

**MINUTES
REGULAR MEETING
BOROUGH OF SEA BRIGHT**

JUNE 18, 2013

SEA BRIGHT, NEW JERSEY

The Regular Meeting of the Borough Council was held in the Cecile F. Norton Community Center Meeting Room, 1167 Ocean Avenue, Sea Bright, NJ 07760 at 7:30 p.m.

Mayor Long called the meeting to order at 7:34 p.m. and requested those present 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 11, 2013 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: Mayor Dina Long
Councilmembers Peggy Bills, William J. Keeler, Brian P. Kelly, Marc A. Leckstein, James A. LoBiondo, C. Read Murphy

OTHERS: Attorney Sherri Siegelbaum, Chief Financial Officer Michael Bascom, Borough Engineer Jaclyn J. Flor, Chief of Police John Sorrentino, Acting Borough Administrator/Clerk Joseph L. Verruni

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.

1. Jessica Morris, 3 E. New Street, requested help in having the large rocks that are on her property from the storm removed. Councilmember Murphy addressed the concern and offered to remove the rocks.
2. Marty Arasin, 1368 Ocean Avenue, directed a question to Councilmember LoBiondo regarding a problem he encountered in getting his car back after his car had been missing and subsequently found in Atlantic Highlands at Hennessey Towing. Mr. Arasin stated that he was dissatisfied with the treatment he received from the towing contractor, who is on the tow list. Councilmember LoBiondo offered to look into Mr. Arasin's concern after the meeting.
3. T.J. Bruskowitz, Tinton Falls, introduced himself and his company, Shore Flicks, which is providing a program including free movies on the beach this summer.
4. Tom Largey, 1 Beach Way, requested the total clean-up cost paid by the Borough to Ashbritt, the company hired to do the large clean-up. He also asked whether the borough borrowed money to take care of these costs. Mayor Long explained that the costs are on-going, the total cost is not yet known, and the CFO will take us through the numbers during his budget presentation.
5. Janet Hentschel, 7 East Church Street, reminded Councilman Murphy that she has been promised that her street will be addressed in the next repaving. Jacki Flor offered to check and see whether East Church Street is on the list and stated that FEMA will only pay for damage done by the storm.
6. Heather Bedenko, 400 Ocean Avenue, thanked the Council for help with the sand and asked for clarification on the sand sifting project, the difficulty of getting the sand from residents'

- 1343-33-005-003 Harrys Lobster House Corp.
t/a Harry's Lobster House
1124 Ocean Avenue
- 1343-33-007-003 Donovan's Reef Inc. *(Inactive)*
t/a Donovan's Reef
1171 Ocean Avenue
- 1343-33-008-003 Superstar Enterprises
t/a The Cove
1250 Ocean Avenue
- 1343-33-011-007 S. Kelly Corporation
t/a The Mad Hatter
10 East Ocean Avenue
- 1343-33-012-008 Woody's Ocean Grille LLC
t/a Woody's Ocean Grille
1 East Church Street
- 1343-33-013-005 Shipmasters, Inc. *(Inactive)*
t/a The Dockside
1400 Ocean Avenue
- 1343-33-016-006 MV Entertainment LLC *(Inactive)*
t/a Dive
1072 Ocean Avenue
- 1343-33-018-007 Waters Edge, Inc.
t/a Merri Makers at Waters Edge
1465 Ocean Avenue

RETAIL DISTRIBUTION LICENSES: RENEWAL FEE: \$1,670.00

- 1343-44-006-010 Teddy B, Inc. *(Inactive)*
t/a The Liquor Store at Sea Bright
1060 Ocean Avenue
- 1343-44-015-004 MS Retail Corp
t/a Sea Bright Supermarket
1160 Ocean Avenue

**RETAIL CONSUMPTION LICENSE
(HOTEL/MOTEL EXCEPTION) RENEWAL FEE \$2,400.00**

- 1343-36-010-006 Fairbanks Resort& Marina, Inc. *(Inactive)*
344 Ocean Avenue

WHEREAS, the Alcoholic Beverage Licensee Retail Tax Clearance Certificate pursuant to Chapter 161, Laws of NJ 1995 has been granted by the Division of Taxation.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey that authorization is hereby given to renew, effective July 1, 2013, the aforesaid liquor licenses for the license term 2013-2014; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the following:

- 1. Chief of Police
- 2. Fiscal Officer
- 3. Division of Alcoholic Beverage Control

Roll Call:	Bills,	Keeler,	Kelly,	Leckstein,	LoBiondo,	Murphy
	Yes	Yes	Yes	Yes	Yes	Yes

No. 118-2013 Authorizing Refund for 2013 Season Beach Badges

RESOLUTION No.118-2013
2013 BEACH BADGE REFUNDS

Councilmember Leckstein introduced and offered for adoption the following Resolution, seconded by Councilmember Murphy.

WHEREAS, the Borough of Sea Bright offered 2013 Season Beach Badges to the public at a rate of \$50.00 each during the months of October 2012 – March 31, 2013, and

WHEREAS, on May 22, 2013, the Mayor and Borough Council received a letter requesting a refund.

WHEREAS, the Mayor and Borough Council gave a deadline of June 14, 2013 to anyone wishing a refund, and

WHEREAS, the Borough of Sea Bright is in receipt of two (2) requests for a refund of four (4) beach badges (#438 - #439, #440 - #441) for the 2013 Beach Season.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Council authorize release of funds to:

Ellen Stack of West Long Branch, NJ.
Linda Jepsen of Red Bank, NJ.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the following:

- 1. Finance Manager
- 2. Fiscal Officer
- 3. Ellen Stack
- 4. Linda Jepsen

Roll Call:	Bills,	Keeler,	Kelly,	Leckstein,	LoBiondo,	Murphy
	Yes	Yes	Yes	Yes	Yes	Yes

No. 119-2013 Approval for Fireworks Display at the Driftwood Beach Club July 1, 2013 (rain date - July 2, 2013)

RESOLUTION NO.119-2013
DISPLAY OF FIREWORKS AT THE DRIFTWOOD CABANA CLUB JULY 1, 2013

Councilmember Leckstein introduced and offered for adoption the following Resolution, seconded by Councilmember Murphy.

WHEREAS, pursuant to the New Jersey Uniform Fire Code, NJAC 5:70-3, 3301 .2.4.3. the Mayor and Council of the Borough of Sea Bright hereby authorize the public display of fireworks on July 1, 2013 with a rain date of July 2, 2013; and

WHEREAS, the Driftwood Cabana Club has submitted an application for a public display of fireworks on July 1, 2013 at the Club; and

NOW, THEREFORE, BE IT RESOLVED that the public display of fireworks is hereby authorized by the Governing Body of Sea Bright to be held on July1, 2013 with a rain date of July 2, 2013 at the Driftwood Cabana Club.

BE IT FURTHER RESOLVED that the Type 3ii Fireworks Display Permit Fee in the sum of \$331.00 shall be waived in this case.

BE IT FURTHER RESOLVED that the Fire Official, Police Chief and Borough Clerk shall insure that all applicable regulations are enforced, all required permits are obtained and all necessary insurance documents filed.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the following:

- 1. Police Department
- 2. Fire Department
- 3. Building Department

Roll Call:	Bills,	Keeler,	Kelly,	Leckstein,	LoBiondo,	Murphy
	Yes	Yes	Yes	Yes	Yes	Yes

No.120-2013 Authorizing the Mayor to execute an Agreement Monmouth County Commodity Resale System

RESOLUTION No.120-2013
AUTHORIZING THE EXECUTION OF A COMMODITY RESALE AGREEMENT WITH THE COUNTY OF MONMOUTH

Councilmember Leckstein introduced and offered for adoption the following Resolution, seconded by Councilmember Murphy.

WHEREAS, N.J.A.C. 5:34-7.15 authorizes local contracting units to enter into Commodity Resale Agreements for the purchase of certain commodities from other contracting units; and

WHEREAS, the County of Monmouth has authorized the renewal of the Monmouth County Commodity Resale System (SYSTEM IDENTIFIER 99174 – MCCRS), for the period of September 30, 2013 through September 30, 2018; and

WHEREAS, it would be in the best interest of this Municipality to become or remain a member of the Monmouth County Commodity Resale System for that period.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sea Bright that the Mayor and Municipal Clerk be and they are hereby authorized to execute the attached Commodity Resale Agreement with the County of Monmouth.

BE IT FURTHER RESOLVED that the Municipal Clerk forward a certified copy of this resolution, along with the executed Commodity Resale Agreement to Stephen G. Callas, Director, Office of Shared Services, County of Monmouth, Hall of Records Annex, First Floor, 1 East Main Street, Freehold, New Jersey 07728.

Roll Call:	Bills,	Keeler,	Kelly,	Leckstein,	LoBiondo,	Murphy
	Yes	Yes	Yes	Yes	Yes	Yes

No. 121-2013 Person-to-Person Transfer of a Plenary Retail Consumption License (Fairbanks Resort & Marina Inc. to Oceanfront Restaurants, LLC)

**RESOLUTION No.121- 2013
PERSON-TO-PERSON TRANSFER OF LIQUOR LICENSE #1343-36-010-006
FAIRBANKS RESORT & MARINA, INC. TO OCEANFRONT RESTAURANT, LLC
EFFECTIVE JULY 1, 2013**

Councilmember Leckstein introduced and offered for adoption the following Resolution, seconded by Councilmember Murphy.

WHEREAS, an application has been filed for a person-to-person transfer of Plenary Retail Consumption Liquor License, Number 1343-36-010-006, heretofore issued to Alan I Gold Receiver for Fairbanks Resort & Marina, Inc. t/a Philomena’s, Sea Bright, New Jersey; and

WHEREAS, the submitted application form is complete in all respects, all appropriate State and Township fees have been paid, and the license has been renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statues, regulations promulgated there under, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed, and the issuing authority has reviewed, the source of all funds used in the purchase of said liquor license and the licensed business and all additional financing obtained in connection with the licensed business;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Sea Bright, County of Monmouth that it does hereby approve, effective July 1, 2013, the person-to-person transfer of the aforesaid Plenary Retail Consumption License, Number 1343-36-010-006, to Oceanfront Restaurant, LLC d/b/a Beachwalk Resort, Beachwalk BBQ & Beachwalk Bar; and

BE IT FURTHER RESOLVED that the Borough Clerk is hereby directed to endorse the license certificate to the new ownership as follows: ***"This license, subject to all its terms and conditions, is hereby transferred to Oceanfront Restaurant, LLC effective July 1, 2013;*** and

BE IT RESOLVED that a certified copy of this resolution shall be forwarded to the following:

- 1. Chief of Police
- 2. State of New Jersey, Division of ABC
- 3. Oceanfront Restaurant, LLC
d/b/a Beachwalk Resort, Beachwalk BBQ & Beachwalk Bar; and

Roll Call:	Bills,	Keeler,	Kelly,	Leckstein,	LoBiondo,	Murphy
	Yes	Yes	Yes	Yes	Yes	Yes

No.122-2013 Request for an Assignment of a Recovery Planning Manager

**RESOLUTION No. 122-2013
REQUEST FOR ASSIGNMENT OF A RECOVERY PLANNING MANAGER**

Councilmember Leckstein introduced and offered for adoption the following Resolution, seconded by Councilmember Murphy.

WHEREAS, the Borough of Sea Bright, County of Monmouth, State of New Jersey, and its neighboring communities, experienced major devastation as a result of Superstorm Sandy that struck the area on October 29, 2012; and

WHEREAS, the federal and state governments will be providing billions of dollars of aid and thousands of hours of technical support to towns in New Jersey that were affected by the storm; and

WHEREAS, the Borough of Sea Bright has a limited municipal staff and in-house resources to:

1. Access federal and state support and manage the recovery and rebuilding process following the storm
2. Perform the planning and community engagement necessary to address future storm events; and

WHEREAS, the Borough of Sea Bright is committed to rebuilding in a manner that anticipates and responds to future storm events and sea level rise and helps the community to be more resistant to damage from such events and is more sustainable for future generations;

NOW, THEREFORE, BE IT RESOLVED that the Borough of Sea Bright:

1. Requests that New Jersey Future assign a Recovery Planning Manager to work with the municipality to provide direct, ongoing assistance to help municipal staff develop and implement its long-term recovery and rebuilding process as quickly as possible;
2. Authorizes Joseph L. Verruni, Acting Administrator to enter into the appropriate agreements with New Jersey Future to have a Recovery Planning Manager work with the town on a regular basis for at least one year at no contract cost to the town;
3. Agrees to the attached Planning Principles to guide planning and rebuilding activities;
4. Supports active outreach and community engagement throughout the planning process to inform recovery response and mitigation planning and decision-making;

FURTHER, BE IT RESOLVED, that, the Borough Council of the Borough of Sea Bright encourages all citizens and staff to participate in the recovery and rebuilding activities coordinated through the Recovery Planning Manager, the County of Monmouth, the State of New Jersey, FEMA's Long-Term Community Recovery group and other recovery partners.

Roll Call:	Bills,	Keeler,	Kelly,	Leckstein,	LoBiondo,	Murphy
	Yes	Yes	Yes	Yes	Yes	Yes

No.123-2013 Hiring Various Borough Employees

RESOLUTION NO.123-2013
HIRING VARIOUS BOROUGH EMPLOYEES

Councilmember Leckstein introduced and offered for adoption the following Resolution, seconded by Councilmember Murphy.

WHEREAS, there exists a need for additional employees in various departments in the Borough of Sea Bright, and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Sea Bright, County of Monmouth that the various employees be hired as specified in Ordinance No.06-2013 on the attached personnel action form(s).

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 – Austin Anderson
John Brennan

John Decelle
Brian McKenna
Streets & Roads S/W – Michael Miles

MICHAEL J. BASCOM, CFO

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the following:

1. Finance Manager
2. Department of Public Works
3. Building Department
4. Life Guard Supervisor
5. Gate Attendant Supervisor

Roll Call:	Bills,	Keeler,	Kelly,	Leckstein,	LoBiondo,	Murphy
	Yes	Yes	Yes	Yes	Yes	Yes

No. 124–2013 Designating Landmark Consulting of Seaside Heights, NJ as the Community Disaster Specialist

RESOLUTION No.124-2013
PROFESSIONAL SERVICES CONTRACT WITH LANDMARK CONSULTING, LLC

Councilmember Leckstein introduced and offered for adoption the following Resolution, seconded by Councilmember Murphy.

WHEREAS, Landmark Consulting, LLC, 326 Sumner Avenue, ,Seaside Heights, NJ 08751 has submitted a proposal dated to perform consulting services for the Borough of Sea Bright, and

WHEREAS, it is the recommendation of the Borough Administrator/Clerk that Landmark Consulting, LLC be appointed as the Consulting Engineer; and

WHEREAS, the Borough Council of the Borough of Sea Bright has elected to make this appointment pursuant to the provisions of N.J.S.A. 16:44A-20 et seq. for the purpose of imposing the strictest campaign spending limitations under the New Jersey Local Pay-to-Play Law; and

WHEREAS, the Michael Bascom, Chief Finance Officer has certified that there are funds available for this purpose specifically under Special Emergency for Engineering Services and Costs, various ordinances subject to adequate funds under 40A:2-20, which account will be properly charged and which funds shall not be available for more than one purpose; and

MICHAEL J. BASCOM, CFO

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of contract for "Professional Services" without competitive bids and the contract itself must be available for public inspection; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sea Bright in the County of Monmouth as follows:

1. The Mayor and Borough Clerk are hereby authorized and directed to execute an agreement with Landmark Consulting, LLC. Payments will be made through Special Emergency Funding and FEMA appropriations.

2. It is further understood that there will be a rate freeze for the duration of the appointment with annual contracts setting forth the total estimated payments for the subsequent twelve months.

3. This contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1) (a) of the Local Public Contracts Law because engineering service is professional in nature and performed by persons authorized by law to practice a recognized profession.

4. A notice of this action shall be published as required by law.

- 5. A copy of this resolution shall be forwarded to the following:
 - 1. Landmark Consulting, LLC .
 - 2. Ana Debevec

Roll Call:	Bills,	Keeler,	Kelly,	Leckstein,	LoBiondo,	Murphy
	Yes	Yes	Yes	Yes	Yes	Yes

No.125-2013 Designating Atlantic Consulting Engineers, LLC of Sea Girt, NJ to provide Site Plan and Structural Services of the Sea Bright Public Works Building

RESOLUTION No.125-2013
PROFESSIONAL SERVICES CONTRACT
WITH ATLANTIC CONSULTING ENGINEERS, LLC

Councilmember Leckstein introduced and offered for adoption the following Resolution, seconded by Councilmember Murphy.

WHEREAS, Atlantic Consulting Engineers, LLC, PO Box 175, Sea Girt, NJ 08750 has submitted a proposal dated to perform structural engineering services for the Borough of Sea Bright, and

WHEREAS, it is the recommendation of the Borough Administrator/Clerk that Atlantic Consulting Engineers LLC be appointed as the Consulting Engineer; and

WHEREAS, the Borough Council of the Borough of Sea Bright has elected to make this appointment pursuant to the provisions of N.J.S.A. 16:44A-20 et seq. for the purpose of imposing the strictest campaign spending limitations under the New Jersey Local Pay-to-Play Law; and

WHEREAS, the Michael Bascom, Chief Finance Officer has certified that there are funds available for this purpose specifically under Special Emergency for Engineering Services and Costs, various ordinances subject to adequate funds under 40A:2-20, which account will be properly charged and which funds shall not be available for more than one purpose; and

MICHAEL J. BASCOM, CFO

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of contract for "Professional Services" without competitive bids and the contract itself must be available for public inspection; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sea Bright in the County of Monmouth as follows:

- 1. The Mayor and Borough Clerk are hereby authorized and directed to execute an agreement with Atlantic Consulting Engineers, LLC., Consulting Engineers with the attached Schedule of Billable Hourly Rates which is made a part of this

resolution with the total estimated payments not to exceed \$24,850.00 exclusive of any independent professional service contracts that may be authorized.

2. It is further understood that there will be a rate freeze for the duration of the appointment with annual contracts setting forth the total estimated payments for the subsequent twelve months.

3. This contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1) (a) of the Local Public Contracts Law because engineering service is professional in nature and performed by persons authorized by law to practice a recognized profession.

4. A notice of this action shall be published as required by law.

- 5. A copy of this resolution shall be forwarded to the following:
 - 1. Atlantic Consulting Engineers, LLC .
 - 2. Ana Debevec

Roll Call:	Bills,	Keeler,	Kelly,	Leckstein,	LoBiondo ,	Murphy
	Yes	Yes	Yes	Yes	Yes	Yes

No.129-2013 Authorizing Modification to the Hurricane Sandy National Emergency Grant Workforce Development

RESOLUTION NO. 129-2013
HURRICANE SANDY NATIONAL EMERGENCY GRANT
WORKFORCE DEVELOPMENT MODIFICATION

Councilmember Leckstein offered the following Resolution for approval, seconded by Councilmember Murphy:

WHEREAS, The County of Monmouth has been designated as a Workforce Area pursuant to the Workforce Investment Act to receive funding through the State of New Jersey Department of Labor’s Hurricane Sandy National Emergency Grant, and:

WHEREAS, The Borough of Sea Bright was initially awarded a fully (100%) reimbursable grant for temporary custodians totaling \$5,947.92 for the period March 18, 2013 through April 29, 2013 supplemented by an amendment aggregating to \$20,871.79 subject to change for additional funding services and skills required by the Borough and:

WHEREAS, The Borough of Sea Bright is eligible for additional (100%) reimbursable funding on an immediate availability basis and:

WHEREAS, upon mutual acceptance of the National Emergency Grant with the County of Monmouth, the Borough of Sea Bright received notice of a Grant modification permitting continuance of the program for the period from April 30, 2013 through January 29, 2014 totaling \$129,146.42 which upon approval will become a permanent component of the 2013 Borough Budget upon final execution.

WHEREAS, the Borough of Sea Bright’s Department of Public Works and Administrative staff recommend continued personnel support under the modified Workforce Development Program, and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Sea Bright authorize the Mayor to execute the extension modification agreement with the County of Monmouth for participation in the Hurricane Sandy National Emergency Grant totaling \$129,146.42 as set forth in the contracts terms and conditions

BE IT RESOLVED that a copy of this resolution, certified to be a true copy, be forwarded to the following:

- 1. Michael Bascom, Chief Financial Officer
- 2. Ana Debevec, Finance Manager
- 3. Borough Auditor
- 4. Phil Del Turco, Fiscal Officer
- 5. County of Monmouth

Roll Call: Bills, Keeler, Kelly, Leckstein, LoBiondo, Murphy
 Yes Yes Yes Yes Yes Yes

ORDINANCE: Adoption

Public Hearing: Mayor Long to read the ordinance by title:

ORDINANCE NO. 12-2013

AUTHORIZING THE USE OF COMMERCIAL TRAILERS IN THE B-3 ZONE DURING RECONSTRUCTION OF CERTAIN BUSINESS ESTABLISHMENTS

Planning Board approval May 29, 2013
 Monmouth County Planning Board approval May 31, 2013

Councilmember Kelly offered a motion to open the public hearing on Ordinance No.12-2013, seconded by Councilmember Leckstein.

Vote: Bills, Keeler, Kelly, Leckstein, LoBiondo, Murphy
 Yes Yes Yes Yes Yes Yes

Public Hearing (Ord.12 -2013) – No one wished to be heard.

Councilmember Kelly offered a motion to close the public hearing on Ordinance No.12-2013, seconded by Councilmember Leckstein.

Roll Call: Bills, Keeler, Kelly, Leckstein, LoBiondo, Murphy
 Yes Yes Yes Yes Yes Yes

ORDINANCE NO.12-2013

AUTHORIZING THE USE OF COMMERCIAL TRAILERS IN THE B-3 ZONE DURING RECONSTRUCTION OF CERTAIN BUSINESS ESTABLISHMENTS

Councilmember Leckstein offered a motion to adopt Ordinance No.12-2013 and advertise according to law, seconded by Councilmember Murphy.

WHEREAS, pursuant to N.J.S.A. 40:48-2.3, the Borough of Sea Bright has the inherent police power to address and rectify the condition of damaged or destroyed commercial buildings in the Borough so as to provide for the public health, safety and general welfare of its citizens, and

WHEREAS, pursuant to the provisions of the Municipal Land Use Law, N.J.S.A. 40:55D-1 et.seq., the Borough may from time to time amend its land use ordinances to deal with certain exigent circumstances to facilitate the rebuilding of damaged and/or destroyed commercial structures with the Borough, and

WHEREAS the Borough Council deems it necessary, as part of the ongoing reconstruction efforts throughout the Borough, to allow certain businesses to conduct interim operations out of a commercial trailer until such time as the business establishment has been reconstructed and can be occupied, and

WHEREAS, the Borough Council finds that there is an overriding public purpose in the creation of such a use for certain commercial establishments during the rebuilding and/or reconstruction of their business establishments, and

WHEREAS, pursuant to N.J.S.A. 40:48-2, a municipality may make such ordinances as it deems necessary and proper for the good government, order and protection of persons and property, and the preservation of the public health, safety and welfare of the municipality and its inhabitants.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Sea Bright, as follows:

SECTION ONE:

The Borough of Sea Bright hereby amends the list of permitted uses in the B-3 zone to include the following:

- 1. Commercial trailers shall be a permitted conditional use, subject to the following:

(a) There shall only be a maximum of one commercial trailer per business establishment, and only commercial activities directly related to the business establishment on that particular property that is being rebuilt or reconstructed shall be allowed to be conducted from the trailer.

(b) There shall be no sub-leasing of any such trailers whatsoever; any violation of this provision shall result in an enforcement action to require the immediate shutdown and removal of such a trailer from the subject premises.

(c) No commercial trailer shall be occupied unless it is code compliant and all requisite utility services are provided as per applicable codes and regulations; it shall be within the purview of the zoning officer and construction official to approve the proposed location of the trailer. No trailer shall be located within twenty-five (25) feet of a public right of way, and shall be at least twenty-five (25) feet back from any adjacent property. It is within the discretion of the zoning office to advise an applicant that site plan approval may be required. If a denial letter is issued by the zoning officer this decision may be appealed by the applicant as provided for under the Municipal Land Use Law.

(d) The occupancy of the trailer is limited to one year from date of issuance of the appropriate permit or approval. No renewal of the permit shall be permitted.

(e) The occupancy of the trailer must be terminated and the trailer must be removed from the premises no later than ten (10) calendar days of the issuance of a temporary or permanent certificate of occupancy for the subject premises.

SECTION TWO:

The Borough of Sea Bright hereby authorizes the Business Administrator and Zoning Officer to develop an application process to insure that the installation of any commercial trailer is done in accordance with all applicable codes and sub-codes. In addition, the property owner must cooperate with the code officials of the Borough for inspection of said work to insure that it is done in accordance with applicable codes. All work that has to be performed must be with the necessary permits and inspections required by the Borough and/or the State of New Jersey.

SECTION THREE:

All ordinances, codes and parts of same inconsistent with any of the provisions of this Ordinance, are hereby replaced to the extent of such inconsistency.

SECTION FOUR:

If any section, paragraph provision of this Ordinance shall be adjudged invalid, such adjudication shall not affect the validity of the remaining sections, paragraphs or provisions of this Ordinance, which shall otherwise remain in full force and effect.

SECTION FIVE:

This Ordinance shall take effect upon final passage and publication as required by law.

I HEREBY CERTIFY this to be a true and correct Ordinance of the Mayor and Borough Council of the Borough of Sea Bright, introduced on May 21, 2013 and will be further considered after a Public Hearing held on June 18, 2013 at the Municipal Building at 7:30 pm.

INTRODUCED: May 21, 2013
Public Hearing: June 18, 2013
ADOPTED: June 18, 2013

Roll Call: Bills, Keeler, Kelly, Leckstein, LoBiondo, Murphy
Yes Yes Yes Yes Yes Yes

2013 MUNICIPAL BUDGET - Public Hearing

Presentation:

Mike Bascom, CFO, utilized power point slides to illustrate his 2013 budget presentation. Highlights of the presentation included: information about the issuance of Special Emergency Notes; the impact of the 14% loss tax ratable base by the loss of taxable values in the amount of about \$70,000,000.00 and the offset of the loss by financial assistance from state and federal partners, including FEMA through the Community Disaster Loan Program, HUD through the Community Development Block Grant Program, and the New Jersey Division of Local Government Services through general budget assistance; the impact of the 2013 regional school tax increase, which would have been significant but will be offset by a Community Disaster Loan; the issuance of an A-1 bond rating, which is an affirmation of the fiscal stability of the borough and a tight rein by the borough on expenses; the tax rate increase, which is 9/10ths of 1 cent per \$100.00 of assessed value; the rate is 77.5 cents for 2013 compared with 76.6 cents for last year, which is equivalent to \$9.90 per \$100.00 of assessed value on the average home; the increase in the 2013 is

attributable to the storm and paying back borrowed funds; the average tax paid by residents to the borough for municipal purposes is \$2,817.75 per home, a \$32.00 increase in taxation; the borough's rate is well below the state appropriations cap regulation and levy cap calculation, reflecting borough spending restraint; the effects of continuing decreases in state aid which, in 2004, offset 6% of the operating budget and, in 2013, offsets below 2%, shifting more responsibility to the municipality; taxes collected by the end of the year normally reach at least a 97% collection rate; last year the number was 95%, which affects the borough's surplus regeneration. 2013 budget information presented by Mr. Bascom will be available on the borough website.

RES No.126-2013 – Authorizing the Budget to be read by title

RESOLUTION NO. 126-2013
Budget Read by Title Only

Councilmember Murphy offered the following Resolution for approval, seconded by Councilmember LoBiondo.

WHEREAS, NJSA 40A:4-8 provides that the budget be read by title only at the time of the Public Hearing if a resolution is passed by not less than a majority of the full Governing Body, providing that at least one week prior to the date of hearing a complete copy of the approved budget as advertised has been posted in Borough Hall and copies have been made available by the Clerk to persons requiring them; and

WHEREAS, these two conditions have been met.

NOW, THEREFORE, BE IT RESOLVED that the budget shall be read by title only.

Roll Call: Bills, Keeler, Kelly, Leckstein, LoBiondo, Murphy
Yes Yes Yes Yes Yes Yes

Public Hearing 2013 Municipal Budget:

Councilmember Murphy offered a motion to open the public hearing on the 2013 Municipal Budget, seconded by Councilmember LoBiondo.

Roll Call: Bills, Keeler, Kelly, Leckstein, LoBiondo, Murphy
Yes Yes Yes Yes Yes Yes

Public Comments and Questions:

1. Marty Arison asked for details on money collected for and spent on the sewer utility. Mr. Bascom detailed the numbers and charges and fixed costs, regardless of flow, in answer Mr. Arison's questions.
2. Tom Largey, 1 Beach Way, asked whether he could assume that Ashbritt was paid about \$3,000,000.00. Mr. Bascom responded that figure was not correct and that he didn't have the Ashbritt number with him. Mayor Long and Mr. Verruni responded that Mr. Largey could get the figure from Mr. Verruni if he calls the office in the morning.
3. Heather Bedenko, 400 Ocean Avenue, asked how our debt looks if we project farther out, say to 2020. Mr. Bascom generally reviewed the debt, grants, state aid, loans, and FEMA reimbursements, and stated that paying back the debt would take place over many years, and, at most, a twenty year period. He explained that we are not close to our debt limit. We could issue six or seven or eight times the debt we have issued. We are in a very good debt position and that is why we again received an A-1 bond rating from Moody's.

Councilmember Leckstein offered a motion to close the public hearing on 2013 Municipal Budget, seconded by Councilmember LoBiondo.

Roll Call: Bills, Keeler, Kelly, Leckstein, LoBiondo, Murphy
Yes Yes Yes Yes Yes Yes

Res. No.127-2013 - Amending the 2013 Municipal Budget and Advertise According to Law

Mr. Bascom reviewed further amendments to be made to the budget. Three items need to be changed which do not affect the total amount of the budget.

RESOLUTION No. 127-2013
AMENDMENT TO THE BOROUGH OF SEA BRIGHT
APPROVED 2013 BUDGET
Public Hearing scheduled for July 2, 2013 @ 7:30pm

Councilmember Murphy introduced and offered for adoption the following Resolution; seconded by Councilmember Kelly:

WHEREAS, the local municipal budget for the year 2012 was approved on the 21st day of May, 2013; and,

WHEREAS, the public hearing on said budget has been held as advertised on June 18, 2013, and,

WHEREAS, it is desired to amend said approved as described below;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Sea Bright of the County of Monmouth that the following amendments to the approved budget of 2013 be made:

	From	To
GENERAL REVENUES		
3. Miscellaneous Revenue – Section F: Special Items Of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services – Public and Private Revenue Offset with Appropriations		
Clean Communities Program	\$ 4,000.00	\$ 4,019.71
FEMA Disaster Assistance / Public Assistance	\$ 1,453,628.52	\$ 0.00
FEMA – Hazard Mitigation - Center Street	\$ 0.00	\$ 257,040.00
National Emergency Grant	\$ 0.00	\$ 129,146.42
Total Section F: Special Items of General Revenue with Prior Written Consent of Director of Local Government Services – Public and Private Revenue Offset with Appropriations	\$ 2,534,091.74	\$ 1,466,669.35
3. Miscellaneous Revenue – Section G: Special Items Of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services – Other Special Items		
Community Disaster Loan	\$1,237,000.00	\$ 682,758.82
FEMA Disaster Assistance / Public Assistance	\$ 0.00	\$1,038,580.52
Total Section G: Special Items of General Revenue with Prior Written Consent of Director of Local Government		
Services – Other Special Items	\$1,237,000.00	\$1,721,339.34
SUMMARY OF REVENUES		

3. Miscellaneous Revenues:

Total Section F: Special Items of General Revenue With Prior Written Consent of Director of Local Government Services – Public and Private Revenue Offset with Appropriations	\$2,534,091.74	\$1,466,669.35
Total Section G: Special Items of General Revenue with Prior Written Consent of Director of Local Government Services – Other Special Items	\$1,237,000.00	\$1,721,339.34
4. Receipts from Delinquent Taxes	\$ 423,568.21	\$ 352,355.21
7. Total General Revenues	\$8,070,644.30	\$7,416,348.25

8. GENERAL APPROPRIATIONS

(A) Operations – within "CAPS"

General Administration Other Expenses	\$ 52,900.00	\$ 62,000.00
Audit Services Other Expenses	\$ 16,000.00	\$ 23,000.00
Engineering Services Other Expenses	\$ 45,000.00	\$ 61,501.00
Planning Board Salaries and Wages	\$ 11,000.00	\$ 18,000.00
Employee Group Insurance	\$ 499,800.00	\$ 509,600.00
Police Department Salaries and Wages	\$ 840,514.18	\$ 226,000.00
Streets and Roads Maintenance Salaries and Wages	\$ 195,000.00	\$ 205,000.00
Other Expenses	\$ 77,000.00	\$ 92,000.00
Solid Waste Disposal Other Expenses	\$ 18,000.00	\$ 30,000.00
Uniform Construction Code – Appropriations Offset by Dedicated Revenues Construction Official Salaries and Wages	\$ 94,000.00	\$ 100,000.00
 (E) Deferred Charges and Statutory Expenditures – Municipal within "CAPS"		
(1) Deferred Charges Highlands Bridge Trust	\$ 0.00	\$ 13,499.00
Total Operations {Item 8(A)} within "CAPS"	\$ 3,311,064.18	\$ 2,802,450.00
Total Operations Including Contingent within "CAPS"	\$ 3,312,064.18	\$ 2,803,450.00
Detail:		
Salaries and Wages	\$ 1,569,114.18	\$ 977,600.00
Other Expenses	\$ 1,742,950.00	\$ 1,825,850.00

(H-1) Total General Appropriations for Municipal

Purposes within "CAPS"	\$ 3,702,138.18	\$ 3,193,524.00
8. General Appropriations		
(A) Operations – Excluded from "CAPS"		
Aid to Privately Owned Library	\$ 50,000.00	\$ 25,000.00
Employee Group Insurance	\$ 20,200.00	\$ 10,400.00
CDBG Essential Services Funding:		
Sewer Utility – Deficit in Revenue	\$ 410,000.00	\$ 0.00
Beach Utility – Deficit in Revenue	\$ 204,514.18	\$ 0.00
Police Salaries and Wages	\$ 300,485.82	\$ 915,000.00
Public and Private Programs Offset by Revenues:		
Clean Communities Program	\$ 4,000.00	\$ 4,019.71
Matching Funds for Grants	\$ 0.00	\$ 50,000.00
National Emergency Grant	\$ 0.00	\$ 129,146.42
Total Public and Private Programs Offset by Revenue	\$ 262,503.22	\$ 441,669.35
Total Operations – Excluded from "CAPS"	\$ 1,520,103.22	\$ 1,689,469.35
Detail:		
Salaries and Wages	\$ 300,485.82	\$ 1,044,146.42
Other Expenses	\$ 1,219,617.40	\$ 645,322.93
8. General Appropriations		
(C) Capital Improvements – Excluded from "CAPS"		
Capital Improvement Fund	\$ 100,000.00	\$ 200,000.00
8. General Appropriations		
(D) Municipal Debt Service – Excluded from "CAPS"		
Interest on Notes	\$ 27,000.00	\$ 0.00
Total Municipal Debt Service – Excluded From "CAPS"	\$ 821,774.38	\$ 794,774.38
8. General Appropriations		
(E) Deferred Charges – Municipal – Excluded from "CAPS"		
(1) Deferred Charges		
Special Emergency Appropriations – 5 Years (NJS 40A:4-55)	\$ 1,426,628.52	\$ 1,011,580.52
Interest on Special Emergency Notes	\$ 0.00	\$ 27,000.00
Total Deferred Charges – Municipal – Excluded from "CAPS"	\$ 1,426,628.52	\$ 1,038,580.52
(H-2) Total General Appropriations for Municipal Purposes Excluded from "CAPS"	\$ 3,868,506.12	\$ 3,722,824.25
(O) Total General Appropriations		

Excluded from "CAPS"	\$3,868,506.12	\$3,722,824.25
(L) Subtotal General Appropriations	\$7,570,644.30	\$6,916,348.25
9. Total General Appropriations	\$ 8,070,644.30	\$7,416,348.25

SUMMARY OF APPROPRIATIONS

(H-1) Total General Appropriations for Municipal Purposes – within "CAPS"	\$ 3,702,138.18	\$3,193,524.00
(A) Operations – Excluded from "CAPS"		
Other Operations	\$ 1,150,200.00	\$1,140,400.00
Public & Private Programs Offset by Revs	\$ 262,503.22	\$ 441,669.35
Total Operations – Excluded from "CAPS"	\$ 1,520,103.22	\$1,689,469.35
(C) Capital Improvements	\$ 100,000.00	\$ 200,000.00
(D) Municipal Debt Service	\$ 821,774.38	\$ 794,774.38
(E) Total Deferred Charges (Sheets 28 Only)	\$ 1,426,628.52	\$1,038,580.52
Total General Appropriations	\$ 8,070,644.30	\$7,416,348.25

DEDICATED SEWER UTILITY

10. DEDICATED REVENUES FROM SEWER UTILITY

Community Disaster Loan	\$ 0.00	\$ 410,000.00
Deficit (General Budget)	\$ 410,000.00	\$ 0.00

DEDICATED BEACH UTILITY

10. DEDICATED REVENUES FROM BEACH UTILITY

Community Disaster Loan	\$ 0.00	\$ 204,514.18
Deficit (General Budget)	\$ 204,514.18	\$ 0.00

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services for her certification of the local municipal budget so amended and that a copy be forwarded to the Chief Financial Officer and the Borough Auditor.

Roll Call: Bills, Keeler, Kelly, Leckstein, LoBiondo, Murphy
Yes Yes Yes Yes Yes Yes

FOR DISCUSSION:**Clean Ocean Action Event - July 13 and 14, 2013**

Councilmember Murphy offered a motion to approve the request to hold the Clean Ocean Action Event on July 13 and July 14, 2013, seconded by Councilmember Bills.

Roll Call: Bills, Keeler, Kelly, Leckstein, LoBiondo, Murphy
Yes Yes Yes Yes Yes Yes

COUNCIL COMMITTEE REPORTS:

A. Fire, Finance Administration

William J. Keeler, Chair, extended his thanks to Mr. Bascom regarding Mr. Bascom's extensive work on the 2013 budget and publicly commended him on his efforts, including the many trips made to Trenton on our behalf, commended him for his presentation tonight, and commended him for the outcome of the budget.

B. Sea Bright Recovery & Master Plan, Beautification:

Brian Kelly, Chair, reported on the following:

1. BFPs were released yesterday and ABFPs previously released, have had successful corrections made.
2. The borough has brought on board NJ Future and FEMA long term recovery planners to help with the planning process for Sea Bright's long term recovery.
3. Beautification - Councilmember Kelly thanked Sea Bright Rising and full time volunteer Frank Lawrence. Sea Bright Rising paid for the new benches and planters in town and performed the beautification work we see.

C. Personnel, Education & Recreation:

Peggy Bills, Chair, reported progress has been made.

D. Police, OEM, Public Works:

James LoBiondo, III, Chair, reported progress has been made.

E. Building Department, Beach & Grants:

C. Read Murphy, Chair, reported on the following:

1. We now have bathrooms and port-a-johns, including handicapped accessible, and a couple of ticket sheds have been built.
2. The beach is in good shape; the color of the sand is dark but will lighten up as the sun bleaches it.
3. The playground is occupied all the time.
4. Thanks were expressed to Kathy Morris, Recreation Director, who has been busy planning summer activities, including movies on the beach.
5. It has been a long, tough row to hoe, and progress is being made.
6. Thanks to Heather Bedenko and her crew we're getting our beach equipment back, slowly but surely.

F. Code Enforcement, Court, Public Relations, & Cultural Arts:

Marc A. Leckstein, Chair, reported:

1. JCP & L is working on the lights in South Beach non-stop, and they should be up shortly.
2. In other committees, progress is being made.

MAYOR DINA LONG – Reports and Communications

Mayor Long reported on the following:

1. FEMA Community Recovery Team – helping to create a road map of priorities with citizen input and helping Sea Bright to compete for funding and move forward
2. NJ Future, a non-profit – helping projects move forward
3. Workforce Development Grant – enabling Sea Bright to hire extra help and extend additional hours to employees
4. Mayor Long has been asked to participate in the White House Sandy Task Force.
5. Federal grant opportunities are still available to residents until June 30, 2013.
6. Thank you to the Sea Bright Resource Center for providing assistance and updates to our residents.
7. Public access stairway update
8. A DEP form letter regarding easements was sent to all residents up and down the coast of New Jersey. Sea Bright's easements were sent in and filed.
9. National "Dine Out" Event to support Sandy Relief – Dr. Memet Oz has chosen to come to Sea Bright to participate in the event. He will be dining at Even Tide Grille tomorrow evening.
10. Welcome and introduce new Deputy Borough Clerk, Candace Mitchell

REMARKS FROM THE AUDIENCE (limited to 3 minutes)

The Public Comment portions of this meeting allow 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.

1. Maria Bonfintino, a long-time Sea Bright beach-goer, expressed some concerns about Sea Bright life guarding. Mayor Long thanked her for making Council aware of her concerns.

2. Tom Largey, 1 Beach Way, expressed concern over Congress voting to take away flood insurance premium subsidies from the people of New Jersey. Some towns have passed Resolutions taking a stand about this decision by Congress. Councilmember Murphy pointed out that most households in Sea Bright are not subsidized. Mayor Long said she would be happy to look into that Resolution. Councilmember Murphy agreed that a Resolution should be set up.

3. Murphy Anderson, 8 Center Street, thanked Mr. Bascom for his budget presentation. He requested an explanation as to the review period for the new flood maps and asked how to approach the changes that were made. He also asked Mayor Long to explain how we are managing upcoming FEMA grants differently today than we had previously done. Mayor Long pointed out that the parameters for the next round of hazard mitigation grant funding have not yet been announced by the state. We don't yet know what the program is going to look like. The way bids and contracts will be managed have changed so that we have a better process than we did have. We changed how the project will be bid and managed. Jacki Flor explained that we will use somewhat of a performance spec approach, with plans of existing conditions given to perspective bidders. The bidders will be required to have an engineer and an architect who will provide plans to be reviewed by the borough. This process will bring the pricing down. Mayor Long also addressed Mr. Murphy's question about the process of review for the flood maps. The dates have not yet been announced.

4. Laurie Calabrese, 8 Center Street, expressed concern regarding the project at 25 Center Street if using the same borough architect, because, though the builder on her project had an architect and an engineer, the builder did not know how to follow the plans and did not follow the plans.

EXECUTIVE SESSION:

Resolution No. 128 2013 Executive Session

RESOLUTION NO.128-2013
EXECUTIVE SESSION

Councilmember Leckstein introduced and offered for adoption the following Resolution, seconded by Councilmember Murphy.

WHEREAS, Section 8 of the Open Public Meeting Act, NJSA 10:4-12 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Sea Bright, New Jersey, that they meet in closed session to discuss the issues as herein set forth and when the need for confidentiality no longer exists the decisions made therein will be made available to the public.

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matter.

2. The general nature of the subject matters to be discussed are as follows:
 - A. Personnel

B. Litigation

3. It is anticipated at this time that the subject matters will be made public, if and when, confidentiality is no longer needed. Action may be taken.

4. This Resolution shall take effect immediately

BE IT FURTHER RESOLVED that the Mayor and Council may come back into Regular Session to conduct additional business.

Roll Call: Bills, Keeler, Kelly, Leckstein, LoBiondo, Murphy
Yes Yes Yes Yes Yes Yes

ADJOURNMENT:

Councilmember Leckstein offered a motion to adjourn the Public Meeting, seconded by Councilmember Murphy at 9:00 PM.

Roll Call: Bills, Keeler, Kelly, Leckstein, Lobiondo, Murphy
Yes Yes Yes Yes Yes Yes

Respectfully Submitted,

Joseph L. Verruni
Acting Administrator/Clerk

JLV/cbm