

**MINUTES
REGULAR MEETING
BOROUGH OF SEA BRIGHT**

JANUARY 21, 2020

SEA BRIGHT, NEW JERSEY

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

Mayor Kelly 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 Brian P. Kelly
Councilmember's Kevin Birdsall, Samuel A. Catalano, William J. Keeler,
Marc A. Leckstein, Charles H. Rooney
ABSENT: Councilmember Jon Schwartz
OTHERS: Attorney Roger McLaughlin, Administrator Joseph L. Verruni, 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.

No one wished to be heard.

MINUTES

Councilmember Leckstein offered a motion to approve the Minutes listed below; seconded by Councilmember Rooney:

12-12-2019 Workshop Meeting
12-12-2019 Executive Session
12-17-2019 Regular Meeting

Roll Call: Birdsall, Catalano, Keeler, Leckstein, Rooney, Schwartz
Yes abstain Yes Yes Yes absent

CONSENT AGENDA

Councilmember Leckstein offered a motion to remove Resolution No. 41-2020 and approve the remaining items that are considered routine in nature under the consent agenda; seconded by Councilmember Keeler:

Roll Call: Birdsall, Catalano, Keeler, Leckstein, Rooney, Schwartz
Yes Yes Yes Yes Yes absent

Resolutions:

**No. 32-2020 AWARD OF A FAIR AND OPEN CONTRACT WILLIAM J. WOLF, ESQ.
SPECIAL/CONFLICTS/REDEVELOPMENT COUNSEL**

Councilmember Leckstein introduced and offered the following Resolution for its adoption; seconded by Councilmember Keeler:

WHEREAS, there exists a need to appoint a Special/Conflicts Counsel to provide legal counsel on two areas in need of redevelopment within the Borough and on proposals received in connection therewith; and,

WHEREAS, a request for proposals for the above-mentioned professional service was posted and advertised in the Asbury Park Press to be received on December 4, 2019; and,

WHEREAS, while the Local Public Contracts Law (N.J.S.A. 40A:11-5 (1)(a) does not require competitive bidding for this position, it was nevertheless advertised pursuant to the fair and open process (N.J.S.A. 19:44A-20.5); and

WHEREAS, four proposals for Special/Conflicts Counsel were received on December 4, 2019 and evaluated by the Governing Body with due consideration as to qualifications, experience, compensation and other factors and criteria; and

CERTIFICATION OF FUNDS

I, Michael J. Bascom, Chief Financial Officer, hereby certify that funds are available in Redevelopment Escrow for the purposes stated herein.


MICHAEL J. BASCOM, CFO

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, does hereby award a professional service contract to William J. Wolf of Bathgate, Wegener & Wolf, P.C. of Lakewood, New Jersey to serve as legal counsel on redevelopment and related proposals within the Borough; and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized and directed to execute an agreement for the provision of such professional services, a copy of which shall be maintained by the Borough Clerk; and

BE IT FURTHER RESOLVED that the Borough Clerk is hereby authorized to advertise this award of contract according to law in the local newspaper and is further authorized to forward a certified copy of this resolution to the following:

- 1. William J. Wolf
- 2. Finance Manager
- 3. Borough Attorney

Roll Call:	Birdsall,	Catalano,	Keeler,	Leckstein,	Rooney,	Schwartz
	Yes	Yes	Yes	Yes	Yes	Asbent

No. 33-2020 AUTHORIZING A ONE-YEAR RENEWAL OF THE SHARED SERVICES AGREEMENT WITH THE BOROUGH OF OCEANPORT FOR MUNICIPAL COURT FACILITIES

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

WHEREAS, the "Shared Services and Consolidation Act" at N.J.S.A. 40A:65-1 et. seq. allows a local unit to enter into an agreement with any other local unit or units to provide or receive any service that each local unit participating in the agreement is empowered to provide or receive within its own jurisdiction, including services incidental to the primary purposes of any of the participating local units; and

WHEREAS, N.J.S.A. 2B:12-1 allows two or more municipalities to provide jointly for courtrooms, chambers, equipment, supplies and employees for their municipal courts and to agree to appoint the same persons as certified court administrator without establishing a joint municipal court; and

WHEREAS, effective on March 1, 2010, the Borough of Sea Bright entered into a shared services agreement with the Borough of Oceanport for municipal court services; and

WHEREAS, the termination date of the Agreement is February 28, 2020; and

WHEREAS, the Borough of Sea Bright is desirous of renewing the existing shared services agreement with the Borough of Oceanport for an additional one (1) year term for an amount not to exceed \$78,000.00; and

CERTIFICATION OF FUNDS:

I, Michael J. Bascom, CFO, hereby certify that funds not to exceed \$78,000.00 will be provided for this purpose in the appropriation entitled Court #9-01-42-490-235.


MICHAEL J. BASCOM, CFO

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Sea Bright hereby authorize the Mayor and Borough Clerk to execute a one year extension to the Shared Services Agreement ("agreement") for Municipal Court services between the Borough of Oceanport and the Borough of Sea Bright that incorporates the following additional terms and conditions:

- 1. The agreement dated November 16, 2009, is hereby extended for a period of one additional year from the date of termination. The new termination date will be February 28, 2021.
- 2. The annual rate for the services shall be \$78,000.00 which is the same as the 2019 rate.
- 3. All other terms and conditions contained in the original Shared Services Agreement or any prior extensions thereto not modified by this Amendment shall remain in full force and effect.

BE IT FURTHER RESOLVED, that the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, hereby authorize and agree to the above referenced terms and conditions of this Amendment by and between the Borough of Oceanport located at 315 East Main Street, County of Monmouth, State of New Jersey and authorize the Mayor and Borough Clerk to sign said Amendment.

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

- 1. Borough of Oceanport
- 2. Borough of Sea Bright CFO
- 3. Sea Bright Municipal Court
- 4. Sea Bright Police Department

Roll Call:	Birdsall,	Catalano,	Keeler,	Leckstein,	Rooney,	Schwartz
	Yes	Yes	Yes	Yes	Yes	Asbent

No. 34-2020 AUTHORIZING RECEIPT OF BIDS FOR THE PURCHASE OF COMMUNICATIONS EQUIPMENT FOR THE SEA BRIGHT FIRE RESCUE

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

WHEREAS, the Borough Council is desirous of receiving bids for the following:

- a) Purchase of Communications Equipment for the Sea Bright Fire Rescue (Minimum of 20 and maximum of 30 Motorola Radios)

WHEREAS, specifications for the aforesaid items will be on file in the Borough Clerk’s Office and will be available for inspection.

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 Borough Clerk to advertise for bids for the aforesaid item as per the specifications on file and will be received by the Borough Administrator in the Cecile F. Norton Community Center Meeting Room, 1167 Ocean Avenue, Sea Bright, New Jersey on a date to be determined.

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

- 1. Finance Manager
- 2. CFO
- 3. Fire Chief

Roll Call:	Birdsall,	Catalano,	Keeler,	Leckstein,	Rooney,	Schwartz
	Yes	Yes	Yes	Yes	Yes	Asbent

No. 35-2020 AUTHORIZING THE BOROUGH OF SEA BRIGHT THROUGH THE SEA BRIGHT POLICE DEPARTMENT TO PARTICIPATE IN THE DEFENSE LOGISTICS AGENCY, LAW ENFORCEMENT SUPPORT OFFICE, 1033 PROGRAM TO ENABLE THE SEA BRIGHT POLICE DEPARTMENT TO REQUEST AND ACQUIRE EXCESS DEPARTMENT OF DEFENSE EQUIPMENT

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

WHEREAS, the United States Congress authorized the Defense Logistics Agency (DLA) Law Enforcement Support Office (LESO) 1033 Program to make use of excess Department of Defense personal property by making that personal property available to municipal, county and State law enforcement agencies (LEAs); and

WHEREAS, DLA rules mandate that all equipment acquired through the 1033 Program remain under the control of the requesting LEA; and

WHEREAS, participation in the 1033 Program allows municipal and county LEAs to obtain property they might not otherwise be able to afford in order to enhance community preparedness, response and resiliency; and

WHEREAS, although property is provided through the 1033 Program at no cost to municipal and county LEAs, these entities are responsible for the costs associated with delivery, maintenance, fueling, and upkeep of the property, and for specialized training on the operation of any acquired property; and

WHEREAS, N.J.S.A. 40A:5-30.2 requires that the governing body of the municipality or county approve, by a majority of the full membership, both enrollment in, and the acquisition of any property through, the 1033 Program; and

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey that the Sea Bright Police Department is hereby authorized to enroll in the 1033 Program for no more than a one-year period, with authorization to participate terminating on December 31 of the current calendar year from January 1, 2020 to December 31, 2020; and

NOW THEREFORE BE IT FURTHER RESOLVED that Sea Bright Police Department is hereby authorized to acquire items of non-controlled property designated "DEMIL A," which may include office supplies, office furniture, computers, electronic equipment, generators, field packs, non-military vehicles, clothing, traffic and transit signal systems, exercise equipment, farming and moving equipment, storage devices and containers, tools, medical and first aid equipment and supplies, personal protection equipment and supplies, construction materials, lighting supplies, beds and sleeping mats, wet and cold weather equipment and supplies, respirators, binoculars, and any other supplies or equipment of a non-military nature identified by the LEA, if it shall become available in the period of time for which this resolution authorizes, based on the needs of the Sea Bright Police Department, without restriction; and

NOW THEREFORE BE IT FURTHER RESOLVED that the Sea Bright Police Department is hereby authorized to acquire the following "DEMIL B through Q" property, if it shall become available in the period of time for which this resolution authorizes; and

BE IT FURTHER RESOLVED that the Sea Bright Police Department shall develop and implement a full training plan and policy for the maintenance and use of the acquired property; and

BE IT FURTHER RESOLVED that the Sea Bright Police Department shall provide a quarterly accounting of all property obtained through the 1033 Program which shall be available to the public upon request; and

BE IT FURTHER RESOLVED that this resolution shall take effect immediately and shall be valid to authorize requests to acquire "DEMIL A" property and "DEMIL B through Q" property that may be made available through the 1033 Program during the period of time for which this resolution authorizes; with Program participation and all property request authorization terminating on December 31st of the current calendar year from January 1, 2020 to December 31, 2020.

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

- 1. NJ State Police
- 2. Sea Bright Police Department
- 3. Sea Bright Finance Manager
- 4. Sea Bright CFO

Roll Call: Birdsall, Catalano, Keeler, Leckstein, Rooney, Schwartz
 Yes Yes Yes Yes Yes Asbent

No. 36-2020 MONMOUTH COUNTY SPCA 2020 CONTRACT

Councilmember Leckstein introduced and offered the following Resolution for its adoption: seconded by Councilmember Keeler:

WHEREAS, the Borough Council of the Borough of Sea Bright is in need of animal control services within the Borough, and

WHEREAS, the Borough Council are in receipt of the 2020 rates from the Monmouth County SPCA for animal control services for services in the Borough of Sea Bright, as follows:

<u>Municipal Charge</u>	<u>Service</u>
\$250 per dog/cat	Brought in by Animal Control Officer
\$75.00 per dog/cat	(if the animal is reclaimed within 24 hours)
	(kittens under six weeks brought in with mother will be charged as one cat)
\$50.00 per kitten under six weeks	Brought in alone.
\$50.00 per wildlife or small domesticated animal	Dropped off by Animal Control Officer
\$90.00 per call	Back up Animal Control Services when the Borough's Animal Control Office is not available.

CERTIFICATION OF FUNDS

Michael J. Bascom, Chief Financial Officer of the Borough of Sea Bright, has certified that funds are available in the Animal Control Trust Fund for this purpose.


 MICHAEL J. BASCOM, CFO

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, hereby authorize the animal control services with the Monmouth County SPCA for the year 2020 as per the above schedule of rates; and

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

- 1. **Monmouth County SPCA**
- 2. **Police Department**
- 3. **Finance Manager**

Roll Call:	Birdsall,	Catalano,	Keeler,	Leckstein,	Rooney,	Schwartz
	Yes	Yes	Yes	Yes	Yes	Asbent

**No. 37-2020 2017 AND 2018 ROADWAY AND SEWER IMPROVEMENT PROGRAM
CHANGE ORDER NO. 1, ZERO COST CHANGE ORDER
BLACK ROCK ENTERPRISES, LLC**

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

WHEREAS, on May 30, 2019, the Borough Council of the Borough of Sea Bright awarded a contract to Black Rock Enterprises, LLC of Old Bridge, New Jersey for the 2017 and 2018 Roadway and Sewer Improvement Project in an amount not to exceed \$454,881.25, and

WHEREAS, the Borough Engineer, Francis W. Mullan, submitted Change Order No. 1 dated January 13, 2020, reducing "B-34" Combination Rolled Concrete Curb and Gutter for a cost reduction of \$28,450.00 and increasing "B-32" 6" X 18" Concrete Vertical Curb installed on Mountainview Way, as identified in the Change Order (attached hereto), for a cost increase of \$28,450.00, resulting in a zero net change to the current contract, and

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Sea Bright in the County of Monmouth, that it does hereby approve Change Order No. 1 resulting in a zero net change in the contract for the 2017 and 2018 Roadway and Sewer Improvement Project that was awarded to Black Rock Enterprises, LLC, and

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

- 1. Finance Manager
- 2. Borough Engineer
- 3. Black Rock Enterprises, LLC

Roll Call:	Birdsall,	Catalano,	Keeler,	Leckstein,	Rooney,	Schwartz
	Yes	Yes	Yes	Yes	Yes	Asbent

**No. 38-2020 RESOLUTION CALLING FOR STUDY COMMISSION
TO REVIEW THE OPEN PUBLIC RECORDS ACT**

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

WHEREAS, the Borough of Sea Bright strongly believes in and supports open transparent government, and that citizens and residents have the right to be informed about the workings of government in order to best participate in a democracy; and

WHEREAS, on January 8, 2002 then Acting Governor DiFrancesco signed into law the Open Public Records Act (OPRA) which mandates that government records shall be available, with limited exceptions, for public access and simplifying the procedures for requesting such specific records; and

WHEREAS, the intent of the law was to provide the public with easy access to government records with an uncomplicated process for obtaining the records and eliminating bureaucratic red tape; and

WHEREAS, over the course of 18 years OPRA has been a positive light, but it has also been fraught with abuse and misuse, and has become an unanticipated financial cost to the taxpayers of New Jersey; and

WHEREAS, the Borough of Sea Bright has labored under a well-intended law that has spiraled out of control, due to the volume and nature of requests, the cost to taxpayers in responding to the requests, and the potential liability in having to pay disproportionate prevailing party attorney's fees should the requests turn into litigated matters, as well as the liability in determining which documents shall be released, with or without redaction, while attempting to maintain individual privacy; and

WHEREAS, it is not only the volume of OPRA requests that challenge our resources, but it is also the cost associated with reviewing, retrieving, and processing the OPRA request(s) by public entity personnel and counsel and possibly defending our action(s) before the Government Records Council or in Superior Court; and

WHEREAS, the Borough of Sea Bright received and responded to 145 OPRA requests in 2017, 126 OPRA requests in 2018, and 133 OPRA request in 2019; and

WHEREAS, due to the often conflicting case law and Government Record Council decisions, as well as the unique characteristics of OPRA request, the Borough of Sea Bright must often times rely on the municipal attorney to review certain OPRA requests, resulting in additional fees; and

WHEREAS, with limited exceptions OPRA has not been amended to address the clear and apparent advancement in technology that has changed the way government records are created, stored, and/or transmitted; the various interpretive decisions; privacy concerns; abuse for commercial gain; and/or the ever increasing cost to taxpayers; and

WHEREAS, as the current law approaches its twentieth (20th) anniversary it has outgrown its original intended use and has become ripe for comprehensive review and reform;

NOW, THEREFORE BE IT RESOLVED that the governing body of the Borough of Sea Bright appeals to the legislature to form a Commission comprised of Mayors, Municipal Clerks, Municipal Managers, Attorneys, Police Chiefs, open government advocates, privacy experts, members of the media, citizens and other appropriate stakeholders, to review and examine the effects of OPRA on local government and the needs to be fulfilled by the law, and use the Commission’s findings to perform a comprehensive reform of OPRA; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to Senator Declan O’Scanlon, Assemblywoman Serena DiMaso, Assemblywoman Amy H. Handlin, Assembly Speaker Craig Coughlin, Senate President Stephen Sweeney, Senator Weinberg, Executive Director of the Government Records Council, the Governor of the State of New Jersey, the Municipal Clerks Association of New Jersey and New Jersey State League of Municipalities.

Roll Call: Birdsall, Catalano, Keeler, Leckstein, Rooney, Schwartz
 Yes Yes Yes Yes Yes Asbent

No. 39-2020 DONATION 2020 BEACH BADGES BOROUGH OF SEA BRIGHT

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

WHEREAS, the Governing Body of the Borough of Sea Bright wish to support the fundraising efforts for the local organization listed below by donating six (6) 2020 beach badges as requested:

- 1. Fairview Elementary School PTO **2 Badges**
 Fundraiser – March 6, 2020
- 2. Infinite Love for Kids Fighting Cancer **2 Badges**
 Fundraiser – February 29, 2020
- 3. Bayview Elementary School **2 Badges**
 Bayview Gift Auction – March 13, 2020

WHEREAS, the Borough Auditor has been informed and advised that a resolution should be considered in order to donate 2020 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 six (6) 2020 Season Beach Badges for the aforementioned charitable organization; and

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

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

Roll Call: Birdsall, Catalano, Keeler, Leckstein, Rooney, Schwartz
 Yes Yes Yes Yes Yes Asbent

No. 40-2020 AUTHORIZING ADDITIONAL DUTIES FOR THE DEPUTY DIRECTOR OF PUBLIC WORKS BOROUGH OF SEA BRIGHT

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

WHEREAS, Shawn Thomas, Deputy Director of the Department of Public Works is a Borough of Sea Bright Municipal employee; and

WHEREAS, Shawn has attended classes to obtain his Sewer Collection System C1 License certification, and

WHEREAS, Shawn passed the State Exam and obtained Certification for the position; and

WHEREAS, the Borough Council wishes to compensation Shawn Thomas, Deputy Director of Public Works, as follows:

Sewer Collection System C1 License \$ 500.00/year

Certification of Funds

I, Michael J. Bascom, Chief Financial Officer of the Borough of Sea Bright do hereby certify that funds will be available in the Sewer Utility Salaries & Wages #20-07-55-501-110 for the purpose stated herein.



MICHAEL J. BASCOM, CFO

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 authorize the annual compensation of \$500.00 as indicated above to Shawn Thomas, Deputy Director of Public Works, for obtaining his Sewer Collection System C1 License; and

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

- 1. Shawn Thomas
- 2. Finance Manager

Roll Call: Birdsall, Catalano, Keeler, Leckstein, Rooney, Schwartz
 Yes Yes Yes Yes Yes Asbent

No. 42-2020 AUTHORIZING HIRING OF POLICE OFFICER DESIGNATION OF SLEO CLASS II, SPECIAL OFFICER

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

WHEREAS, there exists a need for additional employees in the Police Department in the Borough of Sea Bright; and

WHEREAS, Lieutenant James A. McCue, Jr. submitted a request dated January 13, 2020, to hire one (1) additional employee as a Class II Special Officer; and

WHEREAS, Lt. McCue indicated in his letter, that the individual has been processed through the police department’s extensive background check procedures and will attend the 2020 Special Law Enforcement Officer Class II training at the Monmouth County Police Academy beginning January 27, 2020.

CERTIFICATION OF FUNDS

I, Michael J. Bascom, Chief Financial Officer of the Borough of Sea Bright, do hereby certify that funds are available in Police S/W:



MICHAEL J. BASCOM, CFO

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey that the following applicant be hired at an hourly rate as specified in Ordinance No. 22-2019 and attend the Monmouth County Police Academy; and

- 1. Jeffrey M. Farrah

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

- 1. K. Jacobs, Finance Manager
- 2. B. Friedman, Chief of Police
- 3. Individual Appointee

Roll Call: Birdsall, Catalano, Keeler, Leckstein, Rooney, Schwartz
 Yes Yes Yes Yes Yes absent

INDIVIDUAL ACTION/RESOLUTION(S):

No. 41-2020 HIRING BOROUGH LIBRARY EMPLOYEE

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

WHEREAS, there exists a need for an additional employee in the Sea Bright Public Library.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Sea Bright, County of Monmouth that Fran Raffetto of Little Silver, New Jersey be hired and receive the hourly rate of pay as specified in Ordinance No. 22-2019.

CERTIFICATION OF FUNDS

I, Michael J. Bascom, Chief Financial Officer of the Borough of Sea Bright, do hereby certify that funds are available in Library - Salaries & Wages for the purpose stated herein.


MICHAEL J. BASCOM, CFO

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

- 1. Finance Manager
- 2. Library Manager

Roll Call: Birdsall, Catalano, Keeler, Leckstein, Rooney, Schwartz
 Yes Yes Yes Yes abstain absent

ORDINANCE(s):

Introduction: Mayor Kelly to read the ordinance by title:

ORDINANCE NO. 01-2020
CALENDAR YEAR 2020
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)

Councilmember Keeler offered a motion to introduce Ordinance No. 01-2020 for a public hearing to be held on February 4, 2020 and advertise according to law; seconded by Councilmember Leckstein:

Roll Call: Birdsall, Catalano, Keeler, Leckstein, Rooney, Schwartz
 Yes Yes Yes Yes Yes absent

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Borough Council of the Borough of Sea Bright in the County of Monmouth finds it advisable and necessary to increase its CY 2020 budget by up to 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough Council hereby determines that a 3.5 % increase in the budget for said year, amounting to \$ 47,756.12 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Sea Bright, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2020 budget year, the final appropriations of the Borough of Sea Bright shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$167,146.42, and that the CY 2020 municipal budget for the Borough of Sea Bright be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

INTRODUCED: January 21, 2020
PUBLIC HEARING: February 4, 2020
ADOPTION:

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 January 21, 2020 and will be further considered after a Public Hearing held on February 4, 2020 in the Mayor Dina Long Community Room at 1097 Ocean Avenue at 7:00 p.m.

Introduction: Mayor Kelly to read the ordinance by title:

ORDINANCE NO. 02-2020
AN ORDINANCE OF THE BOROUGH OF SEA BRIGHT, IN THE COUNTY OF
MONMOUTH, STATE OF NEW JERSEY, AUTHORIZING THE LEASING
OF A ROOM TO THE SEA BRIGHT HISTORICAL SOCIETY

Councilmember Keeler offered a motion to introduce Ordinance No. 02-2020 for a public hearing to be held on February 4, 2020 and advertise according to law; seconded by Councilmember Birdsall:

Roll Call: Birdsall, Catalano, Keeler, Leckstein, Rooney, Schwartz
Yes Yes Yes abstain Yes absent

WHEREAS, N.J.S.A. 40A:12-15(g) provides that a municipality may lease real property for a public purpose to a duly incorporated historical society that provides civic or historic programs or activities; and

WHEREAS, N.J.S.A. 40A:12-15(i) further provides that a municipality may lease real property to any nonprofit corporation or association for any activity for the promotion of the health, safety, morals and general welfare of the community; and

WHEREAS, in accordance with N.J.S.A. 40A:12-15, the leasehold shall not exceed 50 years but can be renewed and extended for an additional 25 years by ordinance; and

WHEREAS, The Sea Bright Historical Society (The Society) is a duly incorporated historical society organized for the purpose of providing civic or historic programs or activities and through such activities promote the health, safety, morals and general welfare of the community, which will provide benefits to all residents of the Borough; and

WHEREAS, The Borough has one room space at 1167 Ocean Avenue, the former Borough Hall; and

WHEREAS, The Borough wishes to lease to The Society, and The Society wishes to lease from The Borough, the said room in accordance with a Lease Agreement negotiated between the parties.

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

SECTION ONE: The appropriate Borough officials of the Borough of Sea Bright be and are hereby authorized to execute the attached Lease agreement with the Sea Bright Historical Society for a term of one (1) year with the option of two one-year extensions, commencing on a date to be determined, at a monthly rate of ONE (\$1.00) DOLLAR per month and other good and valuable consideration for the premises described in the Lease.

SECTION TWO: The Borough Administrator shall be responsible for the enforcement of the Lease. Pursuant to N.J.S.A. 40A:12-14(c), the Sea Bright Historical Society shall annually submit a report to the Borough Administrator setting out the use to which the leasehold was put during each year, the activities of the lessee undertaken in furtherance of the public purpose for which this leasehold is granted, the approximate cost, if any, of such activities in furtherance of these purposes, and an affirmation of the continued tax-exempt status of the Society pursuant to State and Federal law.

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

SECTION FOUR: Should any section, paragraph, clause or other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect or impair the remainder of this Ordinance.

SECTION FIVE: This Ordinance shall take effect upon its passage and publication according to 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 January 21, 2020 and will be further considered after a Public Hearing held on February 4, 2020 at the Municipal Building, 1097 Ocean Avenue, at 7:00 pm.

INTRODUCED: January 21, 2020

PUBLIC HEARING: February 4, 2020

ADOPTED:

INDIVIDUAL ACTION/New Business:

Vouchers: \$955,581.45

Councilmember Rooney offered a motion to approve the Voucher List dated January 21, 2020 as submitted by the Finance Manager; seconded by Councilmember Keeler:

Roll Call: Birdsall, Catalano, Keeler, Leckstein, Rooney, Schwartz
 Yes Yes Yes Yes Yes absent

01005	ADP, INC.		
19-01516	12/30/19 PAYROLL	Open	1,428.51
20-00042	01/15/20 FINANCE	Open	781.19

			2,209.70
01835	ALLEN, RANDALL		
20-00026	01/15/20 DPW	Open	31.10
01494	ATLANTIC TACTICAL, INC.		
19-01148	09/24/19 POLICE	Open	4,607.25
19-01420	12/02/19 POLICE	Open	958.60

			5,565.85
01984	AVAYA FINANCIAL SERVICES		
20-00065	01/17/20 POLICE	Open	145.29
02036	BAHRLE, DAVID		
20-00040	01/15/20 DPW	Open	50.00
01241	BAIN'S HARDWARE, INC.		
20-00014	01/14/20 HARDWARE	Open	325.53
00733	BEYER OF MORRISTOWN		
19-01153	09/25/19 DPW	Open	29,525.00
2376	BLACKROCK ENTERPRISES		
20-00046	01/16/20 ROADWAY IMPROV.	Open	222,136.01
01631	BOROUGH OF OCEANPORT		
20-00009	01/14/20 SHARED SERVICE	Open	6,500.00
01974	BOROUGH OF SEA BRIGHT COURT		
20-00007	01/14/20 COURT	Open	75.08
2547	BRICKS 4 KIDZ/MELINA STOCK		
19-01038	08/21/19 LIBRARY	Open	90.00
01594	CHERNAVSKY, DANIEL		
19-01427	12/02/19 OEM	Open	65.00
20-00080	01/17/20 POLICE	Open	421.17

			486.17
00063	CHESAPEAKE EXTERMINATING CO.		
20-00077	01/17/20 BLDGS. & GRDS	Open	60.00
2555	CJM ASSOC. OF SEA BRIGHT		
20-00060	01/16/20 LEASE	Open	500.00
00256	CLEARY, GIACOBBE, ALFIERI &		
20-00052	01/16/20 LEGAL	Open	60.00
00198	COMCAST		
20-00078	01/17/20 INTERNET	Open	641.93

REGULAR MEETING MINUTES

JANUARY 21, 2020

01493 COOPERATIVE INDUSTRIES, L.L.C. 20-00016 01/14/20 NATURAL GAS	Open	421.28
2286 DIFRANCESCO, BATEMAN, KUNZMAN 19-01536 12/31/19 LEGAL	Open	2,480.00
20-00071 01/17/20 LEGAL	Open	120.00

		2,600.00
2587 EASTERN JANITORIAL CO. 20-00062 01/16/20 BLDGS & GRDS.	Open	1,155.00
01068 EDWARD J. ALBERT & SON, INC. 19-01521 12/31/19 dpw	Open	888.76
00506 FARMER, JANE 19-01496 12/16/19 LIBRARY	Open	19.71
00254 FLOWERS BY VAN BRUNT 19-01430 12/02/19 A&E	Open	250.00
2411 FSD ENTERPRISES, LLC 20-00043 01/16/20 CELL TOWERS	Open	15,750.00
00575 GALLS, INC. 19-01422 12/02/19 POLICE	Open	356.60
02101 GANNETT NJ 19-01512 12/30/19 CLERK	Open	42.24
20-00041 01/15/20 CLERK	Open	12.15

		54.39
02181 GATEWAY PRESS 19-01008 08/13/19 A&E	Open	84.00
20-00067 01/17/20 TAX COLL	Open	132.00

		216.00
00979 GIBBONS, P.C. 20-00074 01/17/20 LEGAL	Open	1,425.00
2541 IDEMIA 20-00048 01/16/20 POLICE	Open	329.16
2517 INTERGLOBE COMMUNICATIONS 19-01537 12/31/19 PHONE	Open	549.00
2561 INTRON TECHNOLOGY SOLUTIONS 20-00061 01/16/20 COMPUTERS	Open	4,655.86
2573 JCP & L 20-00038 01/15/20 ELECTRIC	Open	10,778.22
00297 JESSE A. HOWLAND & SONS, INC. 20-00059 01/16/20 GARAGE RENTALS	Open	5,550.00
01784 JUNGLE LASERS, LLC 20-00064 01/17/20 BLDG DEPT	Open	530.00
00572 KALDOR EMERGENCY LIGHTS, LLC 19-01425 12/02/19 OEM	Open	495.00
19-01511 12/24/19 OEM	Open	953.50

		1,448.50
02041 KANEN PSYCHOLOGICAL ASSOCIATES 20-00072 01/17/20 POLICE	Open	1,995.00
01298 KELLY, BRIAN 19-01513 12/30/19 A&E	Open	79.92
00444 LAWMEN SUPPLY CO OF NJ, INC. 19-01506 12/17/19 OEM	Open	413.54
00108 LEON S. AVAKIAN, INC. 19-01514 12/30/19 ENGINEER	Open	8,565.00
01603 M & N VENTURES, LLC 19-01438 12/04/19 LIBRARY	Open	125.00
20-00006 01/14/20 A&E	Open	34.50

		159.50
00215 MATTHEWS, WILLIAM 19-01134 09/16/19 POLICE	Open	301.50
01900 MCKENNA, DUPONT, HIGGINS & 19-01519 12/30/19 PLAN. BOARD	Open	1,200.00

REGULAR MEETING MINUTES

JANUARY 21, 2020

2278	MCLAUGHLIN,STAUFFER & SHAKLEE		
20-00004	01/14/20 LEGAL	Open	3,665.08
02229	MONMOUTH COUNTY PUBLIC WORKS		
19-01504	12/17/19 OEM/FIRE DEPT	Open	520.28
02256	MONMOUTH TELECOM		
20-00028	01/15/20 PHONE	Open	1,272.94
00188	MONMOUTH/OCEAN TCTA		
20-00069	01/17/20 TAX COLLECTOR	Open	80.00
00067	MOTOROLA SOLUTIONS, INC.		
19-01507	12/20/19 OEM	Open	279.00
2277	MUNCO OF NEW JERSEY		
20-00032	01/15/20 BLDG DEPT	Open	75.00
00189	MUNICIPAL CLERKS ASSN/MONMOUTH		
20-00044	01/16/20 CLERK	Open	150.00
00283	MUNICIPAL EMERGENCY SERV, INC.		
19-00924	07/30/19 FIRE DEPT	Open	733.30
01397	MURPHY, CHARLES		
20-00011	01/14/20 POLICE	Open	312.00
2633	NATIONAL OFFICE FURNITURE		
19-01269	10/17/19 PAVILION	Open	3,683.40
01399	NEW JERSEY AMERICAN WATER		
19-01517	12/30/19 WATER	Open	1,442.30
19-01518	12/30/19 WATER	Open	2,530.00

			3,972.30
00019	NJ AMERICAN WATER		
20-00075	01/17/20 WATER USAGE	Open	325.29
00131	NJ CONFERENCE OF MAYORS		
20-00081	01/17/20 MAYOR	Open	295.00
00113	NJ NATURAL GAS COMPANY		
20-00025	01/15/20 NATURAL GAS	Open	411.12
20-00079	01/17/20 GAS	Open	1,192.22

			1,603.34
2609	NORTH AMERICAN PIPELINE SRVCS.		
19-01522	12/31/19 SEWER	Open	5,400.00
01309	OCEANPORT BOARD OF EDUCATION		
19-00745	06/13/19 SCHOOL TAX	Open	50,008.75
00046	ONE CALL CONCEPTS, INC.		
20-00063	01/17/20 CALL BEFORE YOU DIG	Open	24.48
00163	OSWALD ENTERPRISES, INC.		
19-01180	10/03/19 DPW	Open	3,750.00
02223	PEREIRA MASONRY, LLC		
19-01301	10/23/19 BLDGS & GRDS	Open	1,400.00
2651	PRIVETERA'S CHRISTMAS LIGHTING		
19-01529	12/31/19 RECREATION	Open	215.90
02026	PUBLIC STORAGE		
20-00050	01/16/20 POLICE	Open	390.00
2627	SCHINDLER ELEVATOR CORP.		
20-00010	01/14/20 BLDGS & GRDS	Open	3,840.00
00456	SEA BRIGHT SENIOR CITIZENS		
19-01528	12/31/19 RECREATION	Open	500.00
01554	SEA BRIGHT SERVICE CENTER		
19-01493	12/16/19 DPW	Open	346.93
19-01525	12/31/19 POLICE	Open	421.91
19-01526	12/31/19 POLICE	Open	558.20

			1,327.04
00985	SEABOARD FIRE/SAFETY EQUIP CO.		
19-01494	12/16/19 MUNICIPAL COMPLEX	Open	1,338.35
20-00066	01/17/20 BLDGS & GRDS	Open	99.00

			1,437.35

REGULAR MEETING MINUTES

JANUARY 21, 2020

01027 SHORE BUSINESS SOLUTIONS		
20-00047 01/16/20 POLICE	Open	252.00
00053 SHORE REGIONAL HIGH SCHOOL		
19-00746 06/13/19 SCHOOL TAX	Open	242,896.70
00260 SODON'S ELECTRIC, INC.		
19-01530 12/31/19 BLDGS & GRDS	Open	1,395.00
02225 STAPLES ADVANTAGE		
19-01499 12/16/19 LIBRARY	Open	205.50
19-01533 12/31/19 BLDGS & GRDS	Open	281.10
20-00001 01/14/20 OFFICE SUPPLIES	Open	261.10

		747.70
2636 STELLATO,ANTHONY		
19-01500 12/16/19 LIBRARY	Open	295.00
2535 SUBURBAN DISPOSAL, INC.		
20-00020 01/14/20 TIPPING FEE	Open	19,939.72
20-00022 01/14/20 RECYCLING FEE	Open	7,342.79

		27,282.51
01931 SUBURBAN PROPANE		
20-00012 01/14/20 PROPANE	Open	749.34
00083 T & M ASSOCIATES		
20-00054 01/16/20 ENGINEER	Open	1,378.73
20-00055 01/16/20 ENGINEER	Open	4,622.21
20-00056 01/16/20 ENGINEER	Open	123.71

		6,124.65
00192 TAX COLL & TREAS ASSOC OF NJ		
20-00068 01/17/20 TAX COLLECTOR	Open	100.00
01285 THE HOME DEPOT		
19-01495 12/16/19 DPW	Open	34.75
01779 TIMOTHY HILL ELECTRIC CO., INC		
19-01159 09/26/19 BEACH PAVILION	Open	950.00
01243 TREASURER, STATE OF NEW JERSEY		
20-00030 01/15/20 CLERK	Open	50.00
01403 TREASURER, STATE OF NEW JERSEY		
20-00031 01/15/20 CLERK	Open	50.00
02114 TWO RIVERS WATER RECLAMATION		
20-00051 01/16/20 SEWER	Open	122,724.25
2487 UNIMAK, LLC		
20-00076 01/17/20 MUNICIPAL COMPLEX	Open	87,134.09
2291 VERIZON		
20-00018 01/14/20 FIOS	Open	119.40
20-00034 01/15/20 FIOS	Open	259.31

		378.71
01960 VERIZON		
20-00037 01/15/20 FLOOD PUMPS	Open	317.10
2291 VERIZON		
20-00039 01/15/20 police	Open	104.99
01960 VERIZON		
20-00073 01/17/20 PHONE	Open	222.96
02061 VERIZON WIRELESS		
20-00027 01/15/20 FIRE	Open	268.11
20-00033 01/15/20 DPW/BLDG.	Open	209.71
20-00035 01/15/20 FIRE	Open	268.07
20-00036 01/15/20 POLICE	Open	424.70
20-00053 01/16/20 POLICE	Open	687.97

		1,858.56
01164 WATCHUNG SPRING WATER CO, INC.		
20-00057 01/16/20 SPRING WATER	Open	530.60
00077 WEX BANK		
20-00029 01/15/20 GASOLINE	Open	3,707.81
2558 WILLIAMS SCOTSMAN, INC.		
20-00070 01/17/20 TRAILER RENTALS	Open	3,032.97

TOTAL: \$914,293.74

MANUAL CHECKS

1/16/2020	Bathgate, Wegener & Wolf	\$1,373.87
20-00058	Legal:Redevelopment/Escrow Acct.	
1/14/2020	David Hoder Associates	\$815.00
20-00021	Engineer:Review/Inspection-Escrow Accts.	
1/14/2020	Replenish Petty Cash-2020	\$100.00
20-00002	Boro Hall	
12/4/2019	280 Ocean Ave, Sea Bright, LLC	\$37,475.34
19-01445	Release of Escrow & Performance Bond	
12/30/2019	Leon S. Avakian	\$855.00
19-01515	Engineer:Plot Plans/Escrow Accts.	
12/31/2019	McKenna,Dupont, Higgins & Stone	\$360.00
19-01535	Plan. Brd:Legal Review/Escrow Accts.	
12/31/2019	New Jersey Motor Vehicle Services	\$60.00
19-01531	DPW:Vehicle Registration	
1/9/2020	United States Postal Service	\$248.50
20-00023	4/Q Sewer Billing	

GRAND TOTAL: \$955,581.45

DISCUSSION

1. Community Center Rules/Regs/Fees
This discussion item will be carried to the next meeting.

2. Beach Businesses: Lease Options
Administrator Verruni invited Beach Manager, Don Klein to the meeting for his recommendation on one or two year lease options. Mr. Klein stated that he doesn't feel comfortable offering the option of a two-year contract for beach businesses because we don't know what is going to happen to our beach year to year. As of right now we have a lot of activities happening on the beach, operations are expanding and he does not want to be hand cuffed for an additional year. When you look at the amount of money generated from beach business bids the numbers don't benefit the beach operation. That being said, there are other benefits, including the patronage to the local businesses. Councilman Leckstein feels that the individuals who operate these businesses are investing in us and we should invest in them by offering a two-year lease option. Councilman Leckstein added there would be an "Act of God" clause in the contract in case the landscape of the beach changed. Mr. Klein recommended increasing the minimum bid for the second year. Councilman Rooney agreed with the Beach Manager's recommendations and does not feel that a two-year contract would be beneficial for the Borough. Mayor Kelly and Councilman Leckstein commended Mr. Klein for the outstanding job he does as Beach Manager.

Councilman Leckstein offered a motion to approve a two-year lease option for beach businesses; seconded by Councilman Birdsall:

Roll Call: Birdsall, Catalano, Keeler, Leckstein, Rooney, Schwartz
Yes Yes Yes Yes No absent

Attorney McLaughlin reiterated that per the discussion the two-year lease option would include an "Act of God" clause and require a percentage increase for the second-year bid amount.

MAYOR AND COUNCIL COMMENTS

Councilman Leckstein reported there will be a Polar Plunge this Sunday at 11 am.

EXECUTIVE SESSION

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

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

WHEREAS, it is recommended by the Borough Attorney and Administrator that the Borough Council go into executive session to discuss matters set forth hereinafter which are permissible for discussion in executive session.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, that they meet in closed session to discuss the issues as herein set forth:

1. The general nature of the subject matters to be discussed are as follows:

A. Personnel

B. Contracts

BE IT FURTHER RESOLVED, minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes can be made public; and

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

Roll Call: Birdsall, Catalano, Keeler, Leckstein, Rooney, Schwartz
Yes Yes Yes Yes Yes absent

ADJOURNMENT

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

Roll Call: Birdsall, Catalano, Keeler, Leckstein, Rooney, Schwartz
Yes Yes Yes Yes Yes absent

Respectfully Submitted,

Christine Pfeiffer
Borough Clerk