

**MINUTES
REGULAR MEETING
BOROUGH OF SEA BRIGHT**

DECEMBER 15, 2020

SEA BRIGHT, NEW JERSEY

**DUE TO THE CORONAVIRUS AND THE NEED FOR SOCIAL DISTANCING, THIS MEETING WILL BE HELD REMOTELY
AND OPEN TO THE PUBLIC BY FOLLOWING THE INSTRUCTIONS BELOW.**

PUBLIC ACCESS LINK

<https://global.gotomeeting.com/join/299589893>

DIAL-IN

United States: 571-317-3116

Access Code: 299-589-893

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 (arrived late)
Marc A. Leckstein, Charles H. Rooney, Jon Schwartz

OTHERS: Attorney Roger McLaughlin, Administrator Joseph Verruni,
Deputy Clerk Michelle Ketcham, CFO Michael J. Bascom

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.

Tammy Kaiser, 2 East New Street, questioned what was being done about the disrepair of the Mad Hatter as it is a danger and a hazard – Attorney McLaughlin recommended holding all questions about the Mad Hatter until the public hearing later on the agenda.

Richard Perrin, 3 East Church Street, explained that his family has been in Sea Bright since 2017, own the Perspirology building and reopened the downtown liquor store. His son is a volunteer fireman/ems and dedicates a lot of his time to this town. In October they requested, with his neighbors' consent, to purchase the small strip of land adjacent to his property along the sea wall. He would like to purchase it, clean it up, and ultimately maintain the area. He is willing to provide an easement to the town for access on the other side of their property and area willing to pay a fair price. Mr. Perrin believes this would benefit the town by providing additional ratables. Mr. Perrin asked Council why they are not in favor of this. Councilman Leckstein explained he does not think it is appropriate for the Borough to be selling property.

Irwin Bieber, 12 Tradewinds Lane, stated that this past weekend there was a dune grass planting in the Tradewinds community, and he wanted to thank Administrator Verruni, Borough Council, the Department of Public Works, specifically Shawn Thomas and Frank Lawrence. They were very helpful in the berming of the sand and it could not have been accomplished without the support of the town. He also thanked the Police Department, the Fire Department, and the other departments in the town for leading us through one of the most challenging years this town has ever seen. He wishes everyone a Happy Holiday.

Chris Doxey, 9 Church Street, thanked Councilman Rooney for his dedication to Sea Bright and all of his hard work. He strived to keep Sea Bright at its best. We are very proud of our town and he will be missed – thank you for your dedication and time.

Susie Markson, thanked Councilman Rooney and stated she has worked with him closely for the last few years and has never met anyone more dedicated to the town. Congratulations – you did awesome!

CONSENT AGENDA

Councilmember Leckstein offered a motion to pull Resolution No. 205-2020 and approve the remaining items that are considered routine in nature under the consent agenda; seconded by Councilmember Keeler:

Minutes

11-12-2020	Workshop Meeting
11-12-2020	Executive Session
11-17-2020	Regular Meeting
11-17-2020	Executive Session

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

Resolutions:

No. 196-2020 Consideration of Proposal Received for Real Property Data Collection and Verification Services in Accordance with the Assessment Demonstration Program

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

WHEREAS, on June 16, 2020 the Borough Council of the Borough of Sea Bright authorized the receipt of proposals for Real Property Data Collection and Verification Services in Accordance with the Assessment Demonstration Program

WHEREAS, the Borough Clerk did duly advertise on September 25, 2020 to receive proposals on November 4, 2020 for the Real Property Data Collection and Verification Services in Accordance with the Assessment Demonstration Program; and

WHEREAS, in connection therewith, one proposal was received by the Borough Clerk on November 4, 2020 from Realty Data Systems LLC, Lincroft, New Jersey for a five-year contract (January 1, 2021 through December 31, 2025) in an amount not to exceed \$40,080.00; and

WHEREAS, it was determined that Realty Data Systems LLC satisfies all the requisites contained in the request for proposals for the Real Property Data Collection and Verification Services in accordance with the Assessment Demonstration Program; and

WHEREAS, the Borough Tax Assessor recommends that a contract be awarded to Realty Data Systems LLC, Tinton Falls, New Jersey, as per their proposal for the Real Property Data Collection and Verification Services in Accordance with the Assessment Demonstration Program at a total cost not to exceed \$40,080.00 over the five-year contract period; and

CERTIFICATION OF FUNDS

I, Michael J. Bascom, Chief Financial Officer of the Borough of Sea Bright do hereby certify that funds not to exceed \$40,080.00 will be available for this contract and annually appropriated in the 2021 through 2025 budget years in the amount of \$8,016.00.



MICHAEL J. BASCOM, CFO

NOW THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sea Bright in the County of Monmouth, State of New Jersey, that the proposal for the Real Property Data Collection and Verification Services in accordance with the Assessment Demonstration Program as set forth in the proposal submitted be awarded to Realty Data Systems LLC, 2 Majestic Avenue, Suite 2, Lincroft, New Jersey for a five year period from January 1, 2021 through December 31, 2025 for an amount not to exceed \$40,080.00; and

BE IT FURTHER RESOLVED that a notice of this action shall be printed one time in the "Asbury Park Press" newspaper.

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

1. Realty Data Systems LLC
2. Tax Assessor

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

No. 197 -2020 Authorizing an Agreement with NW Financial for Financial Advisory Services in Connection with Bond and Note Sales for 2021

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

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 1, 2021 be authorized according to the scope and services as outlined therein for the 2021 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 January 1, 2021 through December 31, 2021; 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

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

No. 198-2020 Consideration of Award Lease Agreement for Skim Board Camp

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

WHEREAS, the Borough Council authorized by resolution for the Borough Clerk to duly advertise for vendors to conduct a skim board camp with the option of a one or two-year lease agreement for the use of a portion of property on the Sea Bright Municipal Beach during the 2021 and/or 2022 summer season; and

WHEREAS, the Borough Clerk did duly advertise on October 29, 2020 to receive bids no later than 12 noon on December 9, 2020, for vendors to conduct a skim board camp on the Sea Bright Municipal Beach with the option of a one or two-year lease agreement for a minimum bid amount of \$1,000.00 for the first year and \$1,500 for the second year; and

WHEREAS, in connection therewith one (1) bid was received by the Borough Clerk from Jersey Shore Skim Camp, Felecia Stratton, Sea Bright, NJ for a one-year lease in the amount of \$1,000.00; and

WHEREAS, the Beach Manager recommended that a one-year lease agreement be awarded to Jersey Shore Skim Camp, Felecia Stratton of Sea Bright, New Jersey as per the bid proposal; and

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 a 2021 seasonal lease agreement to operate a skim board camp on the Sea Bright Municipal Beach to Jersey Shore Skim Camp, Felecia Stratton of Sea Bright, New Jersey in the amount of \$1,000.00; and

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are hereby authorized and directed to execute a contract for said lease agreement, a copy of which shall be maintained by the Borough Clerk; and

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

- 1. Finance Manager
- 2. Police Department
- 3. Beach Manager
- 4. Borough Attorney
- 5. Jersey Shore Skim Camp

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

No. 199-2020 Consideration of Award Lease Agreement for the Use of Beach Front Locations for the Rental of Umbrellas and Beach Chairs

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

WHEREAS, the Borough Council authorized by resolution for the Borough Clerk to duly advertise for vendors to rent umbrellas and beach chairs with the option of a one or two-year lease agreement for the use of a portion of property on the Sea Bright Municipal Beach during the 2021 and/or 2022 summer season; and

WHEREAS, the Borough Clerk did duly advertise on October 29, 2020 to receive bids no later than 12 noon on December 9, 2020, for a vendor to rent umbrellas and beach chairs on the Sea Bright Municipal Beach with the option of a one or two-year lease agreement with a minimum bid of \$1,000.00 for the first year and \$1,500.00 for the second year; and

WHEREAS, in connection therewith one (1) bid was received by the Borough Clerk from Christopher Spahr, Eatontown, NJ for a two-year lease in the amount of \$1,000.00 for 2021 and \$1,500.00 for 2022; and

WHEREAS, the Beach Manager recommended that a two-year lease agreement be awarded to Christopher Spahr, Eatontown, NJ as per the bid proposal; and

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 a two-year lease agreement to operate a beach umbrella and chair rental business on the beachfront between Center Street and Chapel Beach Club to Christopher Spahr, Eatontown, NJ in the amount of \$1,000.00 for 2021 and \$1,500.00 for 2022; and

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are hereby authorized and directed to execute a contract for said lease agreements, copies of which shall be maintained by the Borough Clerk; and

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

- 1. Finance Manager
- 2. Police Department
- 3. Beach Manager
- 4. Borough Attorney
- 5. Christopher Spahr

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

No. 200-2020 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 beginning January 1, 2021 through December 31, 2021; 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

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 "DEMIL B through Q" controlled 3-page property list in its entirety is hereby approved and hereto attached to this resolution; 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 beginning January 1, 2021 through December 31, 2021.

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	Yes

**No. 201-2020 Approving Maser Consulting Proposal for Engineering Services
GIS Stormwater Outfall Mapping**

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

WHEREAS, as part of the NJDEP MS4 Tier A Permit, the Borough of Sea Bright is required to provide the GPS location of each stormwater outfall in the Borough; and

WHEREAS, in connection therewith, the Borough received two proposals for professional engineering, GIS stormwater outfall mapping from 1) Maser Consulting, Red Bank, New Jersey in the amount of \$11,640.00, and 2) T&M Associates, Middletown, New Jersey in the amount of \$13,050.00; and

WHEREAS, the Borough Administrator has reviewed the proposals and recommends Council approve the proposal received from Maser Consulting, attached hereto.

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 \$11,640.00 will be available in General Engineering #0-01-20-165-228 for the purposes stated herein.



MICHAEL J. BASCOM, CFO

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sea Bright, in the County of Monmouth, State of New Jersey, that the Borough Council hereby approves the proposal submitted by Maser Consulting dated September 28, 2020 for professional engineering services associated with GIS stormwater outfall mapping, for the sum of \$11,640.00; and

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

- 1. William White – Maser Consulting
- 2. Department of Public Works

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

**No. 202-2020 Authorize the Release of Maintenance Bond for LoBiondo Townhouses
1260 Ocean Avenue - Block 3, Lot 20**

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

WHEREAS, the Municipal Land Use Law (N.J.S.A. 40:55D-53) provides for the posting of maintenance guarantees with the governing body after final acceptance of improvements when said improvements have been certified as complete; and

WHEREAS, on December 27, 2018, JCP Developers, LLC heretofore deposited with the Borough of Sea Bright an all cash maintenance bond in the amount of 15% (\$3,102.75) of the cost of the improvements on premises known as Block 3, Lot 20 known as 1260 Ocean Avenue for a two year period; and

WHEREAS, David J. Hoder, P.E., P.P., C.M.E., Borough Consulting Engineer, has advised the Borough Clerk by letter dated November 12, 2020, a copy of which is on file in the Office of the Borough Clerk, that the bonded improvements have been satisfactorily completed in accordance with the approved site plan and remain in good condition, therefore recommending the release of the aforementioned maintenance bond.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sea Bright, County of Monmouth, that the maintenance bond in the amount of \$3,102.75 is hereby released, canceled and discharged and authorize the release of any and all remaining escrow, engineering and inspection fees subject to any outstanding fees due.

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

- 1. Fiscal Officer
- 2. Construction Official
- 3. Planning Board Secretary
- 4. JCP Developers, LLC

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

**No. 203-2020 2020 Budget Authorizing the Transfer of Funds in accordance with
N.J.S.A. 40A:5-58**

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

WHEREAS, there exists a need to transfer budget balances in certain line item appropriations of the 2020 budget; and

WHEREAS, N.J.S.A. 40A:5-58 authorizes the transfer of appropriations, during the last two (2) months of the calendar year, to said budget where adopted heretofore by the governing body by two-thirds vote thereof.

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Sea Bright, County of Monmouth, (not less than 2/3 of all members of the Governing Body concurring) that the Borough Administrator and Chief Financial Officer are hereby authorized to make the following transfers in accordance with the annexed schedule for the Current, Sewer and Beach Utility Funds:

Schedule of Budget Transfers – December 15, 2020

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

- 1. Director of Finance
- 2. Borough Auditor
- 3. Fiscal Officer

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

**No. 204-2020 Resolution Providing for the Change of Text and Title of an
Appropriation in the Budget of the Borough of Sea Bright Pursuant to
N.J.S.A. 40A:4-85**

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

WHEREAS, N.J.S.A. 40A:4-85 provides that the Director of the Division of Local Government Services may, at the request of, or with the consent of, the governing body of any county of

municipality, make such correction of the title, text or amount of any appropriation appearing in the budget as may be necessary to make said item of appropriation available for the purpose or purposes required for the needs of any such county or municipality; and

NOW, THEREFORE, BE IT RESOLVED that in accordance with the provisions of N.J.S.A. 40A:4-85, the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, hereby requests the Director of the Division of Local Government Services to make the following corrections in the 2020 budget:

That the appropriation provided for in the approved budget entitled Financial Administration – Other Expenses be reduced by the sum of \$3,701.10 and an appropriation in the like amount of \$8,281.28 be added to the budget entitled Interlocal – Holmdel Township – Fiscal Officer Services.

BE IT FURTHER RESOLVED that the foregoing correction is, in the opinion of the governing body, warranted and authorized by the statute referred to, and is necessary for the reasons hereinafter set forth:

The Borough entered into a shared services agreement, pursuant to which the Township of Holmdel shall provide the Borough of Sea Bright with services as Fiscal Officer. The above correction will provide for the said legal provision.

AND, BE IT FURTHER RESOLVED that the Borough Clerk shall submit two copies of the Certification for Chapter 85 Change of Text and Title to the Director of the Division of Local Government Services for approval.

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

No. 206-2020 Hiring Volunteer Firefighter Borough of Sea Bright Fire Department

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

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 an application and recommends hiring the following new member to serve as volunteer firefighter on the Sea Bright Fire/Rescue Department, as follows:

Full Membership
Vincent Faustini

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 individual to serve as a 2020 full time member 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 Member

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

INDIVIDUAL ACTION/Resolution(s):

Chief Financial Officer, Michael J. Bascom, provided a brief explanation for Resolution No. 205-2020. The Borough joined forces with seven other municipalities in Monmouth County to finance unfunded debt – which includes the majority of Borough building projects over the past few years which were funded by short term debt until we knew how much we would be reimbursed from FEMA and other entities. We are finally at the point now where we identified what we would receive in reimbursement and can now take advantage of a historically low interest rate for municipal bonds. Because we were able to join with other towns we were able to save a significant amount of money and achieve a historically low rate – all in, our borrowing rate is 1.8% for 20 years. Mr. Bascom said we achieved about a \$1.4 million premium on \$8.5 million of borrowing – in addition, by participating in Monmouth County’s program and utilizing their rating, we saved about \$400,000 – all in all, we are borrowing about \$7 million to pay down 8.5 million dollars of short-term debt. Parking fees and cell tower rent has been aiding in paying down these debts. Councilman Schwartz and Mayor Kelly both acknowledged that we are lucky to have CFO Michael Bascom taking care of our money.

No. 205-2020 Confirming the Sale of \$7,000,000 General Obligation Bonds, Series 2020 of the Borough of Sea Bright, in the County of Monmouth, New Jersey to the Monmouth County Improvement Authority

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

WHEREAS, pursuant to the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, the Borough adopted a resolution on November 4, 2020 (the “Authorization Resolution”), providing for the issuance and sale of bonds to The Monmouth County Improvement Authority (the “Authority”) in an aggregate amount not to exceed \$8,300,214 to be issued as three series designated as General Improvement Bonds, Series 2020, Beach Utility Bonds, Series 2020 and Sewer Utility Bonds, Series 2020 (the “Bonds”); and

WHEREAS, pursuant to the Authorization Resolution, the terms of the Bonds shall be confirmed by the provisions set forth herein (the “Confirming Resolution”).

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH OF SEA BRIGHT, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) that:

SECTION 1. Ordinances. There shall be issued bonds of the Borough in the following principal amounts pursuant to the following bond ordinances:

- A. \$836,964 bonds, being bonds authorized by an ordinance entitled: (Ord. No. 16-2016):

“BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$7,900,000 FOR CONSTRUCTION OF MUNICIPAL COMPLEX FOR AND BY THE BOROUGH OF SEA BRIGHT IN THE COUNTY OF MONMOUTH, NEW JERSEY AND, AUTHORIZING THE ISSUANCE OF \$3,942,500 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.”

heretofore finally adopted. The average period of usefulness is 30 years.

- B. \$66,957 bonds, being bonds authorized by an ordinance entitled: (Ord. No. 13-2018):

“BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$200,000 FOR THE RECONSTRUCTION OF EAST OCEAN AVENUE AND MOUNTAINVIEW WAY FOR AND BY THE BOROUGH OF SEA BRIGHT IN THE COUNTY OF MONMOUTH, NEW JERSEY AND, AUTHORIZING THE ISSUANCE OF \$40,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.

as amended on May 7, 2019 by an ordinance entitled (Ordinance No. 10-2019)

BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER 2018-13 FINALLY ADOPTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF SEA BRIGHT, NEW JERSEY ON DECEMBER 18, 2018.”

heretofore finally adopted. The average period of usefulness is 20 years.

- C. \$119,267 bonds, being bonds authorized by an ordinance entitled: (Ord. No. 11-2019):

“BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$150,000 FOR ACQUISITION OF VEHICLES AND EQUIPMENT FOR THE POLICE DEPARTMENT, DEPARTMENT OF PUBLIC WORKS AND FIRE DEPARTMENT FOR AND BY THE BOROUGH OF SEA BRIGHT IN THE COUNTY OF MONMOUTH, NEW JERSEY AND, AUTHORIZING THE ISSUANCE OF \$142,500 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.”

heretofore finally adopted. The period of usefulness is 6.08 years.

- D. \$55,658 bonds, being bonds authorized by an ordinance entitled: (Ord. No. 12-2019):

“BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$170,000 FOR IMPROVEMENTS TO RIVERSIDE PARK FOR AND BY THE BOROUGH OF SEA BRIGHT IN THE COUNTY OF MONMOUTH, NEW JERSEY AND, AUTHORIZING THE ISSUANCE OF \$66,500 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.”

heretofore finally adopted. The average period of usefulness is 15 years.

- E. \$79,511 bonds, being bonds authorized by an ordinance entitled: (Ord. No. 14-2019):

“BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$100,000 FOR THE BEACH WAY STORM WATER PIPE EXTENSION PROJECT FOR AND BY THE BOROUGH OF SEA BRIGHT IN THE COUNTY OF MONMOUTH, NEW JERSEY AND, AUTHORIZING THE ISSUANCE OF \$95,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.”

heretofore finally adopted. The average period of usefulness is 40 years.

- F. \$248,738 bonds, being bonds authorized by an ordinance entitled: (Ord. No. 10-2012):

“BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$1,850,000 FOR THE HAZARD MITIGATION PROJECT – BULKHEADS AND PUMP STATION FOR AND BY THE BOROUGH OF SEA BRIGHT, IN THE COUNTY OF MONMOUTH, NEW JERSEY AND; AUTHORIZING THE ISSUANCE OF \$452,235 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.”

As amended by a bond ordinance adopted on March 17, 2015 and entitled: (#02-2015)

“AMENDING BOND ORDINANCE NUMBER 10-2012 FINALLY ADOPTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF SEA BRIGHT, NEW JERSEY ON AUGUST 7, 012.”

heretofore finally adopted. The average period of usefulness is 24.40 years.

- G. \$270,453 bonds, being bonds authorized by an ordinance entitled: (Ord. No. 15-2016):

“BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$1,400,000 FOR CONSTRUCTION OF THE COMMUNITY CENTER FOR AND BY THE BOROUGH OF SEA BRIGHT IN THE COUNTY OF MONMOUTH, NEW JERSEY AND; AUTHORIZING THE ISSUANCE OF \$332,500 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.”

heretofore finally adopted. The average period of usefulness is 30 years.

- H. \$120,048 bonds, being bonds authorized by an ordinance entitled: (Ord. No. 14-2017):

“BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$150,000 FOR THE ACQUISITION OF VARIOUS CAPITAL ITEMS FOR AND BY THE BOROUGH OF SEA BRIGHT IN THE COUNTY OF MONMOUTH, NEW JERSEY AND; AUTHORIZING THE ISSUANCE OF \$142,500 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.”

heretofore finally adopted. The average period of usefulness is 12.73 years.

- I. \$68,027 bonds, being bonds authorized by an ordinance entitled: (Ord. No. 07-2018):

“BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$85,000 FOR ACQUISITION OF VARIOUS CAPITAL EQUIPMENT FOR AND BY THE BOROUGH OF SEA BRIGHT IN THE COUNTY OF MONMOUTH, NEW JERSEY AND; AUTHORIZING THE ISSUANCE OF \$80,750 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.”

heretofore finally adopted. The average period of usefulness is 5 years.

- J. \$116,319 bonds, being bonds authorized by an ordinance entitled: (Ord. No. 14-2015):

“BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$175,000 FOR ACQUISITION OF VARIOUS CAPITAL EQUIPMENT

FOR AND BY THE BOROUGH OF SEA BRIGHT IN THE COUNTY OF MONMOUTH, NEW JERSEY AND, AUTHORIZING THE ISSUANCE OF \$166,250 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.”

heretofore finally adopted. The average period of usefulness is 20 years.

- K. \$427,492 bonds, being bonds authorized by an ordinance entitled: (Ord. No. 21-2013):

“BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$600,000 FOR THE IMPROVEMENTS TO MUNICIPAL FACILITIES FOR AND BY THE BOROUGH OF SEA BRIGHT IN THE COUNTY OF MONMOUTH, NEW JERSEY AND, AUTHORIZING THE ISSUANCE OF \$570,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.”

heretofore finally adopted. The average period of usefulness is 14 years.

- L. \$133,058 bonds, being bonds authorized by an ordinance entitled: (Ord. No. 11-2015):

“BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$380,000 FOR VARIOUS GENERAL IMPROVEMENTS FOR AND BY THE BOROUGH OF SEA BRIGHT IN THE COUNTY OF MONMOUTH, NEW JERSEY AND, AUTHORIZING THE ISSUANCE OF \$171,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.”

heretofore finally adopted. The average period of usefulness is 20 years.

- M. \$1,144,500 bonds, being bonds authorized by an ordinance entitled: (Ord. No. 18-2013):

“BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$1,800,000 FOR ROADWAY AND PUBLIC PARKING LOT IMPROVEMENTS FOR AND BY THE BOROUGH OF SEA BRIGHT, IN THE COUNTY OF MONMOUTH, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$1,710,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.”

heretofore finally adopted. The average period of usefulness is 20 years.

- N. \$278,006 bonds, being bonds authorized by an ordinance entitled: (Ord. No. 06-2020):

“BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$600,000 FOR VARIOUS ROAD IMPROVEMENTS FOR AND BY THE BOROUGH OF SEA BRIGHT IN THE COUNTY OF MONMOUTH, NEW JERSEY AND, AUTHORIZING THE ISSUANCE OF \$330,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.”

heretofore finally adopted. The average period of usefulness is 20 years.

- O. \$697,038 bonds, being bonds authorized by an ordinance entitled: (Ord. No. 12-2012):

“BOND ORDINANCE FOR THE BEACH UTILITY PROVIDING AN APPROPRIATION OF \$1,200,000 FOR THE SAND REPLENISHMENT PROJECT FOR AND BY THE BOROUGH OF SEA BRIGHT, IN THE COUNTY OF MONMOUTH, NEW JERSEY AND; AUTHORIZING THE ISSUANCE OF \$1,140,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.”

heretofore finally adopted. The average period of usefulness is 15 years.

- P. \$397,423 bonds, being bonds authorized by an ordinance entitled: (Ord. No. 19-2013):

“BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$600,000 FOR BEACH UTILITY IMPROVEMENTS FOR AND BY

THE BOROUGH OF SEA BRIGHT IN THE COUNTY OF MONMOUTH, NEW JERSEY AND, AUTHORIZING THE ISSUANCE OF \$570,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.”

heretofore finally adopted. The average period of usefulness is 15 years.

- Q. \$132,203 bonds, being bonds authorized by an ordinance entitled: (Ord. No. 02-2014):

“BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$200,000 FOR BEACH UTILITY IMPROVEMENTS FOR AND BY THE BOROUGH OF SEA BRIGHT IN THE COUNTY OF MONMOUTH, NEW JERSEY AND, AUTHORIZING THE ISSUANCE OF \$190,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.”

heretofore finally adopted. The period of usefulness is 15 years.

- R. \$1,233,335 bonds, being bonds authorized by an ordinance entitled: (Ord. No. 17-2016):

“BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$3,600,000 FOR CONSTRUCTION OF BUILDING FOR THEB EACH UTILITY FOR AND BY THE BOROUGH OF SEA BRIGHT IN THE COUNTY OF MONMOUTH, NEW JERSEY AND; AUTHORIZING THE ISSUANCE OF \$1,486,750 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.”

heretofore finally adopted. The average period of usefulness is 30 years.

- S. \$322,051 bonds, being bonds authorized by an ordinance entitled: (Ord. No. 15-2017):

“BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$400,000 FOR SEWER UTILITY IMPROVEMENTS FOR AND BY THE BOROUGH OF SEA BRIGHT IN THE COUNTY OF MONMOUTH, NEW JERSEY AND, AUTHORIZING THE ISSUANCE OF \$380,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.”

heretofore finally adopted. The average period of usefulness is 35.31 years.

- T. \$252,949 bonds, being bonds authorized by an ordinance entitled: (Ord. No. 01-2014):

“BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$350,000 FOR SEWER UTILITY IMPROVEMENTS FOR AND BY THE BOROUGH OF SEA BRIGHT, IN THE COUNTY OF MONMOUTH, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$309,931 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.”

heretofore finally adopted. The average period of usefulness is 15 years.

SECTION 2. Amount of Bonds. The Bonds in the principal amount of \$7,000,000 are hereby issued and sold in accordance with the provisions of the Authorization Resolution and the provisions of this Confirming Resolution. The Bonds shall constitute and shall be designated “General Improvement Bonds, Series 2020,” “Beach Utility Bonds, Series 2020” and “Sewer Utility Bonds, Series 2020,” respectively.

SECTION 3. Average Useful Life. It is hereby found, determined and declared ,that the average period of usefulness of the improvements or purposes for which the said General Improvement Bonds, Series 2020 are to be issued, taking into consideration the amount of such General Improvement Bonds, Series 2020 to be issued for said improvements or purposes, is 21.85 years. It is hereby found, determined and declared ,that the average period of usefulness of the improvements or purposes for which the said Beach Utility Bonds, Series 2020 are to be issued, taking into consideration the amount of such Beach Utility Bonds, Series 2020 to be issued for said improvements or purposes, is 22.52 years. It is hereby found, determined and declared ,that the average period of usefulness of the improvements or purposes for which the said Sewer Utility Bonds, Series 2020 are to be issued, taking into

consideration the amount of such Sewer Utility Bonds, Series 2020 to be issued for said improvements or purposes, is 26.37 years.

SECTION 4. Description of the Bonds.

(a) Terms of the Bonds. The Bonds shall be dated and shall bear interest from the date of delivery at the rates, and shall mature, subject to prepayment as herein provided, on December 1 in the year and in the principal amount set opposite such year in the following table:

General Improvement Bonds, Series 2020

<u>Year</u>	<u>Principal Amount</u>	<u>Interest</u>
2021	\$130,000	4.00%
2022	135,000	4.00
2023	140,000	5.00
2024	145,000	5.00
2025	150,000	5.00
2026	160,000	5.00
2027	165,000	5.00
2028	175,000	5.00
2029	185,000	5.00
2030	195,000	5.00
2031	205,000	5.00
2032	215,000	4.00
2033	220,000	4.00
2034	230,000	3.00
2035	240,000	3.00
2036	245,000	3.00
2037	250,000	3.00
2038	260,000	3.00
2039	260,000	3.00
2040	260,000	3.00

Beach Utility Bonds, Series 2020

<u>Year</u>	<u>Principal Amount</u>	<u>Interest</u>
2021	\$ 85,000	4.00%
2022	85,000	4.00
2023	85,000	5.00
2024	90,000	5.00
2025	95,000	5.00
2026	100,000	5.00
2027	105,000	5.00
2028	105,000	5.00
2029	115,000	5.00
2030	120,000	5.00
2031	125,000	5.00
2032	130,000	4.00
2033	135,000	4.00
2034	140,000	3.00
2035	145,000	3.00
2036	150,000	3.00
2037	155,000	3.00

<u>Year</u>	<u>Principal Amount</u>	<u>Interest</u>
2038	160,000	3.00
2039	165,000	3.00
2040	170,000	3.00

Sewer Utility Bonds, Series 2020

<u>Year</u>	<u>Principal Amount</u>	<u>Interest</u>
2021	\$20,000	4.00%
2022	20,000	4.00
2023	20,000	5.00
2024	25,000	5.00
2025	25,000	5.00
2026	25,000	5.00
2027	25,000	5.00
2028	25,000	5.00
2029	30,000	5.00
2030	30,000	5.00
2031	30,000	5.00
2032	35,000	4.00
2033	35,000	4.00
2034	35,000	3.00
2035	35,000	3.00
2036	40,000	3.00
2037	40,000	3.00
2038	40,000	3.00
2039	40,000	3.00

(b) Form of the Bonds. The Bonds shall be in substantially the form set forth in the Authorization Resolution, which form is by this reference incorporated in full as if set forth herein, with such omissions, insertions and variations as are properly required and which are not contrary to any of the provisions of the Authorization Resolution or any of the provisions of this Confirming Resolution.

SECTION 5. Redemption of the Bonds.

The Bonds maturing on or before December 1, 2030 shall not be subject to redemption prior to their respective maturity dates. The Bonds maturing on or after December 1, 2031 shall be subject to redemption prior to their respective maturity dates, on or after December 1, 2030 at the option of the Borough upon notice as described in a bond resolution adopted by the Authority on November 5, 2020, either in whole or in part by lot within a single maturity from maturities selected by the Borough, on any date, at a redemption price equal to 100% of the principal amount thereof (the "Redemption Price") and accrued interest thereon to the date of redemption.

SECTION 6. Award of the Bonds. The Bonds are authorized to be sold and awarded to the Authority at a purchase price of \$8,426,910.55 for the Bonds. The terms and conditions of such offer are set forth in a bond purchase agreement, dated December 9, 2020 (the "Bond Purchase Agreement"), a copy of which is attached hereto as Exhibit A and which by this reference is made a part hereof as if set forth in full herein. Settlement for the Bonds will be made in immediately available funds on December 23, 2020.

SECTION 7. Additional Acts. On behalf of the Borough, the appropriate representatives of the Borough are authorized and directed to take all steps which are necessary or convenient to effectuate the terms of the Authorization Resolution and the terms of this Confirming Resolution with respect to the issuance, sale and delivery of the Bonds.

SECTION 8. Effective Date. This Confirming Resolution shall take effect upon adoption hereof.

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

ORDINANCE(s):

Public Hearing: Mayor Kelly to read the ordinance by title:

ORDINANCE NO. 11-2020
AN ORDINANCE AMENDING CHAPTER 130, "LAND USE," ARTICLE IX, "DESIGN STANDARDS," §130-59H, "BULKHEAD MAINTENANCE," OF THE CODE OF THE BOROUGH OF SEA BRIGHT

Monmouth County Planning Board Acknowledgement Received 11/25/2020
Sea Bright Planning Board Acknowledgement Received 12/10/2020

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

SECTION ONE. Chapter 130, "Land Use", Article IX "Design Standards", of the Code of the Borough of Sea Bright be and the same is hereby amended as follows:

"§ 130-59H Bulkhead maintenance.

(1) Indications that a bulkhead has deteriorated shall include but shall not be limited to:

i. Members which are bowed bent, leaning or leaking;

(2) Inspection by Borough Engineer.

B. When notified by the Borough Engineer of a defective or deteriorated bulkhead, the property owner shall submit a plan of corrective action to the Borough Engineer no later than ~~30~~ 60 days from the receipt of the notice.

C. Upon approval of the plan of corrective action, the property owner shall complete all necessary repairs within ~~sixty (60)~~ ninety (90) days.

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

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

SECTION FOUR: This Ordinance shall take effect immediately upon its passage and publication as required by law.

I HEREBY CERTIFY this to be a true and correct Ordinance of the Mayor and Borough Council of the Borough of Sea Bright, introduced on November 17, 2020 and will be further considered after a Public Hearing to be held remotely on December 15, 2020 at 7:00 pm.

Councilmember Leckstein offered a motion to open the public hearing on Ordinance No. 11-2020; seconded by Councilmember Keeler:

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

Public Hearing (Ord. No. 11-2020)

No one wished to be heard.

Councilmember Leckstein offered a motion to close the public hearing on Ordinance No. 11-2020; 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. 11-2020 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. 12-2020
**AN ORDINANCE ADOPTING A REVISION AND CODIFICATION OF THE
ORDINANCES OF THE BOROUGH OF SEA BRIGHT, COUNTY OF MONMOUTH,
STATE OF NEW JERSEY**

Monmouth County Planning Board Acknowledgement Received 11/25/2020
Sea Bright Planning Board Acknowledgement Received 12/10/2020

Be it ordained and enacted by the Mayor and Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, as follows:

§ 1-2. Code adopted; existing ordinances continued.

Pursuant to N.J.S.A. 40:49-4, the ordinances of the Borough of Sea Bright of a general and permanent nature adopted by the Mayor and Council of the Borough of Sea Bright, as revised and codified and consisting of Chapters 1 through 207, together with an Appendix, are hereby approved, adopted, ordained and enacted as the Code of the Borough of Sea Bright, hereinafter referred to as the "Code." The provisions of the Code, insofar as they are substantively the same as those of the ordinances in force immediately prior to the enactment of the Code by this ordinance, are intended as a continuation of such ordinances and not as new enactments. This ordinance and the Code adopted hereby shall supersede and replace the 1998 Code of the Borough of Sea Bright, as amended and supplemented.

§ 1-3. Code on file; additions and amendments.

- A. A copy of the Code has been filed in the office of the Borough Clerk and shall remain there for use and examination by the public until final action is taken on this ordinance. Following adoption of this ordinance, such copy shall be certified to by the Clerk of the Borough of Sea Bright by impressing thereon the Seal of the Borough, as provided by law, and such certified copy shall remain on file in the office of the Borough Clerk, to be made available to persons desiring to examine the same during all times while said Code is in effect.
- B. Additions or amendments to the Code, when adopted in such form as to indicate the intent of the Mayor and Council to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the "Code of the Borough of Sea Bright" shall be understood and intended to include such additions and amendments.

§ 1-4. Notice; publication.

The Clerk of the Borough of Sea Bright shall cause notice of the passage of this ordinance to be given in the manner required by law. The notice of passage of this ordinance coupled with filing of the Code in the office of the Borough Clerk as provided in § 1-3 shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-5. Severability.

Each section of this ordinance and of the Code and every part of each section is an independent section or part of a section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

§ 1-6. Repealer.

- A. Ordinances or parts of ordinances inconsistent with the provisions contained in the Code adopted by this ordinance are hereby repealed; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the Borough of Sea Bright which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect.
- B. The following ordinances have been removed from the Code and are specifically repealed:

- (1) Ordinance No. 107-99 (Chapter 134, Library, Article I, Fines for Overdue Materials), as amended by Ordinance No. 9-2003.
- (2) Ordinance No. 114-99 (Chapter 134, Library, Article II, Use of Meeting Room), as amended by Ordinance No. 9-2003.
- (3) Ordinance No. 21-00 (Chapter 134, Library, Article III, Nonresident Library Use), as amended by Ordinance No. 9-2003.
- (4) Ordinance No. 5-2009 (Chapter 44, Retirement, Article I, Defined Contribution Retirement Program).

§ 1-7. Ordinances saved from repeal.

The adoption of this Code and the repeal of ordinances provided for in § 1-6 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any ordinance adopted subsequent to September 1, 2020.
- B. Any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability.
- C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision or any penalty, punishment or forfeiture which may result therefrom.
- D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this ordinance, brought pursuant to any legislative provision.
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred.
- F. Any ordinance providing for the laying out, opening, altering, widening, relocating, straightening, establishing of grade, changing of name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place or any portion thereof.
- G. Any ordinance or resolution appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond or other instruments or evidence of the Borough's indebtedness.
- H. Ordinances authorizing the purchase, sale, lease or transfer of property or any lawful contract, agreement or obligation.
- I. The levy or imposition of taxes, assessments or charges or the approval of the municipal budget.
- J. The dedication of property or approval of preliminary or final subdivision plats.
- K. All currently effective ordinances pertaining to the rate and manner of payment of salaries and compensation of officers and employees.
- L. Any ordinance adopting or amending the Zoning Map.
- M. Any ordinance relating to or establishing a pension plan or pension fund for municipal employees.
- N. Ordinance Nos. 72-98 and 83-98 pertaining to the establishment of handicapped parking spaces in front of specific properties and any ordinances of this nature adopted in the future.

§ 1-8. Changes in previously adopted ordinances.

- A. In preparing the revision and codification of the Borough's ordinances pursuant to N.J.S.A. 40:49-4, certain minor grammatical and nonsubstantive changes were made in one or more of said ordinances. It is the intention of the Mayor and Council that all such changes be adopted as part of the Code as if the ordinances so changed had been formally amended to read as such.

B. In addition, the changes, amendments or revisions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this ordinance. (Chapter and section number references are to the ordinances as they have been renumbered and appear in the Code.)

C. Throughout the Code:

- (1) References to "Finance Officer" and "Treasurer" are amended to read "Chief Financial Officer."
- (2) References to "Chairman" and "Chair" are amended to "Chairperson."
- (3) References to "Superintendent of Public Works" are amended to "Director of Public Works."
- (4) References to "Construction Code Official" and "Building Inspector" are amended to "Construction Official."
- (5) References to "Plumbing Inspector" are amended to "Plumbing Subcode Official."

§ 1-9. Titles and headings; editor's notes.

- A. Chapter and article titles, headings and titles of sections and other divisions of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.
- B. Editor's notes indicating sources of sections, giving other information or referring to the statutes or to other parts of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.

§ 1-10. Altering or tampering with Code; violations and penalties.

It shall be unlawful for anyone to change, alter or tamper with the Code in any manner which will cause the laws of the Borough of Sea Bright to be misrepresented thereby. Anyone violating this section shall be subject, upon conviction, to one or more of the following penalties: a fine of not more than \$2,000, imprisonment for not more than 90 days or a period of community service not exceeding 90 days, in the discretion of the Judge imposing the same.

§ 1-11. When effective.

This ordinance shall take effect immediately upon final passage and publication as provided by law.

I HEREBY CERTIFY this to be a true and correct Ordinance of the Mayor and Borough Council of the Borough of Sea Bright, introduced on November 17, 2020 and will be further considered after a Public Hearing to be held remotely on December 15, 2020 at 7:00 pm.

Councilmember Leckstein offered a motion to open the public hearing on Ordinance No. 12-2020; seconded by Councilmember Birdsall:

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

Public Hearing (Ord. No. 12-2020)

No one wished to be heard.

Councilmember Keeler offered a motion to close the public hearing on Ordinance No. 12-2020; seconded by Councilmember Birdsall:

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

Councilmember Birdsall offered a motion to adopt Ordinance No. 12-2020 and advertise according to law; seconded by Councilmember Leckstein:

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

INDIVIDUAL ACTION/New Business:

Vouchers: \$419,755.41

Councilmember Keeler offered a motion to approve the Voucher List dated December 15, 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
00218 ALICE'S KITCHEN 20-01412 12/08/20 PUBLIC EVENTS				Open	300.00	
02113 AMERICAN WATER 20-01374 12/01/20 SEWER				Open	331.58	
01241 BAIN'S HARDWARE, INC. 20-01393 12/04/20 HARDWARE				Open	157.89	
01957 BENEMAX BENEFIT MANAGEMENT CO. 20-01385 12/04/20 HEALTH INS				Open	672.00	
01631 BOROUGH OF OCEANPORT 20-01376 12/02/20 COURT				Open	6,500.00	
01974 BOROUGH OF SEA BRIGHT COURT 20-01396 12/08/20 COURT				Open	240.54	
2680 CINTAS 20-01364 12/01/20 BEACH-MATERIALS & SUPPLY				Open	73.72	
20-01365 12/01/20 BUILD. & GRDS.-MATERIALS & SUP				Open	129.41	

					203.13	
2555 CJM ASSOC. OF SEA BRIGHT 20-01379 12/02/20 LEASE				Open	500.00	
00256 CLEARY, GIACOBBE, ALFIERI & 20-01391 12/04/20 LEGAL				Open	510.40	
01493 COOPERATIVE INDUSTRIES, L.L.C. 20-01373 12/01/20 NATURAL GAS				Open	205.44	
2528 DCH FORD 20-01356 11/17/20 STREETS- VEHICLE MAINT.				Open	61.74	
2655 DE SESA ENGINEERING CO. 20-01363 11/30/20 BUILDINGS & GROUNDS				Open	632.00	
2286 DIFRANCESCO, BATEMAN, KUNZMAN 20-01370 12/01/20 LEGAL				Open	5,010.00	
2540 DOG WASTE DEPOT 20-01355 11/17/20 STREETS- MATERIALS & SUPPLIES				Open	1,655.06	
2587 EASTERN JANITORIAL CO. 20-01366 12/01/20 STREETS & ROADS- MAT. & SUPP.				Open	1,599.40	
2631 ECO-CLEAN 20-01368 12/01/20 STREETS & RDS. MAINT. OF OTHER				Open	3,000.00	
00711 FOLEY/CAT, INC. 20-01144 09/30/20 DPW				Open	2,297.58	
20-01352 11/17/20 DPW:VEHICLE MAINTENANCE				Open	1,156.46	

					3,454.04	
00257 FOSTER AND COMPANY, INC. 20-01105 09/21/20 DPW				Open	794.82	
2406 FP MAILING SOLUTIONS 20-01424 12/09/20 POSTAGE METER				Open	126.00	
00575 GALLS, INC. 20-01190 10/14/20 POLICE				Open	454.71	
02101 GANNETT NJ 20-01372 12/01/20 CLERK				Open	36.00	
20-01429 12/10/20 CLERK				Open	83.70	
20-01430 12/10/20 PLAN. BRD				Open	153.90	

					273.60	
02181 GATEWAY PRESS 20-01175 10/07/20 POLICE				Open	176.00	
02219 GOODYEAR AUTO CENTER 20-01354 11/17/20 POLICE:VEH. MAINTENANCE				Open	288.00	
2281 GRAINGER 20-01249 10/27/20 POLICE				Open	242.00	
2710 HOLMDEL TOWNSHIP 20-01377 12/02/20 FISCAL OFFICER				Open	3,312.50	
2561 INTRON TECHNOLOGY SOLUTIONS 20-01444 12/11/20 TECH				Open	3,011.26	
2573 JCP & L 20-01415 12/09/20 ELECTRIC				Open	6,314.40	

REGULAR MEETING MINUTES

DECEMBER 15, 2020

00297	JESSE A. HOWLAND & SONS, INC.		
20-01378	12/02/20 LEASE	Open	1,705.00
01784	JUNGLE LASERS, LLC		
20-01431	12/10/20 BLDG DEPT	Open	420.00
2442	KINTECH, INC.		
20-01433	12/10/20 TAX COLLECTOR	Open	337.61
2678	LANDMARK SUPPLY, INC.		
20-01401	12/08/20 BLDGS. & GRDS. - MAT. & SUPPL.	Open	1,020.66
00108	LEON S. AVAKIAN, INC.		
20-01383	12/02/20 ENGINEER	Open	12,716.25
2708	LETIZIA M.D., MATTHEW		
20-01445	12/11/20 BEACH	Open	240.00
01801	MASER CONSULTING, P.A.		
20-01381	12/02/20 ENGINEER	Open	1,630.00
2278	MCLAUGHLIN, STAUFFER & SHAKLEE		
20-01384	12/04/20 LEGAL	Open	5,215.81
2724	MIDDLETOWN TRAILER SUPPLY		
20-01388	12/04/20 STREETS & RDS.-DPW WRK EQUIP.	Open	6,140.00
02229	MONMOUTH COUNTY PUBLIC WORKS		
20-01426	12/10/20 FIRE	Open	238.21
02045	MONMOUTH COUNTY SPCA		
20-01436	12/10/20 ANIMAL CONTROL	Open	316.00
20-01446	12/11/20 ANIMAL CONTROL	Open	215.00

			531.00
01397	MURPHY, CHARLES		
20-01435	12/10/20 POLICE	Open	913.00
00339	NAPA AUTO PARTS CENTER		
20-01313	11/09/20 STREETS & ROADS	Open	100.15
01399	NEW JERSEY AMERICAN WATER		
20-01375	12/01/20 WATER	Open	3,970.15
00113	NJ NATURAL GAS COMPANY		
20-01371	12/01/20 NATURAL GAS	Open	1,390.40
00894	NOLZE GARAGE DOOR, LLC		
20-01390	12/04/20	Open	250.00
01309	OCEANPORT BOARD OF EDUCATION		
20-00807	07/15/20 SCHOOL TAX	Open	52,042.00
00046	ONE CALL CONCEPTS, INC.		
20-01437	12/10/20 SEWER	Open	72.93
01737	PENGUIN MANAGEMENT, INC.		
20-01419	12/09/20 FIRE DEPT	Open	1,074.00
2525	POOR JOHNS PORTABLE TOILETS		
20-01319	11/09/20 BEACH	Open	2,516.00
20-01413	12/08/20 BLDGS & GRDS	Open	2,301.00

			4,817.00
00164	RAIN, WILLIAM		
20-01398	12/08/20 HEALTH INS.	Open	144.60
02141	RELIANCE GRAPHICS, INC.		
20-01380	12/02/20 ELECTION	Open	764.00
00026	ROWAN'S GAS APPLIANCE		
20-01369	12/01/20 A&E	Open	5,000.00
2627	SCHINDLER ELEVATOR CORP.		
20-01441	12/10/20 MUNICIPAL COMPLEX	Open	3,844.17
00408	SCHWAAB, INC.		
19-00345	03/20/19 PLANNING BOARD	Open	156.24
01554	SEA BRIGHT SERVICE CENTER		
20-01292	11/03/20 DPW-VEHICLE MAINTENANCE	Open	145.85
00985	SEABOARD FIRE/SAFETY EQUIP CO.		
20-01417	12/09/20 POLICE	Open	104.00
00027	SEABOARD WELDING SUPPLY, INC.		
20-01425	12/10/20 DPW	Open	14.50
00053	SHORE REGIONAL HIGH SCHOOL		
20-00809	07/15/20 SCHOOL TAX	Open	193,570.00
2535	SUBURBAN DISPOSAL, INC.		
20-01420	12/09/20 LANDFILL	Open	8,072.75
20-01421	12/09/20 TRASH	Open	21,069.24

			29,141.99
00973	THE TWO RIVER TIMES		
20-01438	12/10/20 LIBRARY	Open	30.00
2438	THOMAS, SHAWN		
20-01357	11/17/20 STREETS & ROADS	Open	48.94
20-01358	11/17/20 STREETS & ROADS	Open	21.27

			70.21

REGULAR MEETING MINUTES

DECEMBER 15, 2020

2711	TRAFFIC PLAN		
20-01360	11/17/20 STREETS	Open	3,956.00
2726	TREASURER, COUNTY OF MONMOUTH		
20-01427	12/10/20 FLOOD WARNING	Open	1,500.00
2487	UNIMAK, LLC		
20-01449	12/11/20 MUNICIPAL COMPLEX	Open	29,966.73
01747	UNIVERSAL COMPUTING		
20-01308	11/09/20 COURT	Open	288.20
2658	VERIZON		
20-01422	12/09/20 PHONE	Open	225.34
20-01423	12/09/20 SEWER	Open	513.36

			738.70
02061	VERIZON WIRELESS		
20-01439	12/10/20 POLICE	Open	1,149.13
01164	WATCHUNG SPRING WATER CO, INC.		
20-01440	12/10/20 WATER	Open	252.60
01063	WEST MARINE		
20-01442	12/10/20 FIRE	Open	506.58
20-01443	12/11/20 BEACH	Open	280.10

			786.68
0077	WEX BANK		
20-01394	12/07/20 GASOLINE	Open	4,460.98
00877	WITMER ASSOCIATES, INC.		
20-01432	12/10/20 POLICE	Open	170.00
			TOTAL: \$411,105.26

Manual Checks:

12/9/2020	AMCK, LLC/Constantina Katechis	\$3,959.75
20-01418	Return of Cash Maintenance Bond and Escrow Funds	
12/8/2020	David Hoder Associates	\$3,190.00
20-01397	Plan. Brd:Engineer-Review & Inspctns/Escrow Accts.	
12/10/2020	Gannet NJ	\$16.20
20-01428	Plan Brd:Legal Ad/Escrow Acct.	
12/2/2020	Leon S. Avakian, Inc.	\$655.00
20-01382	Engineer:Plot Plan/Escrow Accts.	
12/9/2020	McKenna,Dupont, Higgins & Stone	\$400.00
20-01416	Plan.Brd:Legal Revie/Escrow Acct.	
12/4/2020	NJ Dept. Of Health	\$4.20
20-01392	Monthly Dog License Report	
12/8/2020	NJ Dept. of Transportation	\$395.00
20-01395	Highway Occupancy Application	
12/10/2020	Treasurer, State of New Jersey	\$30.00
20-01434	Clerk:Notary Public Renewal	
		TOTAL: \$ 8,650.15
		GRAND TOTAL: \$419,755.41

MUNICIPAL CONSENT HEARING – COMCAST

This hearing is being held for the purpose of evaluating the application of Comcast for the renewal of its municipal consent to own, operate, extend and maintain a cable television and cable communications system in the Borough of Sea Bright.

Councilmember Leckstein offered a motion to open the public hearing; seconded by Councilmember Birdsall:

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

Public Hearing

Rob Clifton, Comcast, explained that Comcast is nearing the end of a three-year federally mandated process as their certificate of approval (required for a cable television system to operate in the State of New Jersey) will expire on July 1, 2021. This agreement is strictly for cable television systems not internet or phone services. The consent ordinance that they are seeking from the Borough will allow Comcast to continue to run lines through the municipality’s right of way. It is not exclusive and at any time another carrier can come in and do the same.

Councilman Leckstein wanted to clarify that even though the internet and telephone service comes in on the same lines it is irrelevant to this discussion. Mr. Clifton explained that internet service is unregulated and phone service is outside of municipal oversight. Councilman Leckstein questioned if there are any plans to upgrade the internet cable service. Mr. Clifton urged anyone to contact him directly if they are having any issues with any Comcast service and added that a number of issues have come up over the past nine months due to the unprecedented use due to COVID.

Councilman Birdsall brought up the issue of abandoned lines specifically in the downtown and wants to ensure that these lines are either removed or taken care of moving forward. Mr. Clifton will have Comcast crews take a look at the lines throughout the town to see if there are any problems and clean it up.

Councilmember Keeler offered a motion to close the public hearing; seconded by Councilmember Leckstein:

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

HEARING ON ALCOHOLIC BEVERAGE APPLICATIONS OF S. KELLY CORPORATION D/B/A MAD HATTER

Attorney McLaughlin explained that this hearing is an opportunity for the Kelly's to address their pending applications that are coming before the Governing Body regarding their liquor license which expired due to the failure to renew the license on time and a second application to approve the renewal as an inactive license. Mr. McLaughlin stated there have been many issues raised by the public, borough officials and the Governing Body concerning the condition of the Madhatter rebuilding project and whether or not it will be completed. Notices issued by the Construction Official have remained unfilled and the property continues to be an imminent hazard. This is an opportunity for the licensee to express to the Borough Council the reasons why the licenses should be renewed.

Scott Kelly, owner of Mad Hatter, addressed the condition of the building and summarized how they got to where they are and how they plan to move forward - they have owned the property for 15 years and operated it as the Mad Hatter for 8 years until Hurricane Sandy took it away. They applied and received a federal disaster loan from the New Jersey Economic Development Authority (NJEDA) which requires they pay prevailing wage for all construction. The process has been on going the government shutdown two years ago caused their secondary funding through a SBA loan to be cancelled. Mr. Kelly said they decided to seek alternate means of funding which is finally moving forward. As residents of Sea Bright with children that are 3rd generation, it is very difficult for the family to drive by and see the condition of the project. They love Sea Bight and are embarrassed of the way it looks right now but feel certain the final product will be something everyone will be proud of. Mr. Kelly said their lender and attorney are on the line for this hearing to answer questions. Once the financing is closed it will take about 16 weeks to complete the project.

Chris Doxey, 9 Church Street, questioned if there is an exact date of the funding and the closing.

Kurt Wise, LA Group Holdings, stated that he is the lender for the Mad Hatter project and explained that they are looking to complete the closing by the end of the year.

Tim Nitsch, Counsel for LA Group Holdings, stated that he can confirm that the funds are available, and it is only a matter of completing paperwork for the closing.

Attorney McLaughlin requested that LA Group Holdings state the source of the funding. Mr. Nitsch and Mr. Wise responded that the funds that are from the U.S. and were allocated for this project in the past two weeks. Attorney McLaughlin requested a commitment letter be provided to the Borough.

Councilman Rooney stated he is tired of looking at the building since the Borough has worked so hard to get this town looking good after Sandy - something has to be done - it has to be cleaned up so it doesn't look like Sandy just hit last year. Councilman Rooney asked if they have a plan? Scott Kelly responded that he has to pay prevailing wage for everything he does on that property so he can't do anything until he gets the funding - which should be very soon.

Attorney McLaughlin shared an email from the Construction Official regarding the notice of imminent hazard that the Kelly's received back in August - a number of the items listed in the notice could be accomplished at little cost. If nothing is done, the Borough is going to be forced to expend public funds to make the building safe. Mr. McLaughlin also stated that two months ago the Borough was sent a funding commitment letter from a company that was registered in the United Kingdom and signed by a gentleman who had a telephone number registered in the Netherlands which proved not to be a legitimate source. How can you assure us that this new source of funding is in fact legitimate? Mr. Wise explained that because of COVID they had issues with completing paperwork so we had a company step in from the U.S. with funds in the U.S. Attorney McLaughlin explained that the Council needs to decide whether it is in the best interest of the Borough to renew this liquor license which is dependent on whether the funding is in place and the project is completed.

Councilman Leckstein questioned the Borough Attorney on what the rights of the Council are in regards to the liquor license. Attorney McLaughlin clarified that Council needs to decide whether or not it is in the best interest of the Borough to renew the license and the only way to impose conditions on the license is to impose conditions that directly pertain to the license itself. However, the Governing Body does have the opportunity to carry these resolutions until the Borough is provided with proof of financing. Councilman Leckstein stated that the Kelly's are stating that the funding should be in place by the end of the year and would like to carry these items until we know that this is legitimate.

Mr. Kelly responded that the building and the liquor license are two separate issues. They have never received any complaints against the license and the business and he ultimately cannot move forward with their business plan if they do not have a liquor license – they are totally committed to this project.

Councilman Rooney stated that there was a tax sale today in Sea Bright and Mad Hatter was a part of it - someone came in and paid the Mad Hatter tax debt and the lender was not aware of that. It would have been nice proof to the Council if the lender provided the payment.

Attorney McLaughlin explained that we have certain legal obligations and Councilman Leckstein’s suggestion about carrying the applications makes sense, but Mr. Kelly needs to understand that, currently no one can take away your license because at the moment your license doesn’t exist. Legally the license has already ceased to exist and you are asking the Council to resurrect the new license. The fact of the matter is the Borough has a legal obligation to ensure that the licenses are utilized – the Council is just doing their job.

Councilmember Leckstein offered a motion to open the public hearing; seconded by Councilmember Birdsall:

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

Public Hearing

Tammy Kaiser, 2 East New Street, questioned the process of liquor license renewals and asked if the Mad Hatter the only license application for a new license. Attorney McLaughlin explained the Borough currently has a number of licenses – more than the permitted amount allowed by the NJ Alcohol Beverage Control but have been grandfathered in. This license has been owned and operated by the Kelly Corp. for the Mad Hatter. Ms. Kaiser feels that right now we already have too many establishments with liquor licenses and questioned why we are considering this new one. Mayor Kelly stated he would not consider this a “new” license as it has existed for years.

Joseph Burke stated that Scott has invested his blood, sweat, and tears into this establishment and Ms. Kaiser’s comments are not fair - you need to let the Kelly’s cross the finish line.

Mikey Yanes, 16 Longview Way, questioned if the Borough can approve the license contingent on the funding so it wouldn’t have to wait until the next Council meeting. Mayor Kelly stated Council will address the options in executive session. Mr. Yanes wished the Kelly’s and the Mad Hatter much success.

Irwin Bieber, 12 Tradewinds, explained that this is a very difficult situation and we all feel for the Kelly’s. In the end we all have the same objective to see them succeed and feels that the town has been incredibly patient. Mr. Bieber feels the Kellys are asking for something that is very reasonable and Councilman Leckstein’s recommendation is very appropriate - the Kelly’s must take steps to improve the property and make is safe and prove the funding is in place.

Jeff Booker, Councilman-Elect, stated that Councilman Leckstein’s recommendation requesting funding prior to approving the resolutions is a reasonable request. You have clearly been through a lot but you are almost there – Good luck and we’ll see you in January.

Chris Doxey, 9 Church Street, stated that promises have been broken and deadlines have not been met. There has been no progress and that is why Councilman Leckstein suggested the January meeting date to approve the resolutions. Ms. Doxey does not feel that the Council is holding them hostage - Council just wants proof of financing. The town has been patient with the Kelly’s, now they must be patient with us. Remember, we are all behind you and want you to succeed.

John Lamia, Councilman-Elect, stated that all projects tend to slip, not just the Kelly’s project – he supports their progress and believes Councilman Leckstein’s suggestion is also reasonable compromise.

Chris Doxey, 9 Church Street, one last question - are you bringing back your good pizza??? The Kelly’s responded – absolutely!

Councilmember Leckstein offered a motion to close the public hearing; seconded by Councilmember Birdsall:

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

Mayor Kelly thanked the Scott and Amy Kelly for their participation.

Councilman Leckstein offered a motion to continue the public hearing and carry Resolutions N0. 190-2020 and 191-2020 to the January 2, 2021 Reorganization meeting for consideration; seconded by Councilman Birdsall:

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

Resolutions:**No. 190-2020 Authorize Issuance of a "New" Liquor License for the 2019/2020 License Term S. Kelly Corporation – The Mad Hatter****No. 191-2020 2020/2021 Annual Renewal Liquor License S. Kelly Corporation**

Amy Kelly thanked everyone for their support!

MAYOR AND COUNCIL COMMITTEE COMMENTS

Mayor Kelly wished everyone a Merry Christmas and Happy New Year and announced the annual Re-Organization meeting will be held remotely on January 2nd at 10:30 am. We will be welcoming two new members to the Council and will reappoint our professionals. Mayor Kelly also urged everyone to be careful regarding COVID during the holidays. We are expecting a nor'easter this week so be cautious and park on higher ground. Please continue to support our businesses. Mayor Kelly recognized Councilmembers Rooney and Schwartz as this will be their last meeting as Councilmen – he thanked them for all their hard work and appreciates everything they've done.

Councilman Birdsall thanked Councilmembers Rooney and Schwartz – and said it has been great working with them and good luck with everything in the future.

Councilman Keeler expressed his appreciation for the years of work with Councilmembers Rooney and Schwartz. Regarding safety, there has been a number of deer crossing Ocean Avenue near the foot of the Highlands bridge and urges everyone to be cautious. Councilman Keeler also urged Council to go down to the firehouse and take a look at the refurbished tender truck. Merry Christmas and Happy New Year to all.

Councilman Catalano thanked Councilmembers Rooney and Schwartz for being great mentors and for their time and dedication to the town.

Councilman Leckstein echoed the previous comments and added that Councilmembers Rooney and Schwartz have been very unique members of the Governing Body – which is a good thing – it's a collaborative body and each member brings something different to the table. Councilman Schwartz brings a financial perspective that we have never had before. Councilman Rooney has Sea Bright flowing through his blood and is so passionate about the town. Please stay involved in anything you can. It has been a pleasure serving with you both.

Councilman Schwartz reported that the beach will be larger next year after all the sand that was deposited by Tradewinds. It was great to hear from CFO Michael Bascom regarding the new bonding. Councilman Schwartz said his term went very fast and hopefully he will still get weekly calls from Councilman Rooney. Everyone is different and has different views but we always seem to come together. Councilman Schwartz really enjoyed being on Council and thanked everyone for all the support and wished everyone a Merry Christmas and Happy New Year.

Councilman Rooney said he is going to miss everyone on Council as they have gone through some amazing times together. In 2012 Sandy hit and we came together and brought the town back. Councilman Rooney said when he looks at the sea wall walkway he will always remember that because we came in under budget on the pavilion we got the walkway built. He thinks of the organ recitals and our temporary library at the church which was a lot of fun over there. We will never forget the people on Council in 2016 when the bonds were passed for the new municipal facilities and the referendum. The way the town people came out to vote that day was incredible – we did it together. Councilman Rooney thanked Administrator Verruni for everything he has done for Sea Bright and our former Mayor, Dina Long for being front and center and getting the job done in rebuilding our town after Sandy – she saved our town. Former Chief Sorrentino was also someone who knew how to get things done. He thanked Frank Lawrence for helping us with the new buildings and financing. Councilman Rooney felt that he got on Council at the right time and enjoyed his time serving. He thanked all our professionals, Borough Hall staff, Department of Public Works and the Police Department. Councilman Rooney asked to be kept in the loop with Shore Regional and with the check valves progress. Happy Holidays and Happy New Year! Progress.

EXECUTIVE SESSION

NOT HELD

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

Respectfully Submitted,

Christine Pfeiffer
Borough Clerk