

**MINUTES
REGULAR MEETING
BOROUGH OF SEA BRIGHT**

FEBRUARY 4, 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, 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.

Melissa D'Anna, owner of Lucky Dog Surf Shop, explained the expenses that she incurs with running a surf camp in the summer in addition to the cost of the bid. The beaches in the downtown are not surfable or safe so she runs her camp in north beach where there is no parking, lifeguards, bathrooms, etc. - since the additional expenses are hurting her business, Melissa asked Council to consider either lowering her bid or providing a lifeguard and/or parking. Councilman Leckstein requested that this be discussed further at the workshop meeting on February 13th.

Irwin Bieber, 12 Tradewinds Lane, questioned if the town has heard anything from the NJDEP regarding the Edgewater CAFRA permit. Administrator Verruni has not heard anything but will follow up and discuss at the next workshop meeting. Mr. Bieber also questioned why the Historical Society, an organization that supports the town, is being charged about \$500 a month for utilities once they move into the old Borough Hall. Mr. Verruni explained that the area to be leased has its own heating/cooling/electric, etc. systems and the Historical Society will be the only ones using this space therefore should pay for utilities. Mr. Bieber requested that the Council provide a full report other than "progress" so the community can learn about what is going on in town.

Elizabeth DeGiulio, 1540 Ocean Avenue, expressed that she is thrilled that we are going to have a location for the Historical Society. She also is in support of Melissa D'Anna and wants Council to strongly consider her recommendations because she is a business owner in town and feels it is not right that other surf camps were running lessons without paying and following the rules. Attorney McLaughlin explained that we publicly advertise the bid are not permitted to favor Sea Bright businesses and recommends reporting to the beach manager when other businesses are giving surf lessons without a permit.

Stephanie Stefan, Business partner of Melissa D'Anna, explained that the two-year bid option is very helpful. Other businesses like skim board camp can operate wherever the water meets the shoreline. Location is everything and she wants to make sure that they will have a place to safely operate and properly run their business.

CONSENT AGENDA

Councilmember Rooney offered a motion to remove Resolution No. 52-2020 and Councilmember Keeler offered a motion to remove Resolutions No. 47-2020 and 48-2020; seconded by Councilmember Catalano:

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

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

Minutes

01-04-2020	Reorganization Meeting
01-16-2020	Workshop Meeting
01-16-2020	Executive Session
01-21-2020	Regular Meeting
01-21-2020	Executive Session

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

Resolutions:

No. 43-2020 Authorizes the County of Monmouth Mosquito Control Division to Conduct Aerial Mosquito Control Operations Within the Borough of Sea Bright

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

WHEREAS, the Monmouth County Board of Chosen Freeholders, pursuant to N.J.S.A. 26:9-27 et seq. has elected through its Mosquito Control Division to perform all acts necessary for the elimination of mosquito breeding areas and/or to exterminate mosquitoes within the County; and

WHEREAS, the County has instituted an Integrated Pest Management Program consisting of surveillance, water management, biological control, and chemical control to exterminate the mosquito population within the County of Monmouth; and

WHEREAS, prior to conducting aerial dispensing operations over a designated "congested area," the County is required, pursuant to Federal Aviation Administration Regulation (FAR Part 137.51), to secure prior written approval from the governing body of the political subdivision over which the aircraft is to be operated; and

WHEREAS, the Borough of Sea Bright is designated as a "congested area" by the Federal Aviation Administration and the County has requested that this governing body consent to its proposed aerial dispensing operations.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Sea Bright in the County of Monmouth, State of New Jersey, does hereby authorizes the County of Monmouth Mosquito Control Division or its agent to apply pesticides by aircraft for mosquito control in certain areas of the municipality designated by the County as being either larval mosquito habitat or areas harboring high populations of mosquitoes constituting either a nuisance, a health hazard, or both with the understanding that:

- a. the County shall utilize pesticides, application equipment and aircraft that are approved for aerial applications by the applicable Federal (USEPA) and State (NJDEP) agencies, and
- b. such operations will be performed in compliance with applicable Federal and State regulations, and
- c. the County will notify the police department of each municipality over which aerial pesticide operations are planned prior to commencement of such operations.

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

- 1. Monmouth County Mosquito Extermination Commission
- 2. Chief of Police
- 3. Director of Public Works

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

No. 44-2020 Designating Public Agency Compliance Officer - Joseph L. Verruni

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

WHEREAS, N.J.A.C. 17:27-3.5 requires that each public agency designate an individual to serve as its Public Agency Compliance Officer; and

WHEREAS, the Compliance Officer serves as the liaison between the New Jersey Division of Contract Compliance and Equal Employment Opportunity; and

WHEREAS, the Public Agency Compliance Officer is responsible for administering contracting procedures pertaining to equal employment opportunity and has the authority to recommend changes to effectively support the implementation of the statute and its regulations; and

WHEREAS, the Borough Council wishes to comply with the requirements of N.J.A.C. 17:27-3.5.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey that the Borough Administrator, Joseph L. Verruni is hereby designated as the Borough’s Public Agency Compliance Officer for the calendar year 2020; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution will be forwarded to the New Jersey Division of Contract Compliance and Equal Opportunity as required by Statute.

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

No. 45-2020 Commemorating the Centennial of the Ratification of the 19th Amendment

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

WHEREAS, the year Two Thousand and Twenty marks the 100th Anniversary of the ratification of the 19th Amendment of the United States Constitution; and

WHEREAS, women fought for the right to vote for more than a century and persevered in the face of resistance; and

WHEREAS, many New Jersey women advocated for the right to vote; and

WHEREAS, Monmouth County was the home to many suffragists both male and female, and suffrage rallies and events occurred within Monmouth County’s borders; and

WHEREAS, February 9, 2020 will mark the centennial of the New Jersey ratification of the 19th Amendment; and

WHEREAS, August 26, 2020 will mark the nationwide centennial of the 19th Amendment officially becoming part of the United States Constitution, after the required number of states had ratified; and

WHEREAS, daughters, granddaughters, and great-granddaughters of the women who fought so hard to vote have been making their voices heard at the polls for nearly 100 years; and

WHEREAS, women are running for office and currently in elected office in large numbers in Monmouth County, follow in the footsteps of these great suffragists; and

WHEREAS, there are currently over 200,000 women registered to vote in Monmouth County, New Jersey; and

WHEREAS, all government entities on the local, state and national level should commemorate and recognize this historic milestone and reaffirm its commitment to empowering and uplifting the voices of women.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, do hereby

(1) celebrate and recognize the 100th Anniversary of the passage and ratification of the 19th Amendment to the United States Constitution providing for women’s suffrage; and

(2) honor the role of the ratification of the 19th Amendment in promoting the core values of our democracy as set forth in the Constitution of the United States; and

(3) reaffirm our desire to continue strengthening democratic participation and to inspire future generations to cherish and preserve the historic precedent established by the 19th Amendment.

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

No. 46-2020 Donation 2020 Beach Badges

Councilmember Rooney 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. Angel Warriors **2 Badges**
Fundraiser – February 23, 2020
- 2. Marine Academy of Science & Technology **2 Badges**
Fundraiser – March 27, 2020
- 3. The Frances Foundation for Kids Fighting Cancer **2 Badges**
Fundraiser – June 20, 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 organizations; 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: Birdsell,	Catalano,	Keeler,	Leckstein,	Rooney,	Schwartz
Yes	Yes	Yes	Yes	Yes	Yes

No. 49-2020 Shared Service Agreement for The Provision of Emergency Dispatch Services by the County of Monmouth, Through the Monmouth County Sheriff’s Office, Communications Division

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

WHEREAS, the Borough of Sea Bright entered into a Shared Service Agreement for the period January 1, 2015 through December 31, 2019 for Emergency Dispatch Services with the Monmouth County Sheriff’s Office, Communications Division; and

WHEREAS, under the terms of the said Agreement, the Communications Division will serve as the Public Safety Answering Point (PSAP) for the Borough of Sea Bright, and

WHEREAS, the Borough received a letter and new agreement from Monmouth County Freeholder, Thomas A. Arnone dated January 23, 2020, to continue participation in the Monmouth County Shared Service Program for dispatch service for a three-year period commencing January 1, 2020 through December 31, 2022; and

WHEREAS, for dispatch services as outlined in the agreement attached hereto, the Borough will pay Monmouth County an annual fee of \$84,384 for 2020 with an increase of 1.5% in 2021 and 1% in 2022; and

WHEREAS, the Borough wishes to execute a new shared service agreement with Monmouth County for an additional three-year term for emergency dispatch services.

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 Monmouth County Dispatch Services for the purpose 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 authorize the Mayor and Borough Clerk to execute a shared service agreement for the provision of Emergency Dispatch Services by the County of Monmouth through the Monmouth County Sheriff’s Office, Communications Division at the rate indicated above; and

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

- 1. Monmouth County Sheriff’s Office
- 2. Elizabeth Perez, Monmouth County Shared Services Coordinator
- 3. Borough Finance Manager
- 4. Borough Chief of Police

Roll Call: Birdsell,	Catalano,	Keeler,	Leckstein,	Rooney,	Schwartz
Yes	Yes	Yes	Yes	Yes	Yes

No. 50-2020 Authorizing One-time Stipend for the Deputy Clerk - Borough of Sea Bright

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

WHEREAS, Michelle Ketcham, Deputy Clerk, is a Borough of Sea Bright Municipal employee; and

WHEREAS, the Borough Council approved Resolution No. 165-2019 on November 18, 2019, authorizing the sale of 2020 season beach badges and lockers at Borough Hall, 1167 Ocean Avenue, during normal business hours; and

WHEREAS, Michelle Ketcham has assumed the responsibilities associated with the sale of the badges and lockers and depositing of funds collected from said sales; and

WHEREAS, the Borough Council wishes to compensation Michelle Ketcham, Deputy Clerk in the Borough of Sea Bright, as follows:

Pre-Season Beach Badge Sales: \$ 3,000.00

Certification of Funds

I, Michael J. Bascom, Chief Financial Officer of the Borough of Sea Bright do hereby certify that funds in the amount of \$3,000.00 are available in the Beach S&W for the purposes 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 a onetime payment of \$3,000.00 as indicated above to Michelle Ketcham, Borough Deputy Clerk, for assuming the responsibilities associated with the beach badge and locker sales for the 2020 season; and

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

- 1. Michelle Ketcham
- 2. Finance Manager
- 3. Beach Manager

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

No. 51-2020 Award of Contract - Susan L. Solda De Simone, Esq. Alternate Borough Prosecutor

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

WHEREAS, the Borough is in need of an individual/firm to act as Alternate Borough Prosecutor to provide services that cannot be addressed by the Borough Prosecutor; 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, in connection therewith, no proposals were received for the position of Alternate Borough Prosecutor; and

WHEREAS, Susan L. Solda De Simone, Esq. submitted a proposal/letter dated January 23, 2020 to provide Alternate Borough Prosecutor services; and

WHEREAS, with due consideration as to qualifications, experience and compensation, the Borough Council wishes to appoint Susan L. Solda De Simone, Esq. as Alternate Prosecutor in the Borough of Sea Bright for the 2020 calendar year at a rate of \$350 per session.

CERTIFICATION OF FUNDS

I, Michael J. Bascom, CFO, hereby certify that funds will be provided for this purpose at the time legal services are required in the appropriation entitled Court #20-01-43-490-000.


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 Susan L. Solda De Simone, Esq. to serve as the Alternate Borough Prosecutor for (1) one-year term commencing January 1, 2020 through December 31, 2020 at the rate \$350.00 per session; 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. Susan L. De Simone, Esq.
- 2. Finance Manager
- 3. Certified Court Administrator

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

**No. 52-2020 Award of Contract - Borough Engineer – Maser Consulting P.A.
CARRIED**

INDIVIDUAL ACTION/RESOLUTION(S):

No. 47-2020 Resolution of the Borough Council of the Borough of Sea Bright Designating THE BREAK AT SEA BRIGHT, LLC as the Redeveloper of the "Downtown Properties", Block 15, Lots 2, 3 and 4, Ocean Avenue and River Street, Sea Bright, New Jersey

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

WHEREAS, the Mayor and Council of the Borough of Sea Bright adopted Resolution 79-2016 authorizing the study by the Planning Board of certain properties known and designated as Block 15, Lots 2, 3 and 4 as shown on the tax map of the Borough of Sea Bright ("Downtown Properties") to determine if they qualified as areas in need of redevelopment with the power of eminent domain as provided for under the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.; and

WHEREAS, the Planning Board proceeded to prepare such a redevelopment study and retained the services of Christine Cofone of Cofone Consulting Group, LLC to assist with the investigation and preparation of a report; and

WHEREAS, Cofone Consulting Group prepared a report entitled "Condemnation Redevelopment Investigation for Downtown Properties: and

WHEREAS, the Planning Board, upon giving due notice to the owners of the aforesaid properties, conducted a public hearing on this study on June 14, 2016, at which time Ms. Cofone provided detailed testimony and persons having an interest in said application were given an opportunity to be heard; and

WHEREAS, rebuttal testimony was then heard by the Planning Board from Andrew Janiw, licensed professional planner; and

WHEREAS, following the conclusion of that portion of the hearing, the Planning Board voted to find that the properties in question as set forth in the aforesaid study met one or more of the statutory criteria in order to be designated as a condemnation area in need of redevelopment; and

WHEREAS, the Borough Council has had the opportunity to review the aforesaid Report, a transcript of the Planning Board hearing of June 14, 2016, and the subsequent Resolution adopted by the Planning Board memorializing its findings; and

WHEREAS, the Borough Council adopted Resolution No. 135-2016 on November 14, 2016 adopting the aforesaid Report;

WHEREAS, the Borough Council adopted Resolution No. 112-2018 on June 19, 2018, authorizing the publication of a request for proposals ("RFP") for the redevelopment of the Downtown Properties; and

WHEREAS, on October 17, 2018 the Borough issued an RFP for the Downtown Properties; and

WHEREAS, on November 30, 2018 the Borough received a response to the RFP from the Break at Sea Bright, LLC; and

WHEREAS, the Borough did not receive a compliant response from any other person or entity to the RFP; and

WHEREAS, River Street Realty, LLC applied to the Planning Board for an eight (8) lot subdivision for Block 15, Lot 4; and

WHEREAS, On June 11, 2019, the Planning Board adopted a resolution approving the eight (8) lot subdivision; and

WHEREAS, River Street Realty, LLC has never perfected the subdivision. As a result, Block 15, Lot 4 has not been subdivided and continues to exist as Block 15, Lot 4; and

WHEREAS, the Mayor and Council have concluded that it is now appropriate to designate the Break at Sea Bright, LLC as the redeveloper of the Downtown Properties.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, designated the Break at Sea Bright, LLC as the redeveloper ("Redeveloper") of Block 15, Lots 2, 3 and 4; and

BE IT FURTHER RESOLVED that if it is necessary to assist the Redeveloper in the acquisition of the Downtown Properties that the Borough shall exercise its power of eminent domain; and

BE IT FURTHER RESOLVED that all Borough officials including, but not limited to, the Mayor, the Municipal Clerk, the Borough Administrator, Planner, Attorney and Special Counsel are hereby authorized and directed to take such action as necessary to effectuate the provisions of this Resolution.

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

No. 48-2020 Resolution of the Borough Council of the Borough of Sea Bright Designating BROOKS REAL ESTATE DEVELOPMENT, LLC as the Redeveloper of the "Shrewsbury River Properties", of Block 13, Lots 13, 14, 15, 18, 20, 21 and 22; Block 14, Lots 12 and 14; Block 15, Lots 5, 8, 10, 11, and 12, Sea Bright, New Jersey

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

WHEREAS, the Mayor and Council of the Borough of Sea Bright adopted Resolution 80-2016 authorizing the Planning Board to study certain properties known and designated as Block 13, Lots 13, 14, 15, 18, 20, 21 and 22; Block 14, Lots 12 and 14; Block 15, Lots 5, 8, 10, 11, and 12 as shown on the tax map of the Borough of Sea Bright ("Shrewsbury River Properties") to determine if they qualified as areas in need of redevelopment with the power of eminent domain as provided for under the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.; and

WHEREAS, the Planning Board proceeded to prepare such a redevelopment study and retained the services of Christine Cofone of Cofone Consulting Group, LLC to assist with the investigation and preparation of a report; and

WHEREAS, Cofone Consulting Group prepared a report entitled "Condemnation Redevelopment Investigation for Shrewsbury River Properties": and

WHEREAS, the Planning Board, upon giving due notice to the owners of the aforesaid properties, conducted a public hearing on this study on April 25, 2017, at which time Ms. Cofone provided detailed testimony and persons having an interest in said application were given an opportunity to be heard; and

WHEREAS, following the conclusion of that portion of the hearing, the Planning Board voted to find that the properties in question as set forth in the aforesaid study met one or more of the statutory criteria in order to be designated as a condemnation area in need of redevelopment; and

WHEREAS, the Borough Council has had the opportunity to review the aforesaid Report, a transcript of the Planning Board hearing of April 25, 2017 and the subsequent Resolution adopted by the Planning Board memorializing its findings; and

WHEREAS, the owner of the Shrewsbury River Properties notified the Borough that it would accept the designation of its property as a condemnation area in need of redevelopment and that it would comply with the redevelopment ordinance and related ordinances in the development of the Shrewsbury River Properties; and

WHEREAS, the Borough Council adopted Resolution 102-2019 on May 21, 2019 adopting the aforesaid Report; and

WHEREAS, the Borough Council have concluded that it is now appropriate to designate Brooks Real Estate Development, LLC as the redeveloper of the Shrewsbury River Properties.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, designate Brooks Real Estate Development, LLC as the redeveloper ("Redeveloper") of the following property:

**Block 13, Lots 13, 14, 15, 18, 20, 21 and 22; Block 14, Lots 12 and 14;
Block 15, Lots 5, 8, 10, 11, and 12**

BE IT FURTHER RESOLVED that if it is necessary to assist the Redeveloper in the acquisition of the Shrewsbury River Properties that the Borough shall exercise its power of eminent domain.

BE IT FURTHER RESOLVED that all Borough officials including, but not limited to, the Mayor, the Municipal Clerk, the Borough Administrator, Planner, Attorney and Special Counsel are hereby authorized and directed to take such action as necessary to effectuate the provisions of this Resolution.

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

ORDINANCE(s):

Public Hearing: 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)**

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: February 4, 2020

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.

Councilmember Leckstein offered a motion to open the public hearing on Ordinance No. 01-2020; seconded by Councilmember Birdsall:

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

Public Hearing (Ord. No. 01-2020)

No one wished to be heard.

Councilmember Leckstein offered a motion to close the public hearing on Ordinance No. 01-2020; seconded by Councilmember Keeler:

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

Councilmember Leckstein offered a motion to adopt Ordinance No. 01-2020 and advertise according to law; seconded by Councilmember Keeler:

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

Public Hearing: 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

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: February 4, 2020

Councilmember Keeler offered a motion to open the public hearing on Ordinance No. 02-2020; seconded by Councilmember Birdsall:

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

Public Hearing (Ord. No. 02-2020)

Chris Doxey, 9 Church Street, thanked the Council for their support and is excited to get into the new space to showcase a beautiful historical society.

Councilmember Birdsall offered a motion to close the public hearing on Ordinance No. 02-2020; seconded by Councilmember Keeler:

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

Councilmember Birdsall offered a motion to adopt Ordinance No. 02-2020 and advertise according to law; seconded by Councilmember Keeler:

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

INDIVIDUAL ACTION/New Business:

Vouchers: \$1,092,719.10

Councilmember Birdsall offered a motion to approve the Voucher List dated February 4, 2020 as submitted by the Finance Manager; seconded by Councilmember Keeler:

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

Councilman Schwartz wanted to point out that we are paying the County \$144,000 annually for the library.

00218	ALICE'S KITCHEN					
20-00102	01/24/20 A&E	Open	300.00	0.00		
01062	ALL HANDS FIRE EQUIPMENT, LLC					
19-01538	12/31/19 FIRE	Open	17,391.79	0.00		
02113	AMERICAN WATER					
20-00120	01/29/20 WATER USAGE	Open	325.97	0.00		
00519	ANTONIDES AND SIMONE CPA's					
20-00116	01/29/20 FISCAL OFFICER	Open	6,625.00	0.00		
2656	ASSOC OF NJ ENVIROMENTAL COMM.					
20-00125	01/29/20 A&E	Open	375.00	0.00		
01042	ATLANTIC TOMORROWS OFFICE					
20-00119	01/29/20 A&E	Open	592.96	0.00		
01102	BALLY'S PARK PLACE CASINO					
19-00279	03/11/19 DPW	Open	90.28	0.00		
01631	BOROUGH OF OCEANPORT					
20-00111	01/28/20 COURT	Open	6,500.00	0.00		
01565	BOROUGH OF SEA BRIGHT					
20-00148	01/31/20 ADMIN FEE	Open	3,162.50	0.00		

REGULAR MEETING

FEBRUARY 4, 2020

00530	BULLET LOCK & SAFE CO., INC.			
20-00143	01/31/20 BLDGS & GRDS	Open	311.20	0.00
2557	C.M.R.S.- FP			
20-00139	01/30/20 POSTAGE	Open	600.00	0.00
00230	CERTIFIED SPEEDOMETER			
19-01534	12/31/19 POLICE	Open	370.00	0.00
01594	CHERNAVSKY, DANIEL			
20-00106	01/28/20 POLICE	Open	60.00	0.00
2555	CJM ASSOC. OF SEA BRIGHT			
20-00118	01/29/20 LEASE	Open	500.00	0.00
00198	COMCAST			
20-00141	01/30/20 LIBRARY	Open	297.54	0.00
2653	D & B SERVICE GROUP			
20-00085	01/21/20 BLDGS & GRDS	Open	1,335.00	0.00
2286	DIFRANCESCO, BATEMAN, KUNZMAN			
20-00134	01/30/20 LEGAL	Open	380.00	0.00
01754	EDMUNDS & ASSOCIATES, INC.			
20-00126	01/30/20 MAINTENANCE AGREEMENT	Open	11,762.50	0.00
2603	EMERGENCY ACCESSORIES			
19-00770	06/20/19 POLICE	Open	4,541.00	0.00
00421	FAIL SAFE FIRE HOSE TEST, INC.			
19-01328	10/30/19 FIRE DEPT	Open	3,069.60	0.00
01288	FISLER, CHRISTOPHER			
20-00094	01/23/20 POLICE	Open	362.93	0.00
20-00136	01/30/20 POLICE	Open	300.00	0.00

			662.93	
02101	GANNETT NJ			
20-00096	01/24/20 CLERK	Open	56.70	0.00
20-00097	01/24/20 PLANNING BOARD	Open	30.60	0.00
20-00112	01/28/20 CLERK	Open	31.95	0.00

			119.25	
01887	HEIM ELECTRONICS, INC.			
20-00144	01/31/20 ALARMS	Open	344.25	0.00
20-00145	01/31/20 ALARMS	Open	344.25	0.00

			688.50	
2380	HOWELL GUN WORKS			
20-00104	01/28/20 POLICE	Open	125.00	0.00
01248	HUEGEL, RICHARD			
20-00149	01/31/20 POLICE	Open	550.00	0.00
2517	INTERGLOBE COMMUNICATIONS			
20-00131	01/30/20 POLICE	Open	556.23	0.00
2573	JCP & L			
20-00121	01/29/20 ELECTRIC	Open	6,322.41	0.00
00297	JESSE A. HOWLAND & SONS, INC.			
20-00117	01/29/20 LEASE	Open	5,550.00	0.00
2638	LAWES OUTDOOR POWER EQUIPMENT			
19-01532	12/31/19 DPW	Open	86.10	0.00
2417	MARLIN BUSINESS BANK			
20-00140	01/30/20 A&E	Open	94.00	0.00
01399	NEW JERSEY AMERICAN WATER			
20-00127	01/30/20 WATER	Open	1,260.75	0.00
20-00130	01/30/20 HYDRANTS	Open	2,530.00	0.00

			3,790.75	
00226	NEW JERSEY EMERGENCY			
19-01424	12/02/19 OEM	Open	75.00	0.00
00019	NJ AMERICAN WATER			
20-00075	01/17/20 WATER USAGE	Open	325.29	0.00
00672	NJ DEPT OF COMMUNITY AFFAIRS			
20-00090	01/21/20 BLDG. DEPT	Open	1,665.00	0.00
02185	NJ DEPT OF LABOR & WORKFORCE			
20-00146	01/31/20 UNEMPLOYMENT	Open	197.60	0.00
00113	NJ NATURAL GAS COMPANY			
20-00132	01/30/20 NATURAL GAS	Open	536.45	0.00
20-00133	01/30/20 NATURAL GAS	Open	1,915.38	0.00

			2,451.83	
00502	NJ STATE LEAGUE/MUNICIPALITIES			
20-00122	01/29/20 A&E	Open	289.00	0.00
01309	OCEANPORT BOARD OF EDUCATION			
19-00745	06/13/19 SCHOOL TAX	Open	50,008.75	0.00
00163	OSWALD ENTERPRISES, INC.			
20-00008	01/14/20 SEWER	Open	2,100.00	0.00

REGULAR MEETING**FEBRUARY 4, 2020**

2300	PRECISION DYNAMICS CORP.			
20-00142	01/31/20 BEACH	Open	413.60	0.00
00463	RUTGERS, THE STATE UNIVERSITY			
19-01359	11/07/19 DPW	Open	1,798.00	0.00
20-00045	01/16/20 CLERK	Open	28.00	0.00

			1,826.00	
01554	SEA BRIGHT SERVICE CENTER			
20-00083	01/21/20 POLICE	Open	282.90	0.00
00053	SHORE REGIONAL HIGH SCHOOL			
19-00746	06/13/19 SCHOOL TAX	Open	219,737.00	0.00
02225	STAPLES ADVANTAGE			
19-01364	11/12/19 POLICE	Open	133.57	0.00
00814	THE JERSEY SHORE PARTNERSHIP			
20-00124	01/29/20 A&E	Open	100.00	0.00
2644	TJM PROMOS INC.			
19-01423	12/02/19 POLICE	Open	296.00	0.00
00223	TREASURER, COUNTY OF MONMOUTH			
20-00108	01/28/20 COUNTY TAXES	Open	503,176.41	0.00
00523	TREASURER, COUNTY OF MONMOUTH			
20-00109	01/28/20 OPEN SPACE TAX	Open	58,077.31	0.00
00439	TREASURER, COUNTY OF MONMOUTH			
20-00110	01/28/20 LIBRARY TAX	Open	36,002.64	0.00
2658	VERIZON			
20-00135	01/30/20 DPW	Open	115.91	0.00
2291	VERIZON			
20-00137	01/30/20 FIOS	Open	120.17	0.00
2658	VERIZON			
20-00147	01/31/20 PHONE	Open	430.39	0.00
02061	VERIZON WIRELESS			
20-00138	01/30/20 POLICE	Open	305.02	0.00
01791	VERRUNI, JOSEPH			
20-00128	01/30/20 A&E	Open	50.00	0.00
01671	WINNER FORD OF CHERRY HILL			
19-00769	06/20/19 POLICE	Open	33,249.00	0.00

Total: 988,563.90

20-00098 Gannett NJ \$16.20
1/24/2020 Plan. Board:Legal Ad/Escrow Acct.

20-00103 Monmouth Municipal Joint Insurance Fund \$104,139.00
1/26/2020 Liability/Workers Comp.

TOTAL: \$ 104,155.20**GRAND TOTAL: \$1,092,719.10****EXECUTIVE SESSION**

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

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

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 Yes

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 Rooney with unanimous voice vote approval.

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 Yes

Respectfully Submitted,

Christine Pfeiffer
Borough Clerk