

Sea Bright, New Jersey
Council Meeting Minutes
September 18, 2012
7:30 p.m.

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

MOMENT OF SILENCE: Susan Hassett OKeefe

Council President Kelly 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."

ROLL CALL:

PRESENT: Bills, Keeler, Kelly, LoBiondo, Murphy (arrived at 8:40 p.m.), Attorney McNamara, Engineer Flor, Chief Sorrentino.

ABSENT: Councilman Leckstein, Mayor Long, CFO Bascom,

PUBLIC MEETING: MONMOUTH COUNTY OPEN SPACE - Engineer Flor said that we are considering applying for a grant for a playground and bandstand on the municipal beach. Laurie Thompson, grants program manager for T&M Associates explained Monmouth County Open Space program's restrictions, grant process, and funding potential. The county offers a potential 50% matching grant to municipalities for the acquisition and development of properties within the municipality. The funding is for construction and engineering, design concepts permits would be the financial responsibility by the municipality. The maximum award through the grant program is \$250,000 per year and the borough would have to match the grant, plus engineering and soft costs.

Councilwoman Bills introduced and offered the following Resolution for adoption:

**Resolution 195-2012
Borough of Sea Bright
Authorizing Application to the
Monmouth County Open Space Trust Fund**

WHEREAS, the Monmouth County Board of Chosen Freeholders has approved an Open Space Trust Fund and established a Municipal Open Space Program to provide Program Grant funds in connection with municipal acquisition of lands for County Park, recreation, conservation and farmland preservation purposes, as well as for County recreation and conservation development and maintenance purposes; and

WHEREAS, the Governing Body of the Borough of Sea Bright desires to obtain County Open Space Trust Funds in the amount of \$250,000.00 to fund the Ocean Avenue Play Area and Bandstand Improvements Project, Ocean Avenue and East Church Street (Block 23, part of Lot 1); and

WHEREAS, the total cost of the project including all matching funds is \$750,000.00; and

WHEREAS, the Borough of Sea Bright is the owner of and controls the project site.

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF SEA BRIGHT THAT:

1. Richard M. Kachmar, Borough Administrator is authorized to (a) make an application to the County of Monmouth for Open Space Trust Funds, (b) provide additional application information and furnish such documents as may be required for the Municipal Open Space Grants Program and (c) act as the municipal contact person and correspondent of the above named municipality; and
2. The Borough of Sea Bright is committed to this project and will provide the balance of funding necessary to complete the project in the form of non-county matching funds as required in the Policy and Procedures Manual for the Program; and
3. If the County of Monmouth determines that the application is complete and in conformance with the Monmouth County Municipal Open Space Program and the Policy and Procedures Manual for the Municipal Grants Program adopted thereto, the municipality is willing to use the approved Open Space Trust Funds in accordance with such policies and procedures, and applicable federal, state, and local government rules, regulations and statutes thereto; and
4. Richard M. Kachmar, Borough Administrator is hereby authorized to sign and execute any required documents, agreements, and amendments thereto with the County of Monmouth for the approved Open Space Trust Funds; and
5. This resolution shall take effect immediately.

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

Ayes: Bills, Keeler, Kelly, LoBiondo, Murphy

Nays: None

Abstain: None

Absent: Leckstein

APPROVAL OF MINUTES:

A. Councilman Keeler introduced a motion adopting the August 7, 2012 Executive Session. Second by Councilman Murphy and approved upon the following roll call vote.

Ayes: Bills, Keeler, Kelly, LoBiondo, Murphy

Nays: None

Abstain: None

Absent: Leckstein

B. Councilman Keeler introduced a motion adopting the August 13, 2012 Executive Session. Second by Councilman Murphy and approved upon the following roll call vote.

Ayes: Bills, Keeler, Kelly, LoBiondo

Nays: None

Abstain: Murphy

Absent: Leckstein

REMARKS FROM THE AUDIENCE (limited to 3 minutes).

No one wished to be heard.

COUNCIL COMMITTEE REPORTS:

A. Fire, Finance, & Administration:

Councilman Keeler reported progress

B. Capital Improvements & Facilities Master Plan:

Councilman Kelly reported progress.

C. Personnel, Education & Recreation:

Councilwoman Bills reported progress.

D. Police, OEM, Building Dept & Code Enforcement:

Councilman LoBiondo reported progress.

E. Public Works, Beach & Grants:

Councilman Murphy reported progress.

F. Court, Public Relations, Cultural Arts & Beautification:

Councilwoman Bills reported progress.

ORDINANCE:

A. Council President Kelly read by title only and Councilman Keeler introduced an Ordinance entitled:

BOND ORDINANCE FOR THE BEACH UTILITY PROVIDING AN APPROPRIATION OF \$1,200,000 FOR THE SAND REPLENISHMENT PROJECT FOR AND BY THE BOROUGH OF SEA BRIGHT IN THE COUNTY OF MONMOUTH, NEW JERSEY AND, AUTHORIZING THE ISSUANCE OF \$1,140,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.

and moved the same be approved upon first Reading, held over for Second Reading and Public Hearing to be held on October 2, 2012. Second by Councilwoman Bills and approved upon the following vote:

Ayes: Bills, Keeler, Kelly, LoBiondo, Murphy

Nays: None

Abstain: None

Absent: Leckstein

*** Supplemental Debt Statement is available at the Borough Clerk's Office.**

Councilmember Murphy introduced a motion removing Sakoutis Builders' invoice for \$38,281.54 from Bill Resolution No. 185-2012.

Second by Councilwoman Bills and approved upon the following vote:

Ayes: Bills, Keeler, Kelly, LoBiondo, Murphy

Nays: None

Abstain: None

Absent: Leckstein

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

A. Councilwoman Bills introduced and approved for adoption the following:

RESOLUTION NO.185-2012
BOROUGH OF SEA BRIGHT
PAYMENT OF BILLS 09-18-2012

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

NOW, THEREFORE, BE IT RESOLVED that these vouchers totaling \$137,400.64 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.

00003	ASBURY PARK PRESS		
12-00019	01/11/12 MUNI CLERK-BLANKET:NOTICES	Open	130.00
00167	AUTONOMY, INC.		
12-00147	01/30/12 A&E-VAULT:2012 SERVER BACKUPS	Open	174.48
01165	BACHERT, ROBERT & MARIA		
12-00968	08/15/12 BEACH-REFUND:BEACH LOCKER FEE	Open	200.00
01957	BENEMAX BENEFIT MANAGEMENT CO.		
12-01067	09/12/12 09/12 DENTAL PLAN MANAGEMENT	Open	312.00
01974	BOROUGH OF SEA BRIGHT COURT		
12-01068	09/12/12 COURT-08/12 CREDIT CARD REIMB	Open	445.67
01731	CAESARS ATLANTIC CITY		
12-00894	07/25/12 MUNI CLERK-ROOM RESERV:CONFER	Open	318.00
12-00895	07/25/12 TAX COLL-ROOM RESERV:CONFER	Open	318.00
12-00902	07/26/12 DPW-ROOM RESERV:CONFERENCE	Open	318.00
12-00903	07/26/12 A&E-ROOM RESERV:CONFERENCE	Open	318.00

			1,272.00
00198	COMCAST		
12-01063	09/11/12 A&E-INTERNET:SEP 2012	Open	67.13
01318	CONOVER BEYER ASSOCIATES, INC.		
12-01031	08/31/12 VOLUNTEER INSURANCE RENEWAL	Open	2,464.00
01493	COOPERATIVE INDUSTRIES, L.L.C.		
12-01036	09/04/12 JUN 2012 NATURAL GAS	Open	419.23
01320	DEMAIO, R.N.		
12-00839	07/11/12 BEACH-BLANKET:JANITORIAL SUPPL	Open	142.73
12-01035	08/31/12 BEACH-BLANKET:JANITORIAL SUPPL	Open	193.46

			336.19
01601	FALLON & LARSEN, LLP		
12-01014	08/27/12 FINANCE-ACCOUNTING SERV-2/Q/12	Open	3,697.50
00305	GORCEY PLUMBING & HEATING, INC		
12-00923	08/01/12 BEACH-REPAIR RESTROOMS	Open	598.68
00895	JOHNNY ON THE SPOT, INC.		
12-00423	04/12/12 PORTO-POTS - SEP 2012	Open	396.00
00275	M & S WASTE SERVICES, INC.		
12-00199	02/15/12 2012 TRASH/RECYCLING PICKUP	Open	7,904.83
00275	M & S WASTE SERVICES, INC. Continued		
12-01041	09/04/12 JUL 2012 EXTRA RECYCLING DUMP	Open	120.00
12-01042	09/04/12 DUMPSTER+DISP FEE:MISC DEBRIS	Open	192.93
12-01043	09/04/12 AUG 2012 BRUSH COLLECTION	Open	317.00
12-01044	09/04/12 AUG 2012 LANDFILL TIPPING FEES	Open	10,344.42

			18,879.18
00821	MCLOONE'S RIVERSIDE		
12-00625	05/30/12 LIBRARY-DEPOSIT-11/2/12 DINNER	Open	250.00
01985	MOBILE MINI, INC.		
12-00736	06/18/12 POLICE-TRAILER 2012 PYMT 10/13	Open	278.00
00340	MORRIS, KATHLEEN		
12-01052	09/07/12 REC-REIMB:2013 CALENDARS	Open	31.01
00067	MOTOROLA c/o		
12-01006	08/22/12 POLICE DEPT-BATTERIES&ANTENNAS	Open	143.00
01694	NAVESINK MARINA		
12-00955	08/13/12 FIRE DEPT-BOAT FUEL:8/8/12	Open	38.00

12-00999	08/21/12	FIRE DEPT-BOAT FUEL:8/12/12	Open	42.50

				80.50
00019		NJ AMERICAN WATER		
12-01039	09/04/12	AUG 2012 USAGE DATA:BILLING	Open	332.09
12-01040	09/04/12	AUG 2012 HYDRANTS	Open	2,223.60

				2,555.69
00502		NJ STATE LEAGUE/MUNICIPALITIES		
12-01046	09/06/12	A&E-11/14/12 MAYOR'S LUNCHEON	Open	25.00
12-01076	09/12/12	A&E-RENEWAL:LEGISLATIVE BULLTN	Open	49.00

				74.00
00743		OFFICE MAX, INC.		
12-00960	08/14/12	SEWER-HP DESKJET PRINTER	Open	100.00
12-00984	08/17/12	SEWER-INK CARTRIDGES/CHAIR MAT	Open	118.77

				218.77
01873		SEA BRIGHT GENERAL CAPITAL A/C		
12-01072	09/12/12	T/F FROM CURRENT TO GCF	Open	53,750.00
01554		SEA BRIGHT SERVICE CENTER		
12-00165	02/03/12	OEM-BLANKET:VEHICLE MAINT	Open	64.95
01742		STATE TREASURER		
12-01062	09/11/12	TAX COLL-RENEW CERTIFICATION	Open	50.00
01285		THE HOME DEPOT		
12-00708	06/15/12	BLDGS/GRNDS-BLANKET:MISC SUPP	Open	48.42
02061		VERIZON WIRELESS		
12-01064	09/11/12	BLDG INSPECTOR-CELL:SEP 2012	Open	49.52
12-01071	09/12/12	FIRE DEPT-MDT:SEPT 2012	Open	40.01

				89.53
00824		WAGNER, COREY		
12-00457	04/16/12	REC-SUMMER VOLLEYBALL:ADULTS	Open	1,600.00
02177		WALSH, JOAN		
12-01057	09/11/12	LIBRARY-REIMB:BAKE SALE SUPPL	Open	30.07
01829		WPCS INTERNATIONAL, INC.		
12-00519	04/27/12	FIRE DEPT-PROGRAMMING/KNOX	Open	487.50
		FINEGAN, GEORGE (CATFOOD)		63.24
		GOWAN, KERRY (QTRLYADMINFEE)		100.00
		MONMOUTH COUNTY SPCA (AUG 2012 BOARDING)		70.00
		NJSHBP (AUG2012)		30,767.49
		NJSHBP (AUG2012)		<u>11,256.41</u>
		TOTAL		131,400.64

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

Ayes: Bills, Keeler, Kelly, LoBiondo, Murphy

Nays: None

Abstain: None

Absent: Leckstein

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

RESOLUTION NO. 186-2012
BOROUGH OF SEA BRIGHT
WAIVER OF CEREMONY FEE

WHEREAS, a request has been made by the Mayor of the Borough of Sea Bright for a waiver of Chapter 201 Vital Statistics, Section 204-4, marriage fees for ceremonies performed by the Mayor, and;

WHEREAS, the Governing Body of the Borough of Sea Bright authorizes a waiver of the \$300.00 ceremony fee for a wedding to be officiated by the Mayor of Sea Bright on November 9, 2012, and;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Sea Bright, authorizes a waiver of Chapter 201 Vital Statistics, Section 204-4, for this ceremony. Second by Councilman LoBiondo and adopted upon the following roll call vote:

Ayes: Bills, Keeler, Kelly, LoBiondo, Murphy

Nays: None

Abstain: None

Absent: Leckstein

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

RESOLUTION NO. 187-2012
HALLOWEEN CURFEW
BOROUGH OF SEA BRIGHT

WHEREAS, a request has been received for a Halloween Curfew in the Borough of Sea Bright from Chief Sorrentino.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Sea Bright, New Jersey that a curfew be imposed beginning October 30th to October 31st, between the hours of 9:00 P.M. and 6:00 A.M. for those under the age of eighteen. Minors accompanied by an adult, or on their way to or from work or religious worship will be exempt from this curfew. Second by Councilman LoBiondo and adopted upon the following roll call vote:

Ayes: Bills, Keeler, Kelly, LoBiondo, Murphy

Nays: None

Abstain: None

Absent: Leckstein

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

RESOLUTION NO. 188-2012
BOROUGH OF SEA BRIGHT
RENEWAL OF MEMBERSHIP
IN THE MONMOUTH MUNICIPAL
JOINT INSURANCE FUND

WHEREAS, The Borough of Sea Bright is a member of the Monmouth Municipal Joint Insurance Fund; and

WHEREAS, said renewed membership terminates as of December 31, 2012 unless earlier renewed by agreement between the Municipality and the Fund; and

WHEREAS, the Municipality desires to renew said membership;

NOW THEREFORE, be it resolved that the Borough of Sea Bright agrees to renew its membership in the Monmouth Municipal Joint Insurance Fund and to be subject to the Bylaws, Rules and Regulations, coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the Fund.

BE IT FURTHER RESOLVED, The Mayor and Clerk shall be and hereby are authorized to execute the agreement to renew membership annexed hereto and made a part hereof and to deliver same to the

Monmouth Municipal Joint Insurance Fund evidencing the Municipality's intention to renew its membership. Second by Councilman LoBiondo and adopted upon the following roll call vote:

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

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

RESOLUTION NO. 189-2012
BOROUGH OF SEA BRIGHT
AUDIT CONTROLS REQUIRED FOR THE
ISSUANCE OF STATUTORY BONDS BY THE MUNICIPAL EXCESS LIABILITY
JOINT INSURANCE FUND.

WHEREAS, The Municipal Excess Liability Joint Insurance Fund (ME) issues statutory bonds conditional upon members adopting effective control to minimize losses, and;

WHEREAS, the Governing Body of the Borough of Sea Bright has reviewed a report from its auditor that concludes that the controls in place concerning the handling of finances and financial transactions are satisfactory, and;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Sea Bright that a copy of this resolution, together with a copy of the report shall be forwarded to the MEL. Second by Councilman LoBiondo and adopted upon the following roll call vote:
Ayes: Bills, Keeler, Kelly, LoBiondo, Murphy
Nays: None
Abstain: None
Absent: Leckstein

F. Councilwoman Bills introduced and offered for adoption the following resolution:

RESOLUTION NO. 192-2010
AUTHORIZING RETURN OF
PERFORMANCE GUARANTEE
AND ANY REMAINING ESCROW
TO SEA RAY TOWNHOUSES, LLC
BLOCK 3 LOT 25

WHEREAS, Borough Engineer Jaclyn Flor, P.E. of T&M Associates recommends in a letter dated September 13, 2012 for the return of Performance Guarantee and any remaining escrow to Sea Ray Townhouses , LLC for the property known as 1246 Ocean Avenue, Block 3, Lot 25 for site work on said property; and,

WHEREAS, Sea Ray Townhouse, LLC has posted a Performance Guarantee through PMA Insurance in the amount of \$35, 550.00, a cash bond in the amount of \$3,950.00 for a total performance guarantee of \$39,500.00 and engineering inspection fees for the site plan for Block 3, Lot 25 and property known as 1246 Ocean Avenue; and,

WHEREAS, aforementioned Performance Guarantee has served the purpose of a maintenance bond for a period of two years; and,

NOW, THEREFORE, the Mayor and Council of the Borough of Sea Bright authorizes the release and return of the Performance Guarantee plus unused engineering inspection fees with any accumulated interest to Sea Ray Townhouse, LLC by certified mail, return receipt requested.

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

Ayes: Bills, Keeler, Kelly, LoBiondo, Murphy

Nays: None

Abstain: None

Absent: None

OLD BUSINESS:

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

RESOLUTION No.178-2012
BOROUGH OF SEA BRIGHT
CELL TOWER

WHEREAS, the Council of the Borough of Sea Bright authorizes the leasing of municipal property for the construction and use of a telecommunications tower and related facilities on Borough owned property located at the Borough Hall Parking Lot known as Block 23, Lots 1, 1.01, 1.02, 2.01 and 2.02; and,

WHEREAS, the Borough Council approved the specifications and authorized competitive bidding for co-locators to lease municipal property on and at the Borough Hall Parking Lot Communication Tower; and,

WHEREAS, bid advertisements soliciting competitive bidding were published in the July 17, 2012 and July 24, 2012 issues of the Asbury Park Press; and,

WHEREAS, on August 14, 2012 at 10:00 a.m. the following two (2) bids were received, opened and their contents read aloud:

<u>Bidder</u>	<u>Bid Amount</u>
New York SMSA Limited Partnership d/b/a Verizon Wireless Verizon One Verizon Way Mail Stop 4AW100 Basking Ridge, NJ 07920	\$34,000.00 per annum
New Cingular Wireless PCS, LLC AT&T 340 Mt. Kimble Avenue Morristown, NJ 07960	\$36,00.00 per annum

WHEREAS, the Borough of Sea Bright's Wireless Telecommunications Consultant, FSD Enterprises, LLC has recommended that the Borough Council award contracts to each co-locator contingent upon the Borough Attorney resolving exceptions submitted by the bidders in compliance with NJSA 40A:12-14(a); and,

WHEREAS, the two bids submitted have been reviewed by the Borough Attorney and Borough administrator and a contract award is recommended consistent with NJSA 40A:12-14 which requires award of a contract no later than the second regular meeting of the governing body after the bid opening and consistent with NJSA 40A:11-1. Currently, the Borough of Sea Bright is reviewing AT&T's proposed bid exceptions and, pending the adoption of an ordinance to lease the above-referenced Borough property; this award is therefore contingent upon the Borough's approval of AT&T's exceptions and/or retraction or amendment of such exceptions as a result of the Borough's disapproval of the same.

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey that a contract is hereby awarded consistent with NJSA 40A:12-14(a) and NJSA 40A:11-1 et. seq. to New Cingular Wireless PCS, LLC ("AT&T"), 340 Mt. Kimble Avenue, Morristown, New Jersey 07960 in accordance with the bid specifications for a first year rent of \$36,000 specifically and expressly contingent upon the Borough's approval of such exceptions and/or AT&T's retraction or amendment of such exceptions as a result of the Borough's disapproval of the same.

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

Ayes: Bills, Keeler, Kelly, LoBiondo, Murphy

Nays: None

Abstain: None

Absent: Leckstein

B. Councilman Murphy introduced a motion carrying Resolution No. 164-2012- Approval of feasibility analysis for the proposed Sea Bright beach and pool club to the Capital Improvement meeting of September 20, 2012. Second by Councilwoman Bills and adopted upon the following roll call vote:

Ayes: Bills, Keeler, Kelly, LoBiondo, Murphy

Nays: None

Abstain: None

Absent: Leckstein

NEW BUSINESS:

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

RESOLUTION NO. 190-2012

**A RESOLUTION AUTHORIZING THE INCLUSION OF THE
DUNE RESTORATION PROJECT AS A REVENUE
AND APPROPRIATION TO BE DEDICATED BY RIDER**

WHEREAS, the Borough of Sea Bright anticipates the receipt of donation funds towards the purchase of grasses, plants, bushes, fertilizer, transporting and delivery of all items, and dune fencing, etc. for the Dune Restoration Project in Sea Bright; and,

WHEREAS, regulations provide for the expenditure of such funds for the Dune Restoration Project in the Borough of Sea Bright; and,

WHEREAS, such charges shall be accounted for in the General Ledger of the Borough of Sea Bright and remain readily available for inspection.

WHEREAS, N.J.S.A 40A:5:29 authorizes a municipality to accept donations and utilize same so long as the use is consistent with the laws of the State and of the United States; and,

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, that such funds collected by the municipality be accounted for specifically and be considered a "Dedication by Rider" to the Budget of the local unit per NJSA40:4-39 for the sole purpose stated; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Chief Financial Officer, the Director of Local Government Services, and Borough Auditor.

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

Ayes: Bills, Keeler, Kelly, LoBiondo, Murphy

Nays: None

Abstain: None

Absent: Leckstein

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

RESOLUTION NO. 191-2012
BOROUGH OF SEA BRIGHT
SUPPORTING A-2681
AND OPPOSING A-2404/S-1651

Whereas: Society and the courts have appropriately focused on the issue of sexual abuse, particularly against children.

Whereas: Perpetrators should be punished through criminal prosecution and held responsible through civil claims.

Whereas: A-2681 will extend the statute of limitations from 2 to 7 years for suits against public bodies, and remove the statute of limitations entirely on the actual perpetrators.

Whereas: The alternative legislation, A-2405/S-1651 will eliminate the statute of limitation and expose public officials, employees and volunteers of these entities to personal liability for the actions committed by other employees and volunteers.

Whereas: The A-2405/S-1651 will encourage such lawsuits by paying attorneys substantial fees that are not related to the amount they collect for their clients.

Whereas: The unintended consequence of A-2405/S-1651 may be the reduction of recreational programs and other youth oriented activities for fear of increased exposure to litigation filed years or even decades after the alleged offenses.

NOW THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Sea Bright that the legislature be urged to adopt A2681 and or amend A-2405/S-1651 along the lines of A-2681.

BE IT FURTHER RESOLVED, that the Municipal Clerk shall send copies of this resolution to the Senate President, Assembly Speaker, members of the legislative delegation representing the municipality, and the Governor.

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

Ayes: Keeler, Kelly, LoBiondo, Murphy

Nays: None

Abstain: Bills

Absent: Leckstein

C. Councilman Murphy introduced a motion removing Resolution No. 193-2012 - FY 2010 Severe Repetitive Loss Elevation Project - Change Order No. 1 from the agenda.

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

Ayes: Bills, Keeler, Kelly, LoBiondo, Murphy

Nays: None

Abstain: None

Absent: Leckstein

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

RESOLUTION NO. 194-2012
BOROUGH OF SEA BRIGHT
AUTHORIZING STATE AID
AGREEMENT WITH THE NJDEP FOR PARTIAL RENOURISHMENT OF
BEACH EROSION CONTROL PROJECT

WHEREAS, there is a need to protect and preserve the beaches and protect the Borough of Sea Bright from the Atlantic Ocean Storms; and,

WHEREAS, there is the opportunity to participate in a New Jersey State Aid program with the New Jersey DEP; and,

WHEREAS, 75% of the cost will be borne by the State and 25 % by the Borough of Sea Bright; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of Sea Bright, County of Monmouth. State of New Jersey, that it hereby authorizes the Mayor and Municipal Clerk to sign the Agreement and all necessary papers to participate in the Beach Erosion Control Project with the New Jersey DEP.

BE IT FURTHER, RESOLVED, that a certified true copy along with the executed agreement be forwarded to the New Jersey DEP. Second by Councilwoman Bills and adopted upon the following roll call vote:

Ayes: Bills, Keeler, Kelly, LoBiondo, Murphy

Nays: None

Abstain: None

Absent: Leckstein

E. DISCUSSION: 2013 PRE-SEASON BEACH BADGES - Councilman Murphy introduced a motion for the ½ price Pre-Season Beach Badge sale beginning December 1, 2012 through March 29, 2013.

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

Ayes: Bills, Keeler, Kelly, LoBiondo, Murphy

Nays: None

Abstain: None
Absent: Leckstein

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

Resolution 195-2012
Borough of Sea Bright
Authorizing Application to the
Monmouth County Open Space Trust Fund

WHEREAS, the Monmouth County Board of Chosen Freeholders has approved an Open Space Trust Fund and established a Municipal Open Space Program to provide Program Grant funds in connection with municipal acquisition of lands for County Park, recreation, conservation and farmland preservation purposes, as well as for County recreation and conservation development and maintenance purposes; and

WHEREAS, the Governing Body of the Borough of Sea Bright desires to obtain County Open Space Trust Funds in the amount of \$250,000.00 to fund the Ocean Avenue Play Area and Bandstand Improvements Project, Ocean Avenue and East Church Street (Block 23, part of Lot 1); and

WHEREAS, the total cost of the project including all matching funds is \$750,000.00; and

WHEREAS, the Borough of Sea Bright is the owner of and controls the project site.

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF SEA BRIGHT THAT:

6. Richard M. Kachmar, Borough Administrator is authorized to (a) make an application to the County of Monmouth for Open Space Trust Funds, (b) provide additional application information and furnish such documents as may be required for the Municipal Open Space Grants Program and (c) act as the municipal contact person and correspondent of the above named municipality; and
7. The Borough of Sea Bright is committed to this project and will provide the balance of funding necessary to complete the project in the form of non-county matching funds as required in the Policy and Procedures Manual for the Program; and
8. If the County of Monmouth determines that the application is complete and in conformance with the Monmouth County Municipal Open Space Program and the Policy and Procedures Manual for the Municipal Grants Program adopted thereto, the municipality is willing to use the approved Open Space Trust Funds in accordance with such policies and procedures, and applicable federal, state, and local government rules, regulations and statutes thereto; and
9. Richard M. Kachmar, Borough Administrator is hereby authorized to sign and execute any required documents, agreements, and amendments thereto with the County of Monmouth for the approved Open Space Trust Funds; and

10. This resolution shall take effect immediately.

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

Ayes: Bills, Keeler, Kelly, LoBiondo, Murphy

Nays: None

Abstain: None

Absent: Leckstein

13. REPORTS/CORRESPONDENCE:

A. Construction Department - July report.

B. Police Chief - August report.

14. COMMENTS FROM THE AUDIENCE (limited to 3 minutes per person).

Anderson Murphy of 8 Center Street commented that the council should consider appointing a representative for the next FEMA project to begin at 25 Center Street.

There being no further business before the Governing Body. Councilwoman Bills offered a motion to adjourn the meeting at 8:35 p.m. Second by Councilman LoBiondo and approved upon unanimous voice vote.

Respectfully Submitted,

Suzanne Branagan, RMC
Deputy Municipal Clerk