

**MINUTES  
REGULAR MEETING  
BOROUGH OF SEA BRIGHT**

**SEPTEMBER 3, 2019**

**SEA BRIGHT, NEW JERSEY**

**Mayor Long** called the meeting to order at 7:00 p.m. and requested those present to join in the Pledge of Allegiance.

**Mayor Long** read the following Compliance Statement:

**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 January 7, 2019. 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  
Councilmember's Kevin Birdsall, William J. Keeler, Brian P. Kelly  
Marc A. Leckstein, Charles H. Rooney

**ABSENT:** Councilmember Jon D. Schwartz

**OTHERS:** Attorney Roger McLaughlin, Administrator Joseph L. Verruni,  
Engineers Fran Mullan and Greg Gitto, Clerk Christine Pfeiffer

**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.

Christopher Capillo, 370 Ocean Avenue, requested an update on 356 Ocean Avenue. Attorney McLaughlin explained that they did not file an answer to our complaint within the timeframe they had so they are in default – Mr. McLaughlin will advise of the next Court date.

Ruth Fialko, 158 Ocean Avenue, questioned why the re-paving of Mountainview Way did not extend all the way to the river bulkhead and is worried about access to the river. Administrator Verruni explained that the right of way will be re-established in the area that is not paved – it will be re-cut and stoned to establish a firm right of way to the bulkhead.

**CONSENT AGENDA**

Councilmember Leckstein offered a motion remove Resolution No. 146-2019 and approve the remaining items that are considered routine in nature under the consent agenda; seconded by Councilmember Birdsall:

**Minutes**

08-08-2019	Workshop Meeting
08-08-2019	Executive Session
08-13-2019	Regular Meeting

<b>Roll Call:</b>	Birdsall,	Keeler,	Kelly,	Leckstein,	Rooney,	Schwartz
	Yes	Yes	Yes	Yes	Yes	Absent

**Resolutions:**

**No. 145-2019      Compliance with Promulgation of Local Finance Board of the State of New Jersey accepting the Borough of Sea Bright 2018 Annual Audit**

**WHEREAS**, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

**WHEREAS**, the Annual Report of Audit for the year 2018 has been filed by a Registered Municipal Accountant with the Municipal Clerk of the Borough of Sea Bright pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

**WHEREAS**, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

**WHEREAS**, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, at a minimum, the sections of the annual audit entitled "**COMMENTS and RECOMMENDATIONS**"; and

**WHEREAS**, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "**COMMENTS and RECOMMENDATIONS**" as evidenced by the group affidavit form of the governing body attached hereto; and,

**WHEREAS**, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

**WHEREAS**, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

**WHEREAS**, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

**R.S. 52:27BB-52:** "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

**NOW, THEREFORE BE IT RESOLVED**, that the Borough Council of the Borough of Sea Bright in the County of Monmouth, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

**Roll Call:** Birdsall, Keeler, Kelly, Leckstein, Rooney, Schwartz  
Yes Yes Yes Yes Yes Absent

**Individual Action**

**No. 146-2019 Refund of 2018 Tax Overpayment - Block 22, Lot 4.02**

Councilmember Birdsall offered a motion to approve Resolution No. 146-2019; seconded by Councilmember Kelly;

**WHEREAS**, an overpayment was made by Dogs and Cats, Inc. for 2018 property taxes in the amount of \$174.32 for Block 22, Lot 4.02, 13 East Church Street; and

**WHEREAS**, the tax overpayment should be refunded to Dogs and Cats, Inc.; and.

BLOCK	LOT	PAYER NAME	AMOUNT	REASON
22	4.02	Dogs and Cats, Inc.	\$174.32	Overpayment

**NOW, THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, that it does hereby authorize the Tax Collector and the Finance Manager to refund the said 2018 tax overpayment of \$174.32 to Dogs and Cats, Inc., and

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

1. Tax Collector
2. Finance Manager
3. Dogs and Cats, Inc.

**Roll Call:** Birdsall, Keeler, Kelly, Leckstein, Rooney, Schwartz  
Yes Yes Yes Abstain\* Yes Absent

\*Conflict of Interest

**ORDINANCE(s):**

**Adoption:**

Councilmember Leckstein offered a motion to adopt Ordinance No. 18-2019, as amended, and advertise according to law; seconded by Councilmember Birdsall:

**ORDINANCE NO. 18-2019****AN ORDINANCE OF THE BOROUGH OF SEA BRIGHT AMENDING AND SUPPLEMENTING CHAPTER 130, "LAND USE," ARTICLE XVII, "AFFORDABLE HOUSING REGULATIONS," SECTIONS 130-121B AND 130-123 PERTAINING TO THE CALCULATION AND COLLECTION OF DEVELOPMENT FEES**

**Monmouth County Planning Board Acknowledgement Received 07/17/19  
Sea Bright Planning Board Acknowledgment Received 08/28/19**

**Roll Call:** Birdsall, Keeler, Kelly, Leckstein, Rooney, Schwartz  
Yes Yes Yes Yes Yes Absent

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

**ORDINANCE NO. 20-2019****ORDINANCE AUTHORIZING THE GUARANTY BY THE BOROUGH OF SEA BRIGHT, NEW JERSEY OR PAYMENT OF PRINCIPAL AND INTEREST ON THE CAPITAL EQUIPMENT LEASE REVENUE BONDS, SERIES 2019 (SHORE REGIONAL SCHOOL DISTRICT PROJECT) OF THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY**

Councilmember Leckstein offered a motion to introduce Ordinance No. 20-2019 for a public hearing to be held on September 17, 2019 and advertise according to law; seconded by Councilmember Keeler:

BE IT ORDAINED by the BOROUGH COUNCIL OF THE BOROUGH OF SEA BRIGHT, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. Pursuant to Section 80 of the County Improvement Authorities Law, N.J.S.A. 40:37A-44 et. seq., the Borough of Sea Bright, New Jersey (the "Municipality") is hereby authorized to unconditionally and irrevocably guaranty the punctual payment of the principal of and the interest on the Capital Equipment Lease Revenue Bonds, Series 2019 (Shore Regional School District Project) (the "Bonds") of The Monmouth County Improvement Authority (the "Authority") Outstanding (as that term is defined in the following described resolution) under the resolution of the Authority entitled "Capital Equipment Lease Revenue Bond Resolution (Shore Regional School District Project)" (the "Bond Resolution") to be adopted in a form approved by counsel to the Municipality. The Authority plans to issue the Bonds to finance the acquisition and subsequent leasing of certain capital equipment to the Shore Regional School District (the "Board") pursuant to a lease and agreement to be entered into by the Authority and the Board (the "Lease"). Such guaranty shall be given in accordance with the guaranty agreement (the "Guaranty Agreement") between the Municipality and the Authority in substantially the form submitted to this Board, a copy of which is on file in the office of the Clerk of the Municipality, with such changes as may be approved by counsel to the Municipality. The Mayor is hereby authorized to execute the Guaranty Agreement on behalf of the Municipality in substantially such form as submitted hereto and with such changes as may be approved by the Mayor, and the Clerk of the Municipality is hereby authorized to attest such signature affixing the seal of the Municipality. All representatives, officials and employees of the Municipality are hereby authorized to enforce and to implement the Guaranty Agreement.

Section 2. The following additional matters are hereby determined, declared, recited and state:

- (1) The maximum principal amount of the Bonds of the Authority hereby and hereunder to be guaranteed as to payment of principal and interest shall not exceed the sum of the amount necessary to acquire the Board's equipment as set forth in Schedule A which will be subject to the Lease and to pay the Board's share of the costs of issuance, but in no event shall such principal amount exceed \$330,000, of which the Municipality will guarantee 19.594% or not to exceed \$64,662.
- (2) The Bonds shall mature within eleven years of the date of issue.
- (3) The Bonds shall remain Outstanding to their respective stated maturity dates and the guaranty authorized herein shall remain effective until all Bonds shall have been paid in full in accordance with their terms notwithstanding the occurrence of any other event.
- (4) The guaranty authorized herein may be made and this ordinance may be adopted notwithstanding any statutory debt or other limitations, including particularly any limitation or requirement under or pursuant to the Local Bond Law, N.J.S.A. 40A:2-1, et. seq., but the

principal amount of any Outstanding Bonds shall be included after their issuance in the gross debt of the Municipality for the purpose of determining the indebtedness of the Municipality under or pursuant to the Local Bond law. The principal amount of the Bonds included in the gross debt of the Municipality shall be deducted from the gross debt of the Municipality under and all for all the purposes of the Local Bond Law (a) from and after the time of issuance of the Bonds until the end of the fiscal year beginning next after the acquisition of the equipment to be financed from the proceeds of the Bonds and (b) in any Annual Debt Statement filed pursuant to the Local Bond law as of the end of such fiscal year or any subsequent fiscal year if the revenues or other receipts or moneys of the Authority in such year are sufficient to pay its expenses of operation and maintenance in such year and all amounts payable in such year on account of the principal of and the interest on all such Bonds, all bonds of the Municipality issued as provided under N.J.S.A. 40:37A-79 and all bonds of the Authority issued under the County Improvement Authorities Law.

Section 3. Upon payment of the principal of and the interest due on the Bonds by the Authority or by the defeasance of the Bonds pursuant to the Bond Resolution, the guaranty authorized herein will cease to exist and the gross debt of the Municipality shall be reduced to the extent that such Bonds cease to be Outstanding under the Bond Resolution.

Section 4. This ordinance shall take effect 20 days after the first publication thereof after final adoption in accordance with the County Improvement Authorities Law and the Local Bond Law.

**I HEREBY CERTIFY** this to be a true and correct Bond Ordinance No. 20-2019 of the Mayor and Borough Council of the Borough of Sea Bright, introduced on September 3, 2019 and will be further considered after a Public Hearing held on September 17, 2019 at the Sea Bright Beach Pavilion, 1097 Ocean Avenue – 3<sup>rd</sup> floor, at 7:00 pm.

**Roll Call:** Birdsall, Keeler, Kelly, Leckstein, Rooney, Schwartz  
Yes Yes Yes Yes Yes Absent

**INDIVIDUAL ACTION/New Business:**

**Vouchers: \$ 594,581.52**

Councilmember Keeler offered a motion to approve the Voucher List dated September 3, 2019 as submitted by the Finance Manager; seconded by Councilmember Kelly:

**Roll Call:** Birdsall, Keeler, Kelly, Leckstein, Rooney, Schwartz  
Yes Yes Yes Yes\* Yes Absent

\*Councilman Leckstein’s “Yes” vote did not include the voucher for Vendor No. 01992 for which he abstained due to a conflict of interest.

02113 AMERICAN WATER 19-01049 08/28/19 SEWER	Open	324.10
01042 ATLANTIC TOMORROWS OFFICE 19-01073 08/30/19 A&E	Open	837.11
01984 AVAYA FINANCIAL SERVICES 19-01051 08/28/19 POLICE	Open	145.29
02036 BAHRLE, DAVID 19-01034 08/21/19 SEWER	Open	50.00
01631 BOROUGH OF OCEANPORT 19-01042 08/27/19 COURT	Open	6,500.00
00063 CHESAPEAKE EXTERMINATING CO. 19-01062 08/29/19 BLDGS & GRDS	Open	30.00
2555 CJM ASSOC. OF SEA BRIGHT 19-01044 08/27/19 GARAGE LEASE	Open	500.00
00256 CLEARY, GIACOBBE, ALFIERI & 19-01021 08/15/19 LEGAL	Open	30.00
00198 COMCAST 19-01076 08/30/19 A&E	Open	152.97
01318 CONOVER BEYER ASSOCIATES, INC. 19-01059 08/29/19 INSURANCE	Open	1,708.00
2324 DAFIN SURFING PRODUCTS 19-00411 04/02/19 BEACH	Open	658.40

**REGULAR MEETING****SEPTEMBER 3, 2019**

2286 DIFRANCESCO,BATEMAN,KUNZMAN 19-01054 08/29/19 LEGAL	Open	1,769.92
01992 DOGS AND CATS, INC. 19-01030 08/21/19 TAX REFUND	Open	174.32
2587 EASTERN JANITORIAL CO. 19-01025 08/15/19 BLDGS & GRDS	Open	4,905.00
00506 FARMER, JANE 19-01040 08/27/19 LIBRARY	Open	30.97
00257 FOSTER AND COMPANY, INC. 19-00927 07/30/19 DPW	Open	483.08
2406 FP MAILING SOLUTIONS 19-01056 08/29/19 A&E	Open	126.00
00978 FRIEDMAN, BRETT 19-01009 08/14/19 POLICE	Open	129.99
02101 GANNETT NJ 19-01032 08/21/19 CLERK	Open	12.96
2403 GIGI'S NEW YORK STYLE PIZZA 19-01015 08/15/19 BEACH	Open	789.00
01838 HOLMAN, FRENIA, ALLISON, P.C. 19-01029 08/15/19 AUDIT	Open	2,000.00
2297 INTEGRATED TECHNICAL SYSTEMS 19-01013 08/14/19 PARKING KIOSKS	Open	1,937.50
2517 INTERGLOBE COMMUNICATIONS 19-01019 08/15/19 POLICE	Open	592.41
2561 INTRON TECHNOLOGY SOLUTIONS 19-01067 08/29/19 IT SERVICES	Open	8,060.98
01419 J. SWANTON FUEL OIL CO., INC. 19-01024 08/15/19 FUEL	Open	172.88
2470 JAX LLC NW SHIRT SHOP 19-01050 08/28/19 BEACH	Open	3,220.00
2573 JCP & L 19-01066 08/29/19 ELECTRIC	Open	5,290.50
00297 JESSE A. HOWLAND & SONS, INC. 19-00850 07/11/19 GARAGE LEASES	Open	5,550.00
19-01043 08/27/19 PARKING LOT LEASE	Open	750.00
19-01045 08/27/19 GARAGE LEASES	Open	5,550.00
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		11,850.00
01784 JUNGLE LASERS, LLC 19-01070 08/29/19 BLDG. DEPT	Open	280.00
02110 KLEIN, DON 19-01016 08/15/19 BEACH	Open	123.35
00015 LANIGAN ASSOCIATES, INC. 19-00928 07/30/19 POLICE	Open	158.00
2563 LEGACY CONSTRUCTION MNGMNT. 19-00184 02/12/19 MUNICIPAL COMPLEX	Open	7,375.00
2417 MARLIN BUSINESS BANK 19-01057 08/29/19 A&E	Open	188.00
00263 MITCHELL, CANDACE 19-01041 08/27/19 CLERK	Open	41.64
02229 MONMOUTH COUNTY PUBLIC WORKS 19-01012 08/14/19 FIRE DEPT	Open	439.40
02045 MONMOUTH COUNTY SPCA 19-01028 08/15/19 ANIMAL	Open	50.00
19-01072 08/30/19 ANIMAL CONTROL	Open	262.50
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		312.50
01323 MONMOUTH COUNTY TREASURER 19-00783 06/26/19 CLERK	Open	95.03
2384 MONMOUTH HOSE & HYDRAULICS 19-01018 08/15/19 BEACH	Open	54.95
01399 NEW JERSEY AMERICAN WATER 19-01068 08/29/19 HYDRANTS	Open	2,530.00
19-01069 08/29/19 WATER	Open	1,798.11
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		4,328.11
00502 NJ STATE LEAGUE/MUNICIPALITIES 19-01014 08/15/19 LEAGUE CONFERENCE	Open	440.00

**REGULAR MEETING**

**SEPTEMBER 3, 2019**

00885	OCEAN TWP FIRE DISTRICT NO. 2 19-01046 08/27/19 FIRE OFFICIAL	Open	300.00
01309	OCEANPORT BOARD OF EDUCATION 19-00745 06/13/19 SCHOOL TAX	Open	50,008.75
2525	POOR JOHNS PORTABLE TOILETS 19-01055 08/29/19 PUBLIC EVENTS	Open	750.00
02026	PUBLIC STORAGE 19-01060 08/29/19 POLICE	Open	780.00
01554	SEA BRIGHT SERVICE CENTER 19-01010 08/14/19 POLICE	Open	424.00
	19-01011 08/14/19 POLICE	Open	858.87
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			1,282.87
02153	SHERATON ATLANTIC CITY 19-01003 08/13/19 A&E	Open	284.00
01027	SHORE BUSINESS SOLUTIONS 19-01074 08/30/19 POLICE	Open	421.00
00053	SHORE REGIONAL HIGH SCHOOL 19-00746 06/13/19 SCHOOL TAX	Open	219,737.00
02225	STAPLES ADVANTAGE 19-00955 08/02/19 OFFICE SUPPLIES	Open	558.15
	19-01006 08/13/19 BLDGS & GRDS	Open	314.85
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			873.00
2585	STATE TOXICOLOGY LABORATORY 19-01036 08/21/19 POLICE	Open	90.00
01905	SWANK MOTION PICTURES, INC. 19-00868 07/16/19 RECREATION	Open	846.00
00083	T & M ASSOCIATES 19-01063 08/29/19 ENGINEER	Open	409.65
01285	THE HOME DEPOT 19-01005 08/13/19 DPW	Open	297.70
	19-01033 08/21/19 NEW MUNICIPAL COMPLEX	Open	253.71
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			551.41
01643	THE LINK NEWS 19-00939 07/31/19 LIBRARY	Open	48.00
2438	THOMAS,SHAWN 19-01047 08/27/19 SEWER	Open	34.80
	19-01071 08/30/19 SEWER	Open	70.00
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			104.80
01243	TREASURER, STATE OF NEW JERSEY 19-01020 08/15/19 FEMA OVERPYMNT	Open	244,947.13
02061	VERIZON WIRELESS 19-01022 08/15/19 FIRE DEPT	Open	192.05
	19-01023 08/15/19 CELL SERVICE	Open	151.26
	19-01048 08/27/19 PARKING	Open	301.24
	19-01061 08/29/19 POLICE	Open	340.99
	19-01075 08/30/19 POLICE	Open	1,052.23
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			2,037.77
2558	WILLIAMS SCOTSMAN, INC. 19-01058 08/29/19 FIRE DEPT	Open	435.25
00058	WILLOW CLEANERS, INC. 19-01035 08/21/19 POLICE	Open	1,043.70
02150	WRIGHT NATIONAL FLOOD 19-01031 08/21/19 INSURANCE	Open	2,192.00

**TOTAL: \$593,459.69**

**MANUAL CHECKS**

8/13/2019	Leon S. Avakian, Inc.	\$785.00
19-01007	Engineer:Plot Plans-Escrow Accts.	
8/29/2019	Engesser,Christine	\$145.55
18-00785	Plan. Board:Refund of Escrow	
8/29/2019	Gannett NJ	\$41.28
19-01065	Plan. Board:Review/Escrow Accts.	
8/29/2019	McKenna,Dupont,Higgins & Stone	\$150.00
19-01064	Plan. Board:Review/Escrow Acct.	

**TOTAL: \$1,121.83**

**GRAND TOTAL: \$594,581.52**

**ANNOUNCEMENTS:**

Mayor Long announced that the Council is in Receipt of the 2018 Municipal Audit.

**EXECUTIVE SESSION**

Councilmember Leckstein offered a motion to enter into Closed Session; seconded by Councilmember Birdsall:

**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
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.

<b>Roll Call:</b>	Birdsall,	Keeler,	Kelly,	Leckstein,	Rooney,	Schwartz
	Yes	Yes	Yes	Yes	Yes	Absent

There being no further business to discuss a motion to go back into the regular meeting was made by Councilman Leckstein and seconded by Councilman Birdsall with unanimous voice vote approval.

**ADJOURNMENT**

Councilmember Leckstein offered a motion to adjourn the meeting; seconded by Councilmember Birdsall:

<b>Roll Call:</b>	Birdsall,	Keeler,	Kelly,	Leckstein,	Rooney,	Schwartz
	Yes	Yes	Yes	Yes	Yes	Absent

Respectfully Submitted,

Christine Pfeiffer  
Borough Clerk