AGENDA REGULAR MEETING BOROUGH OF SEA BRIGHT

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SEA BRIGHT, NEW JERSEY

CALL MEETING TO ORDER: 7:00pm

PLEDGE OF ALLEGIANCE

COMPLIANCE STATEMENT (N.J.S.A. 10:4-18)

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 Was Sent to the Asbury Park Press and other local newspapers on November 15, 2016. 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:					
Councilmember (s)	BIRDSALL	_ KEELER	KELLY	LAMIA	
	LECKSTEIN	ROONEY			
Mayor	LONG				

<u>REMARKS FROM THE AUDIENCE</u> (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.

CONSENT AGENDA

Councilmember offered a motion to approve the items that are considered routine in nature under the consent agenda; seconded by Councilmember

Minutes

10-03-2017 Regular Meeting 10-03-2017 Executive Session

Resolutions:

No. 165-2017	CHAPTER 159 BUDGET AMENDMENT - State of New Jersey FY 2017 Drunk Driving Enforcement Fund
No. 166-2017	CHAPTER 159 BUDGET AMENDMENT - New Jersey Division of Criminal Justice FY 2017 State Body Armor Replacement Fund Program
No. 167-2017	Authorizing the Borough of Sea Bright to Apply for Highway Traffic Safety Mobilization 2017 Drive Sober Or Get Pulled Over Year-End Holiday Crackdown Traffic Safety Grant

No. 168-2017 Donation 2018 Beach Badges

Councilmember offered a motion to approve the <u>Voucher List</u> dated October 17, 2017 as submitted by the Finance Manager, seconded by Councilmember

Roll Call: Birdsall___ Keeler__ Kelly__ Lamia__ Leckstein ___ Rooney___

COUNCIL COMMITTEE REPORTS:

A. <u>BEACH / GRANTS:</u>

- JOHN LAMIA, CHAIR
- Charles Rooney
- Brian Kelly

B. FINANCE / INSURANCE / COURT / VOLUNTEERS:

- WILLIAM KEELER, CHAIR
- Kevin Birdsall
- John Lamia

C. PERSONNEL/ PUBLIC RELATIONS / RECREATION:

- MARC LECKSTEIN, CHAIR
- Brian Kelly
- Charles Rooney

D. PUBLIC SAFETY / EDUCATION / LIBRARY:

- CHARLES ROONEY, CHAIR
- William Keeler
- Kevin Birdsall

E. PUBLIC WORKS / BUILDING DEPARTMENT / CODE ENFORCEMENT:

- KEVIN BIRDSALL, CHAIR
- Marc Leckstein
- William Keeler

F. SEA BRIGHT RECOVERY / CAPITAL PLAN / FLOOD CONTROL / BEAUTIFICATION:

- BRIAN KELLY, CHAIR
- John Lamia
- Marc Leckstein

MAYOR DINA LONG – Reports and Communications

EXECUTIVE SESSION Councilmember seconded by Councilmember	offered a motion to enter into Closed Session;
Resolution to discuss: TBD Roll Call: Birdsall Keeler	Kelly Lamia Leckstein Rooney
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ADJOURNMENT Councilmember by Councilmember	offered a motion to adjourn the meeting; seconded

Roll Call: Birdsall Keeler Kelly Lamia Leckstein Rooney

RESOLUTION NO. 165-2017 CHAPTER 159 BUDGET AMENDMENT State of New Jersey FY 2017 Drunk Driving Enforcement Fund

Councilmember introduced and offered for adoption the following resolution; seconded by Councilmember :

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Borough of Sea Bright Police Department was awarded funding of \$2,877.74 under the FY 2017 Drunk Driving Enforcement Fund and wish to amend its 2017 Budget to include this amount as a revenue, and

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Sea Bright in the County of Monmouth, State of New Jersey, hereby request the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2017 in the sum of \$2,877.74 which is now available as a revenue from:

FY 2017 Drunk Driving Enforcement Fund

BE IT FURTHER RESOLVED that a like sum of \$2,877.74 be and the same is hereby appropriated under the caption of:

FY 2017 Drunk Driving Enforcement Fund

BE IT FURTHER RESOLVED that the Clerk forward two copies of this Resolution along with the appropriate application to the Director of Local Government Services.

Roll Call: Birdsall, Keeler, Kelly, Lamia, Leckstein, Rooney

October 17, 2017

CERTIFICATION

I, Christine Pfeiffer, Borough Clerk, do hereby certify that the foregoing is a resolution adopted by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, at a Council Meeting held on October 17, 2017.

RESOLUTION NO. 166-2017 CHAPTER 159 BUDGET AMENDMENT New Jersey Division of Criminal Justice FY 2017 State Body Armor Replacement Fund Program

introduced and offered for adoption the following Councilmember resolution; seconded by Councilmember

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Borough of Sea Bright Police Department was awarded funding of \$1,383,80 under the FY 2017 State Body Armor Replacement Fund Program and wish to amend its 2017 Budget to include this amount as a revenue, and

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Sea Bright in the County of Monmouth, State of New Jersey, hereby request the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2017 in the sum of \$1,383.80 which is now available as a revenue from:

FY 2017 State Body Armor Replacement Fund Program

BE IT FURTHER RESOLVED that a like sum of \$1,383.80 be and the same is hereby appropriated under the caption of:

FY 2017 State Body Armor Replacement Fund Program

BE IT FURTHER RESOLVED that the Clerk forward two copies of this Resolution along with the appropriate application to the Director of Local Government Services.

Kelly, Lamia, Leckstein, Rooney Roll Call: Birdsall, Keeler,

October 17, 2017

CERTIFICATION

I, Christine Pfeiffer, Borough Clerk, do hereby certify that the foregoing is a resolution adopted by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, at a Council Meeting held on October 17, 2017.

RESOLUTION No. 167-2017 AUTHORIZING THE BOROUGH OF SEA BRIGHT TO APPLY FOR HIGHWAY TRAFFIC SAFETY MOBILIZATION 2017 DRIVE SOBER OR GET PULLED OVER YEAR-END HOLIDAY CRACKDOWN TRAFFIC SAFETY GRANT

Councilmember introduced and offered for adoption the following resolution; seconded by Councilmember :

WHEREAS, the safety of all citizens travelling on the roadways in the Borough of Sea Bright and the surrounding roadways is vitally important; and

WHEREAS, in 2014, alcohol impaired fatalities accounted for 29% of New Jersey's traffic fatalities; and

WHEREAS, the 2017 Drive Sober or Get Pulled Over Grant provides funding to implement an impaired driving enforcement campaign as part of the 2017 Drive Sober or Get Pulled Over Year-End Holiday Crackdown from December 8, 2017 to January 1, 2018; and

WHEREAS, grant funds in the amount of \$5,500.00 are available, with no local match, from the National Highway Traffic Safety Administration to reimburse police personnel, on an overtime basis, for special enforcement patrols targeting impaired drivers; and

WHEREAS, the deadline to apply for the grant is November 17, 2017; and

WHEREAS, the Borough of Sea Bright Police Chief has recommended that the Borough apply for said Grant; and

WHEREAS, the Governing Body of the Borough of Sea Bright, County of Monmouth wish to apply for the 2017 Drive Sober or Get Pulled Over Grant from the National Highway Traffic Safety Administration.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, that the appropriate officials are hereby authorized to execute and sign any and all documents in order to effectuate the receipt of the aforementioned grant funds from the National Highway Traffic Safety Administration for the 2017 Drive Sober or Get Pulled Over Grant Year-End Holiday Crackdown; and

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

- 1. Director of Finance
- 2. Chief of Police
- 3. CFO

Roll Call: Birdsall, Keeler, Kelly, Lamia, Leckstein, Rooney

October 17, 2017

CERTIFICATION

I, Christine Pfeiffer, do hereby certify that the foregoing is a Resolution adopted by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey at a Council meeting held on October 17, 2017.

Christine Pfeiffer, Borough Clerk

RESOLUTION NO. 168-2017 DONATION 2018 BEACH BADGES BOROUGH OF SEA BRIGHT

offered the following resolution and moved for its adoption; Councilmember seconded by Councilmember

WHEREAS, the Governing Body of the Borough of Sea Bright wish to support the fundraising efforts for the local organization listed below by donating four (4) 2018 beach badges as requested:

1. Sea Bright Library 2017 Fall Festival Fundraising Event November 11, 2017

4 Badges

WHEREAS, the Borough Auditor has been informed and advised that a resolution should be considered in order to donate 2018 Season Beach Badges.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey authorize the donation of four (4) 2018 Season Beach Badges for the aforementioned charitable organization; and

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

- Borough Administrator 1.
- 2. **Borough Auditor**
- Individual Requestor 3.

Kelly, Lamia, Leckstein, Rooney Roll Call: Birdsall, Keeler,

October 17, 2017

CERTIFICATION

I, Christine Pfeiffer, Borough Clerk, do hereby certify that the foregoing is a resolution adopted by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, at a Council Meeting held on October 17, 2017.

RESOLUTION NO. 169-2017 APPOINTMENT TO THE BOROUGH SPECIAL EVENTS COMMITTEE **BUSINESS REPRESENTATIVE**

introduced and offered for adoption the following Councilmember resolution; seconded by Councilmember

WHEREAS, § 31-3 of Chapter 38 of the Borough's General Code empowers the Mayor to appoint an owner of a business located in the Borough of Sea Bright, who is not an official of or in the employ of the municipality, to the Borough's Special Events Committee; and

WHEREAS, the Mayor appointed Michelle McMullin as the aforesaid business representative for the 2017 term, however Ms. McMullin resigned in September, 2017, due to scheduling conflicts; and

WHEREAS, the Mayor would like to appoint Felecia Stratton as the aforesaid business representative on the Borough's Special Events Committee to fill the vacated seat for the remainder of the 2017 term which concludes on December 31, 2017; and

WHEREAS, the above named individual requires the approval of the Borough Council in order to be made official;

NOW THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, that Felecia Stratton, be and is hereby appointed as business representative of the Borough's Special Events Committee, and

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

- 1. Felecia Stratton
- 2. Secretary of the Special Events Committee

Kelly, Leckstein. Rooney Roll Call: Birdsall, Keeler, Lamia,

October 17, 2017

CERTIFICATION

I, Christine Pfeiffer, Borough Clerk do hereby certify that the foregoing is a Resolution adopted by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, at a Council Meeting held on October 17, 2017.

RESOLUTION NO. 170-2017 RESOLUTION ADOPTING THE MONMOUTH COUNTY MULTI-JURISDICTIONAL COASTAL FLOOD EVACUATION PLAN (CFEP) AS PART OF BOROUGH OF SEA BRIGHT'S EMERGENCY OPERATIONS PLAN

Councilmember introduced and offered for adoption the following Resolution, seconded by Councilmember :

WHEREAS, Monmouth County remains highly vulnerable to flooding and susceptible to damage associated with coastal storm events; and

WHEREAS, some of the county's most densely populated areas and seasonally dependent businesses are located within 1- mile of the coast with densities in some places exceeding 5,000 people per square mile; and

WHEREAS, the Monmouth County Sheriff's Office of Emergency Management, with assistance from the Monmouth County Division of Planning and Manasquan Borough Office of Emergency Management, has developed a Multi-Jurisdictional Coastal Flood Evacuation Plan (CFEP) to improve response and coordination among local, state, and county agencies responsible for emergency operations involving floods; and

WHEREAS, the Multi-Jurisdictional Coastal Flood Evacuation Plan provides flood monitoring, warning, evacuation and response guidance for major coastal flood events resulting from both tropical cyclones and extra-tropical storm events such as nor'easters for Monmouth County and all of its affected municipalities; and

WHEREAS, the CFEP was developed using established National Weather Service Sea, Lake and Overland Surges from Hurricanes (SLOSH) model inundation areas in order to assist decision makers in determining appropriate evacuation strategies and proper allocation of high water response resources; and

WHEREAS, the multi-tiered evacuation zones presented in the CFEP are based on predicted storm surge events issued by the National Weather Service and are the basis for the "Know Your Zone" public education and awareness campaign to improve the storm readiness for residents, businesses, and visitors in Monmouth County; and

WHEREAS, municipalities that adopt the Multi-Jurisdictional Coastal Flood Evacuation Plan and participate in the National Flood Insurance Program's (NFIP) Community Rating System (CRS) program may be eligible for additional CRS credits in accordance Section 610, Flood Warning and Response, of the NFIP Community Rating System Coordinator's Manual; and

WHEREAS, municipalities that wish to earn additional credits towards CRS through adoption of the CFEP must develop their own individual Flood Warning & Response Plan, which at a minimum, must include all of the following action items:

- 1. Flood Threat Recognition (CRS 612.a): Municipal Coordinators/deputies must enroll in both iNWS and the Stevens Flood Advisory System;
- 2. Description of Local Flood Hazard (CRS 611.b): # structures, residences, buildings, critical facilities in each zone and local impacts if flooded;
- 3. Emergency Warning Dissemination (612.b): Activation of local warning systems based upon flood threat. Such warning may include pre-scripted messages, Reverse 911, Outdoor Siren System, Route Alerting (door-to-door) etc.;

- 4. Flood Response Operations (CRS 612.c): Local actions to be taken based upon flood threat. (ie: closing roads, relocating critical equipment to higher ground, open shelters/reception areas, etc.) as well a local person/Office/Department assigned to implement each action;
- 5. Critical Facilities Planning CRS 612.d): Critical Facilities must be identified in each zone, with contact information and a plan to notify them when appropriate; and

WHEREAS, in order to be eligible to received credits earned under CRS 610, municipalities must complete the following tasks:

- Pass a resolution adopting the Monmouth County CFEP and incorporate the Municipal Flood Warning & Response Plan into the Evacuation Annex of the municipal Emergency Operations Plan (EOP)
- Participate in an annual drill or exercise of the Flood Warning & Response
 Plan or participate in at least one an actual event during the year which results in activation of the Flood Warning & Response Plan
- Undertake one or more public Outreach Projects that address the local Flood Warning & Response Plan

NOW THEREFORE BE IT RESOLVED, that Borough Council of Borough of Sea Bright hereby supports adoption of the Monmouth County Multi-Jurisdictional Coastal Flood Evacuation Plan; and

BE IT FURTHER RESOLVED that the Borough of Sea Bright develop and incorporate a Municipal Flood Warning & Response Plan into the Evacuation Annex of the municipal Emergency Operations Plan (EOP); and

BE IT FURTHER RESOLVED that the Borough of Sea Bright will support Monmouth County efforts with the "Know Your Zone" public education and awareness campaign.

Roll Call: Birdsall, Keeler, Kelly, Lamia, Leckstein, Rooney
October 17, 2017

CERTIFICATION

I, Christine Pfeiffer, do hereby certify that the foregoing is a resolution adopted by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, at a Council Meeting held on October 17, 2017.

RESOLUTION NO. 171-2017 EXPRESSING OPPOSITION TO LEGISLATIVE PROPOSALS REGARDING THE OPEN PUBLIC MEETINGS ACT AND OPEN PUBLIC RECORDS ACT

Councilmember introduced and offered for adoption the following Resolution, seconded by Councilmember :

WHEREAS, the New Jersey Senate Budget and Appropriations Committee took action on Senate Bill Nos. 1045 and 1046, which amend the Open Public Meetings Act and Open Public Records Act, respectively, on June 29, 2017; and

WHEREAS, the Committee released the bills to the full Senate without recommendation because the bills are unnecessary, unpopular with the public, and would result in significant financial and administrative burdens on municipalities; and

WHEREAS, the bills fail to adequately protect taxpayers, municipalities and, especially, municipal clerks from abusive, harassing, and purposefully confrontational individuals who submit voluminous requests for no legitimate reason; and

WHEREAS, the legislation would expand the Open Public Meeting Act to create impractical and burdensome requirements with respect to subcommittees and working groups established by the entire governing body, which would effectively limit the ability of small groups of local officials discussing issues of public concern for the purposes of informing the governing body; and

WHEREAS, under the bills, the responsibilities of municipal clerks, who the Legislature has already loaded with responsibilities beyond the scope of their office, would be stretched even further than current law requires without a single dollar of additional resources provided to, or authorized to be collected by, municipalities; and

WHEREAS, the bills would impose a financial burden on municipalities that would not be offset by a revenue source other than the property tax, making the bills unfunded mandates prohibited by the New Jersey Constitution; and

WHEREAS, some municipalities are more equipped than others to meet the burdens that would be imposed by Senate Bill Nos. 1045 and 1046, however, without assistance of any kind from the States or the courts, every municipality would be on its own to meet the myriad new requirements of the law.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, that the Legislature is strongly urged to reject Senate Bill Nos. 1045 and 1046 and draft new legislation to modernize OPRA and OPMA while providing municipalities and clerks with the resources to effectuate these changes for the benefit of the public.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be filed with the legislative sponsors of Senate Bill Nos. 1045 and 1046 and Assembly Bill Nos. 2697 and 2699, the Speaker of the General Assembly, the President of the Senate, and the Governor, and all parties are urged to listen to the concerns of local officials and prevent Senate Bill Nos. 1045 and 1046 from becoming law.

Roll Call: Birdsall, Keeler, Kelly, Lamia, Leckstein, Rooney

October 3, 2017

CERTIFICATION

I, Christine Pfeiffer, do hereby certify that the foregoing is a resolution adopted by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, at a Council Meeting held on October 3, 2017.

RESOLUTION NO. 172-2017 AUTHORIZING OCEAN AVENUE BUMP OUT REMOVAL Ocean Avenue Streetscape Improvements Project

Councilmember introduced and offered the following resolution for its adoption; seconded by Councilmember :

WHEREAS, the Borough Council of the Borough of Sea Bright entered into a contract with LandTek Construction d/b/a United Terrain, Piscataway, NJ for the Ocean Avenue Streetscape Improvement Project on March 21, 2016; and

WHEREAS, the contract with LandTek Construction d/b/a United Terrain was considered closed as per Resolution No. 137-2017 that all the improvements have been substantially completed, as advised in the July 7, 2017 letter from the Borough Engineer; and

WHEREAS, it has been brought to the attention of the Borough Council that two Ocean Avenue bump outs on the west side of Ocean Avenue should be removed; and

WHEREAS, Frank Lawrence, Special Projects Coordinator solicited a proposal from United Terrain Group for the removal of the Ocean Avenue bump outs in the amount of \$7,500.00; and

WHEREAS, there is a need to continue to maintain with United Terrain Group for the removal of the Ocean Avenue bump outs for this project; and

CERTIFICATION OF FUNDS

I, Michael J. Bascom, Chief of Financial Officer of the Borough of Sea Bright, do hereby certify that funds are available for the purpose of this contract in Bond Ordinance No. 11-2015.

Michael Bascom, CFO

NOW THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sea Bright in the County of Monmouth, State of New Jersey, that the removal of the Ocean Avenue bump outs be awarded to LandTek Construction d/b/a United Terrain of Piscataway, 875 River Road, New Jersey 08854 for the Ocean Avenue Streetscape Improvements Project the amount of \$7,500.00; and

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

- 1. Landtek Construction, LLC
- 2. Frank Lawrence, SPA

Roll Call: Birdsall, Keeler, Kelly, Lamia, Leckstein, Rooney

October 17, 2017

CERTIFICATION

I, Christine Pfeiffer, Borough Clerk do hereby certify that the foregoing is a resolution adopted by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, at a Council Meeting held on October 17, 2017.

RESOLUTION NO. 173-2017

Accepting the Performance Guarantee(s) for Block 1, Lot 8 - 3 Island View Way A & E Associates

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

WHEREAS, the Borough of Sea Bright Planning Board has approved a development project for Block 1, Lot 8 known as 3 Island View Way, for the applicant A & E Associates; and

WHEREAS, David Hoder of Hoder Associates prepared a performance guarantee estimate dated May 24, 2017 known as Schedule A for the applicant A & E Associates; and

WHEREAS, A & E Associates, posted 120% performance guarantees in the total amount of \$5,608.80, which was cash and said cash was deposited with the Borough in accordance with the ordinances of the Borough of Sea Bright; and

WHEREAS, A & E Associates posted five percent (5%) engineering/inspection fees in the amount \$233.70, and, a certificate of insurance as required by law.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Sea Bright, County of Monmouth, that the requirements for entering into a developer's agreement are hereby waived; and

BE IT FURTHER RESOLVED that the performance guarantees as referenced above are hereby accepted.; and

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

- 1. Hoder Associates, Consulting Engineer
- 2. Construction Official
- 3. Fiscal Officer
- 4. A & E Associates

Roll Call: Birdsall, Keeler, Kelly, Lamia, Leckstein, Rooney

October 17, 2017

CERTIFICATION

I, Christine Pfeiffer, do hereby certify that the foregoing is a resolution adopted by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, at a Council Meeting held on October 17, 2017.

RESOLUTION NO. 174-2017

Accepting Escrow Fees for Small Network Node Wireless Antenna Facilities **Verizon Wireless**

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

WHEREAS, the New York SMSA Limited Partnership d/b/a/ Verizon Wireless is blanketing North Jersey municipalities with requests to install "network nodes," or mini-antennas, on utility poles to improve cellphone service in poor reception areas; and

WHEREAS, Verizon Wireless and T & M Associates will conduct a survey that will determine the number and locations of "network nodes" necessary to be installed in right of ways; and

WHEREAS, Verizon Wireless submitted escrow funds in the amount of \$6,000 to cover the cost of the Borough Engineer's assistance in identifying and evaluating Borough owned property that may be suitable for the placement of Verizon Wireless small network node wireless antenna facilities, and

WHEREAS, although this is not a Municipal Land Use Law matter, it seems reasonable and appropriate to have the escrow account administered in accordance with N.J.S.A. 40:55D-53.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sea Bright, County of Monmouth, does hereby agree to hold \$6,000 in escrow for engineering services performed by T & M Associates for the work associated with Verizon Wireless as referenced above.

BE IT FURTHER RESOLVED that the escrow funds posted are hereby accepted.

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

- 1. Verizon Wireless
- 2. Fiscal Officer

Birdsall, Keeler, Kelly, Lamia, Leckstein, Rooney Roll Call:

October 17, 2017

CERTIFICATION

I. Christine Pfeiffer, do hereby certify that the foregoing is a resolution adopted by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, at a Council Meeting held on October 17, 2017.

ORDINANCE NO. 17-2017

AN ORDINANCE AMENDING CHAPTER 146, NUISANCES, ARTICLE II, NOISE NUISANCES OF THE CODE OF THE BOROUGH OF SEA BRIGHT

BE IT ORDAINED by the Borough Council of the Borough of Sea Bright in the County of Monmouth that Article II entitled "Noise Nuisances" of Chapter 146 entitled "Nuisances" of the Code of the Borough of Sea Bright is hereby amended in its entirety in the following manner:

SECTION I

Chapter 146, Nuisances, Article II, Noise Nuisances is hereby amended in its entirety as follows:

ARTICLE II: NOISE NUISANCES

§ 146-5. Noise Nuisances Prohibited

- A. It shall be unlawful for any person to make, continue or cause to be made or permitted any unnecessary and unreasonable loud, disturbing noise which is plainly audible and either annoys, injures or endangers the comfort, repose, health or welfare of others within the limits of the Borough. Such unlawful activity shall be considered a "noise nuisance" as further defined by § 146-7 of this Article.
- B. It shall be unlawful for any person on property owned by him or her or under lease or other arrangement to allow or give permission to any other person on the property to make, continue or cause to be made or permitted any unnecessary and unreasonable loud, disturbing noise which is plainly audible and either annoys, injures or endangers the comfort, repose, health or welfare of others within the limits of the Borough. Such unlawful activity shall be considered a "noise nuisance" as further defined by § 146-7 of this Article.

§ 146-6. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ADVERTISEMENT DEVICES – Any generator of sound, whether it be human, a radio or other sound system, instrumental (including but certainly not limited to drums), mechanical or otherwise, which intends to attract the attention of the public to and/or acts as an advertisement of any business, sport, exhibition, entertainment, spectacle, undertaking, happening, occasion or any other event.

CONTINUOUS SOUND - Any sound that is not impulsive sound.

EMERGENCY — Any work or action necessary to deliver essential public services, including, but not limited to, repairing water, gas, electricity, telephone, sewer facilities, or public transportation facilities, removing fallen trees on public rights-of-way, dredging navigational waterways, or abating life-threatening conditions.

IMPULSIVE SOUND - A single pressure peak or a single burst (multiple pressure peaks) that has duration of less than one second.

NOISE — Any sounds of such level and duration as to be or tend to be injurious to human health or welfare or which would unreasonably interfere with the enjoyment of life or property.

NOISE NUISANCE – As further defined within § 146-7 of this Article. However, any noise generated by an activity which has been granted a Special Event Permit pursuant to Chapter 38 of the Code of the Borough of Sea Bright shall not be considered a Noise Nuisance.

PERSON — Any corporation, company, association, society, firm, partnership and joint-stock company, as well as individuals.

PLAINLY AUDIBLE — Any sound that can be detected by a person using his or her unaided hearing faculties. As an example, if the sound source under investigation is a portable or personal vehicular sound-amplification or -reproduction device, the detection of the rhythmic bass component of the music is sufficient to verify plainly audible sound. The enforcement officer need not determine the title, specific words, or the artist performing the song.

SOUND SOURCE — Any person, animal, device, operation, process, activity or phenomenon which emits or causes noise.

§ 146-7. Definition of noise nuisances.

The following acts are declared to be loud, disturbing and unnecessary noise nuisances in violation of this article but said enumeration shall not be deemed to be exclusive, namely:

- A. Radio, phonograph, instrument, singing. The playing of any radio, phonograph or musical instrument or singing in such a manner or in such volume as to annoy or disturb the quiet, comfort or repose of persons within or outside of any dwelling, hotel or other type of residence, particularly during the hours between 10:00 p.m. and 8:00 a.m. of the following morning.
- B. Animals and birds. The owning, harboring or keeping of any animal or bird which has been causing or causes frequent or long-continued noise which disturbs the comfort and repose of any person within the vicinity. "Frequent or long-continued noise" means continually for 10 minutes or intermittently for 30 minutes, unless provoked.
- C. Shouting. The excessive shouting, screaming or loud talking of peddlers, hawkers, vendors, patrons, or others who disturb the peace and quiet of the neighborhood.
- D. Advertisement devices. The operation, particularly during the hours between 10:00 pm and 8:00 am of the following morning of any advertisement device within any building or on any premises, or on the sidewalks, streets and highways or other public places of the Borough, whereby the sound is cast directly or indirectly upon any public street or place and can be heard to the annoyance or inconvenience of persons upon any street or public place or in neighboring premises.
- E. Horns and signals. The sounding of any horn or signal device on any automobile or other vehicle while not in motion for any unnecessary or unreasonable period of time, except as a danger signal.

- F. Muffler exhaust. The generation of loud sound as a result of the discharge into the open air of the exhaust of any steam engine, stationary jet or internal combustion engine or motor vehicle, except through a properly functioning muffler or other device which will effectively prevent loud or explosive noises therefrom. Such sound generation shall not be considered a nuisance if occurring during the course of a Vehicle Repair, as defined within and subject to the limitations of Paragraph O of this section.
- G. Construction. The excavation, grading, paving, erection, demolition, alteration or repair of any premises, street, building or structure from 7:00 p.m. on Friday until 8:00 a.m. Saturday, from 7:00 p.m. Saturday until 7:00 a.m. on Monday, and on Mondays through Fridays from 7:00 p.m. until 7:00 a.m. Commercial construction shall not be allowed on Sundays at any time. Exceptions may be made if urgent necessity is in the interest of public health and safety. If the nature of the emergency will prohibit the prior procurement of a permit the work shall only proceed in accordance with a permit first obtained from the Chief of Police or his/her respective designees. These regulations shall also apply to the delivery, removal or emptying of construction dumpsters and roll-off containers.
- H. Loading and unloading. The creation of loud and excessive noise in connection with the loading or unloading of any vehicle or the opening or destruction of bales, boxes, crates and containers.
- I. Interfering with work in institutions. The creation of excessive noise in or on the grounds of any school, church, synagogue, hospital, institution of learning, court, public building or place of public assembly, or on any street adjacent to such grounds, places or buildings, while the same are in use and which unreasonably interferes with the working of the institution or place or unduly annoys persons therein.
- J. Tools and equipment. The operation or use of any power lawn mower, chainsaw, fence-post driller, saw, grinder, drill, garden equipment, snow blowers, leaf blowers or the like, between the hours of 8:00 p.m. and 7:00 a.m. of the following morning.
- K. Buses, trucks or tractors. The unnecessary warming up or idling of buses, trucks or tractors and the unnecessary and repeated idling, acceleration and deceleration or starting and stopping of automobiles and motorcycles.
- L. Outdoor concerts. Outdoor concerts, except in accordance with a Special Event Permit pursuant to Chapter 38 of the Code of the Borough of Sea Bright, or in conjunction with a commercial establishment upon its property provided the commercial establishment is in compliance with the limitations of Paragraphs (A) and (C) of this Section.
- M. Vehicle noises. The use of an automobile, motorcycle or vehicle so out of repair or so loaded that it creates loud and unnecessary grating, grinding, rattling or other noise. Such sound generation shall not be considered a nuisance if occurring during the course of a Vehicle Repair, as defined within and subject to the limitations of Paragraph O of this Section.

- N. Powered model vehicles. The operating or permitting the operation of powered model vehicles between the hours of 8:00 p.m. and 8:00 a.m. of the following morning.
- O. Vehicle repair. The repairing, rebuilding, modifying or testing of any motor vehicle or off-road vehicle in or near a residential district in such a manner as to cause disturbance of the repose of others between the hours of 8:00 p.m. and 8:00 a.m. of the following morning.
- P. Other noises. Any other continuous noise not enumerated above which is unreasonably loud, disturbing, unnecessary, and which annoys, injures or endangers the comfort, repose, health or welfare of others within the limits of the Borough.

§ 146-8. Reserved.

§ 146-9. Proof of violation.

Proof of violation of any Paragraphs of § 146-7 of this Article shall be determined by plainly audible means as detected at more than fifty (50) feet from the property line from which the noise nuisance is emanating or from within the receptor's premises in the event the source and the receptor share a common or abutting wall, floor or ceiling or are on the same property.

§ 146-10. Violations and penalties.

Any person found guilty of violating any provision of this article shall be subject to the following penalty schedule:

First Offense:

A fine not to exceed \$ 200.00.

Second Offense:

A fine not to exceed \$ 500.00.

Third Offense:

A fine not to exceed \$ 1,250.00.

Fourth or Greater Offense:

- (a) A fine not to exceed \$ 1,250.00; and/or
- (b) a period of community service not exceeding 90 days; and/or
- (c) Imprisonment for any term not exceeding 90 days.

Each day of violation shall constitute an additional, separate and distinct offense. However, no subsequent offense shall apply unless it has occurred within five (5) months of the previous offense. Any offense occurring more than five (5) months after the previous offense shall be considered a First Offense.

§ 146-11. Permits; fees.

A. The Borough official, officer or employee charged with the responsibility of issuing permits for the activities requiring permits in accordance with Paragraph G of § 146-7 of this Article shall issue permits for such activities if such officer

shall find that the activities will not unduly or unnecessarily annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of others; that the activities will not violate any other ordinance or law or create a public nuisance; and that the public health and safety will not be endangered thereby.

- B. Permits shall specify the dates and hours of the permitted activities.
- C. The issuing agents are authorized to adopt and use such forms of application and permits as may be reasonably required in the performance of their duties. Each application for a permit shall be accompanied by the applicable fee or a fee of \$20 if no other fee has been established, which shall be payable to the Borough of Sea Bright.

§ 146-12. Appeal of denial of permit.

An applicant for a permit pursuant to Paragraph G of § 146-7 of this Article shall have the right to appeal to the Borough Council from the denial of the permit by the applicable municipal official. Such appeal shall be taken by filing a written notice of appeal addressed to the Borough Council. Such notice shall be filed within three days after the issuing officer shall have notified the applicant of the denial of the permit. The Borough Council shall act upon the appeal at its next regularly scheduled meeting after receiving the notice thereof and shall give the applicant an opportunity to be heard before taking action. The Borough council may affirm or reverse the issuing officer's denial of the permit or may grant the permit with modifications or conditions.

§ 146-13. Enforcement.

- A. It shall be the duty of the Police Department of the Borough to enforce the provisions of this article. In addition to public law enforcement officers and others who by law are entitled to enforce or bring complaints under this article, the officers who are designated hereunder for the issuance of permits, as well as the Borough License Officer and Health Officer, or their designees, shall have the power to enforce and bring complaints under this article.
- B. A violation of this article shall be cause for a summons and complaint to be issued forthwith, and failure to desist upon being warned by an enforcement officer shall constitute an additional separate offense; provided, however, that if the noise source is not a readily identifiable individual or a motor vehicle moving on a public right- of-way, in lieu of a summons and complaint, enforcement personnel may issue a twenty-four-hour notice, in writing, which may be served personally or by certified mail to the last-known address of the person or persons in charge of or in control of the device, building or premises producing the noise, to abate said violation of this article. Failure to comply with this order so issued and served shall constitute an additional violation of this article.

SECTION II: All Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistencies

SECTION III: If any section, subsection, paragraph, sentence or other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance.

SECTION IV: This Ordinance shall take effect immediately upon its 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 September 19, 2017 and will be further considered after a Public Hearing held on October 3, 2017 at the Municipal Building at 7:00 pm.

INTRODUCED:

September 19, 2017

PUBLIC HEARING:

October 3, 2017

ADOPTED:

Witness

BOROUGH OF SEA BRIGHT,

CHRISTINE PFEIFFER, CLERK

DINA LONG, MAYOR

VOUCHER LIST October 17, 2017 BOROUGH OF SEA BRIGHT

01005 ADP, INC. 17-01199 10/05/17 PAYROLL	Open	655.11
2420 ALL CLEAR ORGANIC CARPET CLEAN 17-01210 10/10/17 POLICE	Open	425.00
01835 ALLEN, RANDY 17-01181 10/02/17 DPW	Open	195.00
01984 AVAYA FINANCIAL SERVICES 17-01223 10/11/17 POLICE	Open	145.29
01241 BAIN'S HARDWARE, INC. 17-01197 10/05/17 HARDWARE	Open	336.43
00273 BORGATA HOTEL & CASINO 17-01073 09/08/17 A&E	Open	620.00
01631 BOROUGH OF OCEANPORT 17-00017 01/18/17 COURT	Open	6,247.50
01974 BOROUGH OF SEA BRIGHT COURT 17-01218 10/10/17 COURT 17-01233 10/12/17 COURT	Open Open	160.44 126.51
		286.95
01546 C.I.T. TECHNOLOGY FIN SERV, INC 17-00021 01/18/17 COPIER	Open	157.00
2248 CLAYTON & SONS CONCRETE 17-01137 09/18/17 FIRE DEPT	Open	817.50
00198 COMCAST 17-01240 10/12/17 INTERNET	Open	277.46
01493 COOPERATIVE INDUSTRIES, L.L.C. 17-01220 10/10/17 NATURAL GAS	Open	249.84
2386 CRANEY INTERPRETING SERVICE 17-01232 10/12/17 COURT	Open	100.00
01320 DEMAIO, R.N.		
17-01168 09/28/17 BEACH	Open	1,218.36
2286 DIFRANCESCO, BATEMENT, KUNZMAN 17-01236 10/12/17 LEGAL SERVICES	Open	960.08
01992 DOGS AND CATS, INC. 17-01195 10/05/17 BEACH	Open	1,541.67
01754 EDMUNDS & ASSOCIATES, INC. 17-01234 10/12/17 SOFTWARE MAINTENANCE	Open	11,174.00
02168 EVOQUA WATER TECHNOLOGIES, LLC 17-01075 09/08/17 SEWER	Open	1,584.00
00288 FIRST UNITED METHODIST CHURCH 17-01194 10/05/17 LIBRARY	Open	1,000.00
02101 GANNETT NJ 17-01208 10/10/17 CLERK	Open	38.50
	-	
02181 GATEWAY PRESS 17-01148 09/25/17 PRINTING 17-01149 09/25/17 A&E	Open Open	362.00 216.00
		578.00
2281 GRAINGER 17-01129 09/18/17 DPW	Open	225.62
00509 H. BARBER AND SONS, INC. 17-01127 09/18/17 BEACH	Open	6,169.73

2388 HERTRICH FLEET SERVICES 16-01551 12/12/16 POLICE:NEW VEHICLE	Open	29,695.48
01526 JCP & L 17-01219 10/10/17 ELECTRIC	Open	7,122.06
00297 JESSE A. HOWLAND & SONS, INC.		
17-00755 06/16/17 BUILDING LEASE	Open	1,705.00
17-00756 06/16/17 BUILDING LEASE	Open	3,845.00
	_	5,550.00
00167 KEEP IT SAFE		3,330.00
17-01209 10/10/17 LIVE VAULT	Open	223.95
2304 L3 MOBILE VISION, INC.		
17-01099 09/13/17 POLICE	Open	382.50
OCCUPATION OF A STREET OF THE		
00275 M & S WASTE SERVICES, INC. 17-00184 02/02/17 TRASH PICK UP	Open	10,070.25
17-01191 10/05/17 DUMPSTER	Open	1,908.45
17-01192 10/05/17 LANDFILL TIPPING	Open	6,299.42
	***	18,278.12
2278 MCLAUGHLIN, STAUFFER & SHAKLEE		10,210.12
17-01193 10/05/17 LEGAL	Open	6,768.22
00176 MODULAR SPACE CORPORATION		
17-01230 10/12/17 FIRE DEPT	Open	385.00
00688 MONMOUTH COUNTY POLICE ACADEMY 17-01124 09/18/17 POLICE	Open	400.00
17-01124 09/10/17 FOLLOS	Орен	400.00
02256 MONMOUTH TELECOM		
17-01190 10/05/17 PHONE	Open	1,227.56
00137 MUNICIPAL CAPITAL CORPORATION		
17-00022 01/18/17 COPIER	Open	224.73
00339 NAPA AUTO PARTS		
17-01128 09/18/17 DPW	Open	129.00
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01267 NEW DAWN INC. 17-01198 10/05/17 BEACH	Open	1,633.00
17 01150 10705717 BEROII	open	1,000.00
00356 NJAFM	0	275 00
17-01134 09/18/17 ZONING 17-01135 09/18/17 ZONING	Open Open	375.00 20.00
II OIIOO OS/IO/II domino		
Adda agravana nama ay maraaman		395.00
01309 OCEANPORT BOARD OF EDUCATION 17-00723 06/13/17 GRADE SCHOOL TAX	Open	53,581.17
	-1	,,
00046 ONE CALL CONCEPTS, INC.	0-0-	72 75
17-01239 10/12/17 "CALL BEFORE YOU DIG"	Open	73.75
2441 QBE SPECIALTY INSURANCE CO.		
17-01245 10/13/17 INSURANCE	Open	594.00
2290 PORZIO, BROMBERG & NEWMAN		
17-01248 10/13/17 LEGAL SERVICES	Open	9,097.50
2437 ROB'S AUTOMOTIVE & COLLISION		
2437 ROB'S AUTOMOTIVE & COLLISION 17-01133 09/18/17 OEM	Open	575.00
	•	
01554 SEA BRIGHT SERVICE CENTER	Open	25.00
17-01170 09/28/17 POLICE 17-01185 10/04/17 POLICE	Open Open	883.80
	-	
00027 CENDONDE MEINTING CHIPPIN TMG		908.80
00027 SEABOARD WELDING SUPPLY, INC. 17-01196 10/05/17 DPW	Open	14.50
	··	
02217 Settembrino Architects	0-0-	6 602 20
17-00023 01/18/17 ARCHITECT 17-00024 01/18/17 ARCHITECT	Open Open	6,603.38 61,767.56
2, 00021 01, 10, 11, 11,000,000	-	
		68,370.94

00053 SHORE REGIO 17-00762 06/16/17	ONAL HIGH SCHOOL HIGH SCHOOL TAX	Open	232,416.00	
00031 SORRENTINO, 17-01212 10/10/17		Open	60.00	
00083 T & M ASSOC 17-01226 10/11/17		Open	33,267.30	
01285 THE HOME DE 17-01204 10/05/17		Open	24.36	
00223 TREASURER, 17-01201 10/05/17	COUNTY OF MONMOUTH	Open	458,656.50	
00523 TREASURER, 17-01202 10/05/17	COUNTY OF MONMOUTH OPEN SPACE TAX	Open	27,492.36	
00439 TREASURER, 17-01203 10/05/17	COUNTY OF MONMOUTH LIBRARY TAX	Open	32,736.84	
01403 TREASURER, 17-01222 10/10/17	STATE OF NEW JERSEY MARRIAGE FEES	Open	125.00	
01960 VERIZON 17-01228 10/11/17		Open Open	518.51 192.93	
17-01229 10/11/17	BEACH	Open	711.44	
02061 VERIZON WIE 17-01238 10/12/17		Open	415.24	
00077 WEX BANK 17-01237 10/12/17	GASOLINE	Open	4,941.64	
00519 WILLIAM E. 17-01189 10/04/17	ANTONIDES & CO. FINANCE	Open	3,312.50	
02109 ZUMU SOFTW 17-01205 10/05/17		Open	1,600.00	
			TOTAL:	\$1,036,392.50
MANUAL CHECKS				
17-01221	40100000	NJ Dept. of Health		\$2.40
	10/10/2017	Monthly Dog Report		
17-01231		US Postal Service		\$223.72

10/12/2017 3/Q Sewer Bill Mailing

GRAND TOTAL: \$1,036,618.62

TOTAL: \$226.12