

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

Mayor Long 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, 2012 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."

PRESENT: Bills, Keeler, Kelly, Leckstein, LoBiondo, Murphy (arrived at 7:51 p.m.), Mayor Long, Attorney Oxley, Engineer Flor,

ABSENT: Chief Financial Officer Bascom, Police Chief Sorrentino

APPROVAL OF MINUTES:

A: Councilman Leckstein introduced a motion approving the April 3, 2012 Council Meeting. Second by Councilman Murphy and approved upon the following roll call vote:

Ayes: Bills, Keeler, Kelly, Leckstein, Murphy

Nays: None

Abstain: None

Absent: None

B: Councilman Leckstein said that the April 17, 2012 minutes needed to be corrected to reflect Councilman Murphy vote of no to table Ordinance 6-2012. Councilman Leckstein offered a motion approving the corrected April 17, 2012 Council Meeting minutes. Second by Councilman Murphy and approved upon the following roll call vote:

Ayes: Bills, Keeler, Kelly, Long, Murphy

Nays: None

Abstain: None

Absent: None

REMARKS FROM THE AUDIENCE (limited to 3 minutes)

The Public Comment portion of this meeting allows members of the audience to bring their concerns or comments to the Mayor and Council's attention. Pursuant to Borough Ordinance 3-2011, a member of the public who wishes to speak shall give his/her name and address for the record and may have up to three minutes to state his/her comments to the Mayor and Council as a Body. If additional time or information is requested, an appointment can be made with the Administrator's office during regular business hours.

Janet Henshel of 11 East Church Street thanked the council for supporting the Classic Car show, the Chief of Police for going above and beyond, the public works crew and fire department town's cooperation and support during the Classic Car show.

ORDINANCES:

A. Councilman Leckstein introduced a motion to add Ordinance 6-2012 to the agenda and to allow discussion on this issue. Second by Councilman Murphy and approved upon uniamous voice vote.

ORDINANCE NO. 6-2012
AN ORDINANCE REVISING CHAPTER 130, LAND USE,
ARTICLE I, TITLE; PURPOSES; REQUIREMENTS,

**SECTION 130-3 REQUIREMENTS PARAGRAPH B
OF THE CODE OF THE BOROUGH OF SEA BRIGHT**

Councilman Murphy introduced a motion for the council to meet with the planning board during a workshop to discuss the site requirements under Chapter 130 Land Use. Second by Councilman Murphy and approved upon the following roll call vote:

Ayes: Bills, Keeler, Kelly, Long, Murphy

Nays: None

Abstain: None

Absent: None

CONSENT AGENDA:

Certification of Funds supports any items requiring expenditure; any items requiring discussion will be removed from the Consent Agenda:

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

**RESOLUTION NO.108-2012
PAYMENT OF BILLS 05-01-2012**

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

NOW, THEREFORE, BE IT RESOLVED that these vouchers totaling \$1,076,233.84 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.

01688	ADVANCED MARKETING SOLUTIONS		
12-00406	04/11/12 A&E-2012 (4) QTRLY SEA BREEZE	Open	4,345.00
12-00407	04/11/12 4/Q/2011 SHARE OF ADVERTISING	Open	50.00

			4,395.00
01578	AMERICAN MESSAGING		
12-00431	04/12/12 DPW-FEE FOR UNRETURNED PAGERS	Open	79.95
00384	AT & T MOBILITY		
12-00498	04/23/12 DPW-APR 2012 CELL BILL	Open	106.15
01241	BAIN'S HARDWARE, INC.		
12-00412	04/11/12 MAR 2012 PURCHASES	Open	841.50
01631	BOROUGH OF OCEANPORT		
12-00363	03/28/12 COURT SHARED SERVICES:MAY 2012	Open	6,503.34
01565	BOROUGH OF SEA BRIGHT		
12-00453	04/16/12 T/F ADMIN FEE:04/13/12 PAYROLL	Open	432.00
01974	BOROUGH OF SEA BRIGHT COURT		
12-00439	04/13/12 COURT-03/12 CREDIT CARD REIMB	Open	94.85
01249	BRANAGAN, SUZANNE		
12-00438	04/13/12 MUNI CLERK-4/4/12 TRAVEL REIMB	Open	9.90
01595	BUTLER, JR., JAMES N.		
12-00505	04/25/12 COURT-SUBSTITUTE PROSECUTOR	Open	250.00
01546	C.I.T. TECHNOLOGY FIN SERV, INC		
12-00004	01/11/12 POLICE DEPT-2012 COPIER LEASE	Open	148.72
01780	CDW GOVERNMENT, INC.		
12-00267	03/05/12 POLICE-CISCO ROUTER	Open	549.25
01541	CHAPEL BEACH CLUB		
12-00205	02/16/12 BEACH-REIMB:BULLDOZER RENTAL	Open	13,017.04
00198	COMCAST		
12-00479	04/17/12 POLICE DEPT-INTERNET:APR 2012	Open	109.27
12-00497	04/23/12 LIBRARY-INTERNET:APR 2012	Open	99.92

			209.19
00088	CROWN TIRE MART		
12-00415	04/11/12 DPW-4 TIRES:FORD F250	Open	400.00
01320	DEMAIO, R.N.		
12-00329	03/22/12 BLDGS/GRNDS-TRASH BAGS	Open	224.12
01664	EMERGENCY PRODUCTS, INC.		
12-00330	03/22/12 FIRE DEPT-ANNUAL MAINT #4390	Open	2,235.13
12-00331	03/22/12 FIRE DEPT-ANNUAL MAINT #4375	Open	1,369.42
12-00332	03/22/12 FIRE DEPT-PUMP TEST 4390/4375	Open	600.00

			4,204.55
01601	FALLON & LARSEN, LLP		
12-00251	02/29/12 FINANCE-ACCOUNTING SERV-1/Q/12	Open	6,592.50

01720	FIREFIGHTER ONE, LLC		
12-00340	03/23/12 FIRE DEPT-RIT TRAINING	Open	1,600.00
00257	FOSTER AND COMPANY, INC.		
12-00388	04/09/12 BEACH MAINT-NUTS/WASHERS/BOLTS	Open	121.26
01549	GENERAL CODE, LLC		
12-00434	04/12/12 A&E-SUPPLEMENT #60	Open	645.30
00305	GORCEY PLUMBING & HEATING, INC		
12-00377	04/05/12 BEACH-REPAIRS AT BEACH OFFICE	Open	200.00
01198	GUARANTEED PLANTS & FLORIST		
12-00374	03/29/12 LIBRARY-FLOWERS:A.FERNANDES	Open	66.00
01365	HARTER EQUIPMENT, INC.		
12-00416	04/11/12 DPW-4 TIRES:KUBOTA	Open	750.00
01887	HEIM ELECTRONICS, INC.		
12-00444	04/16/12 LIBRARY-5/1-7/31/12 ALARM	Open	62.85
12-00445	04/16/12 BORO HALL-5/1-7/31/12 ALARM	Open	62.85

			125.70
01286	INDUSTRIAL MARINE		
12-00433	04/12/12 REIMB:MAR 2012 ELECTRIC	Open	204.27
01526	JCP & L		
12-00499	04/23/12 MAR 2012 ELECTRIC SERVICE	Open	9,166.50
00297	JESSE A. HOWLAND & SONS, INC.		
12-00361	03/28/12 DPW/OEM-GARAGE RENT-MAY 2012	Open	1,772.00
12-00362	03/28/12 DPW-ADDT'L GARAGE RENT-MAY'12	Open	893.00

			2,665.00
01093	JONES, JOHN		
12-00435	04/12/12 DPW-REIMB:FINGERPRINT FEE	Open	41.00
01985	MOBILE MINI, INC.		
12-00491	04/20/12 POLICE-TRAILER 2012 PYMT 05/13	Open	278.00
01422	MONMOUTH MUNICIPAL JOINT		
12-00360	03/28/12 2012 INSURANCE-SECOND INSTALL	Open	90,755.97
00340	MORRIS, KATHLEEN		
12-00449	04/16/12 REC-2012 F/FAIR CHANGE FUND	Open	2,000.00
00137	MUNICIPAL CAPITAL CORPORATION		
12-00003	01/11/12 A&E-2012 COPIER LEASE	Open	225.20
00019	NJ AMERICAN WATER		
12-00509	04/25/12 MAR 2012 WATER UTILITY	Open	380.84
00671	NJ DEPT OF COMMUNITY AFFAIRS		
12-00511	04/26/12 1/Q/2012 STATE PERMIT FEES	Open	636.00
01629	NJRHS COMMERCIAL SERVICES		
12-00378	04/05/12 SEWER-REPAIR GAS LEAK:PUMP STN	Open	2,357.00
01309	OCEANPORT BOARD OF EDUCATION		
12-00364	03/28/12 GRADE SCHOOL TAX - MAY 2012	Open	90,528.16
00242	OLD SCHOOL BASKETBALL		
12-00077	01/20/12 REC-B/BALL CLINIC:3/30-5/4/12	Open	600.00
00046	ONE CALL CONCEPTS, INC.		
12-00432	04/12/12 A&E - 1/Q/2012 BILLS	Open	52.44
00163	OSWALD ENTERPRISES, INC.		
12-00447	04/16/12 SEWER-CLEAR SEWER BLOCKAGE	Open	500.00
01737	PENGUIN COMMUNICATIONS, LLC		
12-00383	04/09/12 FIRE DEPT-DISPATCH SERVICE FEE	Open	720.00
00081	PERRY'S TROPHY CO., INC.		
12-00326	03/22/12 A&E-NAMEPLATE:M.LECKSTEIN	Open	12.00
12-00442	04/16/12 BEAUTIFICATION-BENCH PLAQUE	Open	40.00

			52.00
01861	RFD CONSTRUCTION, INC.		
12-00359	03/28/12 BEACH MAINT-REPAIR ROOFS	Open	1,900.00
00788	SCARINCI & HOLLENBECK, LLC		
12-00450	04/16/12 LEGAL SERVICES:MAR 2012	Open	4,587.05
01554	SEA BRIGHT SERVICE CENTER		
12-00054	01/17/12 POLICE-BLANKET:VEHICLE MAINT	Open	116.85
12-00265	03/05/12 POLICE-BLANKET:VEHICLE MAINT	Open	609.24
12-00400	04/10/12 POLICE-BLANKET:VEHICLE MAINT	Open	939.37
12-00474	04/17/12 DPW-REBUILD FRONT END:F250	Open	1,450.70
00985	SEABOARD FIRE/SAFETY EQUIP CO.		
12-00282	03/08/12 BLDGS/GRNDS-INSPEC:FIRE EXT	Open	398.35
12-00440	04/13/12 POLICE DEPT-INSPEC:FIRE EXT	Open	186.35

			584.70
00027	SEABOARD WELDING SUPPLY, INC.		
12-00066	01/17/12 DPW - 2012 CYLINDER RENTAL	Open	13.50
00053	SHORE REGIONAL HIGH SCHOOL		
12-00365	03/28/12 HIGH SCHOOL TAX - MAY 2012	Open	142,497.66
00083	T & M ASSOCIATES		
11-00377	03/23/11 DEVELOP:MUNICIPAL FACILITIES	Open	1,750.66

11-00538	05/05/11	ENGINEERING:8 CENTER STREET	Open	72.50
12-00492	04/23/12	ENGINEERING-12/28/11 SERVICES	Open	1,159.54
12-00494	04/23/12	ENGINEERING-TRASH/RECYCLING	Open	30.00
12-00496	04/23/12	ZONING OFFICER-12/29/11	Open	250.00

				3,262.70
01285		THE HOME DEPOT		
12-00058	01/17/12	BLDGS/GRNDS-BLANKET:MISC SUPP	Open	115.28
12-00335	03/23/12	BEACH MAINT-BLANKET:MISC SUPPL	Open	166.08

				281.36
01067		THE ODB COMPANY		
12-00401	04/10/12	DPW-STREET SWEEPER BRUSHES	Open	160.00
00156		THOMPSON, RICHARD B.		
12-00506	04/25/12	COURT-SUBSTITUTE JUDGE	Open	350.00
00223		TREASURER, COUNTY OF MONMOUTH		
12-00366	03/28/12	2/Q/2012 COUNTY TAXES	Open	478,937.11
00439		TREASURER, COUNTY OF MONMOUTH		
12-00367	03/28/12	2/Q/2012 LIBRARY TAXES	Open	27,311.11
00523		TREASURER, COUNTY OF MONMOUTH		
12-00368	03/28/12	2/Q/2012 OPEN SPACE TAXES	Open	28,775.69
01403		TREASURER, STATE OF NEW JERSEY		
12-00500	04/24/12	1/Q/2012 MARRIAGE LICENSE FEES	Open	100.00
01692		TROPICANA CASINO & RESORT		
12-00357	03/27/12	TAX COLL-2012 SPRING CONFER	Open	178.00
00178		UNITED STATES POSTAL SERVICE		
12-00472	04/16/12	POSTAGE FOR POSTAGE METER	Open	1,300.00
01960		VERIZON		
12-00459	04/16/12	LOCAL/LONG DISTANCE:MAR 2012	Open	1,785.50
01020		VERIZON COMMUNICATIONS		
12-00490	04/20/12	DPW-DSL INTERNET:MAR 2012	Open	50.75
02061		VERIZON WIRELESS		
12-00501	04/24/12	POLICE-APR 2012 CELL & MDT	Open	840.59
01150		W.W. GRAINGER, INC.		
12-00411	04/11/12	SEWER-DISPOSABLE GLOVES	Open	137.10
02177		WALSH, JOAN		
12-00489	04/19/12	LIBRARY-REIMB:4/17 OFFICE SUPP	Open	49.49
01164		WATCHUNG SPRING WATER CO, INC.		
12-00458	04/16/12	APR 2012 SPRING WATER	Open	190.68
00359		YOSI MUSIC, LLC		
12-00397	04/10/12	LIBRARY-8/22 CONCERT-DEPOSIT	Open	100.00
01820		ZURICH NORTH AMERICA		
12-00478	04/17/12	BLDGS/GRNDS-ANNUAL BOILER INSP	Open	106.00
		BORO OF SEA BRIGHT PAYROLL A/C (4/13/12 P/R)		81,994.27
		FLEET SERVICES (APRIL 2012 GASOLINE)		5,260.95
		FRENCH & PARRELLO ASSOCIATES (KARA ESCROW)		1,725.00
		GOWAN, KERRY (ANIMAL CONTROL CALLS)		120.00
		NJSHBP (MAR 2012)		11,256.41
		NJSHBP (MAR 2012)		28,844.11
		TOSHIBA BUSINESS SOLUTIONS (2005 MCIA)		7,689.25
		TOTAL		1,076,233.84

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

Ayes: Bills, Keeler, Kelly, Leckstein, Murphy

Nays: None

Abstain: None

Absent: LoBiondo

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

RESOLUTION NO. 109-2012

BOROUGH OF SEA BRIGHT

A Resolution Amending Resolution No. 107-2012 as to the Certification of Funds for BEACH CLEANER / Maintenance

WHEREAS, Resolution 107-2012 only listed Beach S&W for funding; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Sea Bright, County of Monmouth that the Certification of Funds be amended to read as follows:

CERTIFICATION OF FUNDS

I, Michael J. Bascom, Chief Financial Officer, of the Borough of Sea Bright, do hereby certify that funds are available in Beach S&W and Building & Grounds S&W and Department of Public Works S&W

MICHAEL J. BASCOM, CFO

WHEREAS, the hourly rate of pay for the beach cleaners et al, is in accordance with the salary range adopted by Ordinance 13-2011.

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

Ayes: Bills, Keeler, Kelly, Leckstein, Murphy

Nays: None

Abstain: None

Absent: LoBiondo

C. Councilman Leckstein introduced a motion approving the request from VNA of Central Jersey Foundation for Social Affair permit on June 23, 2012. Second by Councilman Murphy and adopted upon the following roll call vote:

Ayes: Bills, Keeler, Kelly, Leckstein, Murphy

Nays: None

Abstain: None

Absent: LoBiondo

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

RESOLUTION NO. 110-2012
BOROUGH OF SEA BRIGHT

WHEREAS, authorization is hereby given to the Sea Bright Beach Patrol to schedule the following program and charge the fees as noted:

Junior Lifeguard Program

Registration: Children ages 9 to 16 years old

Fee: \$100.00 each two week session

Time: 9:00 am to 10:30 am

Dates:

Session I June 25th - July 6th

Session II July 6th - July 20th

Session III July 25th - August 3rd

NOW, THEREFORE, BE IT RESOLVED that the above mentioned program and fees are hereby authorized and monies will be deposited in the Beach Trust account.

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

Ayes: Bills, Keeler, Kelly, Leckstein, Murphy

Nays: None

Abstain: None

Absent: LoBiondo

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

RESOLUTION NO. 111-2012
BOROUGH OF SEA BRIGHT
BEACH CLEANER / Maintenance

WHEREAS, there exists a need for seasonal part-time (hourly) maintenance personnel for beach, buildings and ground and public works.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Sea Bright, County of Monmouth that the following person be appointed and receive the rate of pay as specified below:

<u>MAINTENANCE</u>	<u>PER HOUR</u>
Jeffrey M. Morse	\$10.00 (part-time)
Matthew Ryan Connolly	\$10.00 (part-time)

CERTIFICATION OF FUNDS

I, Michael J. Bascom, Chief Financial Officer, of the Borough of Sea Bright, do hereby certify that funds are available in Beach S/W, Buildings and Ground S/W and DPW.

MICHAEL J. BASCOM, CFO

WHEREAS, the hourly rate of pay for the above-mentioned position is in accordance with the salary range adopted by Ordinance 13-2011.

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

Ayes: Bills, Keeler, Kelly, Leckstein, Murphy

Nays: None

Abstain: None

Absent: LoBiondo

F. Councilman Leckstein introduced a motion approving the request from Monmouth Cancer Coalition to hold free skin cancer screening on July 21, 2012 10 am to 2 pm. Second by Councilman Murphy and adopted upon the following roll call vote:

Ayes: Bills, Keeler, Kelly, Leckstein, Murphy

Nays: None

Abstain: None

Absent: LoBiondo

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

**RESOLUTION NO. 112-2012
BOROUGH OF SEA BRIGHT**

WHEREAS, the Borough of Sea Bright wishes to acquire from an authorized vendor under the State of New Jersey Cooperative Purchasing Program equipment for the Police Department from Mall Chevrolet, 75 Haddonfield Road, Cherry Hill, NJ 08002; and

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Law, NJSA 40A:11-12; and

WHEREAS, the cost for the purchase of 2012 Chevrolet Tahoe PPV 2WD Black is \$28,000.00 and emergency light package is \$5,567.00; and,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Sea Bright hereby authorize the purchase of 2012 Chevrolet Tahoe PPV 2WD Black with emergency light package; and

CERTIFICATION OF FUNDS

I, Michael J. Bascom, Chief Financial Officer, of the Borough of Sea Bright do hereby certify that funds are available in 2-01-25-240-251 for the 2012 Chevrolet Tahoe PPV and in a DWI grant for \$5,567.00 stated in the above resolution.

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

Ayes: Bills, Keeler, Kelly, Leckstein, Murphy

Nays: None

Abstain: None

Absent: LoBiondo

H. Councilman Leckstein introduced and offered for adoption the following Resolution:

RESOLUTION NO. 113-2012
BOROUGH OF SEA BRIGHT

WHEREAS, authorization is hereby given to the Sea Bright Beach Recreation to schedule an 16 week Sea Bright Beach Volleyball league beginning, Thursdays, 6 p.m.5/31 to 9/13 at \$50.00 per person (free registration to Sea Bright residents).

NOW, THEREFORE, BE IT RESOLVED that the above mentioned program and fees are hereby authorized and monies will be deposited in the Recreation Trust account.

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

Ayes: Bills, Keeler, Kelly, Leckstein, Murphy

Nays: None

Abstain: None

Absent: LoBiondo

OLD BUSINESS

A. DISCUSSION: Councilman Leckstein introduced a motion canceling the 4th of July Fireworks event. Second by Councilman Murphy and adopted upon the following roll call vote:

Ayes: Bills, Keeler, Kelly, Leckstein, Murphy

Nays: None

Abstain: None

Absent: LoBiondo

NEW BUSINESS:

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

RESOLUTION NO. 114-2012
BOROUGH OF SEA BRIGHT
AUTHORIIZING MAYOR TO SIGN
HAZARD MITIGATION GRANT AGREEMENT

WHEREAS, pursuant to the provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, PL 93-288, identifies the use of disaster relief funds under Section 404, Hazard Mitigation Grant Program (HMGP) for a variety of hazard mitigation activities, including flood mitigation projects; and,

WHEREAS, the New Jersey Office of Emergency Management (NJOEM) has been designated as the Grantee to receive, administer, and disburse FEMA funds for mitigation projects; and,

WHEREAS, the Borough of Sea Bright, Monmouth County, is the Sub-grantee and has submitted application, which is incorporated herein by reference, setting forth hazard mitigation projects and has the legal authority to accept mitigation funds and shall provide all necessary financial and managerial resources to meet the terms and conditions of receiving federal and state mitigation funds; and,

WHEREAS, the Borough of Sea Bright, Sub-grantee shall use the mitigation funds solely for the approved scope of bulkhead work in the Project site located along the Shrewsbury River at the foot of River Street, Center Street, South Street, Osborne Avenue, Beach Street, and Osborne Place, installing a pump station at Osborne Place and installing a new bulkhead at Beach Way; and,

WHEREAS, the grant award is being made under DR-1889-NJ. The total project cost is \$1,831,952.00 with a 75% share of \$1,373,964.00 and a 25% non-federal share of \$457,988.00, and;

WHEREAS, the Borough of Sea Bright is desirous of entering into a Hazard Mitigation Sub-Grant Agreement between the State of New Jersey, Office of Emergency Management, pending the certification of funds, and;

NOW, THEREFORE, BE IT RESOLVED, the Governing Body of the Borough Sea Bright, Monmouth County, New Jersey hereby authorizes the Mayor or Acting Mayor and Borough Clerk to execute a Hazard Mitigation Sub-Grant Agreement with the State of New Jersey, Office of Emergency Management. Second by Councilman Murphy and adopted upon the following roll call vote:

Ayes: Bills, Keeler, Kelly, Leckstein, Murphy

Nays: None

Abstain: None

Absent: LoBiondo

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

RESOLUTION 115-2012
Borough of Sea Bright
AUTHORIZE SUBMISSION OF TAX REIMBURSEMENT
CERTIFICATE IN CONNECTION WITH
THE RECYCLING TONNAGE GRANT

WHEREAS, the Recycling Enhancement Act, P.L. 207, chapter 311, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and,

WHEREAS, there is levied upon the owner or operator of every solid waste facility (with certain exceptions) a recycling tax of \$3.00 per ton on all solid waste accepted for disposal or transfer at the solid waste facility; and,

WHEREAS, whenever a municipality operates a municipal service system for solid waste collection, or provides for regular solid waste collection service under a contract awarded pursuant to the "Local Public Contracts Law", the amount of grant monies received by the municipality shall not be less than the annual amount of recycling tax paid by the municipality except that all grant moneys received by the municipality shall be expended only for its recycling program; and,

THEREFORE, BE IT RESOLVED, by the Borough Council of Sea Bright, County of Monmouth, State of New Jersey, that the Borough of Sea Bright hereby certifies a submission of expenditure for taxes paid pursuant to P.L. 2009, chapter 311, in 2011 the amount of \$3,661.15 Documentation supporting this submission is available with the Chief Financial Officer at the Borough of Sea Bright Municipal Offices, 1167 Ocean Avenue, Sea Bright, NJ 07760 and shall be maintained for no less than five years from this date; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Chief Financial Officer, Director of Public Works and Recycling Coordinator.

TAX CERTIFICATON

I, Michael J. Bascom, Chief Financial Officer, of the Borough of Sea Bright, do hereby certify a submission of expenditures for taxes paid in the amount of \$3,661.15 was received by this municipality.

MICHAEL J. BASCOM, CFO

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

RESOLUTION NO 116-2012
BOROUGH OF SEA BRIGHT
SUPPORTING A-2717

**EXTENDING THE TIME PERIOD FOR MUNICIPALITIES
TO COMMIT TO EXPEND COLLECTED DEVELOPMENT FEES
AND PAYMENTS-IN-LIEU OF CONSTRUCTING AFFORDABLE UNITS**

WHEREAS, P.L. 2008, c. 46 established a four year timetable for municipal housing trust dollars to be "committed for expenditure, or risk forfeiture to the State;" and

WHEREAS, the 2008 Act did not define the term "committed for expenditure" and deferred to the Council on Affordable Housing (COAH) to promulgate regulations as to the requirements to be met for "committed" as well as a timetable for expenditures; and

WHEREAS, neither COAH nor the Department of Community Affairs has adopted, nor proposed, the regulations pursuant PL 2008, c. 46; and

WHEREAS, hundreds of municipalities submitted spending plans to COAH, of which only a fraction of these plans were reviewed by the agency, and most of these municipalities have not been provided any guidance on their spending plans; and

WHEREAS, at the time of 2008 Act, COAH was prepared to adopt its "3rd round regulations" establishing municipal obligations under the "Fair Housing Act"; and

WHEREAS, COAH's 3rd round regulations were highly controversial and fundamentally flawed, and subsequently set aside by the Appellate Division, and the appeal of that decision now awaits consideration by the State Supreme Court; and

WHEREAS, eight years of litigation over COAH's methodology has had a chilling effect not only on the development of affordable housing, but on the ability of local governments to commit trust fund dollars without knowledge of their respective obligations, and certainty that such commitment would count towards its housing obligation; and

WHEREAS, forfeiture of trust fund dollars starting in July 2012 would be fundamentally unfair, inequitable and indefensible since neither COAH nor DCA has provided the required guidance or certainty; and

WHEREAS, these trust fund dollars should be used as intended: to subsidize the costs for municipalities in meeting

their affordable housing obligations while assuring that these costs do not fall to local taxpayers; and

WHEREAS, forfeiture of these dollars, estimated by some to be as much as \$200 million, would displace this financial obligation to the taxpayers in these communities; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of {*fill in municipality*} urges our State Legislators to **support and approve A-2717**, which will provide a four-year extension for municipalities to commit the municipal housing trust fund dollars; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the sponsor of A-2717, Assemblyman Anthony Bucco, members of the Assembly Housing and Local Government Committee, the New Jersey State League of Municipalities and the Office of the Governor.

Mayor Long said that this is an issued brought to our attention by CFO Bascom during the budget presentation. Esstential the state is collecting taxes for the municipalities and suppose to be returned to the municipalities but have been withheld. We are calling on the state to return the energy taxes back to our town.

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

RESOLUTION NO. 117-2012
BOROUGH OF SEA BRIGHT
RESOLUTION CALLING FOR THE
RESTORATION OF ENERGY TAXES TO MUNICIPALITIES

WHEREAS, taxes on gas and electric utilities were originally collected by the host municipalities to be used for local purposes and to compensate the public for the use of their rights of way; and

WHEREAS, when the State made itself the collection agent for these taxes, it promised to dedicate the proceeds to municipal property tax relief; since, just as municipalities collect property taxes for the benefit of school districts, counties and other entities; the State is supposed to collect Energy Taxes for the benefit of municipal governments; and

WHEREAS, for years, though, State budget makers have diverted funding from Energy Taxes to fund State programs; and instead of being spent on local programs and services and used to offset property taxes, the money has been spent as successive Legislatures and Administrations have seen fit; and

WHEREAS, while the State may need to have the right to over-ride the statutory dedication of these revenues to local governments, in order to deal with emergencies and crises that may occur; current State policy makers should not exercise that right automatically; and

WHEREAS, while that right should be the exception, it has become the rule; and

WHEREAS, by using tactics such as reducing CMPTRA, which is also comprised of revenues that should be returned to municipalities, State Budget makers have been able to continue collecting Energy Taxes, while keeping additional revenue that should have been returned to provide property tax relief; and

WHEREAS, from \$72 million in State Fiscal Year 2005, to \$505 million in State Fiscal Year 2011, the State's diversion of Energy Taxes has continued to grow; and

WHEREAS, in 2008, 2009 and 2010 (SFY 2009, 2010 and 2011), funding for municipal revenue replacement was slashed by about \$26 million in 2008 and \$32 million in 2009, followed by losses of about \$271 million in 2010; and

WHEREAS, the cumulative impact of years of underfunding has left many municipalities with serious needs and burdensome property taxes; and

WHEREAS, local elected officials are in the best position to decide the best use for these resources, which were always intended to fund local programs and services;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Governing Body of Sea Bright, that we join with the League of Municipalities in calling for the immediate restoration of funding diverted from Energy Taxes intended for local use; and

BE IT FURTHER RESOLVED, that we, respectfully, call on State policy makers to end the diversion of our municipal resources to cover State spending and to provide us with this important tool to relieve the worst-in-the-nation property tax burden borne, for too long, by the people of New Jersey; and

BE IT FINALLY RESOLVED, that copies of this Resolution be forwarded to the Governor of the State of New Jersey, our State Legislators and the League of Municipalities.

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

Ayes: Bills, Keeler, Kelly, Leckstein, Murphy

Nays: None

Abstain: None

Absent: LoBiondo

CORRESPONDENCE / REPORTS:

A. Construction Department - monthly report - March 2012

MAYOR DINA LONG - REPORT AND COMMUNICATIONS. Mayor Long thanked the fire, police and public works departments for supporting the classic car show.

Mayor Long recently met with the Two River's Mayor Association and there was discussion about COAH, energy taxes and other helpful programs. During her attendance at the NJ Conference of Mayors there was helpful information about public access plans, FEMA programs and shared services.

She met with Sea Bright's JCPL area representative, Roberta Sheridan about replacing three utility poles, two in North Beach and one in downtown.

Mayor Long and Marianne McKenzie, Special Education Counsel discussed options about Sea Bright's regional school tax issue. Attorney McKenzie identified stakeholders to work with from local to state level. Mayor Long shared with Attorney McKenzie her files and information of the work she had done over the years.

The Sea Breeze quarterly newsletter mailing has resumed and advertising revenue will help offset printing/ mailing costs. Graduating Sea Bright seniors will have available to them a \$500 scholarship awarded by the Sea Bright Partnership in memory of Mayor Maria D. Fernandes.

12. COMMENTS FROM THE AUDIENCE (limited to 3 minutes per person)The Public Comment portion of this meeting allows members of the audience to bring their concerns or comments to the Mayor and Council's attention. Pursuant to Borough Ordinance 3-2011, a member of the public who wishes to speak shall give his/her name and address for the record and may have up to three minutes to state his/her comments to the Mayor and Council as a Body. If additional time or information is requested, an appointment can be made with the Administrator's office during regular business hours

Janet Henshel of 7 East Church Street commented that the bulkhead on the north side Peninsula is being filled with garbage.

13. ADJOURNMENT:

There being no further business before the Governing Body. Councilman Murphy made a motion to adjourn the meeting at 7:55 p.m. Second by Councilman Leckstein and approved upon unanimous voice vote.

Respectfully Submitted,

Suzanne Branagan, RMC
Deputy Municipal Clerk