

**AGENDA
REGULAR MEETING
BOROUGH OF SEA BRIGHT**

MAY 18, 2021

SEA BRIGHT, NEW JERSEY

TO ATTEND THIS MEETING REMOTELY PLEASE USE THE FOLLOWING LINK:

<https://global.gotomeeting.com/join/187253749>

OR DIAL: (872) 240-3412

Access Code: 187-253-749

CALL MEETING TO ORDER: 7:00pm

PLEDGE OF ALLEGIANCE

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 4, 2021. In each instance, the Date, Time, And Location of This Meeting Were Provided in The Notice. This Meeting Is Open to The Public."

ROLL CALL:

Councilmember(s)	BIRDSALL_____	BOOKER_____	CATALANO _____
	KEELER_____	LAMIA_____	LECKSTEIN_____
Mayor	KELLY _____		

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.

INDIVIDUAL ACTION:

RESOLUTION(s):

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

No. 116-2021 Police Department Promotion

Roll Call: Birdsall____ Booker____ Catalano____ Keeler____ Lamia____ Leckstein ____

OATH of OFFICE

Sergeant Christopher C. Fisler

CONSENT AGENDA

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

Minutes

05-04-21 Regular Meeting

Resolutions:

- No. 105-2021 Resolution to Cancel Sewer Charges**
- No. 106-2021 Hiring Seasonal Borough Employees**
- No. 107-2021 Awarding Raises for Non-Union Employees**
- No. 108-2021 Authorizing the Memorandum of Agreement Between The United States Coast Guard and The Borough Of Sea Bright**
- No. 109-2021 Authorizing the Execution of a Grant Agreement with the Department of Community Affairs, Division of Local Government Services for Local Efficiency Achievement Program School Implementation Grant Funding**
- No. 110-2021 Authorizing an Agreement with Surfrider Beach Club for 2021 Ocean Rescue Lifeguard Services**
- No. 111-2021 Shared Services Agreement Between the County of Monmouth and the Borough of Sea Bright for Mod IV Property Assessment Computer Services**
- No. 112-2021 Authorizing the Purchase of Police Department Vehicle 2022 Chevy Tahoe**
- No. 113-2021 Authorizing the Purchase of Police Department Vehicle 2021 Ford F150 4x2 Crew Cab**
- No. 114-2021 Accepting Donation of Landscaping Funds Borough of Sea Bright**
- No. 115-2021 Consideration of Award of Contract Consulting Engineer, CME Associates Engineering Services for Bulkhead Inspections**

Roll Call: Birdsall____ Booker____ Catalano____ Keeler____ Lamia____ Leckstein ____

ORDINANCE(s):

Introduction: Mayor Kelly to read the ordinance by title:

ORDINANCE NO. 08-2021
AN ORDINANCE OF THE BOROUGH OF SEA BRIGHT AMENDING AND SUPPLEMENTING THE CODE OF THE BOROUGH OF SEA BRIGHT, CHAPTER 61, "ANIMALS", ARTICLE II, "CATS"

Councilmember _____ offered a motion to introduce Ordinance No. 08-2021 for a public hearing to be held on June 15, 2021 and advertise according to law; seconded by Councilmember _____

Roll Call: Birdsall____ Booker____ Catalano____ Keeler____ Lamia____ Leckstein ____

Introduction: Mayor Kelly to read the ordinance by title:

ORDINANCE NO. 09-2021

**AN ORDINANCE OF THE BOROUGH COUNCIL OF SEA BRIGHT PERMITTING
THE OPERATION OF CLASS 5 CANNABIS RETAIL BUSINESS WITHIN ITS
GEOGRAPHICAL BOUNDARIES AND AMENDING CHAPTER 130 OF THE
MUNICIPAL CODE**

Councilmember _____ offered a motion to introduce Ordinance No. 09-2021 for a public hearing to be held on June 15, 2021 and advertise according to law; seconded by Councilmember _____

Roll Call: Birdsall____ Booker____ Catalano____ Keeler____ Lamia____ Leckstein ____

INDIVIDUAL ACTION/New Business:

Vouchers: \$265,180.12

Councilmember _____ offered a motion to approve the Voucher List dated May 18, 2021 as submitted by the Finance Manager; seconded by Councilmember _____

Roll Call: Birdsall____ Booker____ Catalano____ Keeler____ Lamia____ Leckstein ____

MAYOR AND COUNCIL COMMITTEE COMMENTS

EXECUTIVE SESSION

Councilmember _____ offered a motion to enter in to Closed Session; seconded by Councilmember _____

Resolution to discuss: TBD

Roll Call: Birdsall____ Booker____ Catalano____ Keeler____ Lamia____ Leckstein ____

ADJOURNMENT

Councilmember _____ offered a motion to adjourn the meeting; seconded by Councilmember _____

Roll Call: Birdsall____ Booker____ Catalano____ Keeler____ Lamia____ Leckstein ____

RESOLUTION NO. 116-2021
BOROUGH OF SEA BRIGHT
POLICE DEPARTMENT PROMOTION

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

WHEREAS, the Chief of Police of the Sea Bright Police Department has recommended the following promotion:

<u>EMPLOYEE</u>	<u>CURRENT</u>	<u>NEW APPOINTMENT</u>
Christopher C. Fisler	Patrolman	Sergeant
	\$105,197.72	\$112,116.56

CERTIFICATION OF FUNDS

I, Michael J. Bascom, Chief Financial Officer of the Borough of Sea Bright, certify that funds are available in Police Salaries and 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 the promotion indicated above is approved and will become effective May 18, 2021; and

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

1. Chief of Police
2. Finance Manager
3. C. Fisler

Roll Call: Birdsall, Booker, Catalano, Keeler, Lamia, Leckstein

May 18, 2021

CERTIFICATION

I, Christine Pfeiffer, Borough Clerk do hereby certify that the foregoing is a resolution adopted by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, at a Council Meeting held on May 18, 2021.

Christine Pfeiffer, Borough Clerk

RESOLUTION NO. 105-2021
RESOLUTION TO CANCEL SEWER CHARGES

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

WHEREAS, the Sewer Collector has advised the Governing Body that the following sewer charges be and are hereby cancelled:

ACCOUNT	ADDRESS	REASON	AMOUNT
674-0	22 Church Street	Billing Correction	\$1,485.00
675-0	20 Church Street	Billing Correction	\$1,485.00
		TOTAL:	\$2,970.00

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, that the aforementioned sewer charges be cancelled, and that the Sewer Collector and Finance Manager are hereby authorized and directed to make said refunds; and

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

1. Sewer Collector
2. Finance Manager
3. Property Owners

Roll Call: Birdsall, Booker, Catalano, Keeler, Lamia, Leckstein

May 18, 2021

CERTIFICATION

I, Christine Pfeiffer, do hereby certify that the foregoing is a resolution adopted by the Borough Council of the Borough of Sea Bright, County of Monmouth State of New Jersey, at a Council Meeting held on May 18, 2021.

Christine Pfeiffer, Borough Clerk

RESOLUTION NO. 106-2021
HIRING SEASONAL BOROUGH EMPLOYEES

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

WHEREAS, there exists a need for seasonal employees in the Borough of Sea Bright; 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 following employees be hired and receive the hourly rate of pay as specified in Ordinance No. 04-2021.

CERTIFICATION OF FUNDS

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

MICHAEL J. BASCOM, CFO

<u>Employee</u>	<u>BEACH/DPW - Salaries & Wages</u>	<u>Position</u>
Susie Markson		Assistant to the Beach Manager
Dr. Matt Letizia		Medical Director
Mike Hudson		Lifeguard Captain
Isabella Bulhoves		Lifeguard
Joseph Burrino		Lifeguard
Kasey Doughney		Lifeguard
Ryan Dunigan		Lifeguard
Jack Forsman		Lifeguard
Indro Ghosh		Lifeguard
Nick Grippo		Lifeguard
Will Gulick		Lifeguard
Aidan Hannigan		Lifeguard
Michael Hannigan		Lifeguard
Jacqueline Izzo		Lifeguard
Ashely Julian		Lifeguard
Jillian Kenney		Lifeguard
Alex Lane		Lifeguard
Margot Labrecque		Lifeguard
Thomas Labrecque		Lifeguard
Sean Larson		Lifeguard
Mitch Lauria		Lifeguard
Dan Maloney		Lifeguard
Hunter Manning		Lifeguard
Michael Marsicano		Lifeguard
Marco Mastropietro		Lifeguard
Sean McCabe		Lifeguard
KC O'Brien		Lifeguard
Ian O'Neil		Lifeguard
Andrew Rooney		Lifeguard

<u>Employee</u>	<u>Position</u>
Brenden Bezick	Badge Checker
Steven Boguszewski	Badge Checker
Jaye Bowler	Badge Checker
Kelly Carlino	Badge Checker
Giuliana Cirillo	Badge Checker
Caroline Coleman	Badge Checker
Jack Coleman	Badge Checker
Ali Devito	Badge Checker
Nikki Devito	Badge Checker
Chase Dorworth	Badge Checker
Kelley Eagan	Badge Checker
Rachel Eagan	Badge Checker
Meghan Edgerly	Badge Checker
Sydney Ferretti	Badge Checker
Kaitlin Hintelmann	Badge Checker
Isabela Holguin	Badge Checker
Kyli Jacobs	Badge Checker
Ryan Kozic	Badge Checker
Don Klein Sr.	Badge Checker
Rebecca Loughran	Badge Checker
Claire Lynch	Badge Checker
Tommy Martin	Badge Checker
Katherine Murphy	Badge Checker
Sophie Mazzucca	Badge Checker
Jake O'Donnell	Badge Checker
Deanna Parisi	Badge Checker
Liam Wickham	Badge Checker
Celeste Winters	Badge Checker
Gabrielle Winters	Badge Checker
Jack Scrivanic	Maintenance

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

1. Finance Manager
2. DPW Director
3. Beach Manager

Roll Call: Birdsall, Booker, Catalano, Keeler, Lamia, Leckstein

May 18, 2021

CERTIFICATION

I, Christine Pfeiffer, Borough Clerk, do hereby certify that the foregoing is a Resolution adopted by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, at a Council Meeting held on May 18, 2021.

Christine Pfeiffer, Borough Clerk

RESOLUTION NO. 107-2021
BOROUGH OF SEA BRIGHT
AWARDING RAISES FOR NON-UNION EMPLOYEES

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

WHEREAS, the Borough of Sea Bright is a municipal employer with full time and part time staff; and

WHEREAS, the governing body has provided for a 2.5% increase in salary and wages in the 2021 budget; and

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Sea Bright in the County of Monmouth, hereby authorize the 2021 annual salary increase of 2.5% for non-union employees, retroactive to January 1, 2021; and

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

1. Finance Manager
2. CFO
3. Borough Administrator

Roll Call: Birdsall, Booker, Catalano, Keeler, Lamia, Leckstein

May 18, 2021

CERTIFICATION

I, Christine Pfeiffer, Borough Clerk, do hereby certify that the foregoing is a resolution adopted by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, at a Council Meeting held on May 18, 2021.

Christine Pfeiffer, Borough Clerk

RESOLUTION NO. 108-2021
AUTHORIZING THE MEMORANDUM OF AGREEMENT
BETWEEN THE UNITED STATES COAST GUARD
AND THE BOROUGH OF SEA BRIGHT

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

WHEREAS, due to its close proximity to the Atlantic Ocean, Sandy Hook, Raritan, Shrewsbury and Navesink Rivers the Sea Bright Fire Department may be called upon to assist the United States Coast Guard, Sandy Hook and others with fire and boat rescue; and

WHEREAS, in accordance to 14 U.S.C. §141, the United States Coast Guard has requested that a Memorandum of Agreement be entered in to with the Borough of Sea Bright in order to provide assistance for fire protection; and

WHEREAS, said agreement is beneficial to both parties as it establishes a formal agreement which can be utilized for fire prevention and suppression, increases the Borough's eligibility for grant and federal funding, and provides training opportunities; and

WHEREAS, all parties to this matter have reviewed the attached Memorandum of Agreement and recommend executing said Agreement.

WHEREAS, said agreement will be effective from the date of final signature.

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 Memorandum of Agreement with the United States Coast Guard Detachment Sandy Hook, located at 20 Crispin Road, Highlands, New Jersey on behalf of the Sea Bright Fire Department, for the purposes stated herein according to the terms and conditions in the attached MOA; and

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

1. SB Fire Chief
2. SB Police Chief

Roll Call: Birdsall, Booker, Catalano, Keeler, Lamia, Leckstein

May 18, 2021

CERTIFICATION

I, Christine Pfeiffer, Borough Clerk, do hereby certify that the foregoing is a Resolution adopted by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, at a Council Meeting held on May 18, 2021.

Christine Pfeiffer, Borough Clerk

**MEMORANDUM OF AGREEMENT
BETWEEN
UNITED STATES COAST GUARD
AND
BOROUGH OF SEA BRIGHT
REGARDING FIRE PROTECTION AND EMERGENCY SERVICES**

1. **PARTIES.** The parties to this memorandum of agreement (MOA) are the United States Coast Guard (USCG) and the Borough of Sea Bright (collectively, the Parties). "Sea Bright Fire Department" shall mean and refer to the fire department of the Borough of Sea Bright consisting of the volunteer company: Sea Bright Fire and Rescue.
2. **AUTHORITY.** The authority for this agreement is found in 14 U.S.C. § 141 and the Shipboard Fire Prevention and Fire Marshal Instruction, COMDTINST 9091.1 (series).
3. **PURPOSE.** The purpose of this MOA is to set forth the terms and conditions under which the Borough of Sea Bright shall provide fire protection to United States Coast Guard Detachment Sandy Hook, located at 20 Crispin Rd, Highlands, NJ.
4. **RESPONSIBILITIES.**

Coast Guard

- a. A designated representative of the US Coast Guard shall request fire or emergency medical equipment and personnel by telephone at (732) 577-8700, Monmouth County Fire Communications. If the primary telephone number is inoperative or unavailable for any reason the designated representative may contact by telephone the Sea Bright Police Department at (732) 842-0010, with 911 as an alternate number.
- b. Any request for aid under this agreement shall include a description by the US Coast Guard representative of the type and nature of the fire or emergency to which response is requested, and shall specify the location to which the equipment and personnel are to be dispatched; however, the amount and type of equipment and number of personnel responding shall be determined by the Sea Bright Fire Department.
- c. A designated US Coast Guard representative shall provide an escort to meet the equipment and personnel and guide the Sea Bright Fire Department to the location where the emergency services are to be rendered.
- d. As an aid to implementing this agreement, members of the Sea Bright Fire Department will be allowed to tour any structures for the purpose of preparing pre-fire plans. Access to the facility structures will be granted at least every 6 months for the purpose of reviewing and updating pre-fire plans. Access must

be arranged in advance with the Engineering Support Division Chief or his/her designated point of contact listed below.

Sea Bright Fire Department

- a. Upon receiving a call from the US Coast Guard, the Sea Bright Fire Department shall dispatch firefighting equipment and personnel to US Coast Guard Detachment Sandy Hook as determined and directed by the Sea Bright Fire Department.
- b. Sea Bright Fire Department equipment and personnel shall report to the location reported by US Coast Guard Detachment Sandy Hook representative, and shall be escorted by US Coast Guard Detachment Sandy Hook personnel to the location of the emergency.
- c. All actions of the Sea Bright Fire Department fire and rescue equipment and personnel in responding to the emergency shall be at the sole direction of the Sea Bright Fire Department.
- d. Following all emergency responses under this MOA, the Sea Bright Fire Department shall forward a copy of the incident report in its customary format to US Coast Guard Detachment Sandy Hook point of contact shown below.

5. POINTS OF CONTACT. Point of contact (POC) for this MOA shall be:

For US Coast Guard Detachment Sandy Hook
Justin Simins
CWO4/ Engineering Support Division Chief
20 Crispin Rd.
Highlands, NJ
(732) 872-3460
Justin.A.Simins@uscg.mil

For the Sea Bright Fire Department:
Sea Bright Fire Department
Attn: Chief
1099 E. Ocean Drive
Sea Bright NJ. 07760
Firechief@seabright.org

WITH A COPY TO:
Joseph Verruni
Borough Administrator
1099 E. Ocean Drive
Sea Bright NJ. 07760
732-842-0099 EXT 113
Jverruni@seabrightnj.org

6. OTHER PROVISIONS.

- a. Reimbursement to the Borough of Sea Bright for the cost of firefighting on US Coast Guard Detachment Sandy Hook is governed by section 2210, title 15, United States Code (U.S.C.), and the implementing regulations set forth in title 44, part 151, of the Code of Federal Regulations (CFR). Any such claim for reimbursement for firefighting costs might also include costs associated with emergency medical services to the extent normally rendered by a fire service in connection with a fire.
- b. The USCG shall defend, indemnify, and hold the Borough of Sea Bright and the Sea Bright Fire Department, its officers, employees, and agents harmless from and against any and all liability, loss, expense, or claims for injury or damages arising out of the performance of this agreement but only in proportion to and to the extent such liability, loss, expense, or claims for injury or damages are caused by or result from the negligent or intentional acts or omissions of the USCG, its officers, employees, or agents, and further, only to the extent provided by the Federal Tort Claims Act (28 U.S.C. § 2671 et seq.) as well as the Anti-Deficiency Act (31 U.S.C. §§ 1341(a)(1)(A), 1341(a)(1)(B)) and other applicable law. Nothing in the agreement shall constitute an obligation of funds of the United States in advance of an appropriation therefore.
- c. The Borough of Sea Bright or the Sea Bright Fire Department shall not be responsible for meeting any of the requirements and standards as set forth by National Fire Protection Association (NFPA) 1720 and the requirements and standards set forth by the Insurance Service Office (ISO) Fire Suppression Rating Schedule (FSRS) while rendering of aid, assistance, and emergency responses to the USCG facility.
- d. In addition to the other rights and remedies of the parties herein, each party hereby waives claims against the other party for compensation or any loss damage, injury, or death occurring as a consequence of the performance of this agreement, except those claims authorized under 15 U.S.C. 2210. Claims for losses for fighting fires on Federal Property must be filled with 15 U.S.C. 2210 by the claimant.
- e. The USCG is an agency of the Federal government, and, as such, is self-insured for tort and contract liability or any other damages caused by the official activities of the U.S. Coast Guard.
- f. The United States' liability for damage to or loss of property, personal injury, or death resulting from the official activities of the USCG shall be governed by relevant Federal statutes which might authorize a cause of action against the United States including the Federal Tort Claims Act (28 U.S.C. §§ 2671-2680), the Contract Disputes Act of 1978 (41 U.S.C. §§ 7101-7109), the Military Claims Act (10 U.S.C. § 2733), and the governing Federal Regulations found at 33 CFR part 25.

- g. No agency relationship is created. Borough of Sea Bright or Sea Bright Fire Department employees and/or volunteers shall not be deemed Federal officers, or employees of the Federal government as defined and provided for in title 5, United States Code for any purposes. No employee and/or volunteer of the Borough of Sea Bright or Sea Bright Fire Department shall be deemed to be a Federal employee for the purposes of any law or regulation administered by the office of personnel management, nor shall any such Borough of Sea Bright or Sea Bright Fire Department employee and/or volunteer be entitled to any additional pay, allowance, or inducement from the Federal government. Nothing in this provision creates any employment status or requires the United States to provide any employment or disability benefits payable to any Borough of Sea Bright or Sea Bright Fire Department employee and/or volunteer.
 - h. Nothing in this agreement is intended to conflict with current law or regulation or the directives of the USCG or Department of Homeland Security or the Borough of Sea Bright or Sea Bright Fire Department. If a term of this agreement is inconsistent with such authority, then that term shall be invalid, but the remaining terms and conditions of this agreement shall remain in full force and effect.
 - i. This agreement recognizes the Provisions as required by New Jersey Resource Deployment Act, Civilian Defense and Control Act App.9-33 et seq and Emergency Medical Services N.J.S.A. 26:2K-60
7. EFFECTIVE DATE. The terms of this agreement become effective upon the signature of the Parties.
8. MODIFICATION. This MOA can be modified by a written agreement signed by all original signatories, or their successors in office.
9. TERMINATION. This MOA can be terminated upon 30 days written notice by either party.

APPROVED BY:

UNITED STATES COAST GUARD

BOROUGH OF SEA BRIGHT

Justin Simins CWO4
Engineering Support Division Chief

Brian P. Kelly
Mayor, Borough of Sea Bright

Date:_____

Date:_____

RESOLUTION NO. 109-2021

**AUTHORIZING THE EXECUTION OF A GRANT AGREEMENT WITH THE
DEPARTMENT OF COMMUNITY AFFAIRS, DIVISION OF LOCAL GOVERNMENT SERVICES FOR
LOCAL EFFICIENCY ACHIEVEMENT PROGRAM SCHOOL IMPLEMENTATION GRANT FUNDING**

Councilmember offered the following Resolution and moved its adoption; seconded
by Councilmember :

WHEREAS, the State of New Jersey has appropriated \$10 million for shared services, school district consolidation studies and Implementation Grants to assist local units with the study, development and implementation of new shared and regional services; and

WHEREAS, the Department of Community Affairs, Division of Local Government Services (DLGS) is tasked with administering these grant funds through the Local Efficiency Achievement Program (LEAP); and

WHEREAS, by way of resolution No. 105-2020 approved on April 21, 2020, the Borough Council authorized the submission of a grant application for financial support to conduct a formal study to evaluate whether the Henry Hudson Regional School District and the Boroughs of Sea Bright, Atlantic Highlands and Highlands may be able to attain improved educational quality and efficiencies through consolidation or regionalization; and

WHEREAS, the Borough of Sea Bright has been awarded Local Efficiency Achievement Program School Implementation Grant funding in the amount of \$141,515.00 to be used exclusively for the purpose of implementing the Sea Bright, Atlantic Highlands, Highlands Regional School Feasibility Study.

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 all necessary documents in connection with the New Jersey Department of Community Affairs, Division of Local Government Services LEAP School Implementation Grant funding agreement in the amount of \$141,515.00 for the feasibility study to examine the impact of creating an all-purpose PK-12 regional school district on behalf of itself, the Borough of Atlantic Highlands and the Borough of Highlands; and

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

1. Colliers Engineering & Design, Inc.
2. Michael Bascom, Chief Financial Officer
3. Borough of Atlantic Highlands
4. Borough of Highlands

Roll Call: Birdsall, Booker, Catalano, Keeler, Lamia, Leckstein

May 18, 2021

CERTIFICATION

I, Christine Pfeiffer, Borough Clerk do hereby certify that the foregoing is a Resolution adopted by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, at a Council meeting held on May 18, 2021.

Christine Pfeiffer, Borough Clerk

RESOLUTION NO. 110-2021
AUTHORIZING AN AGREEMENT WITH
SURFRIDER BEACH CLUB FOR
2021 OCEAN RESCUE LIFEGUARD SERVICES

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

WHEREAS, the Borough of Sea Bright ("Sea Bright") and Surfrider Beach Club, Sea Bright, New Jersey (Surfrider) wish to enter into an Agreement for the provision of ocean rescue lifeguard services by the Borough of Sea Bright for the 2021 beach season; and

WHEREAS, Sea Bright and Surfrider agree that Sea Bright is to provide life guard services to Surfrider's beach according to the terms and conditions outlined in the attached agreement on weekends and holidays beginning Saturday, May 29, 2021 to Friday, June 11, 2021; full-time (seven days a week) from Saturday, June 12, 2021 through Monday, September 6, 2021; and, weekends in September following Monday, September 6, 2021 for a fee of \$44,130.00; and

WHEREAS, the parties acknowledge and agree that they are associated for only the purposes set forth in the Agreement; 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 Mayor and Borough Clerk are hereby authorized to execute an agreement for ocean rescue lifeguard services with Surfrider Beach Club for the 2021 summer season for a fee of \$44,130.00; 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. Finance Manager
2. Beach Manager
3. Borough Attorney
4. Surfrider Beach Club
5. Monmouth County JIF

Roll Call: Birdsall, Booker, Catalano, Keeler, Lamia, Leckstein

May 18, 2021

CERTIFICATION

I, Christine Pfeiffer, Borough Clerk, do hereby certify that the foregoing is a Resolution adopted by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, at a Council Meeting held on May 18, 2021.

Christine Pfeiffer, Borough Clerk



BOROUGH OF SEA BRIGHT

MONMOUTH COUNTY, NEW JERSEY

www.seabrightnj.org

BOROUGH OFFICES:
1167 OCEAN AVENUE
SEA BRIGHT, NJ 07760
TEL: (732) 842-0099
FAX: (732) 741-3116

Re: Surfrider Beach Club Ocean Rescue Proposal Summer 2021

Sea Bright Ocean Rescue is a nationally certified ocean rescue agency. Currently, SBOR is a USLA certified agency and holds a concurrent lifeguard program certification by the North Shore Lifesaving Association Monmouth County, NJ. Sea Bright Ocean Rescue is one of only a handful of National USLA certified agencies in New Jersey. SBOR also has a separate individual USLA certification as an Aquatic Response Rescue Team and was recently granted a Personal Rescue Watercraft Certification by the USLA. SBOR is a certified agency by the State of NJ as an ocean & tidal water beach lifeguard service under NJAC 8:26.

Staffing and Hours of Operation (Beach)

- Lifeguard operations will fall under the supervision and operational command of Sea Bright Ocean Rescue.
- One roving EMT Ocean Rescue Supervisor will provide daily oversight of operations.
- Sea Bright Ocean Rescue will add eight (8) lifeguards to its roster to fulfill this contract.
- Surfrider Beach Club's beach/ocean will be guarded from Saturday May 29, 2021 to Friday, June 11, 2021 with two lifeguard stands on the weekends and holidays. SBOR will staff two lifeguard stands 7 days/week starting Saturday, June 12, 2021 – Monday, September 6, 2021.
- Lifeguard stands will be staffed from 10:00 am until 5:00 pm.
- Surfrider Beach Club will be assigned (3) three USLA qualified open water beach lifeguards plus a roving EMT Lifeguard Supervisor.
- During lunch relief and IST training coverage may drop to one guard per stand.
- The designated swimming areas (DSA) will be adjusted constantly according to conditions, crowds, and staffing.
- Advanced rescue response from Sea Bright's Aquatic Response Rescue Team 24 hours a day is available.
- Surfrider Beach Club would be expected to maintain a safe and clean beach; free of large or sharp jagged debris with safe and functional lifeguard stands.
- Surfrider Beach Club would be expected to provide appropriate storage on site for equipment for both operations at Surfrider as well as our operations at Anchorage Beach.
- Sea Bright Ocean Rescue will hold the exclusive right to determine condition flags that are set for Surfrider Beach Club as well as the right to close the water if conditions warrant.
- Surfrider Beach Club will supply signage that sufficiently warns the public of any unguarded areas north and south of their property lines.
- Surfrider Beach Club will supply an AED and bleeding control kit for the primary lifeguard stand.
- Surfrider Beach Club will supply rescue boards, RFDs, two lifeguard stands with umbrellas, and American Flags.

- In the event that conditions warrant closure of the water, Sea Bright Ocean Rescue would maintain a reactive patrol to Surfrider Beach Club from the Main Municipal Beach. If Lifeguards are not present, it would be the responsibility of Surfrider Beach Club to supervise their water and keep people out.
- If the ocean water is closed for more than 5 consecutive days during the summer, Sea Bright would be willing to discuss potentially refunding some of the money paid to the municipality to provide ocean rescue services.

Lifeguard Training and Certification

- Each of Sea Bright's Lifeguards no matter rank or assignment will attend well over 70 hours of water rescue and Emergency medical first responder training during their rookie year.
- Re-current/returning lifeguards complete at least 16 hours of rescue and medical refresher training annually.
- Completion of a 500 meter open water (surf) swim completed in less than 10 minutes.
- Completion of a 400 meter Run-Swim-Run completed in less than 6 minutes.
- Each ocean lifeguard will hold the following professional level of certification:
 - AHA Basic Life Support for Health Care Professionals or equivalent level
 - AHA, ASHI or ARC Lifeguard / Advanced First Aid Certification
 - 21 hours of additional and 8 hours per year of Aquatic Medical Response Training
- Ocean Rescue supervisors will maintain all training and certification of a front line Ocean Lifeguard with the following additional certifications and training:
 - State or National certification as a Paramedic, EMT or EMR
 - FEMA Incident Command Courses IC 100 IC 700 and IC 800
 - Rescue Water Craft Operator or Crewman
 - Completion of annual EVOC training (emergency vehicle operations course)

Lifeguard and Rescue Services

- Water surveillance and risk reduction of drowning and/or traumatic injury
- Water rescue response either in open water or swift water (guarded area)
- Code-X missing swimmer search and rescue (still water)
- First -Aid to the sick and injured within the staffed beach areas
- Emergent resuscitation of ill or injured patrons within the staffed beach areas
- Emergency medical care and ambulance coordination within the boundaries of the staffed beach and bathing areas.
- Coordination and resource management of major water related emergencies (Lifeguard Supervisor)
 - Capsized boat or water craft with swimmers in distress
 - Rescue response to swimmers outside of guarded areas.
 - Assist injured swimmers and boaters outside of guarded areas.
 - Assessment and safety management of dangerous aquatic life.

Rescue Equipment and Uniforms

- Uniforms (8) x \$175.00 = \$1400
- Signage and Flags = \$400
- One (1) Programmed VHF radios with charging station = \$300
- One (1) NJ State approved First Aid Kit = \$200
- One (1) PPE Kit = \$200
- **Total = \$2500**

Personnel

- Sea Bright Ocean Rescue will add 8 Lifeguards to its roster to meet the needs of properly supervising the beach at Surfrider Beach Club.
- 1 x \$17.00/hr = \$8.50 (half of a EMT Supervisor salary) x 8 hours/day = \$68.00 x 92 days = \$6,256
- 3 x \$14.00/hr = \$42.00 x 7 hours/day = \$294 x 92 days = \$27,048
- **Total Cost of Salaries (Beach) = \$33,304**

Total Cost of Lifeguard Salaries for Beach: \$33,304

Total Cost of Equipment/Uniforms: = \$2,500

Administrative Fee (25% on top of salaries) = \$8,326

Total Cost of 2021 Surfrider Beach Club Contract = \$44,130

RESOLUTION NO. 111-2021
SHARED SERVICES AGREEMENT
BETWEEN THE COUNTY OF MONMOUTH AND THE BOROUGH OF SEA BRIGHT
FOR MOD IV PROPERTY ASSESSMENT COMPUTER SERVICES

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

WHEREAS, rules and regulations of the State of New Jersey, Department of Treasury, Division of Taxation, provide for a uniform system of maintaining and reporting tax information as to real estate throughout the State of New Jersey by municipalities and counties, which is commonly known as MOD IV Property Assessment Computer System; and

WHEREAS, the County of Monmouth has the facilities to provide the computer services necessary in order to comply with the aforesaid rules and regulations; and

WHEREAS, pursuant to P.L.2013, c.15 (C.54:1-104) each municipal assessor in a demonstration county shall utilize the same property assessment software as is used by the county tax board and all real property assessment functions required pursuant to State law, including the revaluation or reassessment of real property, as well as other assessment-based functions such as the development of a compliance plan, maintenance of assessments and the calculation of added assessments shall be performed using the property assessment software.

WHEREAS, pursuant to P.L.2013, c.15 (C.54:1-104) the county tax board participating in the demonstration program shall provide MOD IV and CAMA software to each municipality that does not use the software, at no cost to those municipalities, and shall provide, at no cost to those municipalities, training in the use of the software to the assessors of those municipalities, and to their respective staff members. Thereafter, each municipality shall pay an annual fee per each taxable line item in the municipality to the county tax board for the MOD IV and CAMA service.

WHEREAS, the Shared Services Act and Consolidation Act, namely C. 40A:65-1, provides a mechanism through which counties and municipalities may enter into agreements for the provision of services for each other.

WHEREAS, it is in the best interest of the Borough of Sea Bright to enter into such an agreement; and

CERTIFICATION OF FUNDS

I, Michael J. Bascom, Chief Financial Officer of the Borough of Sea Bright, do hereby certify that funds are available in Tax Assessor O/E and Tax Collector O/E for the purpose stated herein and funds will be appropriated accordingly in future budgets.

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, hereby authorize the Mayor and Borough Clerk to executive a shared service agreement with the County of Monmouth for the MOD IV Property Assessment Computer Services which shall become effective January 1, 2022 through December 31, 2031.

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

1. Finance Manager
2. Elizabeth Perez, MC Shared Services Coordinator
3. Borough Tax Assessor
4. Borough Tax Collector

Roll Call: Birdsall, Booker, Catalano, Keeler, Lamia, Leckstein

May 18, 2021

CERTIFICATION

I, Christine Pfeiffer, Borough Clerk, do hereby certify that the foregoing is a Resolution adopted by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, at a Council Meeting held on May 18, 2021.

Christine Pfeiffer, Borough Clerk

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

WHEREAS, pursuant to N.J.A.C. 5:34-7.29, the Borough of Sea Bright may by resolution and without advertising for bids purchase any goods or services through the State of New Jersey's Cooperative Purchasing Program; and

CERTIFICATION OF FUNDS

Michael J. Bascom, CFO

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

- Roll Call:** Birdsall, Booker, Catalano, Keeler, Lamia, Leckstein

I, Christine Pfeiffer, Borough Clerk, do hereby certify that the foregoing is a Resolution adopted by the Borough of Sea Bright, County of Monmouth, State of New Jersey at a Council Meeting held May 18, 2021.

Christine Pfeiffer, Borough Clerk

RESOLUTION NO. 113-2021
AUTHORIZING THE PURCHASE OF POLICE DEPARTMENT VEHICLE
2021 FORD F150 4X2 CREW CAB

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

WHEREAS, the Borough of Sea Bright Police Department has the need to purchase a new police vehicle; and

WHEREAS, in accordance with the requirements of the Local Public Contract Law N.J.S.A. 40:11-12 et seq., and the regulations promulgated thereunder, the purchase of goods and services by local contracting units without competitive bids is authorized from vendor(s) with state contracts.

WHEREAS, the Borough of Sea Bright wishes to purchase a 2021 Ford F150 4X2 Crew Cab from Winner Ford of Cherry Hill, 250 Berlin Road, Cherry Hill, NJ, under State Contract No. 17-FLEET-00212, for a base amount of \$33,623.00 and the necessary police apparatus installed in the amount of \$10,545.75 for a total cost of \$44,168.75; and

CERTIFICATION OF FUNDS

I, Michael J. Bascom, Chief Financial Officer of the Borough of Sea Bright, hereby certify that funds in the amount of \$44,168.75 will be available in the 2021 Budget Line Items 1-01-25-240-251 and G-02-41-305-000 for the purpose stated herein as follows:

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, do hereby authorize the purchase of a 2021 Ford F150 4X2 Crew Cab under State Contract No. 17-FLEET-00212 from Winner Ford of Cherry Hill, 250 Berlin Road, Cherry Hill, NJ 08034 for a total amount of \$44,168.75; and

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

1. Police Chief
2. Finance Manager
3. Winner Ford of Cherry Hill

Roll Call: Birdsall, Booker, Catalano, Keeler, Lamia, Leckstein

May 18, 2021

I, Christine Pfeiffer, Borough Clerk, do hereby certify that the foregoing is a Resolution adopted by the Borough of Sea Bright, County of Monmouth, State of New Jersey at a Council Meeting held May 18, 2021.

Christine Pfeiffer, Borough Clerk

RESOLUTION NO. 114-2021
ACCEPTING DONATION OF LANDSCAPING FUNDS
BOROUGH OF SEA BRIGHT

Councilmember offered the following Resolution and moved its adoption;
seconded by Councilmember :

WHEREAS, a local business has donated funds to landscape a portion of Borough property; and

WHEREAS, the Borough of Sea Bright would benefit greatly from the enhancement of this portion of Borough property; and

WHEREAS, the Borough finds that it is appropriate to accept the donation of \$11,866.00 for the benefit of the landscaping Borough property.

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

1. The donation described above is accepted and shall be used for the landscaping of Borough property.
2. The donation will be deposited in the Borough's Beautification Trust Fund for the purpose stated above.

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

1. Finance Manager
2. Chief Financial Officer
3. Chris Wood, Business Owner

Roll Call: Birdsall, Booker, Catalano, Keeler, Lamia, Leckstein

May 18, 2021

CERTIFICATION

I, Christine Pfeiffer, do hereby certify that the foregoing is a resolution adopted by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, at a Council Meeting held on May 18, 2021.

Christine Pfeiffer, Borough Clerk

RESOLUTION NO. 115-2021
CONSIDERATION OF AWARD OF CONTRACT
CONSULTING ENGINEER, CME ASSOCIATES
ENGINEERING SERVICES FOR BULKHEAD INSPECTIONS

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

WHEREAS, pursuant to Chapter 130, "Land Use," Article IX, "Design Standards for the Specific Uses" of the code of the Borough of Sea Bright, bulkhead maintenance regulations were established to provide the preservation of safe and protective bulkheads within the Borough; and

WHEREAS, the Borough of Sea Bright has a need for professional engineering services in connection with the inspection of individual property bulkheads along the navigable waters within the Borough's borders to identify any type of defect or deterioration that requires repair by the owner; and

WHEREAS, the Borough Administrator requested three proposals for professional engineering services for the inspection of bulkheads within the Borough as follows:

<u>NAME</u>	<u>TOTAL FEE</u>
CME Associates	\$20,000.00
Colliers Engineering & Design, Inc.	Declined
Remington & Vernick Engineers	\$41,000.00

WHEREAS, after reviewing, it is the recommendation of the Borough Administrator that the proposal, attached hereto, from CME Associates be accepted for the inspection of individual property bulkheads along the navigable waters within the Borough.

CERTIFICATION OF FUNDS

I, Michael J. Bascom, Chief Financial Officer of the Borough of Sea Bright do hereby certify that funds are available for this contract in the 2021 Budget Line No. 1-01-20-165-228.

Michael J. Bascom

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, hereby authorize the Mayor and Borough Clerk to enter into a contract with the Borough's consulting engineer firm, **CME Associates, Howell, NJ**, for the inspection of individual property bulkheads along the navigable waters within the Borough for an amount not to exceed \$20,000.00; and

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

1. CME Associates
2. Finance Manager
3. Borough DPW Director

Roll Call: Birdsall, Booker, Catalano, Keeler, Lamia, Leckstein

May 18, 2021

CERTIFICATION

I, Christine Pfeiffer, do hereby certify that the foregoing is a Resolution adopted by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, at a Council meeting held on May 18, 2021.

Christine Pfeiffer, Borough Clerk



JOHN H. ALLGAIR, PE, PP, LS (1983-2001)
DAVID J. SAMUEL, PE, PP, CME
JOHN J. STEFANI, PE, LS, PP, CME
JAY B. CORNELL, PE, PP, CME
MICHAEL J. McCLELLAND, PE, PP, CME
GREGORY R. VALES, PE, PP, CME

TIM W. GILLEN, PE, PP, CME (1991-2019)
BRUCE M. KOCH, PE, PP, CME
LOUIS J. PLOSKONKA, PE, CME
TREVOR J. TAYLOR, PE, PP, CME
BEHRAM TURAN, PE, LSRP
LAURA J. NEUMANN, PE, PP
DOUGLAS ROHMEYER, PE, CFM, CME
ROBERT J. RUSSO, PE, PP, CME
JOHN J. HESS, PE, PP, CME

February 24, 2021

Via Electronic (jverruni@seabrightnj.org) & 1st Class Mail

Joseph Verruni, Borough Administrator
Sea Bright Borough
1099 Ocean Avenue
Sea Bright, NJ 07760

**Re: Estimate of Fees for Professional Engineering Services
Bulkhead Inspections
Borough of Sea Bright, Monmouth County, NJ
Proposal No. 2021-051**

Dear Mr. Verruni:

We are pleased to present our estimate of fees to provide professional services associated with the inspections of bulkheads along the navigable waters within the Borough. Our services will include the following:

- A. CME will perform an initial inspection of all of the existing bulkheads within the Borough along the navigable waters of the Shrewsbury River and the Navesink River. The location of the initial inspection is between Galilee Drive and NJ State Highway Route 36, a total of approximately 3.5 miles. This inspection will be performed in a motorized boat in four (4) hour increments or two (2) hours on either side of the low tide in order to maximize the visual inspection of the bulkheads. The purpose of this initial inspection is to determine the properties that will require a more in-depth review to advise the Council of the existence of any dangerous or defective conditions; thereafter, it shall be the duty of the owner of said property to replace, remedy or repair any such dangerous and defective condition in accordance with Borough ordinance section 130-59H "Bulkhead Maintenance".
- B. Inspection of individual property bulkheads to identify the type of defect or deterioration that requires repair by the owner including:
- i. Members which are leaking;
 - ii. Holes in the sheet piles;
 - iii. Settlement or sinkholes in the ground landward or the bulkhead;
 - iv. Bulkhead backfill deposited in the lagoon seaward of the bulkhead; and
 - v. Any other indications that it is structurally unsafe or unsound.

The deliverables for this task will be the following for each property:

- Inspection form;
- Photos of deterioration;
- Letter to property owner notifying them of a defective or deteriorated bulkhead and timeline of the corrective measures.



Joseph Verruni, Sea Bright Borough Administrator
Re: Fee Estimate for Professional Engineering Services
Bulkhead Inspections

February 24, 2021
Proposal No.: 2021-051
Page 2

- C. Review of Bulkhead Permit Application. Review and provide approval of the property owner's plan of corrective action upon application to the Borough.
- D. Follow-up inspection of the bulkhead ninety (90) days after approval of the plan of corrective action to ensure that the property owner has completed all necessary repairs.

We will provide the necessary engineering services as described above based upon the cost breakdown as noted below:

A. Initial Inspection (Hourly NTE).....	\$20,000.00
B. Inspection of Individual Property Bulkheads (per Lot).....	\$750.00
C. Bulkhead Permit Application Review (per Lot).....	\$500.00
D. Follow-Up Inspection (per Lot)	\$250.00

Exceptions:

- Any work not specified as listed in the above phases shall be considered additional services and will be invoiced at the time said work is authorized by the Borough.

Should this fee estimate meet your approval, please provide our office with a professional services agreement or resolution as an indication of the work to proceed.

In the meantime, should you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

CME Associates


Gregory R. Valesi, PE, PP, CME
For the Firm

GRV:TT:mmm

ORDINANCE NO. 08-2021
**AN ORDINANCE OF THE BOROUGH OF SEA BRIGHT AMENDING AND
SUPPLEMENTING THE CODE OF THE BOROUGH OF SEA BRIGHT,
CHAPTER 61, "ANIMALS", ARTICLE II, "CATS"**

SECTION ONE: Chapter 61 "Animals", Article II "Cats", Section 61-12 "Vaccination and license required", of the Code of the Borough of Sea Bright is hereby amended as follows:

§61-12 Vaccination and license required.

A. Vaccination and license requirements. No person shall own, keep, harbor, or maintain any cat over seven months of age within the Borough of Sea Bright unless such cat is vaccinated and licensed against rabies.

SECTION TWO: Chapter 61 "Animals", Article II "Cats", Section 61-13 "Licensing procedure", of the Code of the Borough of Sea Bright shall be deleted in its entirety.

SECTION THREE: Chapter 61 "Animals", Article II "Cats", Section 61-14 "Restraint required", of the Code of the Borough of Sea Bright is hereby amended as follows:

§61-14 Restraint required.

No cat, either licensed or unlicensed, shall be permitted to run at large off the premises of the person owning or having the care, custody or control of the cat or to trespass upon the property of any other resident of the Borough.

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

SECTION FIVE: If any section, 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 SIX: 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 May 18, 2021 and will be further considered after a Public Hearing held on June 15, 2021.

INTRODUCED: May 18, 2021
PUBLIC HEARING: June 15, 2021
ADOPTED:

Witness

BOROUGH OF SEA BRIGHT

CHRISTINE PFEIFFER, CLERK

BRIAN KELLY, MAYOR

ORDINANCE NO. 09-2021

**AN ORDINANCE OF THE BOROUGH COUNCIL OF SEA BRIGHT AMENDING
CHAPTER 130, "LAND USE", OF THE CODE OF THE BOROUGH OF SEA BRIGHT
TO PERMIT THE OPERATION OF ONE CLASS 5 CANNABIS RETAIL BUSINESS
WITHIN ITS GEOGRAPHICAL BOUNDARIES**

WHEREAS, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called "cannabis" for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act" (the "Act"), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the Act establishes six marketplace classes of licensed businesses, consisting of:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributor license, for businesses involved in transporting cannabis plants in bulk from one licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchased items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

WHEREAS, Section 3 of the Act defines a "cannabis establishment" as "a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer;" and

WHEREAS, Section 31a of the Act also authorizes municipalities to adopt by ordinance regulations governing the number of (1) cannabis establishments, (2) cannabis distributors and (3) cannabis delivery services, except for the delivery of cannabis items and related supplies by a cannabis delivery service based and initiated from outside of the municipality; and

WHEREAS, Section 31a of the Act also authorizes municipalities to adopt by ordinance regulations governing the local licensing endorsement, location, manner and times of operation of cannabis establishments and cannabis distributors, and the location and manner of cannabis delivery services, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, Section 31b of the Act authorizes municipalities to prohibit by ordinance the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality, except for the delivery of cannabis items and related supplies by a delivery service based and initiated from outside of the municipality; and

WHEREAS, Section 31b of the Act also stipulates, however, that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (i.e., by August 21, 2021); and

WHEREAS, pursuant to Section 31b of the Act, the failure to do so shall mean that for a period of five years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

WHEREAS, at the conclusion of the initial and any subsequent five-year period following a failure to enact local regulations or prohibitions, the municipality shall again, in 2026, have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating with appropriate approvals within the municipality; and

WHEREAS, the Borough Council of Sea Bright has determined that it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of Sea Bright's residents and members of the public who visit, travel, or conduct business in Sea Bright, to amend Sea Bright's regulation to prohibit Class 1 Cannabis Cultivator licenses; Class 2 Cannabis Manufacturer licenses; Class 3 Cannabis Wholesaler licenses; Class 4 Cannabis Distributor Licenses; and Class 6 Cannabis Delivery Licenses. The Borough of Sea Bright will permit one Class 5 Cannabis Retailer license to operate in the Borough of Sea Bright B-1 Central Business Zones subject to any limitations and restrictions stated herein.

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

SECTION 1. Article II, "Definitions," of Chapter 130, "Land Use", of the Code of the Borough of Sea Bright, is hereby amended by the addition thereto of the following definitions:

"Class 1 Cannabis Cultivator

Any licensed person or entity that grows, cultivates, or produces cannabis in this State, and sells, and may transport, this cannabis to other cannabis cultivators, or usable cannabis to cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers."

"Class 2 Cannabis Manufacturer

Any licensed person or entity that processes cannabis items in this State by purchasing or otherwise obtaining usable cannabis, manufacturing, preparing, and packaging cannabis items, and selling, and optionally transporting, these items to other cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers."

"Class 3 Cannabis Wholesaler

Any licensed person or entity that purchases or otherwise obtains, stores, sells or otherwise transfers, and may transport, cannabis items for the purpose of resale or other transfer to either another cannabis wholesaler or to a cannabis retailer, but not to consumers."

"Class 4 Cannabis Distributor

Any licensed person or entity that transports cannabis in bulk intrastate from one licensed cannabis cultivator to another licensed cannabis cultivator, or transports cannabis items in bulk intrastate from any one class of licensed cannabis establishment to another class of licensed cannabis establishment and may engage in the temporary storage of cannabis or cannabis items as necessary to carry out transportation activities."

"Class 5 Cannabis Retail Store

The premises at which cannabis items are retailed, which may include purchase orders for off-premises delivery by a certified cannabis handler working for or on behalf of the cannabis retailer, or consumer purchases to be fulfilled from the retail premises that are presented by a cannabis delivery service with a Class 6 Cannabis Delivery Service license and which will be delivered by the cannabis delivery service to that consumer. The sale of anything, except cannabis, as well as the service and sale of food are strictly prohibited."

"Class 6 Cannabis Delivery

Any licensed person or entity that provides courier services for consumer purchases of cannabis items and related supplies fulfilled by a cannabis retailer in order to make deliveries of the cannabis items and related supplies to that consumer, and which services include the ability of a consumer to purchase the cannabis items directly through the cannabis delivery service, which after presenting the purchase order to the cannabis retailer for fulfillment, is delivered to that consumer."

"Consumption Area

A designated location operated by a licensed cannabis retailer, for which both a State and local endorsement has been obtained, that is either: (1) an indoor, structurally enclosed area of the cannabis retailer or permit holder that is separate from the area in which retail sales of cannabis items or the dispensing of medical cannabis occurs; or (2) an exterior structure on the same premises as the cannabis retailer, either separate from or connected to the cannabis retailer, at which cannabis items obtained from the retailer, or brought by a person to the consumption area, may be consumed."

SECTION 2. Article VII, "Area, Bulk and Use Requirements," of Chapter 130, "Land Use", of the Code of the Borough of Sea Bright, Section 130-29, "Regulations applicable to all zones," is hereby amended and supplemented by the addition thereto of the following subsections:

"P. Pursuant to section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), all Class 1 Cannabis Cultivation, Class 2 Cannabis Manufacture, Class 3 Cannabis Wholesaler, Class 4 Cannabis Distributor, and Class 6 Cannabis Delivery licensees are hereby prohibited from operating anywhere in the Borough of Sea Bright. Moreover, indoor and exterior cannabis consumption areas are hereby prohibited within the Borough of Sea Bright."

"Q. Any Class 5 Cannabis Retail store permitted to operate within the Borough of Sea Bright is prohibited from engaging in the sale of food and prohibited from allowing customers to bring outside food into the establishment. A Class 5 Cannabis Retail store is prohibited from engaging in the sale of any item except for cannabis. No Class 5 Cannabis Retail store shall permit any smoking of cannabis products within the store, and no such store shall have any indoor or outdoor consumption area. A Class 5 Cannabis Retail store shall not provide seating in the store for customers."

SECTION 3. Article VII, "Area, Bulk and Use Requirements," of Chapter 130, "Land Use", of the Code of the Borough of Sea Bright, Section 130-38, "Uses Permitted," subsection 130-38B." "Certain uses defined.", subparagraph 130-38B.(2)(a), "Class II, retail business uses" is hereby amended and supplemented to read, in full, as follows:

"(a) Type No. 1: food, drug, liquor stores, and one Class 5 Cannabis retail store. This also includes lunch counters, sandwich shops, soda fountains and confectionary stores."

SECTION 4. Article VII, "Area, Bulk and Use Requirements," of Chapter 130, "Land Use", of the Code of the Borough of Sea Bright, Section 130-38, "Uses Permitted," subsection 130-38C." "Use regulations.", subparagraph 130-38C.(4) (a){2}, "Class II, retail business uses. Type of use" is hereby amended and supplemented to read, in full, as follows:

- [a] Food, drug, liquor stores, and one Class 5 Cannabis Retail Store.
- [b] Apparel, accessory and jewelry shops.
- [c] Department stores and mail order houses.
- [d] Variety stores (five-and-ten-cent stores and catalog stores).
- [f] Restaurants.
- [g] Book, stationery, and gift shops.
- [h] Sporting goods and bicycle shops.
- [i] Antique stores (and secondhand shops).
- [k] Automotive accessory stores
- [l] Boating and fishing accessory stores.
- [m] Internet café."

SECTION 5. The underlined text in the foregoing sections is to be added to the Sections and Articles Stated. No language of the Code existing at the time of adoption of this Ordinance is being repealed or replaced.

SECTION 6. Any article, chapter, section, paragraph, subsection, clause, or other provision of the Code inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

SECTION 7. Should any portion or provision of this Ordinance be held by a court of competent jurisdiction to be unconstitutional or invalid, the same shall not affect ,impair or invalidatesany other portion or provision of this Ordinance.

SECTION 8. This Ordinance shall take effect upon its passage and publication according to the law.

INTRODUCED: May 18, 2021

PUBLIC HEARING: June 15, 2021

ADOPTED:

Witness

BOROUGH OF SEA BRIGHT

CHRISTINE PFEIFFER, CLERK

BRIAN KELLY, MAYOR

**VOUCHER LIST
MAY 18, 2021
BOROUGH OF SEA BRIGHT**

02113 AMERICAN WATER		
21-00577 05/11/21 SEWER	Open	324.78
2626 AUTOMATIC PROTECTION SYSTEMS		
21-00550 05/05/21 B&G - FIRE & OTHER SAFETY	Open	320.00
21-00551 05/05/21 B&G - FIRE & OTHER SAFETY	Open	570.00
21-00552 05/05/21 B&G - FIRE & OTHER SAFETY	Open	320.00
21-00553 05/05/21 B&G - FIRE & OTHER SAFETY	Open	320.00

		1,530.00
01241 BAIN'S HARDWARE, INC.		
21-00612 05/14/21 HARWARE	Open	277.15
00631 BARG'S LAWN & GARDEN SHOP, INC		
21-00541 05/05/21 STREETS- MAINT. OF OTHER EQUI.	Open	172.93
01957 BENEMAX BENEFIT MANAGEMENT CO.		
21-00561 05/10/21 HEALTH	Open	336.00
01974 BOROUGH OF SEA BRIGHT COURT		
21-00570 05/11/21 COURT	Open	24.90
02115 C & L SWEEPER SERVICE		
21-00511 04/26/21 STREET SWEEPER	Open	750.00
21-00538 05/05/21 STREETS- ROAD CONS. MATERIAL	Open	2,975.00

		3,725.00
2670 CAPELA CONSTRUCTION		
21-00614 05/14/21 BEACH WAY OUTFALL	Open	30,420.00
2680 CINTAS		
21-00267 03/05/21 BLDGS. & GRDS.- JANITORIAL	Open	95.21
21-00268 03/05/21 BLDGS. & GRDS.- JANITORIAL	Open	106.91
21-00271 03/05/21 BLDGSA. & GRDS.- JANITORIAL	Open	94.58
21-00516 04/29/21 BEACH-MATERIALS & SUPPLIES	Open	35.00
21-00542 05/05/21 BEACH- MATERIALS & SUPPLIES	Open	135.78
21-00543 05/05/21 BLDGS, & GRDS - MAT & SUPP	Open	93.01
21-00547 05/05/21 BEACH- MATERIALS & SUPPLIES	Open	115.84
21-00548 05/05/21 B&G- MATERIALS & SUPPLIES	Open	242.60

		918.93
00256 CLEARY, GIACOBBE, ALFIERI &		
21-00562 05/10/21 LEGAL	Open	288.00
01493 COOPERATIVE INDUSTRIES, L.L.C.		
21-00596 05/12/21 NATURAL GAS	Open	1,512.09
01817 FINEGAN, GEORGE		
21-00605 05/12/21 ANIMAL	Open	441.46
01720 FIREFIGHTER ONE, LLC		
21-00522 04/29/21 Repairs to 4375	Open	250.00
01288 FISLER, CHRISTOPHER		
21-00580 05/11/21 POLICE-CLOTHING ALLOWANCE	Open	401.97
00254 FLOWERS BY VAN BRUNT		
21-00575 05/11/21 RECREATION	Open	250.00
00711 FOLEY/CAT, INC.		
21-00539 05/05/21 STREETS- DPW WORK EQUIPMENT	Open	1,663.69
02101 GANNETT NJ		
21-00611 05/14/21 CLERK	Open	101.25

01194	GLENCO SUPPLY, INC.		
21-00586	05/11/21 BLDGS. & GRDS.- MATERIALS & SU	Open	1,830.00
21-00587	05/11/21 STREETS- MATERIALS & SUPPLIES	Open	1,882.00
21-00588	05/11/21 B & G- MATERIALS & SUPPLIES	Open	1,600.00

			5,312.00
2297	INTEGRATED TECHNICAL SYSTEMS		
21-00557	05/06/21	Open	11,043.00
1727	INTERSTATE ELECTRONICS INC		
21-00558	05/06/21	Open	1,675.00
01419	J. SWANTON FUEL OIL CO., INC.		
21-00576	05/11/21 GASOLINE	Open	233.48
2573	JCP & L		
21-00599	05/12/21 ELECTRIC	Open	10,583.49
2488	JERSEY SHORE POWERSPORTS		
21-00591	05/11/21 BEACH- MAINT. OF EQUIPMENT	Open	552.13
2475	KEMPTON FLAG		
21-00537	05/05/21 BLDGS. & GRDS. - MAT. & SPPL.	Open	393.00
02110	KLEIN, DON		
21-00582	05/11/21	Open	6,000.00
2278	MCLAUGHLIN,STAUFFER & SHAKLEE		
21-00567	05/10/21 LEGAL SERVICES	Open	5,116.23
01422	MONMOUTH MUNICIPAL JOINT		
21-00578	05/11/21 INSURANCE	Open	106,029.00
00462	MUNICIPAL MAINTENANCE COMPANY		
21-00546	05/05/21 SEWER- MAINT OF EQUIPMENT	Open	1,050.00
01397	MURPHY, CHARLES		
21-00566	05/10/21 POLICE	Open	661.45
01399	NEW JERSEY AMERICAN WATER		
21-00598	05/12/21 WATER	Open	3,741.83
2747	NORTHERN NJ INTERIORS		
21-00456	04/15/21 BEACH-MAINTENANCE & REPAIRS	Open	2,607.50
00163	OSWALD ENTERPRISES, INC.		
21-00554	05/05/21 SEWER- CLEANINNG	Open	2,400.00
02223	PEREIRA MASONRY, LLC		
21-00549	05/05/21 B&G-MAINTENANCE OF	Open	1,500.00
01463	PUMPING SERVICES, INC.		
21-00555	05/05/21 SEWER- MAINT OF	Open	3,110.00
21-00556	05/05/21 SEWER- MAINT OF EQUIPMENT	Open	2,976.00

			6,086.00
2728	READY REFRESH BY NESTLE		
21-00604	05/12/21 WATER	Open	458.95
2745	REMINGTON & VERNICK ENGINEERS		
21-00400	04/01/21 SANITARY SEWER PROJECT	Open	7,771.36
2753	ROSS, MICHAEL & PAMELA		
21-00597	05/12/21 TAX COLLECTOR	Open	2,970.00
01554	SEA BRIGHT SERVICE CENTER		
21-00534	05/05/21 POLICE: VEHICLE MAINTENANCE	Open	5,700.00

00985 SEABOARD FIRE/SAFETY EQUIP CO.		
21-00474 04/21/21 BLDGS. & GRDS.-FIRE SAFETY	Open	1,043.00
21-00544 05/05/21 B&G - FIRE & OTHER SAFETY	Open	118.00
21-00545 05/05/21 B&G - FIRE & OTHER SAFETY	Open	1,430.00

		2,591.00
00027 SEABOARD WELDING SUPPLY, INC.		
21-00569 05/11/21 DPW	Open	14.50
02225 STAPLES ADVANTAGE		
21-00512 04/28/21 OFFICE	Open	93.50
2535 SUBURBAN DISPOSAL, INC.		
21-00606 05/12/21 TRASH	Open	20,985.92
21-00607 05/12/21 DUMPSTERS	Open	560.00
21-00608 05/12/21 TIPPING	Open	8,088.88

		29,634.80
01285 THE HOME DEPOT		
21-00515 04/29/21 STREETS- MATERIALS & SUPPLIES	Open	36.51
2438 THOMAS,SHAWN		
21-00536 05/05/21 BEACH- MATERIALS & SUPPLIES	Open	17.02
21-00594 05/11/21 STREETS- MATERIALS & SUPPLIES	Open	25.56
21-00595 05/11/21 STREETS- MINOR TOOLS & HRDWRE.	Open	52.63

		95.21
01243 TREASURER, STATE OF NEW JERSEY		
21-00564 05/10/21 CLERK	Open	50.00
21-00568 05/11/21 PERMIT	Open	323.00

		373.00
2291 VERIZON		
21-00601 05/12/21 FIOS	Open	78.99
2658 VERIZON		
21-00602 05/12/21 PHONE	Open	228.56
2291 VERIZON		
21-00613 05/14/21 FIOS	Open	183.99
02061 VERIZON WIRELESS		
21-00572 05/11/21 POLICE	Open	1,079.60
21-00573 05/11/21 FIRE	Open	268.13
21-00574 05/11/21 CELL	Open	263.17

		1,610.90
00077 WEX BANK		
21-00571 05/11/21 GASOLINE	Open	5,352.09

Total: \$264,815.62

Manual Checks

21-00610	GANNETT NJ	
5/14/2021	PLAN BRD:LEGAL ADS-REVIEW/ESCROW ACCTS.	\$62.10
21-00563	NJ DEPT OF HEALTH	\$2.40
5/10/2021	MONTHLY DOG REPORT	
21-00603	MCKENNA, DUPONT, HIGGINS & STONE	\$300.00
5/12/2021	PLAN. BRD:LEGAL REVIEW/ESCROW ACCT.	

TOTAL: \$364.50

GRAND TOTAL: \$265,180.12