

**MINUTES
REGULAR MEETING
BOROUGH OF SEA BRIGHT**

FEBRUARY 18, 2020

SEA BRIGHT, NEW JERSEY

Mayor Kelly called the meeting to order at 7:30 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 Richard Shaklee, Administrator Joseph L. Verruni,
CFO Michael J. Bascom, 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.

CONSENT AGENDA

Councilmember Keeler offered a motion to remove Resolution No. 52-2020 and approve the remaining items that are considered routine in nature under the consent agenda; seconded by Councilmember Birdsall:

Minutes

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|------------|-------------------|
| 02-04-2020 | Regular Meeting |
| 02-04-2020 | Executive Session |

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

Resolutions:

**No. 52-2020 Award of a Fair and Open Contract – Borough Engineer
Maser Consulting P.A.**

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

WHEREAS, pursuant to N.J.S.A. 40A:9-140 there exists a need to appoint a qualified individual/firm as Borough Engineer in the Borough of Sea Bright; and

WHEREAS, a request for proposals for Borough Engineer 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, five proposals for Borough Engineer were received on December 4, 2019 (CME Associates, Maser Consulting PA, Leon S. Avakian, T&M Associates, Van Cleef Engineering Associates) and evaluated by the Governing Body with due consideration as to qualifications, experience, compensation and other factors and criteria; and

WHEREAS, the Borough received a letter from Richard M. Maser dated December 19, 2019 revising his proposal as follows: 1) appointing William White as the Maser representative to the Borough and, 2) reduction of the hourly rate from \$175 to \$165; and

WHEREAS, the revised proposal received from Richard M. Maser, Maser Consulting P.A., 331 Newman Springs Road, Red Bank, NJ 07701 at a rate not to exceed \$165.00 per hour is being considered for the term of one year (January 1, 2020 - December 31, 2020); and

CERTIFICATION OF FUNDS

I, Michael J. Bascom, Chief Financial Officer, hereby certify that based on the amount of funds expended in the prior year for these services, it is estimated that the total 2020 appropriation for this contract will be \$60,000.00, said amount subject to unforeseen decreases or increases in engineering matters. Funds will be provided for the first three months of 2020 in the 2020 Temporary Budget and funds for the balance of 2020 will be provided in the Budget for the year 2020, when finally adopted, in the appropriation entitled Engineer #20-01-20-165-000.


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 Maser Consulting P.A., Red Bank, New Jersey to serve as Borough Engineer for one year commencing January 1, 2020 through December 31, 2020 pursuant to the rate provided in their revised proposal dated December 19, 2019; 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 service, a copy of which shall be maintained by the Borough Clerk.

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. Maser Consulting P.A.
- 2. Finance Manager

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

No. 53-2020 Hiring Borough Library Employee

Councilmember Keeler 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 Elizabeth Lawrence of Sea Bright, 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

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

No. 54-2020 Hiring Part-Time Plumbing Sub-Code Official Borough of Sea Bright

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

WHEREAS, there exists a need to hire personnel in the Building Department in the Borough of Sea Bright, County of Monmouth, New Jersey, and

WHEREAS, the Building Sub-Code official for the Borough of Sea Bright has interviewed and recommends the hiring of James Ammaturo as a Part-Time Plumbing Sub-Code Official and Inspector for an annual rate of \$9,500.00.

CERTIFICATION OF FUNDS

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


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 James Ammaturo is hereby hired to fill the position of Plumbing Inspector and will receive an annual rate of pay of \$9,500.00 as specified in Ordinance No. 22-2019.

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

- 1. Finance Manager
- 2. Building Department
- 3. James Ammaturo

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

No. 55-2020 Hiring Volunteer Firefighters Borough of Sea Bright Fire Department

Councilmember Keeler offered the following resolution for approval; seconded by Councilmember Birdsall:

WHEREAS, Chapter 20, Section 20.4 of the General Code, Fire Department membership requires any person desiring membership in a volunteer fire department, shall complete an application; may be required to have a pre-appointment physical by a physician; and the Borough Council shall order a criminal background check to be conducted by the Chief of Police; and

WHEREAS, the Fire Department received applications and recommends hiring the following new members to serve as volunteer firefighters on the Sea Bright Fire/Rescue Department, as follows:

Full Membership
 Nicholas Colaillo
 Nicholas Simmons

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, do hereby accept and approve the hiring of the above named individuals to serve as a 2020 full time members on the Sea Bright Fire Department; and

BE IT FURTHER RESOLVED that the Borough Clerk is hereby authorized to send a copy of this resolution, certified to be a true copy, be forwarded to the following:

- 1. Borough of Sea Bright Fire Chief
- 2. Individual Members

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

No. 56-2020 Office of Emergency Management Appointment of Deputy Emergency Management Coordinators Borough of Sea Bright

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

WHEREAS, the State of New Jersey Office of Emergency Management requires each municipality to appoint an "Emergency Management Coordinator", and

WHEREAS, the Borough Council approved Resolution No. 16-2020 dated January 4, 2020 appointing Daniel J. Chernavsky to serve as the Municipal Emergency Management Coordinator for a term of three years from January 1, 2020 through December 31, 2022; and

WHEREAS, pursuant to Directive No. 102 issued by the New Jersey State Office of Emergency Management, the Municipal Emergency Management Coordinator shall appoint one or more Deputy Emergency Management Coordinators with the approval of the Mayor; and

WHEREAS, the Borough Emergency Management Coordinator wishes to appoint the following two individuals to serve as Deputy Emergency Management Coordinators for three-year terms commencing nunc pro tunc January 1, 2020 through December 31, 2022:

Daniel Drogin
 Ryan B. Murphy

WHEREAS, Mayor Brian P. Kelly has considered and approves of the above appointments.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Sea Bright in the County of Monmouth, does hereby approve the appointments of Daniel Drogin and Ryan B. Murphy to serve as Deputy Emergency Management Coordinators for a term of three (3) years, January 1, 2020 through December 31, 2022; and

BE IT RESOLVED that the Borough Clerk is hereby authorized to forward a certified copy of this resolution to the following:

- 1. Monmouth County Sheriff’s Office of Emergency Management
- 2. Borough of Sea Bright Office of Emergency Management
- 3. Chief of Police
- 4. Finance Manager
- 5. Daniel J. Chernavsky
- 6. Appointees

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

No. 57-2020 Sea Bright Ocean Rescue 2020 Junior Lifeguard Program

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

WHEREAS, established in 2004, the Sea Bright Junior Lifeguard Program has provided a safe and fun way for children to learn about beach and ocean safety, improve upon their swimming abilities and develop high confidence levels in the surf and open water; and

WHEREAS, Sea Bright Beach Manager, Don Klein, has authorized the schedule and fees listed below for the 2020 Junior Lifeguard Program; and

WHEREAS, there will be no refunds once a Junior Guard participant is registered; and

- Junior Lifeguard Program**
- Dates:** **Session 1** July 6 – July 17 (**\$175.00**)
 Session 2 July 20 – July 31 (**\$175.00**)
 Session 3 August 17 – August 21 (**\$150.00**)
 \$325.00 for Sessions 1 & 2
- Time:** 9:00 am to 12:00 pm
- Age:** Minimum age is 7 years old

- Junior Lifeguard "Nipper" Program**
- Dates:** August 3 - August 15 (**\$175.00**)
- Time:** 9:00 am to 3:00 pm
- Age:** Minimum age is 12 years old
 (must have successfully completed Session 1 or 2)

- Junior Lifeguard Tournament**
- Date:** July 28, 2020

WHEREAS, the monies collected from the Sea Bright Junior Lifeguard Program will be deposited in the Beach Trust account.

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 Beach Manager, Don Klein, to operate the 2020 Junior Lifeguard Program, as described above, and collect the appropriate fees to be deposited in the Beach Trust Account; and

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

- 1. Beach Manager
- 2. Finance Manager

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

No. 58-2020 Donation 2020 Beach Badges Borough of Sea Bright

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

WHEREAS, the Governing Body of the Borough of Sea Bright wish to support the fundraising efforts for the local organization listed below by donating two (2) 2020 beach badges as requested:

- 1. Port Monmouth Elementary School **2 Badges**
 Gift Auction – April 17, 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 two (2) 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

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

No. 59-2020 Borough of Sea Bright Certification of Compliance with The United States Equal Employment Opportunity Commission’s “Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964”

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

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit’s hiring practices comply with the United States Equal Employment Opportunity Commission’s “Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964,” *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the Governing Body in the Borough of Sea Bright have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit’s hiring practices as they pertain to the consideration of an individual’s criminal history, as evidenced by the group affidavit form of the Governing Body attached hereto.

NOW, THEREFORE BE IT RESOLVED, that the Governing Body of the Borough of Sea Bright, County of Monmouth, State of New Jersey, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the Borough of Sea Bright's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

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

No. 60-2020 Expressing Support for Legislation Increasing State Funding to the “Shore Protection Fund from \$25 to \$50 Million (A-639/S-1071)”

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

WHEREAS, the State of New Jersey maintains the Shore Protection Fund, which was established in 1992; and

WHEREAS, the Shore Protection Fund provides important funding that allows the State and Municipalities to engage in cost-share partnerships with the U.S. Army Corps of Engineers on shore protection projects including beach restoration and maintenance; and

WHEREAS, the Shore Protection Fund is funded by State Realty Transfer Fee revenues, and is currently capped at \$25 million, an amount that was last adjusted in 1999; and

WHEREAS, following the devastating effects of Superstorm Sandy, it has become evident that the current funding to the Shore Protection Fund is inadequate for allowing the State and Municipalities to fund necessary recovery projects; and

WHEREAS, pending before the Legislature are bills A-639 and S-1071, which would increase the cap on funding to the Shore Protection Fund to \$50 million; and

WHEREAS, the Borough Council believes this proposed increase to the Shore Protection Fund is essential to protecting the shoreline of the Borough of Sea Bright and that of every other Shore Community compromising the Jersey Shore.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, that it hereby expresses its support for an increase in funding to the Shore Protection Fund from \$25 million to \$50 million, as provided in the bills pending before the New Jersey Legislature as A-639 and S-1071.

BE IT FURTHER RESOLVED that a certified copy of this resolution be transmitted to Governor Phil Murphy, Senate President Steve Sweeney, Assembly Speaker Craig Coughlin, Senator Declan O’Scanlon, Assemblywoman Serena DiMaso, and Assemblyman Gerry Scharfenberger.

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

No. 61-2020 Municipal Partnership with Monmouth County for DCA Challenge Grant Community Rating System (CRS) Management Software Shared Service Pilot Program

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

WHEREAS, the New Jersey Department of Community Affairs’ (DCA) Division of Local Government Services (DLGS) works with counties and municipalities to streamline government operations and reduce cost and property taxes; and

WHEREAS, DCA offers communities opportunities to apply for Local Efficiency Achievement Programs (LEAP) Challenge Grants to achieve this goal; and

WHEREAS, New Jersey counties, municipalities, school districts, authorities, and fire districts are eligible to receive LEAP Implementation Grant funding to support a variety of costs related to investigating, developing, and undertaking a pioneering shared service project; and

WHEREAS, the County of Monmouth, as the project lead, is interested in applying for a LEAP program grant to develop and/or procure a Community Rating System (CRS) management software for use by the County’s municipal partners that participate in the National Flood Insurance Program’s (NFIP) CRS program; and

WHEREAS, the CRS program provides discounts to flood insurance policy holders in our community located in special flood hazard areas, improves our resiliency to future flooding, and protects the health, safety, and welfare of our residents; and

WHEREAS, the County would like to offer a CRS management software as a shared service to municipalities to streamline the extensive CRS documentation and administrative process that many CRS communities find burdensome, costly, time consuming, and sometimes prohibitive to their full participation in the CRS program; and

WHEREAS, the County seeks to provide this type of software as a shared services pilot program, free of charge to municipalities for the first year and at a discounted rate in subsequent years; and

WHEREAS, Municipalities interested in partnering with the County on this LEAP Challenge Grant proposal must submit a conforming resolution to the County that memorializes the municipality’s commitment to completion of the proposed project.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey shall be recognized as a joint applicant with Monmouth County for the purposes of submitting a LEAP Challenge Grant for the procurement and/or development of a Community Rating System (CRS) management software in establishing a new shared service pilot program that will benefit our community.

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

- 1. CRS Coordinator, Mary Tangolics
- 2. Joe Barris, Director, MC Dept. of Planning & Economic Development

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

No. 62-2020 Authorizing an Agreement with NW Financial for Financial Advisory Services in Connection with Bond and Note Sales

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

WHEREAS, the Borough of Sea Bright (“Sea Bright”) wishes to engage NW Financial Group, LLC with offices located at 2 Hudson Place, Hoboken, New Jersey, for the purpose of providing professional financial advisory services related to the Borough’s financial operations; and

WHEREAS, NW Financial Group, LLC are qualified and experienced financial advisors who will provide services to assure the Borough’s compliance with Security Exchange Commission regulations and continuing disclosure in connection with Bond and Note sales; and

WHEREAS, it is the recommendation of the Borough Chief Financial Officer that the contract from NW Financial Group, LLC dated January 10, 2020 be authorized according to the scope and services as outlined therein for the 2020 calendar year.

CERTIFICATION OF FUNDS

I, Michael J. Bascom, Chief Financial Officer of the Borough of Sea Bright, have certified that funds are available in Budget Line Item No. 0-01-20-100-228 for the purpose stated herein.


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 Mayor and Borough Clerk are hereby authorized to execute a contract with NW Financial Group, LLC in Hoboken, New Jersey to provide financial advisory services to the Borough as outlined in the contract attached hereto effective nunc pro tunc January 10, 2020 through December 31, 2020; and

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

- 1. Chief Financial Officer
- 3. Finance Manager
- 4. NW Financial Group, LLC

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| Vote: | Birdsall, | Catalano, | Keeler, | Leckstein, | Rooney, | Schwartz |
| | Yes | Yes | Yes | Yes | Yes | Yes |

No. 63-2020 Consideration of Bids Received for Communications Equipment for Sea Bright Fire Rescue

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

WHEREAS, on January 21, 2020 the Borough Council of the Borough of Sea Bright authorized the receipt of bids for the purchase of communications equipment for the Sea Bright Fire Rescue; and

WHEREAS, the Borough Clerk did duly advertise on February 1, 2020 to receive bids on February 12, 2020 for communications equipment; and

WHEREAS, in connection therewith two bids were received by the Borough Clerk: 1) Sunny Communications, Lakewood, CO for \$1,975.00 per unit; 2) PMC Associates, Hazlet, NJ for \$5,549.14 per unit; and

WHEREAS, it was determined that the lowest bidder did not submit all the required forms and the other bidder exceeded the budget estimate for the purchase; and

WHEREAS, the Borough Council finds that it is necessary to reject all bids and that there should be a re-advertisement for bids for the purchase of communications equipment for Sea Bright Fire Rescue; and

NOW THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sea Bright in the County of Monmouth, State of New Jersey, that the bid proposals received for the purchase of communications equipment for Sea Bright Fire Rescue be and are hereby rejected; and

BE IT FURTHER RESOLVED that the Borough Clerk be and is hereby authorized and directed to re-advertise for sealed bids for the purchase of communications equipment for Sea Bright Fire Rescue on a date to be determined; and

BE IT FURTHER RESOLVED that the Borough Clerk is hereby authorized to return all bid bonds and/or certified checks received from unsuccessful bidders; and

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

- 1. All Bidders
- 2. Sea Bright Fire Rescue

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

INDIVIDUAL ACTION:**Resolution(s):**

No. 64-2020 Authorizing Special Tax Appeal Attorney to Enter into a Stipulation of Settlement for the Tax Appeals Captioned SBBP, LLC V. Sea Bright Borough Docket Nos. 001313-2016, 000106-2017, 001689-2018 and 002467-2019

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

WHEREAS, SBBP, LLC ("Taxpayer"), the owner and taxpayer of the property commonly known as Chapel Beach Club and designated as Block 17, Lot 3 and Block 23, Lot 3 on the Sea Bright Borough Tax Map (the "Property"), filed appeals of their 2016, 2017, 2018 and 2019 tax assessments in the Tax Court of New Jersey, Docket Nos. 001313-2016, 000106-2017, 001689-2018 and 002467-2019; and

WHEREAS, the Borough Council met and considered the aforesaid tax appeals and the recommendations of its Tax Assessor and Special Tax Appeal Attorney, Martin Allen; and

WHEREAS, the Property was assessed at total tax assessments of \$1,372,200 on Block 17, Lot 3 and \$4,970,400.00 on Block 23, Lot 3 (total assessment on the Property of \$6,342,600) in each of the 2016, 2017, 2018, 2019 and 2020 tax years; and

WHEREAS, the Taxpayer supplied an appraisal of the Property with an opinion that the market value of the Property should only be \$4,300,000.00 as of the 2016 tax year valuation date, October 1, 2015; and

WHEREAS, an acceptable settlement of the aforesaid tax appeals has been negotiated which results in the dismissal of the 2016, 2017, 2018 and 2019 tax appeals and an agreement to reduce the assessment in 2020 and 2021 to a total assessment on the Property not to exceed \$6,011,200.00 subject to there being no sale of the Property for more than said sum, nor any change in the improvements at said Property prior to the Assessor setting those assessments, all as more particularly set forth in the Stipulation of Settlement which has been reviewed by the Borough Council; and

WHEREAS, the Freeze Act shall not apply with respect to the adjustments made to the assessments for tax year 2022, as more particularly set forth in the Stipulation of Settlement which has been reviewed by the Borough Council; and

WHEREAS, the 2020 and 2021 adjustments to the assessments of the Property will not result in any refunds being paid, nor any credits being made to the Taxpayer's account by reason of these adjustments being prospective, the 2020 adjustment being made by Stipulation to County Tax Board appeal; and

WHEREAS, in order to insure that the 2020 adjustment in taxes will be effectuated by Judgment of the Monmouth County Tax Board the Special Tax Appeal Attorney, Martin Allen will hold the Tax Court Stipulation of Settlement in escrow until after the 2020 judgment is entered by the Monmouth County Board of Taxation; and

WHEREAS, the aforesaid adjustments to assessments and settlement have no general application to other properties within the Borough because of the aforesaid specific fact situation; and

WHEREAS, the Borough will make this settlement with SBBP, LLC without prejudice to its dealings with any other Borough taxpayer's request for tax assessment reduction; and

WHEREAS, the Borough Council have reviewed a copy of the proposed Stipulation of Settlement in these matters; and

WHEREAS, the Borough Council has considered the foregoing.

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

The Borough's Special Tax Appeal Attorney, Martin Allen, is hereby authorized to execute a Stipulation of Settlement relative to the tax appeals of SBBP, LLC, Docket Nos. 001313-2016, 000106-2017, 001689-2018 and 002467-2019; which settlements are more particularly described in the annexed Stipulation of Settlement and hold that Stipulation of Settlement in escrow until the Monmouth County Board of Taxation enters Judgment in accordance with that Stipulation and then he shall file the Stipulation with the Tax Court.

The settlements, as outlined above in the recitals to this Resolution and as further described in the annexed Stipulation of Settlement, shall be without prejudice to the Borough of Sea Bright's dealings with any other Borough taxpayers' requests for tax assessment reductions.

The Borough Tax Assessor is directed to allocate the settled amounts of the assessments between land and improvements in a manner which is in the best interest of the Borough of Sea Bright.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Borough of Sea Bright Tax Assessor and the Special Tax Appeal Attorney, Martin Allen.

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

Res No. 65-2020 Consideration of Award of Contract Lease of Municipal Property on Block 20, Lot 7 for Co-Location on existing Telecommunications Tower and Ancillary Communications Support Equipment

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

WHEREAS, on December 3, 2019, the Borough Council of the Borough of Sea Bright authorized the receipt of bids for the lease of municipal property on Block 20, Lot 7 (Wayne Street) for co-location on the existing cell tower and ancillary communications support equipment; and

WHEREAS, the Borough Clerk did duly advertise on January 10 and January 17, 2020 to receive bids on February 12, 2020 for the lease of municipal property on Block 20, Lot 7 for co-location on existing telecommunications tower and ancillary communications support equipment; and

WHEREAS, in connection therewith one (1) bid was received by the Borough Clerk on February 12, 2020 from New Cingular Wireless PCS, LLC ("AT&T"), One AT&T Way, Bedminster, New Jersey, in the amount of \$35,000.00 and \$10,000.00 for an additional 10' cannister for a total of \$45,000.00; and

WHEREAS, the Borough Attorney and the Borough's Consultant, FSD Enterprises, LLC, recommend that the responsible bidder meeting specifications be awarded to New Cingular Wireless PCS, LLC ("AT&T"), for the Telecommunications Tower at the annual rate of \$45,000.00 pending successful resolution of their exceptions; and

WHEREAS, the exceptions referenced in the bid concerning insurance coverage were reviewed by the Borough's insurance carrier and were determined to be satisfactory; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sea Bright in the County of Monmouth, State of New Jersey that the bid proposal for the lease of municipal property on Block 20, Lot 7 for co-location on existing telecommunications tower and ancillary communications support equipment be awarded as set forth in the bid submitted by New Cingular Wireless PCS, LLC ("AT&T"), of Bedminster, New Jersey at the amount of \$45,000.00 (\$35,000.00 base bid plus \$10,000.00 for an additional 10 ft. cannister) pending the mutually agreed upon resolution of the exceptions indicated in the bid documents; and

BE IT FURTHER RESOLVED that this award of contract is conditioned upon delivery and execution thereof within sixty (60) days from the date of the within resolution accompanied by such appropriate insurance certificate as required by the specifications; and

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

1. Finance Manager
2. Borough Attorney
3. FSD Enterprises, LLC
4. New Cingular Wireless PCS, LLC ("AT&T"),

Vote: Birdsall, Catalano, Keeler, Leckstein, Rooney, Schwartz
Yes Yes Yes Yes Yes Yes

Councilman Leckstein explained that this is the bid to add AT&T to the cell tower and as it looks right now we will only have one cell tower as they will co-locate on the existing tower.

Vouchers: \$333,007.91

Councilmember Schwartz offered a motion to approve the Voucher List dated February 18, 2020 as submitted by the Finance Manager; seconded by Councilmember Birdsall:

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

| | | | |
|----------|-------------------------------|------|----------|
| 02227 | APOLLO SEWER & PLUMBING, INC. | | |
| 20-00093 | 01/22/20 SEWER | Open | 595.00 |
| 20-00100 | 01/24/20 BEACH | Open | 1,475.00 |
| | | | ----- |
| | | | 2,070.00 |
| 01984 | AVAYA FINANCIAL SERVICES | | |
| 20-00225 | 02/13/20 POLICE | Open | 145.29 |
| 02036 | BAHRLE, DAVID | | |
| 20-00176 | 02/12/20 SEWER | Open | 55.75 |

2652 BIG SPLASH GRAPHICS
 20-00084 01/21/20 BEACH Open 1,582.63

REGULAR MEETING MINUTES

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| | | | |
|----------|---------------------------------|------|-----------|
| 00290 | CENTRAL JERSEY REGISTRAR ASSOC | | |
| 20-00226 | 02/13/20 REGISTRAR | Open | 80.00 |
| 01594 | CHERNAVSKY, DANIEL | | |
| 20-00182 | 02/12/20 POLICE | Open | 112.30 |
| 00982 | CITY OF LONG BRANCH | | |
| 20-00088 | 01/21/20 POLICE | Open | 1,000.00 |
| 00256 | CLEARY, GIACOBBE, ALFIERI & | | |
| 20-00190 | 02/13/20 LEGAL | Open | 330.00 |
| 20-00200 | 02/13/20 LEGAL | Open | 210.00 |
| | | | ----- |
| | | | 540.00 |
| 00198 | COMCAST | | |
| 20-00212 | 02/13/20 POLICE | Open | 168.02 |
| 01493 | COOPERATIVE INDUSTRIES, L.L.C. | | |
| 20-00213 | 02/13/20 NATURAL GAS | Open | 1,219.52 |
| 00088 | CROWN TIRE MART | | |
| 20-00092 | 01/22/20 DPW | Open | 49.95 |
| 00506 | FARMER, JANE | | |
| 20-00183 | 02/12/20 LIBRARY | Open | 112.49 |
| 01817 | FINEGAN, GEORGE | | |
| 20-00206 | 02/13/20 TNR PROGRAM | Open | 685.76 |
| 00978 | FRIEDMAN, BRETT | | |
| 20-00178 | 02/12/20 POLICE | Open | 211.01 |
| 00575 | GALLS, INC. | | |
| 19-01527 | 12/31/19 POLICE | Open | 207.85 |
| 02101 | GANNETT NJ | | |
| 20-00209 | 02/13/20 CLERK | Open | 39.60 |
| 20-00224 | 02/13/20 CLERK | Open | 27.90 |
| | | | ----- |
| | | | 67.50 |
| 02181 | GATEWAY PRESS | | |
| 20-00153 | 02/03/20 A&E | Open | 820.00 |
| 2650 | GEAR GRID CORPORATION | | |
| 19-01498 | 12/16/19 FIRE DEPT. | Open | 13,134.00 |
| 2562 | HARD ROCK HOTEL & CASINO | | |
| 20-00191 | 02/13/20 CLERK | Open | 476.00 |
| 2517 | INTERGLOBE COMMUNICATIONS | | |
| 20-00219 | 02/13/20 POLICE | Open | 536.67 |
| 2561 | INTRON TECHNOLOGY SOLUTIONS | | |
| 20-00155 | 02/03/20 FIRE DEPT | Open | 3,172.00 |
| 20-00156 | 02/03/20 FIRE DEPT | Open | 8,078.00 |
| 20-00157 | 02/03/20 POLICE | Open | 13,392.00 |
| 20-00158 | 02/03/20 A&E | Open | 3,045.00 |
| 20-00199 | 02/13/20 COMPUTERS | Open | 1,257.00 |
| | | | ----- |
| | | | 28,944.00 |
| 01526 | JCP & L | | |
| 20-00202 | 02/13/20 ELECTRIC | Open | 4,537.97 |
| 2615 | JERSEY SHORE LINE STRIPING, INC | | |
| 20-00101 | 01/24/20 BEACH | Open | 2,640.00 |
| 00028 | JNM HOLDINGS, INC. | | |
| 20-00208 | 02/13/20 PARKING | Open | 27,570.72 |
| 02110 | KLEIN, DON | | |
| 20-00204 | 02/13/20 RECREATION | Open | 57.84 |
| 2563 | LEGACY CONSTRUCTION MNGMNT. | | |
| 19-00184 | 02/12/19 MUNICIPAL COMPLEX | Open | 4,605.47 |
| 20-00223 | 02/13/20 MUNICIPAL COMPLEX | Open | 675.00 |
| | | | ----- |
| | | | 5,280.47 |
| 2661 | LOWY'S MOVING SERVICE | | |
| 20-00168 | 02/04/20 A&E | Open | 1,240.00 |
| 01603 | M & N VENTURES, LLC | | |
| 20-00099 | 01/24/20 BEACH | Open | 60.00 |
| 00799 | MAGLOCLEN | | |
| 20-00089 | 01/21/20 POLICE | Open | 400.00 |
| 01900 | MCKENNA, DUPONT, HIGGINS & | | |
| 20-00181 | 02/12/20 PLAN. BRD | Open | 480.00 |
| 2278 | MCLAUGHLIN, STAUFFER & SHAKLEE | | |
| 20-00189 | 02/13/20 LEGAL | Open | 4,465.70 |
| 00263 | MITCHELL, CANDACE | | |
| 20-00205 | 02/13/20 A&E | Open | 10.52 |
| 00109 | MONMOUTH COUNTY POLICE CHIEF'S | | |
| 20-00087 | 01/21/20 POLICE | Open | 150.00 |
| 20-00105 | 01/28/20 POLICE | Open | 500.00 |
| | | | ----- |
| | | | 650.00 |

00441 MONMOUTH COUNTY TREASURER
 20-00203 02/13/20 911 SERVICE Open 84,384.00

REGULAR MEETING MINUTES

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| | | | |
|----------|--------------------------------|------|-----------|
| 00162 | MONMOUTH MUNICIPAL JUDGES ASSN | | |
| 20-00175 | 02/12/20 COURT | Open | 160.00 |
| 02256 | MONMOUTH TELECOM | | |
| 20-00220 | 02/13/20 PHONE | Open | 1,252.64 |
| 00190 | MUNICIPAL CLERKS ASSOC OF NJ | | |
| 20-00164 | 02/04/20 CLERK | Open | 740.00 |
| 00012 | NJ ASSOCIATION OF PLANNING & | | |
| 20-00207 | 02/13/20 PLAN. BRD | Open | 100.00 |
| 00113 | NJ NATURAL GAS COMPANY | | |
| 20-00211 | 02/13/20 GAS | Open | 883.21 |
| 01737 | PENGUIN MANAGEMENT, INC. | | |
| 19-01510 | 12/23/19 FIRE | Open | 1,074.00 |
| 00081 | PERRY'S TROPHY CO., INC. | | |
| 20-00005 | 01/14/20 PLAN. BRD. | Open | 15.00 |
| 2659 | PIENCIAK, DANIEL | | |
| 20-00159 | 02/03/20 LIBRARY | Open | 500.00 |
| 02026 | PUBLIC STORAGE | | |
| 20-00198 | 02/13/20 POLICE | Open | 390.00 |
| 00463 | RUTGERS, THE STATE UNIVERSITY | | |
| 19-01359 | 11/07/19 DPW | Open | 1,798.00 |
| 01554 | SEA BRIGHT SERVICE CENTER | | |
| 20-00091 | 01/22/20 DPW | Open | 693.46 |
| 20-00095 | 01/24/20 | Open | 82.95 |
| | | | ----- |
| | | | 776.41 |
| 00027 | SEABOARD WELDING SUPPLY, INC. | | |
| 20-00222 | 02/13/20 DPW | Open | 29.00 |
| 02225 | STAPLES ADVANTAGE | | |
| 20-00082 | 01/17/20 OFFICE SUPPLIES | Open | 57.99 |
| 20-00154 | 02/03/20 LIBRARY | Open | 311.79 |
| | | | ----- |
| | | | 369.78 |
| 2535 | SUBURBAN DISPOSAL, INC. | | |
| 20-00194 | 02/13/20 TRASH | Open | 5,656.62 |
| 20-00195 | 02/13/20 TRASH REMOVAL | Open | 20,332.09 |
| 20-00196 | 02/13/20 DUMPSTERS | Open | 1,496.66 |
| | | | ----- |
| | | | 27,485.37 |
| 01931 | SUBURBAN PROPANE | | |
| 20-00221 | 02/13/20 PROPANE | Open | 665.25 |
| 00083 | T & M ASSOCIATES | | |
| 20-00193 | 02/13/20 ENGINEER | Open | 2,921.55 |
| 01285 | THE HOME DEPOT | | |
| 20-00161 | 02/04/20 A&E | Open | 6.96 |
| 20-00166 | 02/04/20 MUNC.COMPLEX | Open | 60.15 |
| 20-00174 | 02/12/20 BLDGS & GRDS. | Open | 89.91 |
| | | | ----- |
| | | | 157.02 |
| 00331 | TREASURER, STATE OF NJ | | |
| 20-00162 | 02/04/20 SEWER | Open | 200.00 |
| 2575 | UNDER THE SUN | | |
| 20-00086 | 01/21/20 BLDGS & GRDS | Open | 400.00 |
| 20-00160 | 02/04/20 PARKING | Open | 200.00 |
| | | | ----- |
| | | | 600.00 |
| 2487 | UNIMAK, LLC | | |
| 20- | 02/14/20 UNIMAK | Open | 96,886.38 |
| 2291 | VERIZON | | |
| 20-00214 | 02/13/20 POLICE | Open | 104.99 |
| 20-00217 | 02/13/20 FIOS | Open | 178.99 |
| | | | ----- |
| | | | 283.98 |
| 2658 | VERIZON | | |
| 20-00218 | 02/13/20 PHONE | Open | 219.55 |
| 02061 | VERIZON WIRELESS | | |
| 20-00201 | 02/13/20 POLICE | Open | 692.63 |
| 20-00215 | 02/13/20 CELLS | Open | 92.60 |
| 20-00216 | 02/13/20 FIRE | Open | 268.07 |
| | | | ----- |
| | | | 1,053.30 |
| 01409 | WARSHAUER ELECTRIC SUPPLY | | |
| 20-00167 | 02/04/20 ELECTRICAL | Open | 494.26 |
| 00077 | WEX BANK | | |
| 20-00197 | 02/13/20 GASOLINE | Open | 4,815.02 |
| 02109 | ZUMU SOFTWARE | | |
| 20-00107 | 01/28/20 WEBSITE | Open | 1,600.00 |

TOTAL: \$329,465.68

MANUAL CHECKS

| | | |
|-----------|--------------------------------------|------------|
| 20-00192 | BATHGATE, WEGENER & WOLF | \$1,606.50 |
| 2/13/2020 | LEGAL:REDEVELOPMENT/ESCROW ACCT. | |
| 20-00165 | NJ DEPT. OF HEALTH | \$34.80 |
| 2/4/2020 | MONTHLY DOG LICENSE FEES | |
| 20-00171 | LEON S. AVAKIAN | \$601.25 |
| 2/4/2020 | ENGINEER:PLOT PLAN/ESCROW ACCTS. | |
| 20-00185 | MCKENNA, DUPONT, HIGGINS & STONE | \$1,060.00 |
| 2/12/2020 | PLAN. BRD:LEGAL REVIEW/ESCROW ACCTS. | |
| 20-00210 | UNITED STATES POSTAL SERVICE | \$239.68 |
| 2/6/2020 | BULK MAILING - 2020 DIRECTORIES | |

REGULAR MEETING MINUTES

FEBRUARY 18, 2020

MAYOR AND COUNCIL COMMITTEE COMMENTS

Councilman Leckstein reported that Council just attended a bridge meeting in Rumson and it looks like the construction will begin in 2021.

Councilman Catalano reported that a mural was approved for the children’s room in the Library.

Councilman Keeler reported he attended the Army Corps’ weekly meeting for the beach replenishment and they are going to end this cycle of sand replenishment at the end of the month – they are having trouble finding good quality sand and their machines are getting damaged from hitting debris on the ocean floor. They may come back in April or next October.

Councilman Rooney reported we are continuing to work on bettering our situation with Shore Regional and are moving along better than we ever have.

Mayor Kelly reported we are moving along with the municipal complex – we are almost there and should be moving in the building in the very near future.

EXECUTIVE SESSION

Councilmember Leckstein offered a motion to enter in to Closed Session; 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. Potential Real Estate Acquisition

BE IT FURTHER RESOLVED, minutes will be kept and once the matter involving the confidentiality of the above no long 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 Birdsall with unanimous voice vote approval.

ADJOURNMENT

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

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