/22/11	DPW-ADDT'L GARAGE RENT-MAR'11	Open	893.00

				2,665.00
00895		JOHNNY ON THE SPOT, INC.		
11-00171	02/09/11	PORTO-POTS - 2/10/11-3/5/11	Open	174.00
00270		JOHNSON, KENNETH		
11-00238	02/22/11	2011 PYMT 03/12 HEALTH REIMB	Open	1,024.69
00202		KAY PRINTING & ENVELOPE CO,INC		
11-00088	01/31/11	BLDG DEPT-FILE FOLDERS	Open	46.48
00443		KLINE, GEORGE t/a		
11-00112	02/01/11	FIRE DEPT-REPAIR FIRE GEAR	Open	91.63
00104		LORAY, ROBERT		
11-00233	02/18/11	2011 PYMT 03/12 HEALTH REIMB	Open	1,300.25
00620		MAD HATTER		
11-00018	01/21/11	POLICE DEPT-12/27/10 PIZZAS	Open	60.46
00334		MASSAS, PETER		
11-00189	02/10/11	REC-DJ FOR VALENTINE'S PARTY	Open	350.00
01900		MCKENNA, DUPONT, HIGGINS &		
11-00221	02/17/11	P/L BOARD-LITIGATION:SCUDIERY	Open	160.00
11-00222	02/17/11	P/L BOARD-JAN 2011 MEETINGS	Open	400.00

				560.00
01322		MONMOUTH AND OCEAN COUNTY		
11-00127	02/02/11	POLICE DEPT-2011 ANNUAL DUES	Open	50.00
00021		MONMOUTH COUNTY		
11-00220	02/17/11	SHREWSBURY RIVER FLOOD WARNING	Open	1,500.00
00140		MOORE, WILLIAM		
11-00236	02/18/11	2011 PYMT 03/12 HEALTH REIMB	Open	2,141.70
00340		MORRIS, KATHLEEN		

11-00146	02/03/11	REC-2011 F/FAIR CHANGE FUND	Open	2,000.00
00137		MUNICIPAL CAPITAL CORPORATION		
11-00059	01/21/11	A&E-2011 COPIER LEASE	Open	225.20
00339		NAPA AUTO PARTS		
11-00070	01/25/11	DPW-BLANKET:VEHICLE MAINT	Open	22.17
01211		NAYLOR'S, INC.		
11-00166	02/08/11	OEM-BLANKET:VEHICLE MAINT	Open	52.07
00019		NJ AMERICAN WATER		
11-00219	02/17/11	JAN 2011 WATER UTILITY	Open	172.01
00300		NJ STATE ASSN CHIEFS OF POLICE		
11-00130	02/02/11	POLICE DEPT-2011 DUES	Open	200.00
00502		NJ STATE LEAGUE/MUNICIPALITIES		
11-00201	02/11/11	MUNI CLERK-3/8/11 SEMINAR	Open	55.00
01309		OCEANPORT BOARD OF EDUCATION		
11-00232	02/18/11	GRADE SCHOOL TAX - MAR 2011	Open	77,253.65
00242		OLD SCHOOL BASKETBALL		
11-00188	02/10/11	REC-B/BALL CLINIC:2/4-3/11/11	Open	360.00
02054		POWERHOUSE SIGN WORKS		
11-00159	02/07/11	FIRE DEPT-BOAT DECALS	Open	50.00
00164		RAIN, WILLIAM		
11-00237	02/22/11	2011 PYMT 03/12 HEALTH REIMB	Open	863.57
00788		SCARINCI & HOLLENBECK, LLC		
10-01538	12/31/10	LEGAL SERVICES:DEC 2010	Open	10,385.40
11-00137	02/02/11	LEGAL-2011 RETAINER	Open	416.67
11-00227	02/18/11	LEGAL SERVICES:JAN 2011	Open	5,392.34
00477		SEAPORT BUILDERS, LLC		
11-00001	01/21/11	EMERGENCY REPAIRS-BOROUGH HALL	Open	45,833.60
00053		SHORE REGIONAL HIGH SCHOOL		
11-00200	02/10/11	HIGH SCHOOL TAX - MAR 2011	Open	164,304.00
01603		SIGNS BY TOMORROW		
11-00164	02/08/11	BEACH-SIGNS	Open	456.00
01395		SINNOTT, CRISTINE		
11-00129	02/02/11	REFUND OF RECREATION DONATION	Open	300.00
00975		SMACK, EDWARD		
11-00239	02/22/11	2011 PYMT 03/12 HEALTH REIMB	Open	863.57
00124		SPAHR, STEVEN		
11-00245	02/22/11	2011 PYMT 03/12 HEALTH REIMB	Open	2,141.70
00083		T & M ASSOCIATES		
10-00302	03/08/10	PLANNING SERVICES	Open	1,062.50
10-00409	04/05/10	CONCEPT MAP:BEACH FACILITIES	Open	2,000.00
10-00624	05/18/10	IMPROV:NORMANDIE PL/BEACH WAY	Open	495.83
10-00963	08/10/10	TIDELAND LICENSE-NORMANDIE/BEA	Open	62.50
10-01113	09/13/10	PLANNER SERVICES:MASTER PLAN	Open	1,530.88
10-01395	11/19/10	PLANNING SERVICES-SCHOOL HOUSE	Open	250.00
10-01397	11/19/10	REVIEW TAPES/LOGS:SEWER LINES	Open	5,156.25
11-00134	02/02/11	SANITARY SEWER LINE REPAIRS	Open	3,938.75
11-00136	02/02/11	ENGINEERING-2011 RETAINER	Open	250.00
11-00149	02/04/11	HAZARD MITIGATION GRANT	Open	29,650.00
11-00210	02/14/11	ENGINEERING-12/21/10 MEETING	Open	250.00
11-00211	02/14/11	EMERGENCY REPAIRS-BORO HALL	Open	8,687.50
11-00212	02/14/11	ENGINEERING-KARA STAIR COSTS	Open	187.50

				53,521.71
00192		TAX COLL & TREAS ASSOC OF NJ		
11-00215	02/17/11	TAX COLL-2011 DUES	Open	75.00
01285		THE HOME DEPOT		
11-00196	02/10/11	WINDOWS:BORO HALL EMERG REPAIR	Open	652.00
11-00198	02/10/11	BLDGS/GRNDS-BLANKET:MISC SUPP	Open	159.71

				811.71
00262		TRATTORIA G		
11-00190	02/10/11	REC-PIZZA:VALENTINE'S PARTY	Open	77.00
01243		TREASURER, STATE OF NEW JERSEY		
11-00251	02/23/11	NJDEP-TIDELANDS LICENSE FEE	Open	1,250.00
11-00252	02/23/11	NJDEP-TIDELANDS PROCESSING FEE	Open	350.00

				1,600.00
00178		UNITED STATES POSTAL SERVICE		
11-00218	02/17/11	POSTAGE FOR POSTAGE METER	Open	900.00
01960		VERIZON		

11-00223	02/17/11 LOCAL/LONG DISTANCE:JAN 2011	Open	1,756.24
01020	VERIZON COMMUNICATIONS		
11-00244	02/22/11 DPW-DSL INTERNET:JAN 2011	Open	51.39
02061	VERIZON WIRELESS		
11-00205	02/14/11 BLDG/FIRE/COURT:FEB 2011	Open	81.85
11-00228	02/18/11 FIRE DEPT-MDT:FEB 2011	Open	40.01
11-00256	02/23/11 POLICE-FEB 2011 CELL & MDT	Open	786.47

			908.33
01150	W.W. GRAINGER, INC.		
11-00192	02/10/11 BLDGS/GRNDS--TRASH LINERS	Open	407.52
01164	WATCHUNG SPRING WATER CO, INC.		
11-00254	02/23/11 FEB 2011 SPRING WATER	Open	134.62
	AOL(MARCH2011)		18.99
	BORO OF SEA BRIGHT PAYROLL A/C (1/14/11 PAYROLL)		99,456.03
	BORO OF SEA BRIGHT PAYROLL A/C (1/28/11 PAYROLL)		89,654.98
	MONMOUTH COUNTY SPCA (JAN 2011 BOARDING)		100.00
	TDBANK(MCIAINTERESTPAYMENT)		2,033.00
	U.S.POSTALSERVICE(POSTAGE:CATMAILING)		213.09
	U.S. POSTAL SERVICE (POSTAGE:2011 DIRECTORY MAILING)		<u>213.09</u>
	TOTAL		603,620.09

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

Ayes: Bills, Keeler, Kelly, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: None

B. Councilman Keeler introduced a motion adopting the February 15, 2011 Council Meeting Minutes. Second by Councilman Murphy and approved upon the following roll call vote:

Ayes: Bills, Keeler, Kelly, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: None

C. Councilman Keeler introduced a motion adopting the February 15, 2011 Closed Executive Meeting Minutes. Second by Councilman Murphy and approved upon the following roll call vote:

Ayes: Bills, Keeler, Kelly, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: None

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

**RESOLUTION NO. 56-2011
AMENDS RESOLUTION NO. 46-2011
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 an overpayment of a raffle license fee to Red Bank Regional Source Foundation, 101 Ridge Road, Little Silver, New Jersey in the amount of \$20.00.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Sea Bright hereby approve the following raffle license fee overpayment of \$20.00.

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

Ayes: Bills, Keeler, Kelly, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: None

E. Council Keeler introduced and offered the following Resolution for adoption:

**BOROUGH OF SEA BRIGHT
RESOLUTION NO. 57-2011**

WHEREAS, the Planning Board Secretary has indicated that the unused Planning Board escrow monies shall be refunded to:

APPLICANT	REFUND
1. John Dinapoli B 2 L 7 - 4 Imbrie Place	\$481.83
2. Linda Hirsch B4 L 7.23 - 10 Tradewinds Lane	\$460.00

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Sea Bright hereby authorize the unused Planning Board escrow monies be refunded.

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

Ayes: Bills, Keeler, Kelly, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: None

F. Councilman Keeler introduced and offered for adoption the following resolution:

**RESOLUTION NO. 58-2011
BOROUGH OF SEA BRIGHT**

WHEREAS, the Mandatory Source Separation and Recycling Act P.L. 1967, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, The recycling regulation imposes on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, A resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and to indicate the assent of the Mayor and Council of the Borough of Sea Bright to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Sea Bright, that the Borough of Sea Bright hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling. Second by Councilman Murphy and adopted upon the following roll call vote:

Ayes: Bills, Keeler, Kelly, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: None

G. Councilman Keeler introduced and offered for adoption the following resolution:

**RESOLUTION NO.59-2011
BOROUGH OF SEA BRIGHT**

WHEREAS, the Sea Bright Governing Body wish to support the fundraising events in town by donating two 2011 beach badges to the third grade class at Port Monmouth Elementary School for their 6th annual gift auction fundraiser; and

WHEREAS, the borough auditor has been informed and advised that a resolution should be passed to donate the two badges.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council authorize the donation of two 2011 beach badges to the third grade class at Port Monmouth Elementary School for their 6th annual gift auction fundraiser

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Beach Director.

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

Ayes: Bills, Keeler, Kelly, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: None

H. Councilman Keeler introduced and offered for adoption the following resolution:

**RESOLUTION NO.60-2011
BOROUGH OF SEA BRIGHT**

WHEREAS, the Sea Bright Governing Body wish to support the fundraising events in town by donating two 2011 beach badges Michael's Feat for their Annual Spring Gala; and

WHEREAS, the borough auditor has been informed and advised that a resolution should be passed to donate the two badges.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council authorize the donation of two 2011 beach badges to Michael's Feat for their Annual Spring Gala.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Beach Director.

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

Ayes: Bills, Keeler, Kelly, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: None

I. Councilman Keeler introduced a motion approving the request from Holy Cross to begin their Gaelic parade at Rooney Park on

March 12th at 8:15 a.m. Second by Councilman Murphy and adopted upon the following roll call vote:

Ayes: Bills, Keeler, Kelly, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: None

J. Councilman Keeler introduced a motion approving request from SummerTime Surf school to conduct summer surf classes on the Anchorage Beach. Second by Councilman Murphy and adopted upon the following roll call vote:

Ayes: Bills, Keeler, Kelly, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: None

K. Councilman Keeler introduced and offered for adoption the following resolution:

**RESOLUTION NO.61-2011
BOROUGH OF SEA BRIGHT**

WHEREAS, the Borough of Sea Bright and Maryann Smeltzer entered into an Employment Agreement on August 1, 2010 by Resolution No. 173-2010; and

WHEREAS, in accordance with the Employment Agreement, Smeltzer, at her option, may be paid for any accumulated unused sick days in excess of sixty (60) days, on an annual basis at a rate of two (2) sick days for one (1) day of pay at the current per diem rate of pay; and

WHEREAS, Maryann Smeltzer wishes to redeem 110 sick days paid at the rate of 2 days for 1 day of pay or a total of \$19,943.00.

NOW, THEREFORE, BE IT RESOLVED by the Sea Bright Governing Body that the appropriate borough officials be and are hereby authorized to pay the amount herein.

CERTIFICATION OF FUNDS

I, Michael J. Bascom, Chief Financial Officer of the Borough of Sea Bright do hereby certify that funds are available in Clerk S & W and Administrative & Executive S & W appropriations for the purpose stated herein.

MICHAEL J. BASCOM, CFO

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

Ayes: Bills, Keeler, Kelly, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: None

9. OLD BUSINESS:

A. DISCUSSION: Municipal Facilities Smart Growth Plan - Engineer Flor said her letter dated February 24, 2011 is to review the litigation agreement and NJDEP's CAFRA and Waterfront Development to determine the regulatory aspects of the proposed improvements. T&M Associates will coordinate and meet with NJDEP and ACOE to discuss the project and regulatory requirements established in the litigation agreement. The proposal includes other phases of the Municipal Facilities Smart Growth plan for

traffic impact study, overall cost of the project and the submittal of the entire municipal facilities plan.

Councilwoman Long said that she has difficulty moving forward when we have no sense of a real cost estimate for this project and the idea of going to the NJDEP and ACOE to offer these plans when we do not know if we can afford it. Councilman Murphy said that the state's review of our plans is necessary for this project so we know as to what we can or cannot build. Councilman Keeler said that it would be unfortunate to spend money on engineers and architects with a great set of plans and then have the DEP tell us to revise the plans.

Mayor Fernandes said that the plan is to send Engineer Flor to Trenton for plan approval. Then we should receive cost estimates for the project.

The Council agreed to move forward to pay \$5,000 for the Borough Engineer to meet with the NJDEP and ACOE. Mayor Fernandes said that the Office of Smart Growth is now known as the Office of Planning Advocacy

B. Councilman Kelly introduced a motion authorizing the amendment of Ordinance 20-2005 to allow engineering and architectural work necessary to gain regulatory approval for development project. Second by Councilman Murphy and adopted upon the following roll call vote:

Ayes: Bills, Keeler, Kelly, LoBiondo, Murphy

Nays: Long

Abstain: None

Absent: None

C. Councilman Kelly introduced a motion authorizing the preparation of a general bond ordinance to begin the construction of Phase I of the development project (pool facility). Second by Councilman Murphy and adopted upon the following roll call vote:

Ayes: Bills, Keeler, Kelly, LoBiondo, Long Murphy

Nays: None

Abstain: None

Absent: None

Fire Chief Murphy will submit a letter stating that SBFD will be trading in two pumpers to offset the cost of the new rescue pumper.

D. Councilman Keeler introduced a motion authorizing the preparation of a bond ordinance for the acquisition of rescue pumper multi-purpose fire apparatus with estimated costs of \$380,000. The bond ordinance appropriation of \$19,000 would come from the general capital improvement fund and \$361,000 will be in bonds and notes.). Second by Councilwoman Long and adopted upon the following roll call vote:

Ayes: Bills, Keeler, Kelly, LoBiondo, Long

Nays: None

Abstain: Murphy

Absent: None

10. NEW BUSINESS:

A. Councilwoman Long introduced and offered for adoption the following Resolution:

**RESOLUTION NO. 62-2011
BOROUGH OF SEA BRIGHT**

WHEREAS, New Jersey municipal Excess Liability JIF will be providing unlimited access to web portal software/toll-free telephone service for managers to gain access to changing and challenging employment laws.

BE IT RESOLVED, that William J. Keeler and Maryann M. Smeltzer be and is hereby authorized to access and use when needed the municipal Excess Liability - EPL Help Line.

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the NJ Municipal Excess Liability JIF and the appointees.

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

Ayes: Bills, Keeler, Kelly, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: None

B. Councilwoman Bills introduced and offered for adoption the following Resolution:

**RESOLUTION NO. 63-2011
BOROUGH OF SEA BRIGHT**

WHEREAS, Mayor and Council of the Borough of Sea Bright are in need of construction consulting services for the Sea Bright Storm Water Detention Facility dispute.

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

MICHAEL J. BASCOM, C.F.O.

BE IT RESOLVED, that Mayor Fernandes is authorized to execute an agreement with Hill International for construction consulting services for the Sea Bright Storm Water Detention Facility dispute.

Second by Councilwoman Long and adopted upon the following roll call vote:

Ayes: Bills, Keeler, Kelly, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: None

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

**RESOLUTION NO. 65-2011
BOROUGH OF SEA BRIGHT**

BE IT RESOLVED, by the Governing Body of the Borough of Sea Bright that the rate and charge of the municipal public utility for sewerage for the first quarter of 2011 be set; and

BE IT FURTHER RESOLVED, that any previous schedule of charges adopted by the Mayor and Council of the Borough of Sea Bright which are inconsistent herewith are hereby rescinded; and

BE IT FURTHER RESOLVED, that the rate and charge for the utility are as follows:

The first quarter sewerage rate will be at the rate of \$10.90 for every 1,000 gallons of water consumed by the customer.

The charges shall be due and payable in 2011, 10 days after the due date of the municipal sewer utilities bill. If the bill is not timely paid, the outstanding bill shall be considered a municipal charge and shall be subject to the same rate of interest accruing on delinquent taxes. The first quarter billing in 2011 shall be mailed during March of 2011.

Consumption shall be based upon the information provided to the Borough of Sea Bright Municipal Sewer Utility by the New Jersey American Water Company. The customers that are billed by the New Jersey American Water Company on a quarterly basis shall have their sewer charge based upon the quarterly water charges from New Jersey American Water Company. Those customers that are billed on a monthly basis by New Jersey American Water Company shall have their bills based upon their water consumption from December of 2010 through November of 2011.

All customers of the municipal sewer utility shall be billed for at least 10,000 gallons quarterly. This minimum charge shall be \$109.00 for the first quarter of 2011.

The consumption charges shall be billed to the metered townhouse or condominium association or corporation for payment.

If any section, subsection, clause or provision of this Schedule of Charges shall be adjudged unconstitutional or to be ineffective in whole or in part, to the extent that it is not adjudged unconstitutional or is not effective, it shall be valid and effective; and no other section, subsection, clause or provision of this Schedule of Charges shall on account thereof be deemed invalid or ineffective and the inapplicability or invalidity of any section, subsection, clause or provision of this Schedule of Rates and Charges in any one or more instances or under any one or more circumstances shall not be taken to affect or prejudice in any way its applicability or validity in any other instances or under other circumstances.

A copy of same shall at all times be kept on file at the office of the Tax/Sewer Utility Collector at 1167 Ocean Avenue, Sea Bright, New Jersey and shall at all reasonable times be open to public inspection.

BE IT FURTHER RESOLVED, by the Borough Council of the Borough of Sea Bright that the utility is hereby authorized to publish a notice of final adoption of said Resolution of Rates and Charges.

BE IT FURTHER RESOLVED, by the Borough Council of the Borough of Sea Bright that they hereby authorize the utility to forward a copy of said Resolution of Rates and Charges to the customers of the utility at the utility's discretion.

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

Ayes: Bills Keeler, Kelly, LoBiondo, Long, Murphy

Nays: None
Abstain: None
Absent: None

Councilman Keeler introduced a motion authorizing a MCIA bond amendment to include the purchase of a police Tahoe vehicle. Second by Councilwoman Long and adopted upon the following roll call vote:

Ayes: Bills, Keeler, Kelly, LoBiondo, Long,
Nays: None
Abstain: Murphy
Absent: None

11. CORRESPONDENCE AND COMMUNICATIONS:

A. Department of the Army letter dated February 15, 2011 concerning military speakers.

Councilwoman Long said that she would contact Brookdale Community College's WWII Conflict Resolution Center requesting a veteran to speak at Sea Bright's Memorial Day event.

12. MAYOR FERNANDES - REPORT AND COMMUNICATIONS.

Mayor Fernandes said that this Saturday, March 5th is the dune grass planting project on the Municipal Beach. Also, on March 5th from noon to 4 pm here at the recreation center will be a free microchip clinic for cats. This is free and available to Sea Bright residents only. Councilwoman Long said that this is the first step for the Trap - Neuter -Release program and in partnership with the SPCA. Cat food or money donations are appreciated.

Mayor Fernandes announced that the St. Patrick's party will be at the recreation center March 18th from 7pm to 8:30 pm, there will be refreshments and Irish music.

13. REMARKS FROM THE AUDIENCE (limited to 3 minutes)

No one wished to be heard. Councilman Murphy introduced a motion to close the meeting to the public. Second by Councilwoman Long and approved upon unanimous voice vote.

14. ADJOURNMENT: A motion to adjourn the meeting the meeting at 8:30 a.m. was made by Councilman Murphy. Second by Councilwoman Long and approved upon unanimous voice vote.

Respectfully Submitted,

Maryann M. Smeltzer, RMC
Municipal Clerk