

**AGENDA
WORKSHOP MEETING
BOROUGH OF SEA BRIGHT**

DECEMBER 15, 2021 (Wednesday)

SEA BRIGHT, NEW JERSEY

TO ATTEND THIS MEETING REMOTELY PLEASE USE THE FOLLOWING:

<https://global.gotomeeting.com/join/399207397>

OR DIAL: [\(646\) 749-3335](tel:6467493335)

Access Code: 399-207-397

CALL MEETING TO ORDER: 8:30am

PLEDGE OF ALLEGIANCE

COMPLIANCE STATEMENT (N.J.S.A. 10:4-18)

Good Morning 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 March 3, 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.

ITEMS FOR DISCUSSION:

1. Short Term Rentals and non-compliance with C.O. fines (Tom Haege)
2. Capital Projects Update
 - Change Order No. 2 (\$18,450.00) 2020 Road Program
 - Colliers' Proposal – Shrewsbury Riverfront Park – Phase 2 Improvements
3. Public Safety Update (Chiefs of Police and Fire)
4. Woody's – Purchase of borough property for patio extension
5. Solid Waste and Disposal
6. Rental of Gym at 1167 Ocean Avenue for Boy Scout Event – Waive Fee

- 7. 2022 Borough Fees
- 8. Comcast Cable Franchise Renewal Ordinance
- 9. Ordinance to Monitor Seismic Activity During Pile Driving
- 10. Light at Anchorage Park Crosswalk
- 11. Memorial Benches
- 12. Bids for Beach Businesses

Resolutions:

- 1. Authorizing the Placement of a Municipal Lien in the Amount of \$15,261.68 on the Property Located at 154 Ocean Avenue (Block 34, Lot 2)
- 2. Authorizing the Purchase of Police Firearms through State Contracts
- 3. Authorizing the Purchase of Two Vehicles through State Contracts for the Sea Bright Fire Dept.
- 4. Cancellation of Tax or Delinquent Amounts Less Than \$10.00 in the Borough of Sea Bright
- 5. Refund of 2021 Tax Overpayment - Block 10, Lot 18
- 6. Authorizing Hiring of Police Officers - Special Law Enforcement Officers - Class II
- 7. Authorizing Donation of Council Stipend to Senior Program (will be forthcoming)
- 8. Final Change Order No. 2 (Decrease) – 2017 and 2018 Roadway and Sewer Improvement Program and Posting of a Maintenance Bond Black Rock Enterprises, LLC

EXECUTIVE SESSION:

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

Resolution to discuss: Contracts & Litigation

Roll Call: Birdsall___ Booker___ Catalano___ Keeler___ Lamia___ Leckstein ___

ADJOURNMENT:

Councilmember _____ offered a motion to Adjourn the Workshop meeting;
seconded by Councilmember _____

Roll Call: Birdsall___ Booker___ Catalano___ Keeler___ Lamia___ Leckstein ___

Time: _____am

D2

RESOLUTION NO. -2021
Change Order #2, Increase Contract amount by \$18,450.00
2020 Roadway Improvement Project
Black Rock Enterprises, LLC

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

WHEREAS, on April 20, 2021, the Borough Council of the Borough of Sea Bright awarded a contract to Black Rock Enterprises, LLC of Old Bridge, New Jersey for the 2020 Roadway Improvement Program for an amount of \$310,000.00; and

WHEREAS, on August 17, 2021, the Borough Council of the Borough of Sea Bright approved Change Order No. 1, an increase of \$15,100.00 of the original contracted amount to \$325,100.00; and

WHEREAS, the Borough Consulting Engineer, Leon S. Avakian, Inc., submitted Change Order No. 2, dated November 9, 2021, for an increase of \$18,450.00 which includes: 1) 7 Uniform Traffic Directors for \$3,450.00, and 2) SA2-1 Inline Valve 15" for \$15,000.00, resulting in an increase to the total amount of the contract to \$343,550.00; and

CERTIFICATION OF FUNDS

I, Michael J. Bascom, Chief Financial Officer of the Borough of Sea Bright, do hereby certify that the additional funds in the amount of \$18,450.00 are available for the purpose stated herein in the following account: B/O No. 06-2021.

MICHAEL J. BASCOM, CFO

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Sea Bright in the County of Monmouth, does hereby approve Change Order No. 2, in the amount of \$18,450.00 which increases the contracted amount to \$343,550.00 for the 2020 Roadway Improvement Project awarded to Black Rock Enterprises, Inc.; and

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

- 1. Finance Manager
- 2. Leon S. Avakian, Inc.
- 3. Black Rock Enterprises, LLC

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

December 21, 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 December 21, 2021.

Christine Pfeiffer, Borough Clerk

RESOLUTION No. 154-2021
Change Order #1, Increase Contract amount by \$15,100.00
2020 Roadway Improvement Project
Black Rock Enterprises, LLC

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

WHEREAS, on April 20, 2021, the Borough Council of the Borough of Sea Bright awarded a contract to Black Rock Enterprises, LLC of Old Bridge, New Jersey for the 2020 Roadway Improvement Program for an amount of \$310,000.00; and

WHEREAS, the Borough Consulting Engineer, Leon S. Avakian, Inc., submitted Change Order No. 1, dated July 9, 2021, for an increase of \$15,100.00 which includes: 1) Item No. SA1-1 – Pipe addition for material from PVC to DIP for \$10,600.00, and 2) Item No. SA1-2 – Extra Inlet a Riverway Doghose for \$4,500, resulting in an increase to the original contracted amount to \$325,100.00; and

CERTIFICATION OF FUNDS

I, Michael J. Bascom, Chief Financial Officer of the Borough of Sea Bright, do hereby certify that the additional funds in the amount of \$15,100.00 are available for the purpose stated herein in the following account: B/O No. 06-2021.



MICHAEL J. BASCOM, CFO

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Sea Bright in the County of Monmouth, does hereby approve Change Order No. 1, in the amount of \$15,100.00 which increases the original contracted amount from \$310,000.00 to \$325,100.00 for the 2020 Roadway Improvement Project awarded to Black Rock Enterprises, Inc.; and

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

1. Finance Manager
2. Leon S. Avakian, Inc.
3. Black Rock Enterprises, LLC

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

August 17, 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 August 17, 2021.

Christine Pfeiffer, Borough Clerk

331 Newman Springs Road
Suite 203
Red Bank New Jersey 07701
Main: 877 627 3772

D2



August 27, 2021

VIA EMAIL

Joseph Verruni, Borough Administrator
Borough of Sea Bright
1167 Ocean Avenue
Sea Bright, New Jersey 07760

Proposal for Professional Services
Shrewsbury Riverfront Park
Borough of Sea Bright, Monmouth County, New Jersey
Colliers Engineering & Design Proposal No.: SEA-200P

Dear Mr. Verruni,

Colliers Engineering & Design, Inc. (DBA Maser Consulting) is pleased to submit this proposal for additional professional engineering associated with the preparation of bid specifications and permitting for the construction of Shrewsbury River Riverfront Park Phase 2. This phase of the project proposes installation of a pre-engineered gazebo, irrigation system and numerous plantings.

This proposal is divided into four sections as follows:

- Section I** – Scope of Services
- Section II** – Business Terms and Conditions
- Section III** – Technical Staff Hourly Rate Schedule and Reimbursable Expenses
- Section IV** – Client Contract Authorization

The order in which the following scope of services are presented generally follows the sequence in which the project will be accomplished; however, depending on the project, the various authorized services contained in this proposal may be performed in a sequence as deemed appropriate by Colliers Engineering & Design (CED) to meet project schedules.

Section I – Scope of Services

Based on our conversations and information noted above, we propose to complete the following:

PHASE 1.0 CAFRA APPLICATION

Our review of the New Jersey Department of Environmental Protection's (NJDEP) GeoWeb mapping for this property revealed that the property is located within the State's Coastal Zone and is subject to the provisions of the Coastal Zone Management Rules. Specifically, the property is located within the Coastal Area Facility Review Act (CAFRA) area. The construction of recreational facilities at public parks located within the CAFRA Zone require a CAFRA permit. Gazebos that are less than 200 S.F. in size are eligible for authorization under Coastal General Permit No. 13. However, we understand Maser Consulting is now Colliers Engineering & Design

that the gazebo proposed for this property is 400 S.F. in size and will therefore require an Individual CAFRA permit. The NJDEP's Division of Land Resource Protection (DLRP) is responsible for processing CAFRA applications.

CED will prepare an application for a CAFRA Permit to the DLRP to construct the proposed 400 S.F. gazebo on Block 24, Lot 1.01 in the Borough of Sea Bright, Monmouth County, New Jersey. The application will be prepared in accordance with the standards described in the State's Coastal Zone Management Rules and will include the preparation of an Environmental Impact Statement/Compliance Statement (EIS/CS) in accordance with Section N.J.A.C. 7:7-23.1-23.6 of the Coastal Zone Management Rules. The EIS/CS will include environmental assessment and compliance with those applicable policies contained within the Coastal Zone Management Rules (N.J.A.C. 7:7-1.1, et seq.). The application will include a LURP No. 2 application form, public notifications, and site photographs.

In addition to the information required as part of the EIS/CS, the DLUR requires three (3) copies of a site plan showing the locations and dimensions of all existing and proposed structures, existing site conditions (wetlands, waters, beaches, dunes, mean high water line, coastal wetland boundary, etc.), all existing and proposed accessways to tidal waterways and their shores on site, and all proposed filling, grading, excavation and clearing.

The "Endangered or Threatened Wildlife or Vegetation Species Habitat" and "Critical Wildlife Habitats" and cultural resource policies will be addressed with the results of a Natural Heritage Database search as performed by the NJDEP and by accessing available State and local databases.

Phase 1.0 - Lump Sum Fee **\$5,800.00**

The scope of work above does not include the \$3,000.00 CAFRA Application Fee. In addition, there will be public notice (postage) and newspaper fees ranging from \$800.00 to \$1,000.00 that will be invoiced as reimbursable expenses.

PHASE 2.0 PREPARATION OF BID DOCUMENTS

CED will assist Borough Representatives and the retained Landscape Architect, Steven Krog, with the preparation of bid specifications. Construction Plans have been prepared by Mr. Krog and are presently being finalized. We will collaborate on the preparation of technical specifications and bid documents as required by the Public Contracts Law for the installation of the Gazebo, irrigation system, plantings, etc. The Gazebo is a pre-engineered structure. The foundations were designed by others and installed with the Phase 1 Improvements. It is anticipated that there will be one coordination meeting. It is estimated that it will take approximately 20 staff hours and 4 management hours for QA/QC and oversight.

Phase 2.0 - Hourly/Estimated Fee **\$3,760.00**

PHASE 3.0 BIDDING SERVICES

During this phase, CED will:

- 3.1 Prepare all forms required for project advertisement, bid and contract execution, review, analyze and tabulate bids, and recommend award of contract.
- 3.2 Respond to questions from prospective bidders during the review period and issue appropriate addenda to contract documents, if required.
- 3.3 Review references, qualifications and prices submitted by the low bidder, and submit a recommendation of award of contract to the Borough.

Phase 3.0 – Lump Sum Fee (Optional)

\$2,000.00

Schedule of Fees

For your convenience, we have broken down the total estimated cost of the project into the categories identified within the scope of services.

Phase Name	Fee
PHASE 1.0 CAFRA IP APPLICATION	\$ 5,800.00
PHASE 2.0 PREPARATION OF BID DOCUMENTS (HOURLY ESTIMATED)	\$ 3,760.00
PHASE 3.0 BIDDING SERVICES (OPTIONAL)	\$ 2,000.00
TOTAL FEE	\$11,560.00

This Contract and Fee Schedule are based upon the acceptance of CED's Business Terms and Conditions contained in Section II of this Contract. Delivery, mileage, printing and reproduction, overnight mail service and postage costs are not included in the lump sum fees and will be added to each monthly invoice.

Exclusions and Understandings

Services relating to the following items are not anticipated for the project or cannot be quantified at this time. Therefore, any service associated with the following items is specifically excluded from the scope of professional services within this agreement.

- Services not specifically outlined in Section I.
- Subsurface utility investigation, designating or mapping.
- Printing and reproduction costs.
- Permit and application fees, which are to be paid directly by the Borough.
- Design of structures and foundations.
- Geotechnical investigation and analysis.

- Meeting and site visits beyond those noted above. Any requested additional meeting and site visits will be billed on an hourly basis.
- Special inspections, reports or signoffs.

If an item listed herein, or otherwise not specifically mentioned within this agreement, is deemed necessary, CED may prepare an addendum to this agreement for your review, outlining the scope of additional services and associated professional fees regarding the extra services.

Section II – Business Terms and Conditions

The Business Terms and Conditions are in accordance with the original contract agreement.

Section III – Rate Schedule

The Rate Schedule is on file with the Borough.

Section IV – Client Contract Authorization

I hereby declare that I am duly authorized to sign binding contractual documents. I also declare that I have read, understand, and accept this contract.

Signature

Date

Printed Name

Title

If you find this proposal acceptable, please sign where indicated above in Section IV, and return one signed copy to this office. Alternatively, please provide a copy of a Municipal Resolution or Purchase Order approving this proposal, which shall constitute authorization. Invoices are due within 30 days. This proposal is valid until October 27, 2021.

We very much appreciate the opportunity of submitting this proposal and look forward to performing these services for you.

Sincerely,

Colliers Engineering & Design, Inc.
(DBA Maser Consulting)



William H.R. White, III, PE, PP, CME, CPWM, CFM
Sea Bright Borough Engineer

WHW/dmm

cc: Christine Pfeiffer, RMC, Borough Clerk (via email)
Frank Lawrence (via email)
Leonardo E. Ponzio, PLS, Colliers Engineering & Design (via email)

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DH

Christine Pfeiffer

From: Richard J. Shaklee <rshaklee@wall-lawyers.com>
Sent: Monday, November 29, 2021 4:05 PM
To: Christine Pfeiffer
Cc: Joseph Verruni; Roger J. McLaughlin; Brendan Ruckert
Subject: [EXTERNAL]FW: [EXT] Re: Woody's-Sea Bright

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.
SUBJECT TO ATTORNEY CLIENT PRIVILEGE

Hi Chris,

Perhaps this subject should be listed again for workshop in light of what Woody's is bringing forward regarding improvements it plans to make if it receives ownership of the 8-foot extension it is seeking. *see page 2*

Best Regards.

Rich

--
Richard J. Shaklee, Esquire
McLaughlin Stauffer & Shaklee P.C.

4814 Outlook Drive, Suite 112 | Wall Township, New Jersey 07753
Tel: 732.751.2800, Ext. 53 | Fx: 732.751.2598 | Email: rshaklee@wall-lawyers.com | www.wall-lawyers.com

Confidentiality Notice. The pages accompanying this e-mail transmission contain confidential or privileged information from the law firm McLaughlin Stauffer & Shaklee P.C. The information is intended for the individual or entity named above. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this information is strictly prohibited. If you have received this e-mail in error, please reply to us via e-mail or contact us immediately at (732) 751-2800, ext. 53. Thank you.

From: Jennifer Krimko <jsk@ansellgrimm.com>
Date: Monday, November 29, 2021 at 3:24 PM
To: Richard Shaklee <rshaklee@wall-lawyers.com>
Subject: FW: [EXT] Re: Woody's-Sea Bright

Rich,

See below. Good?

Jennifer S. Krimko, Esq.
Ansell Grimm & Aaron, P.C.

1500 Lawrence Avenue- CN 7807
Ocean, NJ 07712
Direct Dial: 732-643-5284
Direct Fax: 732-643-5294
Email: jsk@ansellgrimm.com
Main Office: 732-922-1000
Main Fax: 732-922-6161
Website: www.ansellgrimm.com

From: Chris Wood <cwood60@mac.com>
Sent: Monday, November 29, 2021 2:23 PM
To: Jennifer Krimko <jsk@ansellgrimm.com>
Cc: Peter Forlenza <peterforlenza@aol.com>
Subject: Re: [EXT] Re: Woody's-Sea Bright

Here is what we'd like to do:



- * Resurface the existing patio and the extension to make it continuous level with either textured concrete or pavers
- * Belgium Block Curbing
- * Decorative covered bollards
- * Permanent planters that will be changed out seasonally
- * Enhanced outdoor lighting

On Nov 29, 2021, at 11:40 AM, Jennifer Krimko <jsk@ansellgrimm.com> wrote:

Chris,
See below. Please advise. Thanks.

Jennifer S. Krimko, Esq.

Ansell Grimm & Aaron, P.C.
1500 Lawrence Avenue- CN 7807
Ocean, NJ 07712
Direct Dial: 732-643-5284
Direct Fax: 732-643-5294
Email: jsk@ansellgrimm.com
Main Office: 732-922-1000
Main Fax: 732-922-6161
Website: www.ansellgrimm.com

From: Richard J. Shaklee <rshaklee@wall-lawyers.com>
Sent: Monday, November 29, 2021 11:02 AM
To: Jennifer Krimko <jsk@ansellgrimm.com>
Cc: Roger J. McLaughlin <rmclaughlin@wall-lawyers.com>; Brendan Ruckert <bruckert@wall-lawyers.com>
Subject: Re: [EXT] Re: Woody's-Sea Bright

Hi Jennifer,

07

RESOLUTION NO. -2022
2022 BOROUGH FEE SCHEDULE

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

WHEREAS, the Borough Council had established the "Code of the Borough of Sea Bright, 1998" to annually renew all fee schedules by resolution as referenced in each Chapter; and

WHEREAS, the Borough Council wish to approve the following fee schedules for the year 2022 as referenced below:

SECTION I
CHAPTER 3 ADMINISTRATIVE CODE
Section 3-9 Fees for extraordinary requests

Fees:

- Copies
 - Letter size pages \$ 0.05
 - Legal size pages \$ 0.07
 - Ledger \$ 0.10
 - Other materials (CD, DVD, etc) \$ 3.00
- Delivery: Delivery / postage fees additional depending upon delivery type
- Extras: Special service charge may be applied for administrative and postage fees, if applicable, and,
- Deposit: If request exceeds \$5.00 to reproduce.

SECTION II
CHAPTER 170 – "Sewers"
ARTICLE II: Rates and Charges

Section 170-11B(5) There shall be an annual fee for the administration and enforcement of the sewer deduct program set by resolution by the Borough Council.

ANNUAL FEE: \$100.00

SECTION III
CHAPTER 172 – "Sidewalk Cafes and Restaurants"

Section 172-3. Licensing Fees: The annual fee for the operation of a sidewalk café shall be set by resolution by the Borough Council.

<u>Number of Seats</u>	<u>Fee</u>
1-8	\$100.00
9-16	\$200.00
17+	\$500.00

SECTION IV
CHAPTER 178 - "Solid Waste"

ARTICLE II "Recycling", 178.6 Enumerations of Mandatory Recyclables,
Section H. "Appliance and White Goods Collection"

Subsection (2)(b):

Prior to placing any appliance at the curbside offer collection, the owner, tenant or resident of the promises shall complete a form provided by the Recycling Coordinator and pay a permit fee in order to obtain a removal permit.

COLLECTION FEE: \$25.00

SECTION V
CHAPTER 179 - "Special Events"

Section 179-2D. There shall be a fee for the filing of any permit application, said fee to be set by the Borough Council on an annual basis.

Application Fee \$25.00

SECTION VI
CHAPTER 201 - "VEHICLES AND TRAFFIC"
ARTICLE I - Traffic and Parking
Section 201-8.B - Pay-to-park areas.

Parking of vehicles in municipally regulated pay-to-park areas shall be permitted at such rates for paid parking as set forth in rules and regulations adopted by resolution of the Mayor and Council.

- Pay to Park: Monday - Friday \$ 1.00/per hour
Saturday & Sunday \$ 2.00/per hour

SECTION VII
LIBRARY

	FEES
Fines for Overdue Materials (per day)	
• Books, Audio Tapes	\$ 0.10
• Videotapes/DVDs	\$ 1.00
Annual Nonresident Fee	\$ 35.00
Fax	\$ 1.00 plus \$ 0.10 per page

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, that the above fees for the year 2022 are hereby approved effective immediately.

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

1. Administrative Assistant
2. Public Works Department
3. Library

January 8, 2022

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 January 8, 2022.

Christine Pfeiffer, Borough Clerk

D8

Christine Pfeiffer

From: Clifton, Robert <Robert_Clifton@comcast.com>
Sent: Monday, November 29, 2021 1:04 PM
To: Joseph Verruni
Cc: Christine Pfeiffer
Subject: [EXTERNAL]Sea Bright Draft Cable Franchise Renewal Ordinance
Attachments: Sea Bright DRAFT MCO.doc

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Joe,

Attached is a draft cable franchise renewal ordinance for your review and the review of the governing body. Please let me know if you have any questions or concerns.

Rob

Rob Clifton
Senior Director
Government & Regulatory Affairs
Robert_clifton@cable.comcast.com
732-281-3704

ORDINANCE NO. _____

AN ORDINANCE GRANTING RENEWAL OF MUNICIPAL CONSENT TO
COMCAST OF MONMOUTH COUNTY TO CONSTRUCT, CONNECT,
OPERATE AND MAINTAIN A CABLE TELEVISION AND COMMUNICATIONS
SYSTEM IN THE BOROUGH OF SEA BRIGHT, MONMOUTH COUNTY, NEW
JERSEY

BE IT ORDAINED AND ENACTED BY THE MAYOR AND COUNCIL OF THE
BOROUGH OF SEA BRIGHT, MONMOUTH COUNTY, NEW JERSEY, AS
FOLLOWS:

SECTION 1. PURPOSE OF THE ORDINANCE.

The BOROUGH hereby grants to Comcast renewal of its non-exclusive Municipal Consent to place in, upon, across, above, over and under highways, streets alleys, sidewalks, easements, public ways and public places in the Borough, poles, wires, cables, underground conduits, manholes and other television conductors, fixtures, apparatus, and equipment as may be necessary for the construction, operation and maintenance in the Borough of a cable television and communications system.

SECTION 2. DEFINITIONS.

For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. Such meaning or definition of terms in supplemental to those definitions of the Federal Communications Commission ("FCC") rules and regulations, 47 C.F.R. Subsection 76.1 *et seq.*, and the Cable Communications Policy Act, 47 U.S.C. Section 521 *et seq.*, as amended, and the Cable Television Act, N.J.S.A. § 48:5A-1 *et seq.*, and shall in no way be construed to broaden, alter or conflict with the federal and state definitions:

- a. "Borough" or "Borough" is the Borough of Sea Bright, County of Monmouth, State of New Jersey.
- b. "Company" or "Comcast" is the grantee of rights under this Ordinance and is known as Comcast of Garden State, L.P.
- c. "Act" or "Cable Television Act" is Chapter 186 of the General Laws of New Jersey, and subsequent amendments thereto, N.J.S.A. § 48:5A-1, *et seq.*
- d. "FCC" is the Federal Communications Commission.
- e. "Board" or "BPU" is the Board of Public Utilities, State of New Jersey.
- f. "Office" or "OCTV" is the Office of Cable Television of the Board.
- g. "Basic Cable Service" means any service tier, which includes the retransmission of local television broadcast signals as defined by the FCC.
- h. "Application" is the Company's Application for Renewal of Municipal

Consent.

- i. "Primary Service Area" or "PSA" consists of the area of the Borough currently served with existing plant as set forth in the map annexed to the Company's Application for Municipal Consent.

SECTION 3. STATEMENT OF FINDINGS.

A public hearing concerning the consent herein granted to the Company was held after proper public notice pursuant to the terms and conditions of the Act. Said hearing having been held and fully open to the public, and the Borough having received all comments regarding the qualifications of the Company to receive this consent, and the representations of the Company that the Company possesses the necessary legal, technical, character, financial and other qualifications and that the Company's operating and construction arrangements are adequate and feasible.

SECTION 4. DURATION OF FRANCHISE.

The non-exclusive Municipal Consent granted herein shall expire ten (10) years from the date of expiration of the previous Certificate of Approval issued by the Board.

In the event that the Borough shall find that the Company has not substantially complied with the material terms and conditions of this Ordinance, the Borough shall have the right to petition the OCTV, pursuant to N.J.S.A. 48:5A-47, for appropriate action, including modification and/or termination of the Certificate of Approval; provided however, that the Borough shall first have given the Company written notice of all alleged instances of non-compliance and an opportunity to cure same within ninety (90) days of that notification.

SECTION 5. FRANCHISE FEE.

Pursuant to the terms and conditions of the Act, N.J.S.A. 48:5A-30(d), the Company shall, during each year of operation under the consent granted herein, pay to the Municipality 3.5% of the gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for cable television reception service in the Municipality or any higher amount permitted by the Act or otherwise allowable by law. The current franchise fee paid to the Borough is 3.5%.

SECTION 6. FRANCHISE TERRITORY.

The consent granted under this Ordinance for the renewal of the franchise shall apply to the entirety of the Borough and any property subsequently annexed hereto.

SECTION 7. EXTENSION OF SERVICE.

The company shall, during the franchise period, be required to offer service to any present or future dwelling unit, school, institution, and business located and to be located along any public rights-of-way in the primary service area, as set forth in the company's application. Any extension of plant beyond the Primary Service Area shall be governed by the Company's Line Extension Policy, as set forth in the Company's Application, with a HPM ("homes-per-mile") of 35 dwellings per linear mile from the nearest active trunk or feeder line from which a usable cable signal may be obtained. For purposes of this section and the Company's implementation of the LEP, a home shall only be counted as a "dwelling unit" if such home is occupied and within two hundred seventy-five (275) feet of the public right of way.

SECTION 8. CONSTRUCTION REQUIREMENTS.

- a. Restoration: In the event that the Company or its agents shall disturb any pavement, street surfaces, sidewalks, driveways, or other surface in the natural topography, the Company shall, at its sole expense, restore and replace such places or things so disturbed in as reasonably good a condition as existed prior to the commencement of said work.
- b. Relocation: If at any time during the period of this consent, the Borough shall alter or change the grade of any street, alley or other way or place the Company, upon reasonable notice by the Borough, shall remove, re-lay or relocate its equipment, at the expense of the Company. In requiring Company to remove, re-lay or relocate any portion of its property, the Borough shall treat Company the same as, and require no more of Company than, any other similarly situated entity utilizing the Public Rights of Way, including with respect to reimbursement of costs.
- c. Removal or Trimming of Trees: During the exercise of its rights and privileges under this franchise, the Company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks or other public places of the Borough so as to prevent the branches of such trees from coming in contact with the wires and cable of the Company. Such trimming shall be only to the extent necessary to maintain proper clearance of the Company's wire and cables. Except in an emergency, the Company will not, without the prior consent of the Supervisor of the Borough 's Department of Public Works, or his/her delegate, trim or remove trees in the public rights-of-way or parks in the Borough The Supervisor or delegate will respond to a request for authorization within 48 hours, Monday through Friday. If requested, the company will perform any trimming under the direct supervision of the Supervisor or his designee.
- d. Installation of Equipment: The Company shall install equipment in the same location and manner as existing public utilities whenever possible, in order to minimize the impact of

same on surrounding property.

- e. Temporary removal of cables: The Company shall, upon request of the Borough, at the Company's expense, temporarily raise, lower or remove its cables and associated facilities in order to facilitate the moving of Borough -owned buildings, equipment, vehicles and machinery and to accommodate other like circumstances. In light of a temporary removal request by other than the Borough for non- Borough -owned buildings, equipment, vehicles and machinery, the cost of such temporary removal shall be the responsibility of the requesting party.

SECTION 9. CUSTOMER SERVICE.

In providing services to its customers, the Company shall comply with N.J.A.C. 14:18-1, et seq. and all applicable state and federal statutes and regulations. The Company shall strive to meet or exceed all voluntary company and industry standards in the delivery of customer service and shall be prepared to report on it to the Borough Council upon written request of the Borough Manager or Clerk.

- a. The Company shall continue to comply fully with all applicable state and federal statutes and regulations regarding credit for outages, the reporting of same to regulatory agencies and notification of same to customers.
- b. The Company shall continue to fully comply with all applicable state and federal statutes and regulations regarding the availability of devices for the hearing impaired and the notification of same to customers.

SECTION 10. MUNICIPAL COMPLAINT OFFICER.

The Office of Cable Television is hereby designated as the Complaint Officer for the Borough pursuant to N.J.S.A. § 48:5A-26(b). All complaints shall be received and processed in accordance with N.J.A.C. § 14:17-6.5. The Borough shall have the right to request copies of records and reports pertaining to complaints by Borough customers from the OCTV.

SECTION 11. LOCAL OFFICE.

During the term of this franchise, and any renewal thereof, the Company shall maintain a business office or agent in accordance with N.J.A.C. § 14:18-5.1.

SECTION 12. PERFORMANCE BOND.

During the life of the franchise the Company shall give to the Borough a bond in the amount of Twenty-Five Thousand Dollars (\$25,000). Such bond shall be to insure the faithful performance of all undertakings of the Company as represented in its application for municipal consent

incorporated herein.

SECTION 13. SUBSCRIBER RATES.

The rates of the Company shall be subject to regulation as permitted by federal and state law.

SECTION 14. COMMITMENTS BY THE COMPANY.

- a. The Company shall provide Expanded Basic or a similar tier of cable television service to one (1) outlet to every Borough building and each qualified existing and future municipal building, police, fire, emergency management facility and public library in the Borough, provided the facility is located within two hundred (200) feet of active cable distribution plant or through customer owned conduit. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis by the Borough.
- b. Within six months of the issuance of a Renewal Certificate of Approval by the BPU, the Company shall provide to the Borough a one-time E/G Access Capital Grant in the amount of \$5,000 to meet the E/G Access capital needs of the community.
- c. The Communications Act of 1934, as amended [47 U.S.C. §543 (b)], allows the Company to itemize and/or identify: (1.) the amount on the subscriber bill assessed as a franchise fee and the identity of the governmental authority to which the fee is paid; (2.) the amount on the bill assessed to satisfy any requirements imposed on the Company by the cable franchise to support public, education, and/or governmental access channels or the use of such channels; and (3.) any grants or other fees on the bill or any tax, assessment, or charge of any kind imposed by any governmental authority on the transaction between the operator and the subscriber. The Company reserves its external cost, pass-through rights to the full extent permitted by law.

SECTION 15. EMERGENCY USES.

- a. The Company will comply with the Emergency Alert System (“EAS”) rules in accordance with applicable state and federal statutes and regulations.
- b. The Company shall in no way be held liable for any injury suffered by the Borough or any other person, during an emergency, if for any reason the Borough is unable to make full use of the cable television system as contemplated herein.

SECTION 16. LIABILITY INSURANCE.

The Company shall at all times maintain a comprehensive general liability insurance policy with a single limit amount of One Million Dollars (\$1,000,000) covering liability for any death, personal injury, property damages or other liability arising out of its construction and operation

of the cable television system, and an excess liability (or “umbrella”) policy in the amount of Five Million Dollars (\$5,000,000).

SECTION 17. INCORPORATION OF THE APPLICATION.

All of the statements and commitments contained in the Application or annexed thereto and incorporated therein, and any amendment thereto, except as modified herein, are binding upon the Company as terms and conditions of this consent. The Application and other relevant writings submitted by the Company shall be annexed hereto and made a part hereof by reference provided same do not conflict with application State or Federal law.

SECTION 18. COMPETITIVE EQUITY.

Should the Borough grant municipal consent for a franchise to construct, operate and maintain a cable television system to any other person, corporation or entity on terms materially less burdensome or more favorable than the terms contained herein, the Company may substitute such language that is more favorable or less burdensome for the comparable provision of this Ordinance subject to the provisions of N.J.A.C. § 14:17-6.7.

SECTION 19. SEPARABILITY.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and its validity or unconstitutionality shall not affect the validity of the remaining portions of the Ordinance.

SECTION 20. PROPRIETARY INFORMATION

The Company shall not be required to disclose information which it reasonably deems to be proprietary or confidential in nature. The Borough agrees to treat any information disclosed by the Company as confidential and only to disclose it to those employees, representatives, and agents of the Borough that have a need to know in order to enforce this Ordinance Agreement and who agree to maintain the confidentiality of all such information, unless such information is deemed to be subject to New Jersey’s Open Public Records Act.

The Company shall not be required to provide Customer information in violation of Section 631 of the Cable Act or any other applicable federal or state privacy law. For purposes of this Section, the terms “proprietary or confidential” include, but are not limited to, information relating to the Cable System design, customer lists, marketing plans, financial information unrelated to the calculation of franchise fees or rates pursuant to FCC rules, or other information that is reasonably determined by the Company to be competitively sensitive. The Company may make proprietary or confidential information available for inspection but not copying or removal by the Borough’s representative. In the event that the Borough has in its possession and receives

a request under a state “sunshine,” public records, or similar law for the disclosure of information the Company has designated as confidential, trade secret or proprietary, the Borough shall notify the Company of such request and cooperate with Company in opposing such request.

SECTION 21. FORCE MAJEURE.

The Company shall not be liable or responsible for, in whole or in part, any delay or failure to perform any of its obligations hereunder which may result from accidents, pandemics, floods, fires, earthquakes, tornadoes or other acts of God; war, acts of war (whether or not a declaration of war is made), civil disobedience; civil disturbance, sabotage or vandalism, customer tampering or interference, or act of public enemy; strikes, other labor or job actions or unavailability of materials or equipment; or other events or circumstances beyond the reasonable control of the Company.

SECTION 22. THIRD PARTY BENEFICIARIES.

Nothing in this Franchise or in any prior agreement is or was intended to confer third-party beneficiary status on any member of the public to enforce the terms of such agreements or Franchise.

SECTION 23. NEW DEVELOPMENTS

The Borough, for its part, shall endeavor to exercise reasonable efforts to require developers and utility companies to provide the Company with at least fifteen (15) days advance notice of an available open trench for the placement of necessary cable.

SECTION 24. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon issuance of a Renewal Certificate of Approval from the BPU.

Adopted on second and final reading on

, Mayor

ATTEST:

, Borough Clerk

D9

Christine Pfeiffer

From: Deborah Martinock <deborah.martinock@colliersengineering.com>
Sent: Wednesday, December 8, 2021 3:35 PM
To: Christine Pfeiffer
Cc: William White
Subject: [EXTERNAL]Vibration Monitoring Ordinance, SEA-200
Attachments: 211208_whw_pfeiffer.pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon,

On behalf of Bill White, attached please find correspondence regarding the above-referenced subject. Please feel free to reach out to Bill directly if you have any questions.

Thank you, and enjoy the rest of the day!

Deborah Martinock

Administrative Assistant | Administration

deborah.martinock@colliersengineering.com

Main: 877 627 3772 | Direct: 732 704 5191

331 Newman Springs Road Suite 203 | Red Bank, New Jersey 07701



colliersengineering.com



Maser Consulting is now Colliers Engineering & Design

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331 Newman Springs Road
Suite 203
Red Bank New Jersey 07701
Main: 877 627 3772



Memorandum

To: Christine Pfeiffer, RMC
From: William H.R. White, III, PE, PP, CME, CFM, CPWM
Date: December 8, 2021
Subject: Vibration Monitoring Ordinance
Project No.: SEA-200

Our office has reviewed the example ordinance and permit form from Naples Florida for Pile Driving & Demolition Work Seismic Monitoring. The documents provide limits of peak particle velocity for various frequency ranges based on the type of residential construction. The limits were determined by a US Bureau of Mines study which is an accepted standard of the industry. The seismic monitoring is performed by Professional Engineers. We defer to the Borough Construction Official as to when the signed and sealed report should be submitted.

I have attached the vibration limits chart and a copy of a typical vibration monitoring report as an example of what the final product could look like.

If there are any questions, please do not hesitate to contact me directly.

r:\projects\q-t\sea\sea200\211208_why_pfeiffer.docx

FIGURE 7.26(e)
FREQUENCY VERSUS PARTICLE VELOCITY METHOD

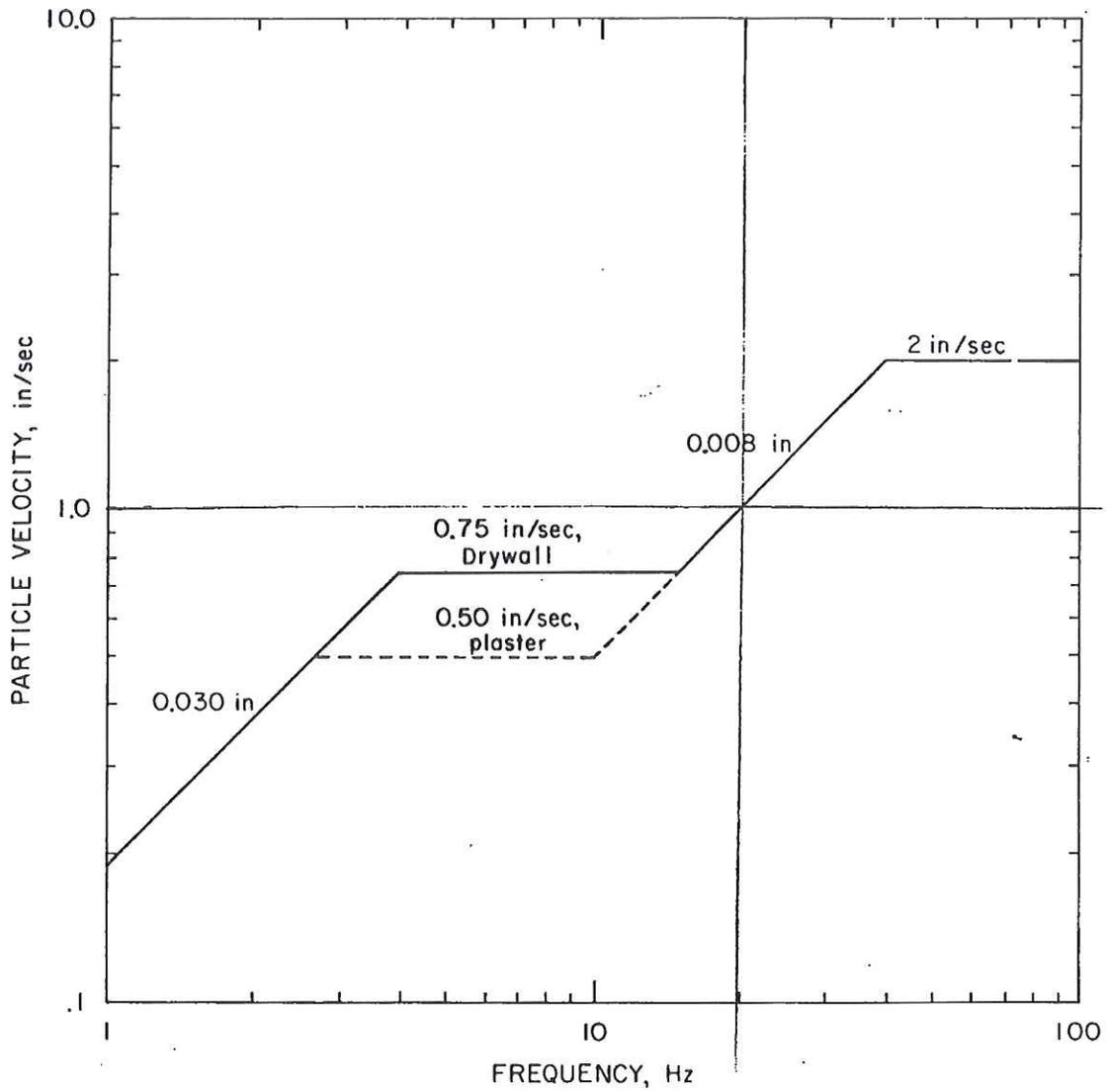


Figure B-1.—Safe levels of blasting vibration for houses using a combination of velocity and displacement.

*FIGURE FROM U.S. BUREAU OF MINES REPORT TO INVESTIGATION 8507 (SISKIND 1980, Pg 73)

5439 Harding Highway
Mays Landing, New Jersey 08330
Main: 877 627 3772
Colliersengineering.com



March 22, 2021

[REDACTED] Construction, LLC
[REDACTED]
[REDACTED]

Pile Vibration Monitoring Report
Proposed Residence

[REDACTED]
[REDACTED]

Colliers Engineering & Design Project No. [REDACTED]

Dear Mr. [REDACTED],

Pursuant to your request, Colliers Engineering & Design, Inc. (Colliers; DBA Maser Consulting) conducted vibration monitoring of the production pile installation operation performed by [REDACTED] on March 17, 2021. Colliers provided full-time monitoring during the installation of 34 production timber piles for the support of the proposed residence located at [REDACTED]. Prior to our arrival onsite, 1 test pile had been installed and therefore, was not monitored by Colliers personnel. The monitored production piles were pre-drilled at the pile locations with an auger to a depth of approximately 12 feet below the existing site grade prior to commencement of pile installation with an Allied 2300 vibratory hammer. The vibration monitoring was performed as close as possible to the nearby existing residences located at [REDACTED] in order to limit any potential structural damage caused by groundborne vibration associated with the pile installation operation.

Vibration monitoring was performed using Vibra-Tech MultiSeis Plus seismograph. This seismograph has a triaxial geophone that records peak particle velocities in three components of motion (vertical and two horizontal directions). The seismograph has a peak particle velocity (PPV) dynamic range of up to 10 inches per second and a sample rate of 1,024 samples per second per component. The seismograph was programmed to continuously record and store the highest peak particle velocity at 5 second intervals. The New Jersey Administrative Code (NJAC) Chapter 12:190 Section 7.26 (Ground Vibration) which is based on the U.S. Bureau of Mines (USBM) and U.S. Office of Surface Mining (OSM) standard was used to establish the vibration tolerance. This standard considers both PPV and frequency (Hz) to establish a threshold level for potential structural damage from groundborne vibration, as shown on the attached graph of Figure 7.26(e). Values that plot below the line on the attached graph are considered tolerable to the structure and values that plot above the line are deemed a potential to cause structural damage to the structure. A PPV of 0.75 inches per second was selected as the caution level. This caution level was selected because it is below the threshold level and will prompt the seismograph to record a waveform event that will plot the recorded data on the USBM graph in order for the field technician to review the data with the pile installation contractor and implement any needed measure(s), if required, in order to minimize the potential that the threshold level is exceeded.

The seismograph was moved within the property limits as needed and placed as close as possible to the nearest existing structures, generally between the pile being installed and the adjacent structures. On March

Maser Consulting is now Colliers Engineering & Design

17, 2021, the closest piles installed were approximately 16 and 50 feet from the existing residences located at [REDACTED] respectively.

No waveform events were recorded because the PPC caution and threshold levels were not exceeded during pile installation. The maximum PPV recorded during the production pile installation operation was 0.410 inches per second at a frequency of 16 Hertz.

Based on the recorded PPV and the frequency data from the monitoring, the NJAC 12:190 established threshold level to possibly cause structural damage was not exceeded. Representative histogram plots, each depicting peak particle velocities recorded over a given monitoring period, are attached. Based on the recorded groundborne vibration data being within a range of compliance below the NJAC 12:190 threshold level to possibly cause structural damage, it is our opinion that the production pile installation operation performed on March 17, 2021 for the 34 monitored piles should not have caused any structural damage to the closest existing residences located at [REDACTED].

We trust the above information is sufficient for your review and use. We thank you for the opportunity of providing this service. Should you have any questions regarding this report, or if we can be of further assistance, please do not hesitate to contact us.

Sincerely,

Colliers Engineering & Design, Inc.
(DBA Maser Consulting)



Rebeka Pedrick, PE
Project Manager
NJ PE GE53107

rp
[REDACTED]

FIGURE 7.26(e)
FREQUENCY VERSUS PARTICLE VELOCITY METHOD

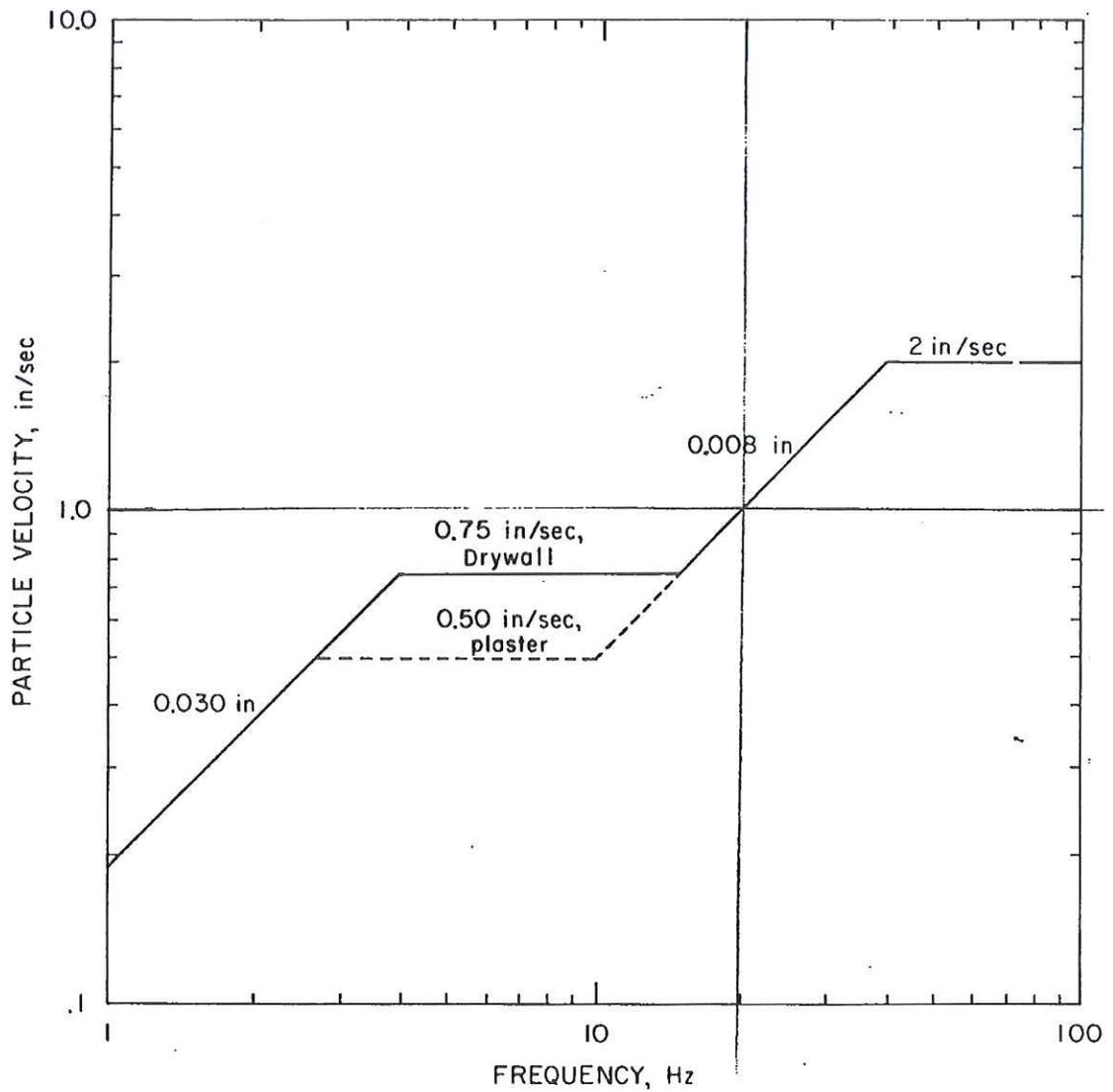


Figure B-1.—Safe levels of blasting vibration for houses using a combination of velocity and displacement.

*FIGURE FROM U.S. BUREAU OF MINES REPORT TO INVESTIGATION 8507 (SISKIND 1980, Pg 73)

Histogram Start Time 08:28:10 March 17, 2021
Histogram Finish Time 09:16:38 March 17, 2021
Number of Intervals 581 at 5 seconds
Range Geo :10.00 in/s
Sample Rate 1024sps
Job Number: 1

Serial Number BF16563 V 7.03-4.35 MultiSeis Plus
Battery Level 6.2 Volts
Calibration May 9, 2020 by Vibra-Tech Inc.
File Name R563IW9J.IY1

Notes

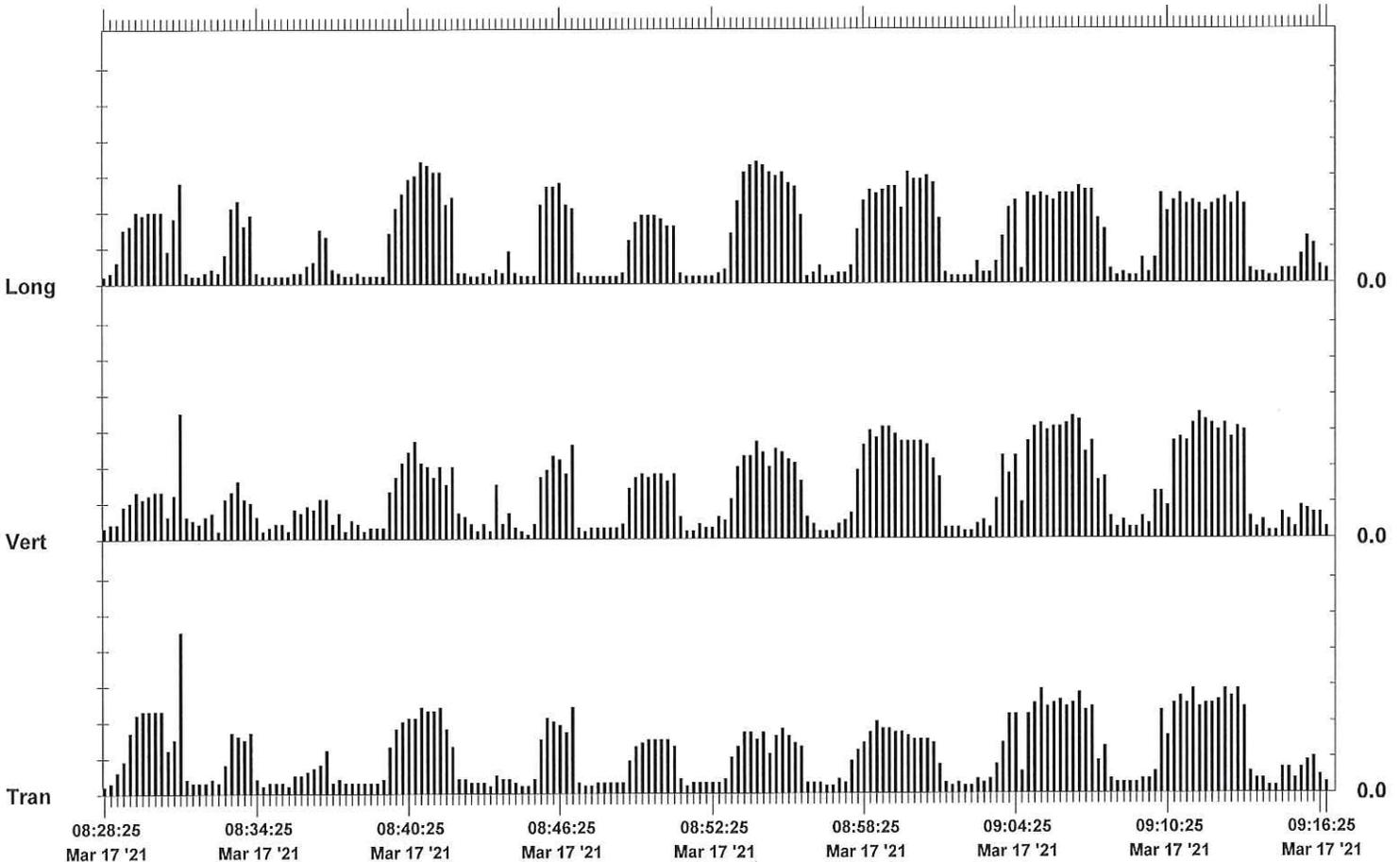
Client: Amon Construction
 Project: Prop Res-5 E Winthrop Rd-Strathmere, NJ
 User Name: Colliers Engineering & Design
 Project No.: 21001518E

Extended Notes

Post Event Notes

	Tran	Vert	Long	
PPV	0.225	0.175	0.170	in/s
ZC Freq	73	14	27	Hz
Date	Mar 17 '21	Mar 17 '21	Mar 17 '21	
Time	08:31:20	08:31:20	08:40:55	
Dynamic Geo Cal.	Passed	Passed	Passed	

Peak Vector Sum 0.276 in/s on March 17, 2021 at 08:31:20



Time Scale: 15 seconds /div **Amplitude Scale:**Geo: 0.0500 in/s/div

Histogram Start Time 09:19:42 March 17, 2021
Histogram Finish Time 09:55:03 March 17, 2021
Number of Intervals 424 at 5 seconds
Range Geo :10.00 in/s
Sample Rate 1024sps
Job Number: 1

Serial Number BF16563 V 7.03-4.35 MultiSeis Plus
Battery Level 6.1 Volts
Calibration May 9, 2020 by Vibra-Tech Inc.
File Name R563IW9L.WU1

Notes

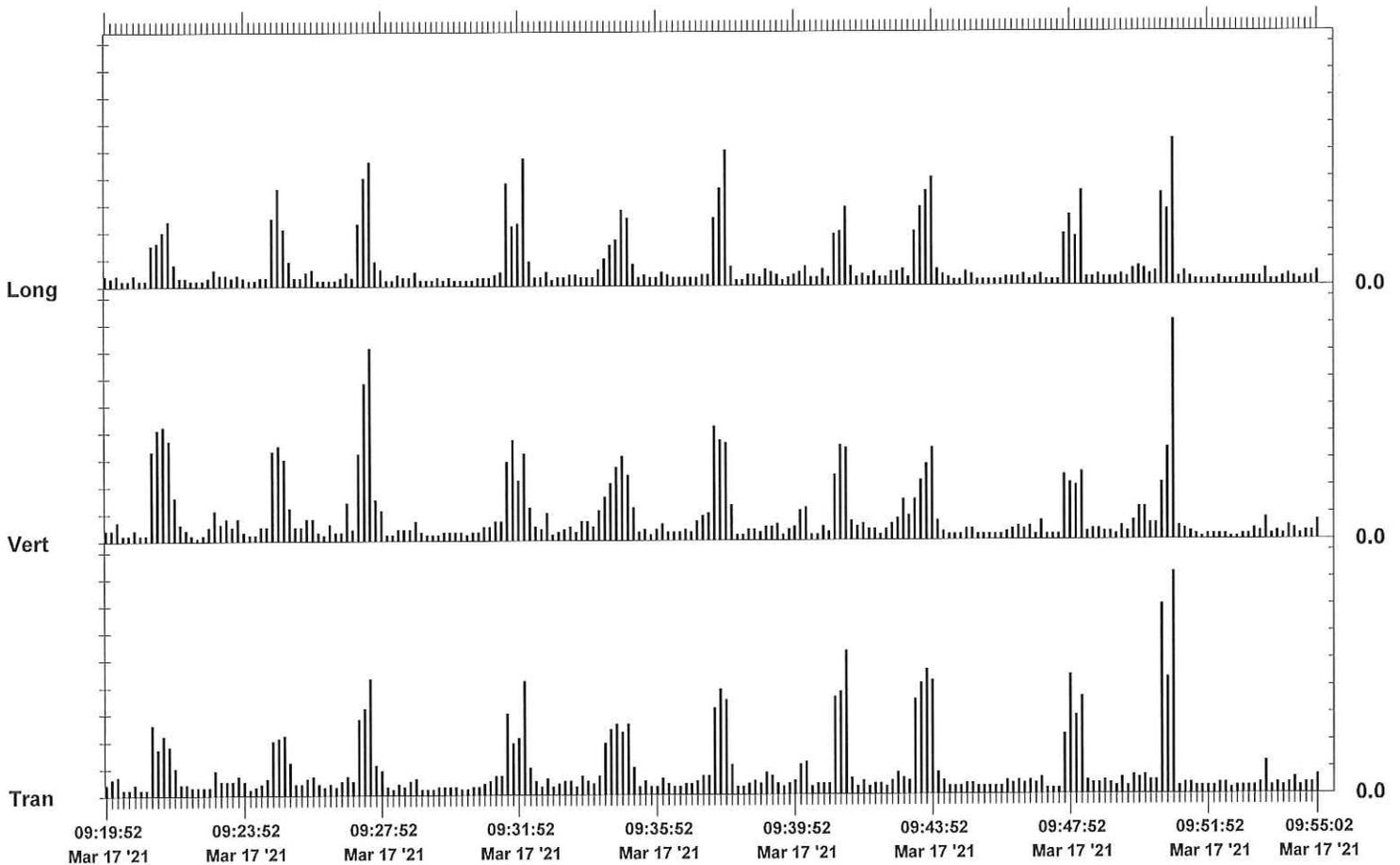
Client: Amon Construction
 Project: Prop Res-5 E Winthrop Rd-Strathmere, NJ
 User Name: Colliers Engineering & Design
 Project No.: 21001518E

Extended Notes

Post Event Notes

	Tran	Vert	Long	
PPV	0.410	0.405	0.270	in/s
ZC Freq	16	26	27	Hz
Date	Mar 17 '21	Mar 17 '21	Mar 17 '21	
Time	09:50:52	09:50:47	09:50:47	
Dynamic Geo Cal.	Passed	Passed	Passed	

Peak Vector Sum 0.454 in/s on March 17, 2021 at 09:50:47



Time Scale: 10 seconds /div **Amplitude Scale:**Geo: 0.0500 in/s/div

Histogram Start Time 10:30:14 March 17, 2021
Histogram Finish Time 10:56:06 March 17, 2021
Number of Intervals 310 at 5 seconds
Range Geo :10.00 in/s
Sample Rate 1024sps
Job Number: 1

Serial Number BF16563 V 7.03-4.35 MultiSeis Plus
Battery Level 6.2 Volts
Calibration May 9, 2020 by Vibra-Tech Inc.
File Name R563IW9P.6E1

Notes

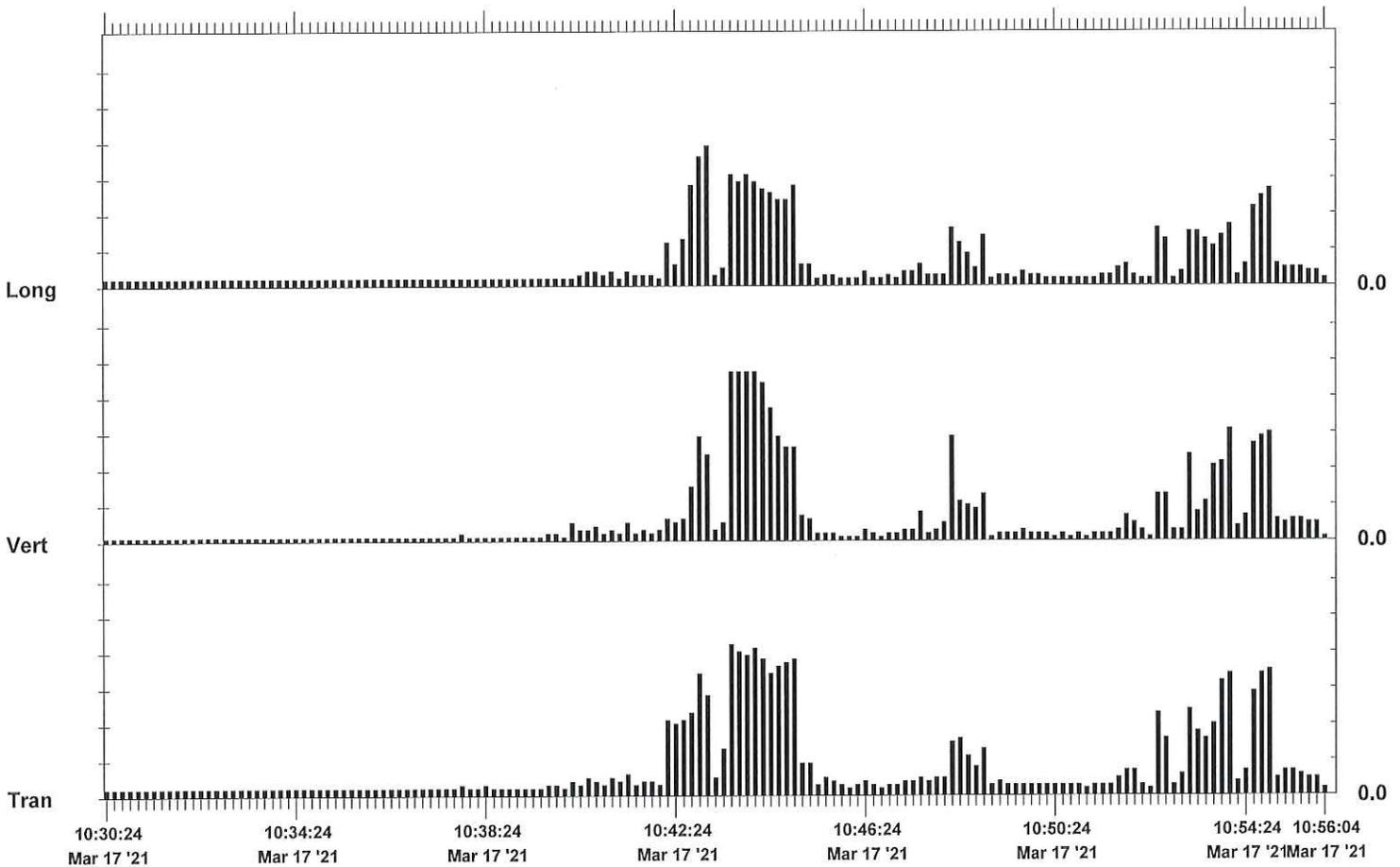
Client: Amon Construction
 Project: Prop Res-5 E Winthrop Rd-Strathmere, NJ
 User Name: Colliers Engineering & Design
 Project No.: 21001518E

Extended Notes

Post Event Notes

	Tran	Vert	Long	
PPV	0.210	0.235	0.195	in/s
ZC Freq	26	24	27	Hz
Date	Mar 17 '21	Mar 17 '21	Mar 17 '21	
Time	10:43:29	10:43:34	10:43:04	
Dynamic Geo Cal.	Passed	Passed	Passed	

Peak Vector Sum 0.308 in/s on March 17, 2021 at 10:43:59



Time Scale: 10 seconds /div Amplitude Scale:Geo: 0.0500 in/s/div



BUILDING DEPARTMENT

295 RIVERSIDE CIRCLE

NAPLES, FL 34102

PHONE: 239-213-5020

**Naples City ordinance 16-291 Policy: Pile Driving & Demolition Work
Seismic Monitoring and Pre-Demolition Structure Inspection**

Demolition and/or Pile Driving Contractor shall identify company who will perform the seismic monitoring. On site monitoring shall include an individual from the monitoring company to monitor devices on site during all pile driving activities. For demolition work seismic results will be reviewed at the end of each day from start to finish for all house walls/roof/foundation & pool removal work. Seismic monitoring is required per Naples City Code Ordinance 16-291b(11d), monitoring is not required for the removal of the driveway or loose waste.

Allowable vibration levels shall comply with the US Bureau of Mines study which was created to prevent cosmetic damage to the most fragile of building materials. The USBM recommends a peak particle velocity limit of 0.5 inch per second for ground vibrations from 2 to 10 hertz (or cps) for plaster on lath construction. For drywall type construction, the USBM recommends a peak particle velocity limit of 0.75 inch per second for the frequency range of 4 to 15 hertz. Above 40 hertz, a peak particle velocity of 2.0 inches per second is the maximum safe level for the protection of residential structures of all construction types.

The company performing the seismic monitoring shall notify the demo and pile driving contractor if unacceptable readings are measured requiring work practices to be altered as required to obtain acceptable seismic readings.

Condition required for demo permit to be closed out: After demo is complete the demo contractor shall use the permit condition to upload the seismic report required for the City to closeout and final the demo permit.

I have read and are in agreement with the above provisions.

Naples Building permit application number: _____

Permit Qualifier Signature: _____ Date: ____/____/____

Seismic Monitoring Engineer: _____ License Number: _____

Adjoining properties requesting seismic monitoring and/or inspection

_____ monitoring inspection

_____ monitoring inspection

_____ monitoring inspection

_____ monitoring inspection

Proof of notice to owners of property within 100 feet of the outer limits of the subject property, as listed in the property appraiser's records, at least 14 days prior to commencement of construction. The proof consists of a list of property owners and addresses and a receipt or other proof of mailing. Notice is to include:

- a. A phone number for the contractor where a representative of the qualifier is available whenever construction activities are taking place on site and prior to a storm event.
- b. The after-hours phone number for the city's building and zoning division.
- c. An approximate timetable for construction activities to include any demolition, excavation, or pile driving activities.
- d. An offer to have a licensed engineer or city-approved inspector conduct a pre-construction or pre-demolition site inspection of the adjacent properties prior to commencing any demolition, pile driving or similar activities and on-site seismic monitoring during demolition, pile driving or similar activities. At a minimum the inspection is to include a visual record of the neighboring properties, a copy of which shall be given to the neighboring property owner and made available to the city or county on request.

Michelle Ketcham

From: Michelle Ketcham
Sent: Friday, November 19, 2021 12:14 PM
To: Don Klein; Joseph Verruni; Brian Kelly; Jefferey Booker; John Lamia; Kevin Birdsall; Marc Leckstein; Samuel Catalano
Cc: Christine Pfeiffer
Subject: Beach Bids Received

Below are the bids that we received today for beach businesses - this will be an item listed on the next workshop agenda.

Skim Camp: Jersey Shore Skim Camp (1 Year) Bid: \$1,000

Yoga Classes: Christa Russo (5 Years) Bid: \$175

Volleyball League: Corey Wagner/Sand Pit Volleyball (5 Years) Bid: \$3,000

Surf Camp: Lucky Dog Surf School, Melissa D'Anna (5 Years) Bid: \$8,000

Use of Basketball Court: no bids received

Michelle Ketcham, RMC, CMR
Deputy Clerk
Borough of Sea Bright
1099 Ocean Avenue
Sea Bright, NJ 07760
Tel. 732-842-0099 x119
Fax. 732-963-8998

RI

RESOLUTION NO. -2021
AUTHORIZING THE PLACEMENT OF A MUNICIPAL LIEN
IN THE AMOUNT OF \$15,261.68 ON THE PROPERTY LOCATED
AT 154 OCEAN AVENUE (BLOCK 34, LOT 2)

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

WHEREAS, the Borough Code Official determined that the structure on the property located at 154 Ocean Avenue, also known as Lot 2 in Block 34 on the Tax Map of the Borough of Sea Bright, failed to comply with the Borough’s property maintenance code and constituted an immediate threat to the health, safety and well-being of the public; and

WHEREAS, the Borough Code Official advised Council that the property owner was issued code violations dating back to 2010 and failed to correct the condition/violations as ordered; and

WHEREAS, pursuant to N.J.S.A. 40:48-2.3, the Borough Council adopted Resolution No. 35-2021 on January 19, 2021, authorizing the demolition of the aforesaid structure; and

WHEREAS, demolition of the structure was performed by Frank Lurch Demolition Company on October 15, 2021 on behalf of the Borough; and

WHEREAS, the Borough incurred the following expenses in connection with said demolition:

NJ Natural Gas disconnection fee	\$ 750.00
Fran Lurch Demolition Company	\$ 12,600.00
Sea Bright Special Duty Police	\$ 1,100.00
Sea Bright Department of Public Works	\$ 520.58
Administration/Building Dept. Hours	\$ 291.10
TOTAL:	\$ 15,261.68

WHEREAS, these charges shall be imposed on the property in the form of a municipal lien for the above services pursuant to Section 110.3 (2018) of the International Property Maintenance Code.

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, that the Tax Collector be and is hereby authorized to place the above-mentioned demolition costs in the amount of \$15,261.68 as a lien against the property commonly known as 154 Ocean Avenue (Block 34, Lot 2), Sea Bright, New Jersey; and

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

1. Property Owner – 154 Ocean Avenue
2. Borough Attorney
3. Tax Collector

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

December 21, 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 December 21, 2021.

Christine Pfeiffer, Borough Clerk

RESOLUTION NO. -2021
AUTHORIZING THE PURCHASE OF POLICE FIREARMS THROUGH
NEW JERSEY STATE CONTRACT #17-FLEET-00732

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 firearms; and

WHEREAS, maintenance and replacement of this equipment on a timely basis is essential to both public and officer safety; and

WHEREAS, the Borough of Sea Bright, as a Local Government Unit, may without advertising for bids, purchase any goods or services under any contract for such goods or services entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury pursuant to the provision of N.J.S.A. 40A: 11-12; and

WHEREAS, the State Division of Purchase and Property has awarded a contract to: Atlantic Tactical, 772 Corporate Circle, New Cumberland, PA 17070 as an authorized distributor under the New Jersey State Contract #17-FLEET-00732; and

WHEREAS, Atlantic Tactical has quoted the State Contract pricing for this equipment to be \$4,919.88 (see Exhibit "A"). There will be an amount of credit (\$2,089.00) applied to the final cost due to some of the Borough's current equipment which will be traded-in to offset the total cost of this purchase (see Exhibit "B").

CERTIFICATION OF FUNDS

I, Michael J. Bascom, Chief Financial Officer of the Borough of Sea Bright, do hereby certify that funds not to exceed \$2,830.88 are available in Police O/E for the purpose stated herein:

Michael J. Bascom

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey hereby authorizes the purchase of firearms as designated by the Sea Bright Police Department on Exhibit "A" in the amount of \$4,919.88 from Atlantic Tactical, New Cumberland, PA, and trade in the firearms listed on Exhibit "B" for a credit of \$2,089.00 resulting in a total purchase cost of \$2,830.88.

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

- 1. Khristi Jacobs, Finance Manager
- 2. Brett Friedman, Police Chief

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

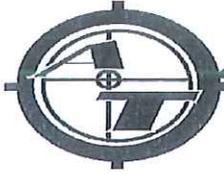
December 21, 2021

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 December 21, 2021.

Christine Pfeiffer, Borough Clerk

Exhibit A



ATLANTIC TACTICAL™

OUTFITTING AMERICA'S HEROES

772 Corporate Circle, New Cumberland, PA 17070
 Phone: 717-774-3339 • 800-781-2677 • FAX: 717-774-4463

REMIT TO: 3319 Anvil Place, Raleigh, NC 27603

SALES QUOTE

SQ-80721107

11/24/2021



Customer	Contact	Ship To
SEA BRIGHT POLICE DEPT. Accounts Payable 1099 E OCEAN AVE SEA BRIGHT NJ 07760 Tel: (732)-842-0010, (732)-842-1430 Fax: (732)-842-8351		SEA BRIGHT POLICE DEPT. 1167 Ocean Ave. SEA BRIGHT NJ 07760 Tel: (732)-842-0099 Fax: (732)-741-3116

Account	Terms	Due Date	Account Rep	Schedule Date
354081	Voucher-Complete Invoice	12/24/2021	Kyle Gallagher	11/24/2021
Quotation	PO #	Reference	Ship VIA	Page Printed
SQ-80721107	MCCUE	COLT	FDX G Ground	1 11/24/2021

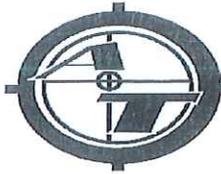
L	Item	Description	Qty	Price	UM	Discount	Amount
1	CONTRACT	PRICED PER NJSC #17-FLEET-00732	1	\$0.00	EA		\$0.00
2							
3	COLCR6920EPR	Colt MSR CR6920-EPR Enhanced Patrol Rifle 5.56MM 16.1 Inch Barrel Matte Black - UPC 098289023643	4	\$1,090.58	EA		\$4,362.32
4							
5	K55-BK	Magpul PMAG 30rnd Gen M3 5.56 no window-COLOR:Black	20	\$14.48	EA		\$289.60
6	MAG939-BK	MAGPUL MS1@ QDM Sling - Black	4	\$66.99	EA		\$267.96

REMIT PAYMENT TO: Atlantic Tactical, 3319 Anvil Place, Raleigh NC 27603 I certify under the penalties of law the within bill is correct, that the articles have been furnished as stated, that no bonus has been given or received by any persons within my knowledge and that the amount stated is justly due and owing and reasonable in charge. Signature _____ Date _____ Print Name _____	Tax Details EXEMPT \$0.000 EXEMPT-CLOTHING \$0.000	Taxable XXXXXXXXXXXXX Total Tax \$0.00 Exempt \$4,919.88 Total \$4,919.88	\$0.00
	Payment Details 01/01/00 No Payment History	Balance \$4,919.88 - 1,125 1183 = 964 mm 11	

2,896.79 / 100

2,830.88

Exhibit B



ATLANTIC TACTICAL™

OUTFITTING AMERICA'S HEROES

772 Corporate Circle, New Cumberland, PA 17070
 Phone: 717-774-3339 • 800-781-2677 • FAX: 717-774-4463

REMIT TO: 3319 Anvil Place, Raleigh, NC 27603

SALES QUOTE	
SQ-80720070	11/17/2021



Customer	Contact	Ship To
SEA BRIGHT POLICE DEPT. Accounts Payable 1099 E OCEAN AVE SEA BRIGHT NJ 07760 Tel: (732)-842-0010, (732)-842-1430 Fax: (732)-842-8351		SEA BRIGHT POLICE DEPT. 1167 Ocean Ave. SEA BRIGHT NJ 07760 Tel: (732)-842-0099 Fax: (732)-741-3116

Account	Terms	Due Date	Account Rep	Schedule Date	
354081	Voucher-Complete Invoice	12/17/2021	Kyle Gallagher	11/17/2021	
Quotation	PO #	Reference	Ship VIA	Page	Printed
SQ-80720070	JAMES MCCUE	#410658 QSBPD-	FDX G Ground	1	11/22/2021

L	Item	Description	Qty	Price	UM	Discount	Amount
1	TRADE-IN	Trade- In Remington 11-87, Police, 12ga, 18", 20 YO, Fixed/Steel Sights, Good Condition	3	\$375.00	EA		\$1,125.00
2							
3	TRADEVALID	Trade in quotes valid for 120 days. Trade value is based on conveyed condition and is therefore subject to change upon final inspection of the weapons and/or accessories. Engraving, paint or other damage to the finish may negatively affect the trade value. \$15 deduction will be taken for each missing magazine.	1	\$0.00	EA		\$0.00

REMIT PAYMENT TO: Atlantic Tactical, 3319 Anvil Place, Raleigh NC 27603	Tax Details EXEMPT \$0.00	Taxable XXXXXXXXXXXX	\$0.00
I certify under the penalties of law the within bill is correct, that the articles have been furnished as stated, that no bonus has been given or received by any persons within my knowledge and that the amount stated is justly due and owing and reasonable in charge.	Payment Details 01/01/00 No Payment History	Total Tax	\$0.00
Signature _____ Date _____		Exempt	\$1,125.00
Print Name _____		Total	\$1,125.00
		Balance	\$1,125.00

Weapon Trade-Ins / Serial #s

James McCue Jr. <jmccue@seabrightnj.org>

Mon 12/6/2021 10:24 AM

To: Khristi Jacobs <kjacobs@seabrightnj.org>

Khristi,

The following firearms are to be traded in to Atlantic Tactical for credit towards new firearms purchases.

- 1: Remington 11-87 Semiautomatic Shotgun Serial # PC452493
- 2: Remington 11-87 Semiautomatic Shotgun Serial # PC462922
- 3: Remington 11-87 Semiautomatic Shotgun Serial # PC462974
- 4: Ruger Mini-14 Semiautomatic Rifle Serial # 580-52303
- 5: Ruger Mini-14 Semiautomatic Rifle Serial # 580-52238

James A. McCue, Jr.

Lieutenant #122

Sea Bright Police Department

1099 Ocean Avenue

Sea Bright, NJ 07760

24 Hour Dispatch: (732) 842-0010

Office: (732) 842-0018x218

Fax: (732) 842-8351

Email: jmccue@seabrightnj.org



This e-mail is Advisory, Consultative, or Deliberative Material

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RESOLUTION NO. _____-2021
AUTHORIZING THE PURCHASE OF TWO VEHICLES THROUGH
STATE CONTRACTS FOR THE SEA BRIGHT FIRE DEPARTMENT

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

WHEREAS, the Borough of Sea Bright Fire Department has the need to purchase additional vehicles for use by the Department; and

WHEREAS, by way of Resolution No. 165-2021, adopted on September 21, 2021, the governing body approved the purchase of two Chevrolet pick-up trucks under state contract from Gentilini Motors in Egg Harbor Township, New Jersey, for an amount not to exceed \$69,347.08; and

WHEREAS, the Fire Chief received notification from Gentilini Motors that they are unable to fulfil the order; and

WHEREAS, the Sea Bright Fire Department wishes to purchase the two vehicles from a new vendor under state contract as indicated below:

<u>State Contract No.</u>	<u>Vendor</u>	<u>Description</u>	<u>Price</u>
ESCNJ 20/21-09-NJ #65MCESCCPS	Mall Chevrolet 75 Haddonfield Road Cherry Hill, NJ	2022 Chevrolet Silverado Crew 2500 Quantity: 2 (\$37,082.13 each)	\$74,164.26

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; and

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 \$4,817.18 are available in Fire Department O/E 1-01-25-265-200 and the remaining \$69,347.08 is available in Bond Ordinance No. 12-2021 for the purpose stated herein.

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, do hereby authorize the aforementioned vehicles to be purchased under state contract from Mall Chevrolet by the Sea Bright Fire Department for an amount not to exceed \$74,164.26; and

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

1. Fire Department Chief
2. Finance Manager

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

December 21, 2021

CERTIFICATION

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 December 21, 2021.

Christine Pfeiffer, Borough Clerk

Christine Pfeiffer

From: Charles Murphy
Sent: Monday, November 29, 2021 7:43 PM
To: Christine Pfeiffer; Khristi Jacobs
Cc: Joseph Verruni; Michael Bascom; Charles Rivera; Jefferey Booker
Subject: Fire Department
Attachments: 2022 SILV 2500 CREWN3M2.xlsx

Khristi,

Can you please disregard purchase order # 21-01138 for Gentilini Motors. The vendor is unable to fulfill the order.

Chris,

Can we please prepare a new resolution for the authorization to purchase the two fire department pick up trucks. This was originally approved in resolution 165-2021. Since the vendor was unable to fulfill the order we had to go elsewhere. I have attached the price quote for the new vehicles.

As everyone can see there is a difference of + \$4,817.18 between the original vehicles and the current. I have spoken with Mr. Bascom and the Fire Department Inc. will satisfy that cost difference directly with the vendor. The resolution to purchase with municipal funds will remain the same as the original, \$69,347.08.

This item is available on State Contract with the SC number listed on the quote.

Any questions please feel free to reach out.

Thanks,

Chad

Charles R. Murphy, Jr

Chief of Department

**Sea Bright Fire Rescue
1099 Ocean Avenue
Sea Bright, NJ 07760**

cmurphy@seabrightnj.org

**Station: (732) 963-8991
Office: (732) 842-0099 ext. 217
Mobile: (732) 921-8969
Dispatch: (732) 577-8700
Fax: (732) 842-8351**

MALL CHEVROLET

75 Haddonfield Road, Cherry Hill, NJ 08002

Direct: 856-449-9254 / Fax: 856-504-0108

fleetman13@gmail.com

Rick Di Renzo, Fleet Manager

Date: 10/1/2021

END USER		ADDRESS - CITY, STATE, ZIP:		N3M2	
2022 2500 SILV CREW SB					
CONTRACT		ESCNJ 20/21-09-NJ STATE APPROVED #65MCESCCPS			
Item	QTY	Part No.	Description	MSRP	ESCNJ
1	1	CK20743	CHEVROLET SILVERADO CREW 2500	\$ 44,495.00	\$ 34,483.63
	1	L8T	6.6L V8 ENGINE		
	1	MYD	6-SPEED AUTO TRANS		
		H2G	BLACK VINYL SEATS		
		BG9	VINYL FLOOR		
		C7A	10,000 GVW		
		GT4	REAR AXLE 3.73 RATIO		
	1	G80	LOCKING REAR		
	1	VYU	SNOW PLOW PACKAGE	\$ 300.00	\$ 285.00
	1	Z82	TRAILER TWO /BRAKE CONTROLLER		
	1	JL1	BRAKE CONTROLLER	\$ 275.00	\$ 261.25
	1	ZLQ	FLEET CONVIENANCE PACKAGE	\$ 760.00	\$ 722.00
	1	5H1	TWO SPARE KEYS-PROGRAMMED	\$ 125.00	\$ 118.75
	1	AQQ	REMOTE KEYLESS ENTRY		
	1	DBG	MIRRORS,EXT & FOLDING HEATED MANUAL		
	1	9L7	UPFITTER SWITCHES	\$ 300.00	\$ 285.00
	1	CGN	SPRAY IN LINER	\$ 545.00	\$ 517.75
	1	VK3	FRONT LICENSE PLATE BRACKET	\$ 40.00	\$ 38.00
	1	NQF	TRANSFER CASE-ROTARY DIAL		
	1	QHQ	TIRES, LT245/75R17 ASBW		
	1	K4B	AUXILLARY BATTERY 730CCA	\$ 135.00	\$ 128.25
	1	NZZ	SKID PLATE	\$ 150.00	\$ 142.50
	1	V76	FRONT TOW HOOKS	\$ 50.00	\$ 47.50
	1	SFW	BACK UP ALARM CALIBRATION	\$ 50.00	\$ 47.50
	1	COLORS	WHITE		
	1	TEMP TAG	TEMP TAG		\$ 5.00
	1	DEL	DELIVERY AS PER ESCNJ REGION		\$ 150.00
		TOTAL			\$ 37,082.13

RESOLUTION NO. _____ -2021
CANCELLATION OF TAX OR DELINQUENT AMOUNTS
LESS THAN \$10.00 IN THE BOROUGH OF SEA BRIGHT

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

WHEREAS, N.J.S.A. 40A:5-17 allows for the cancellation of property tax overpayments or sewer amounts of less than \$10.00; and,

WHEREAS, the governing body may authorize the Tax Collector to process without further action on their part, any cancellation of the property tax overpayments or delinquencies of less than \$10.00.

NOW, THEREFORE BE IT RESOLVED, that the Governing Body of the Borough of Sea Bright, County of Monmouth, State of New Jersey, does hereby authorize the Tax Collector to cancel said tax amounts as indicated below.

BLOCK	LOT	NAME	YEAR	AMOUNT
24	1.01	State of NJ-DEP	2014	\$ 1.08
24	11	Thomas Maher	2015	\$.05
30	56	North Winds at SB	2020	\$.53
30	61	North Winds at SB	2020	\$.31
30	62	North Winds at SB	2020	\$.37

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

1. Tax Collector
2. Chief Financial Officer
3. Borough Auditor

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

December 21, 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 December 21, 2021.

Christine Pfeiffer, Borough Clerk

RESOLUTION NO. _____ -2021
REFUND OF 2021 TAX OVERPAYMENT
BLOCK 10, LOT 18

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

WHEREAS, an overpayment was made by 34 Beach Street, LLC/Gary Weiner for 2021 property taxes in the amount of \$1,739.77 for Block 10, Lot 18, 34 Beach Street; and

WHEREAS, the Tax Collector recommends that the tax overpayment should be refunded to 34 Beach Street, LLC/Gary Weiner; 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 the Tax Collector and the Finance Manager to refund the said 2021 tax overpayment of \$1,739.77 to 34 Beach Street, LLC/Gary Weiner; and

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

1. Tax Collector
2. Finance Manager
3. 34 Beach Street, LLC/Gary Weiner

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

December 21, 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 December 21, 2021.

Christine Pfeiffer, Borough Clerk

R6

RESOLUTION NO. _____ -2021
AUTHORIZING HIRING OF POLICE OFFICERS
DESIGNATION OF SPECIAL LAW ENFORCEMENT OFFICERS - CLASS II

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

WHEREAS, there exists a need for Class II Special Officers in the Police Department in the Borough of Sea Bright; and

WHEREAS, Chief Brett Friedman requested that the following be appointed as Class II Special Police Officers upon fulfilling the required training at the Monmouth County Police Academy.

CLASS II SPECIAL POLICE OFFICERS
Alexa N. Susino (formerly appointed Class I)
Stanley J. Wojdylak
Kyle P. Walker

CERTIFICATION OF FUNDS

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

Michael J. Bascom, CFO

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, do hereby authorize the appointments of Alexa N. Susino, Stanley J. Wojdylak, and Kyle P. Walker as Class II Special Officers in the Sea Bright Police Department, to be paid at an hourly rate as specified in Ordinance No. 04-2021; and

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

- 1. Khristi Jacobs, Finance Manager
- 2. Brett Friedman, Police Chief
- 3. Alexa N. Susino
- 4. Stanley J. Wojdylak
- 5. Kyle P. Walker

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

December 21, 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 December 21, 2021.

Christine Pfeiffer, Borough Clerk

R8

RESOLUTION NO. _____ -2021
2017 and 2018 ROADWAY and SEWER IMPROVEMENT PROGRAM
FINAL CHANGE ORDER NO. 2 (DECREASE) AND POSTING OF A MAINTENANCE BOND
BLACK ROCK ENTERPRISES, LLC

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

WHEREAS, in accordance with Resolution No. 106-2019, approved on May 30, 2019, the Borough Council awarded a contract to Black Rock Enterprises, LLC of Old Bridge, New Jersey for the 2017 and 2018 Roadway and Sewer Improvement Project for an amount not to exceed \$454,881.25; and

WHEREAS, Change Order No. 1 was approved January 21, 2020, Resolution No. 37-2020, reducing "B-34" Combination Rolled Concrete Curb and Gutter for a cost reduction of \$28,450.00 and increasing "B-32" 6" X 18" Concrete Vertical Curb installed on Mountainview Way, as identified in the Change Order (attached hereto), for a cost increase of \$28,450.00, resulting in a zero net change to the contract; and

WHEREAS, final Change Order No. 2 dated December _____, 2021, was submitted by the project Engineer, Francis W. Mullan, and includes various quantity additions and reductions based on what was actually constructed in the field and two supplemental items: S-1) Removal and Relocation of W17-1 Speed Hump Sign on Church Street (\$655.36), and S-2) Adjustment of the Contract Completion date to 1/15/2021, resulting in a reduction of the total contract value to \$409,799.31; and

WHEREAS, the project engineer also recommends the Borough make final payment which includes the 2% retainage and advised the contractor to submit a two-year maintenance bond in the amount of \$102,449.82 (25% of the final adjusted contract amount of \$409,799.31).

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 Administrator is hereby authorized to execute Change Order No. 2, which decreases the contract in the amount of \$45,081.94 and approve the release of the 2% retainage resulting in a final adjusted contract amount of \$409,799.31 for the 2017 and 2018 Roadway and Sewer Improvement Project; and

BE IT FURTHER RESOLVED that Black Rock Enterprises, LLC and a surety company shall execute a maintenance bond equal to twenty five percent of the final adjusted contract amount \$102,449.82 and shall remain in full force and effect for a period of no less than two (2) years from the date of April 8, 2021.

BE IT FURTHER RESOLVED, that upon receipt of the maintenance bond, the performance bond (No. CA-3015057) in the amount of \$454,881.25 submitted by Black Rock Enterprises, LLC and Great American Insurance Company is hereby released; and

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

1. Black Rock Enterprises, LLC
2. Great American Insurance Company
3. Finance Manager
4. T&M Associates

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

December 21, 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 December 21, 2021.

Christine Pfeiffer, Borough Clerk