

**REGULAR MEETING  
BOROUGH OF SEA BRIGHT**

**OCTOBER 1, 2013**

**SEA BRIGHT, NEW JERSEY**

**Mayor Long** called the meeting to order at 7:35 p.m. and requested those present to join her in the Pledge of Allegiance to the Flag.

**Mayor Long** read the following Compliance 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. This meeting is open to the public.

**PRESENT:** Mayor Dina Long, Councilmembers Peggy Bills, William J. Keeler, Brian P. Kelly, Marc A. Leckstein, C. Read Murphy

**NOT PRESENT:** Councilmember James LoBiondo

**ALSO PRESENT:** Borough Attorney Patrick J. McNamara, Borough Engineer Jacklyn J. Flor, Chief of Police John Sorrentino, Acting Borough Administrator/Clerk Joseph L. Verruni

**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. Shelly Treacy, 29 Village Road, President of Sea Bright Village Association, asked for an update on re-paving. Mr. Verruni responded, stating that Village and Sandpiper are first on the schedule. Mayor Long also stated that the Administrator's office will follow up regarding notice to be given to the residents.

2. Mary Ann Chevalier, 666 Ocean Avenue, expressed appreciation to the volunteers who helped during North Beach's Dune Days and to the members of the governing body who participated. Ms. Chevalier and Mayor Long recognized Councilman LoBiondo's leadership and participation in North Beach's Dune Days.

**CONSENT AGENDA:**  
**Resolution No. 181 -2013**

**RESOLUTION No. 181-2013**  
**Person-to-Person Transfer of Liquor License #1343-44-006-009**  
**Seabreeze Wines & Spirits, Inc. t/a The Liquor Store at Sea Bright**  
**effective October 1, 2013**

Councilmember Leckstein offered the following resolution for approval; seconded by Councilmember Kelly.

**WHEREAS**, an application has been filed for a person-to-person transfer of Plenary Retail Distribution Liquor License, Number 1343-44-006-009, heretofore issued to Teddy B, Inc. for premises located at 1060 Ocean Avenue, 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 Statutes, 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 October 1, 2013, the transfer of the aforesaid Plenary Retail Distribution License to Seabreeze Wines & Spirits, Inc. t/a The Liquor Store at Sea Bright; and does hereby direct the Borough Clerk to endorse the license certificate to the new ownership as follows:

***"This license, subject to all its terms and conditions, is hereby transferred to Seabreeze Wines & Spirits, Inc. t/a The Liquor Store at Sea Bright, 1060 Ocean Avenue, Sea Bright, New Jersey, effective October 1, 2013."***

**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. Seabreeze Wines & Spirits, Inc.

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

**Resolution No. 182-2013**

**RESOLUTION NO. 182-2013**  
**RESOLUTION AUTHORIZING SALE OF NOTES FOR SPECIAL EMERGENCY**  
**APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-53 FOR THE PREPARATION AND**  
**IMPLEMENTATION OF THE REVALUATION OF REAL PROPERTY AND TAX MAP**  
**UPDATES**

Councilmember Leckstein offered the following resolution for approval; seconded by Councilmember Kelly.

**WHEREAS**, an ordinance has been adopted creating a special emergency appropriation of \$250,000 to meet expenses related to the preparation and implementation of the revaluation of real property and tax map updates, and N.J.S. 40A:4-53 provides for the creation of a special emergency appropriation for the purpose above mentioned, and

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

- 1. A special emergency exists and the special emergency appropriation provided for herein is necessary in order to meet the expense for the preparation and implementation of the revaluation of real property and tax map updates.
- 2. In order to finance the special emergency appropriation described in this resolution, the Borough is hereby authorized to borrow the sum of \$250,000 and to issue its special emergency notes pursuant to N.J.S.A. 40A:4-55. The special emergency notes authorized by this resolution may be issued in amounts and denominations not exceeding in the aggregate the amount of notes authorized herein, as determined by the chief financial officer of the Borough pursuant to this resolution.
- 3. The following matters in connection with the notes are hereby determined: All notes issued hereunder and any renewals thereof shall mature at such time as may be determined by the chief financial officer,

- (a) provided, however, that at least 1/5 of all such notes and renewals, thereof, shall mature and be paid in each fiscal year thereafter until all are paid;
  - (b) All notes issued hereunder shall bear interest at such rate or rates as may be determined by the chief financial officer;
  - (c) The notes shall be in the form determined by the chief financial officer and the chief financial officer's signature upon the notes shall be conclusive as to such determination.
4. The chief financial officer is hereby authorized and directed to determine all matters in connection with the notes not determined by this or a subsequent resolution and the chief financial officer's signature upon the notes shall be conclusive as to such determination.
  5. The chief financial officer is hereby authorized to sell the notes and any renewals thereof from time to time at public or private sale in such amounts as such officer may determine at not less than par and to deliver the same from time to time to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof and payment therefore.
  6. All notes issued pursuant to this resolution shall be executed by the chief financial officer and the Mayor and shall be under the seal of the Borough and attested by the Clerk of the Borough. Such officers are hereby authorized to execute and deliver all documents necessary or convenient in connection with the issuance, sale and delivery of the notes.
  7. Any note issued pursuant to this resolution shall be a general obligation of the Borough. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the notes authorized herein and, unless otherwise paid or payment is provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.
  8. The chief financial officer is authorized and directed to report in writing to this governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this resolution is made, such report to include the amount, description, interest rate and maturity of the notes sold, the price obtained and the name of the purchaser.
  9. **BE IT FURTHER RESOLVED** that a certified copy of this Resolution be forwarded to the following:
    1. Michael Bascom, Chief Financial Officer
    2. Robert Allison, Borough Auditor
    3. John Draikiwicz, Bond Attorney
    4. Local Finance Board

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

**Resolution No. 183-2013**

**RESOLUTION 183-2013**

**RESOLUTION REJECTING BIDS FOR THE SEVERE REPETITIVE LOSS ELEVATION PROJECT, 25 CENTER STREET, AND NEGOTIATION OF CONTRACT**

Councilmember Leckstein introduced and offered for adoption the following Resolution; seconded by Councilmember Kelly.

**WHEREAS**, the Borough of Sea Bright publicly advertised for bids for the work to be done to raise a home at 25 Center Street (the "Improvements"); and

**WHEREAS**, bids were received on September 6, 2013, and on October 1, 2013; and

**WHEREAS**, the Borough rejected the bid received on September 6, 2013 in accordance with N.J.S.A. 40A:11-13.2b due to the fact that the bid exceeded the available funding for the project; and

**WHEREAS**, three bids were received for this contract on October 1, 2013, and the bid prices again exceeded the estimated prices and the Borough Engineer recommends rejection of the bids; and

**WHEREAS**, pursuant to N.J.S.A. 40A:11-5(3), the Borough can authorize the negotiation of and award of this contract by a two thirds vote of the Borough Council and providing that the provisions in this statute are complied with.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Sea Bright, County of Monmouth, and State of New Jersey as follows:

1. The Borough Council hereby accepts the recommendation of the Borough Engineer and hereby rejects the three bids received on October 1, 2013, for the Severe Repetitive Loss Elevation Project, 25 Center Street; and
2. The Borough Engineer and Acting Business Administrator are authorized and directed to negotiate the price for this contract which will then be submitted to the Borough Council for consideration.

**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. Shorelands Construction, Inc.
4. Rocon Construction Group, Inc.
5. McCauley Construction Company, Inc.

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

**ORDINANCE(s):**

**Introduction:** Mayor Long read the ordinance by title:

**ORDINANCE #16-2013**  
**AN ORDINANCE REVISING CHAPTER 161, PROPERTY MAINTENANCE,  
OF THE CODE OF THE BOROUGH OF SEA BRIGHT**

Councilmember Leckstein offered a motion to introduce Ordinance # 16-2013 for a public hearing to be held on October 15, 2013 and advertise according to law; seconded by Councilmember Murphy.

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

**Introduction:** Mayor Long read the ordinance by title:

**ORDINANCE #17-2013**  
**AN ORDINANCE CREATING CHAPTER 162, ABANDONED PROPERTIES,  
OF THE CODE OF THE BOROUGH OF SEA BRIGHT**

Councilmember Leckstein offered a motion to introduce Ordinance # 17-2013 for a public hearing to be held on October 15, 2013 and advertise according to law; seconded by Councilmember Murphy.

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

**Introduction:** Mayor Long read the ordinance by title:

**ORDINANCE #18-2013**  
**BOND ORDINANCE – A GENERAL BOND ORDINANCE APPROPRIATING  
\$1,800,000.00 FOR THE ROADWAY AND PUBLIC PARKING LOT IMPROVEMENTS**

Councilmember Leckstein offered a motion to introduce Ordinance # 18-2013 for a public hearing to be held on October 15, 2013 and advertise according to law; seconded by Councilmember Bills.

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

**Introduction:** Mayor Long read the ordinance by title:

**ORDINANCE #19-2013**  
**BOND ORDINANCE – A BEACH UTILITY BOND ORDINANCE  
APPROPRIATING \$700,000.00 FOR CONSTRUCTION OF PUBLIC REATROOM  
FACILITIES, ADA ACCESSIBILITY RAMPS, PARKING AREAS, SEWALL REPAIRS,  
AND ANCILLARY IMPROVEMENTS**

Councilmember Murphy offered a motion to introduce Ordinance # 19-2013 for a public hearing to be held on October 15, 2013 and advertise according to law; seconded by Councilmember Leckstein.

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

**Introduction:** Mayor Long read the ordinance by title:

**ORDINANCE #20-2013**  
**AUTHORIZING SPECIAL EMERGENCY APPROPRIATIONS FOR THE  
REVALUATION OF PROPERTY AND TAX MAP UPDATES, THE ISSUANCE OF A FIVE  
YEAR SPECIAL EMERGENCY NOTES TOTALING \$250,000.00**

Councilmember Keeler offered a motion to introduce Ordinance # 20-2013 for a public hearing to be held on October 15, 2013 and advertise according to law; seconded by Councilmember Leckstein:

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

**Introduction:** Mayor Long read the ordinance by title:

**ORDINANCE #21-2013**  
**A GENERAL BOND ORDINANCE APPROPRIATING \$600,000.00 FOR REPAIRS AND  
RECONSTRUCTION OF THE LIBRARY, FIREHOUSE, FIRST AID BUILDING, AND  
POLICE DEPARTMENT AS A RESULT OF DAMAGE INCURRED FROM SUPERSTORM  
SANDY**

Councilmember Leckstein offered a motion to introduce Ordinance # 21-2013 for a public hearing to be held on October 15, 2013 and advertise according to law; seconded by Councilmember Bills.

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

**INDIVIDUAL ACTION/New Business:**

**Res. No. 180** – moved from Consent Agenda to Individual Action due to an amendment made to the Resolution

**RESOLUTION NO. 180-2013**  
**as Amended**

**PART – TIME BUILDING INSPECTOR & ZONING OFFICER**

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

**WHEREAS**, the Mayor and Council of the Borough of Sea Bright are in need of a part-time "Building Inspector and Zoning Officer" to help assist with the workload being borne by the Borough's Building Inspector and Zoning Officer; and

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Borough Council of the Borough of Sea Bright hereby appoint Salvatore Massaro, Jr. as a part time Building Inspector and Anthony Tummina as a part time Zoning Officer; 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 Planning Board O/E for the purpose stated in the above resolution.

\_\_\_\_\_  
MICHAEL J. BASCOM, C.F.O.

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

- 1. Finance Manager
- 2. Salvatore Massaro, Jr. (Building Inspector)
- 3. Anthony Tummina (Zoning Officer)

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

**FOR DISCUSSION:**

- 1. SUBJECT:** Grant Opportunity- Fund the Municipal Public Access Plan (MPAP)  
**ACTION:** Mayor Long discussed an enclosure regarding a grant opportunity from the DEP which could provide planning dollars for developing the required MPAP.
- 2. SUBJECT:** Updates  
**ACTION:** Mayor Long offered the following information:
  - a. 10/9/13 – Sea Bright 2020 Meeting 6 PM, Holy Cross gym
  - b. 10/16/13 – Special Election, 6 AM – 8 PM, Community Center
  - c. 10/17/13 – Town Hall Meeting, 7:30, Borough Hall
  - d. 10/29/13 – Sandy One-Year Anniversary, 6:00 PM, Fire House – To commemorate the day, there will be a Community Pot-luck Supper, with a bonfire on the beach afterward.
  - e. 10/30 & 10/31 between the hours of 9 PM & 6 AM - Halloween Curfew
  - f. 10/31/13 – Costume Parade, Fire House, 6 PM, Ocean Avenue
  - g. 11/4/13 – Governor’s Mobile Cabinet Meeting
  - h. Announcement of meeting changes for 11/14/13 and 11/7/13 – The 11/14/13 Workshop Meeting will be cancelled. On 11/7/13, a Special Council Meeting will be scheduled for 7:00 p.m. to award bids, and a Special Workshop Meeting will be scheduled for 7:30 p.m. Also, there is no Council Meeting on 11/5/13 due to Election Day. The Regular Council Meeting is scheduled for Monday,11/18/13.

**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. Shelly Treacy, 29 Village Road, asked for additional clarification on the road paving program. It was determined that she and Mr. Verruni will schedule a time to meet and review the plans for the project.
2. Vince Lapore, 80 N. Broadway, Long Branch, expressed concern over Ordinance No. 17-2013, regarding abandoned property, and cautioned the Governing Body to proceed carefully. Mr. McNamara addressed Mr. LaPore’s concerns.
3. Murphy Anderson, 8 Center Street, cautioned the Governing Body regarding using and interpreting ordinances like this. Mr. Anderson also expressed concerns over the Elevation Project for 25 Center Street, the search which was necessary to find low bidders, the borough’s Engineering firm, T & M Associates, and the borough’s finances.
4. Jessica Morris, 3 East New Street, asked for timing and details of the sea wall project. Ms. Flor addressed this question.
5. Linda Richter, 2 Village Road, commended the Mayor and Council and expressed thanks for offering opportunities to be heard.
6. Mike Walsh, 2 East New Street, added his concern for caution regarding Ordinances No. 16-2013 and No. 17-2013. He expressed concern over abandoned properties in his neighborhood becoming .

**EXECUTIVE SESSION:**

At 8:20 p.m. Councilmember Leckstein introduced and offered for adoption a motion to enter into Closed Session to discuss Personnel and Litigation Matters; seconded by Councilmember Keeler.

**Resolution No. 184-2013** - Executive Session

**RESOLUTION NO. 169-2013**  
**EXECUTIVE SESSION**

Councilmember Leckstein introduced and offered the following resolution and moved its adoption; seconded by Councilmember Keeler:

**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:  
  
Personnel and 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 Absent Yes

**ADJOURNMENT:**

Councilmember Kelly offered a motion to adjourn the public meeting; seconded by Councilmember Leckstein.

Roll call: Bills, Keeler, Kelly, Leckstein, Lobiondo, Murphy  
Yes Yes Yes Yes Absent Yes

Time: 8:51 PM

Respectfully Submitted by:

Joseph L. Verruni  
Administrator/Acting Borough Clerk

JLV/cbm