

Attorney Arnette called the meeting to order and requested those present to join him in the Pledge of Allegiance to the Flag.

Attorney Arnette read the following statement:

"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 HAS BEEN ADVERTISED IN THE ASBURY PARK PRESS ON JANUARY 9, 2009 AND POSTED ON THE BULLETIN BOARD IN THE BOROUGH OFFICE. IN EACH INSTANCE, THE DATE, TIME AND LOCATION OF THIS MEETING WERE PROVIDED IN THE NOTICE. THIS MEETING IS OPEN TO THE PUBLIC."

PRESENT: Bills, Keeler, Kelly, LoBiondo, Long, Murphy (arrived after roll call at 7:46 p.m.), Attorney Arnette, Borough Engineer Hoder, Police Chief Moore, Borough Administrator/Clerk Smeltzer.

ABSENT: Mayor Fernandes and Chief Financial Officer Bascom

4.

A.

ORDINANCE NO.1-2009
BOROUGH OF SEA BRIGHT
AN ORDINANCE AMENDING "LAND USE" OF THE REVISED
ORDINANCES OF THE BOROUGH OF SEA BRIGHT,
COUNTY OF MONMOUTH AND STATE OF NEW JERSEY.

This matter was carried to February 3, 2009.

B. Attorney Arnette read by title only and Councilwoman Long introduced an Ordinance entitled:

ORDINANCE NO. 2-2009
AN ORDINANCE AMENDING CHAPTER 39 POLICE DEPARTMENT,
ARTICLE I ESTABLISHMENT,
SECTION 39-1 DEPARTMENT ESTABLISHMENT
OF THE REVISED CODE OF THE BOROUGH OF SEA BRIGHT

and moved the same be approved upon first Reading, held over for Second Reading and Public Hearing to be held on February 17, 2009.

Second by Councilman Kelly and approved upon the following vote:

AYES: Bills, Keeler, Kelly, LoBiondo, Long

NAYS: None

ABSTAIN: None

ABSENT: Murphy

5. Councilwoman Long introduced and approved for adoption the following Resolution:

RESOLUTION NO. 30-2009
AUTHORIZE TRANSFER OF
APPROPRIATION OF RESERVES

WHEREAS, N.J.S.A. 40A:4-59 permits the transfer of 2008 Budget appropriation reserves during the first three months of the fiscal year; and

WHEREAS, the Chief Financial Officer has recommended that the following appropriation reserve transfer be authorized:

<u>Appropriation</u>	<u>Amount From</u>	<u>Amount To</u>
	\$ 1,000.00	
Auditor (8-01-20-135-220)		
Dispatchers S/W (8-01-25-250-111)	\$ 100.00	
Electric (8-01-31-430-471)		\$ 200.00
Police O/E (8-01-25-420-200)		\$ 200.00
Employee Health Ins. (8-01-23-220-292)		\$ 700.00
 TOTAL	 \$1,100.00	 \$1,100.00

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, that the 2008 Budget appropriation reserves be transferred as stated herein; and

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Chief Financial Officer and Auditor.

Second by Councilwoman Bills and adopted upon the following roll call vote:

Ayes: Bills, Keeler, Kelly, LoBiondo, Long
 Nays: None
 Abstain: None
 Absent: Murphy

6. CONSENT AGENDA: A Certification of Funds supports any items requiring expenditure; any items requiring discussion will be removed from the Consent Agenda:

A. Councilman Keeler introduced and approved for adoption the following:

**RESOLUTION NO.29-2009
 PAYMENT OF BILLS 01/26/2009**

WHEREAS, the following listed vouchers have been audited and found to be correct.

NOW, THEREFORE, BE IT RESOLVED that these vouchers totaling \$1,337,316.71 are to be paid; and

BE IT FURTHER RESOLVED, that proper Officers are hereby authorized to execute and issue warrants for payments of said vouchers, but only if and when conditions of the Borough Treasury shall permit, and the said vouchers be approved by the proper Committees.

00003	ASBURY PARK PRESS		
08-1117	08/22/08 MUNI CLERK-12/5/08 NOTICES	OPEN	90.18
08-1463	11/19/08 LIBRARY-1 YEAR SUBSCRIPTION	OPEN	261.04
09-0001	01/20/09 MUNI CLERK-BLANKET:NOTICES	OPEN	194.94
09-0004	01/20/09 P/L BOARD-2009 MEETING DATES	OPEN	79.92

			626.08
00006	AVAYA, INC.		
09-0037	01/20/09 POLICE-1/Q/2009 BOX/MOD MAINT	OPEN	50.31
00027	SEABOARD WELDING SUPPLY, INC.		
08-0095	01/22/08 DPW - 2008 CYLINDER RENTAL	OPEN	11.50
00080	MURPHY FIRE & SAFETY, INC.		
08-1517	12/08/08 FIRE DEPT-FIRE HOSE	OPEN	2,740.00
00106	MGL FORMS-SYSTEMS, LLC		
08-0953	07/29/08 MUNI CLERK-DOG/CAT LICENSES	OPEN	500.00
08-1530	12/12/08 FINANCE-2008 1099-MISC FORMS	OPEN	111.00

			611.00

00119	SEA BRIGHT BOARD OF EDUCATION				
09-0041	01/20/09	GRADE SCHOOL TAX - JAN 2009	OPEN	74,912.67	
00135	COOPER ELECTRIC SUPPLY COMPANY				
08-1526	12/11/08	SEWER-SERVICE GENERATOR	OPEN	387.50	
00158	PITNEY BOWES CREDIT CORP.				
08-1047	08/15/08	A&E-4/Q/08 METER RENTAL+MAINT	OPEN	384.00	
09-0032	01/20/09	POLICE-1/Q/2009 METER RENTAL	OPEN	48.00	

				432.00	
00178	UNITED STATES POSTAL SERVICE				
09-0066	01/21/09	POSTAGE FOR POSTAGE METER	OPEN	950.00	
00185	HENKELS & MCCOY				
08-1389	10/29/08	POLICE SPECIAL DUTY O/P REFUND	OPEN	372.00	
00198	COMCAST				
09-0026	01/20/09	A&E-INTERNET:JAN 2009	OPEN	95.00	
09-0054	01/20/09	POLICE DEPT-INTERNET:JAN 2009	OPEN	95.00	

				190.00	
00228	THOMSON WEST/WEST GROUP				
08-1509	12/05/08	ZONING-1 YEAR SUB:BULLETIN	OPEN	168.00	
00234	ROY PRESS, INC.				
08-1077	08/21/08	PRINTING:SEP'08 NEWSLETTER	OPEN	1,595.00	
00249	CLARK, DOUGLAS				
08-1534	12/17/08	DPW-TRAVEL REIMB:12/16/08	OPEN	25.22	
08-1542	12/17/08	DPW-TRAVEL REIMB:12/09/08	OPEN	25.22	
08-1557	12/22/08	DPW-TRAVEL REIMB:12/20/08	OPEN	25.22	
08-1592	12/31/08	DPW-TRAVEL REIMB:12/31/08	OPEN	25.22	
09-0055	01/20/09	DPW-TRAVEL REIMB:01/19/09	OPEN	25.22	

				126.10	
00255	SMELTZER, MARYANN				
09-0013	01/20/09	A&E & COURT-REIMB:POSTAGE	OPEN	106.28	
00266	OSGOODBY, JOAN				
08-1591	12/31/08	REC-REIMB:GRINCH COSTUME	OPEN	74.26	
00275	M & S WASTE SERVICES, INC.				
08-0977	08/01/08	12/08 GARBAGE/RECYCLING PICKUP	OPEN	8,325.00	
08-1503	12/03/08	DUMPSTER+DISP FEE:STREET SWEEP	OPEN	1,111.04	
08-1522	12/09/08	12/12/08 EXTRA RECYCLING P-UP	OPEN	45.00	
08-1586	12/31/08	DEC 2008 LANDFILL TIPPING FEES	OPEN	7,746.76	

				17,227.80	
00285	STAPLE'S, INC.				
08-1448	11/13/08	POLICE DEPT-SELF-INKING STAMPS	OPEN	35.18	
08-1540	12/17/08	POLICE DEPT-OFFICE SUPPLIES	OPEN	129.69	

				164.87	
00309	PRECISION LANDSCAPING &				
08-1507	12/04/08	BEAUTIFICATION-TREE LIGHTING	OPEN	1,495.00	
00314	GPANJ, INC.				
09-0081	01/21/09	MUNI CLERK-2009 DUES	OPEN	90.00	
00328	EASYLINK SERVICES CORPORATION				
08-1518	12/08/08	POLICE DEPT-11/08 AMBER ALERTS	OPEN	1.96	
00339	NAPA AUTO PARTS				
08-1248	09/26/08	DPW-BLANKET:VEHICLE MAINT	OPEN	69.99	
00340	MORRIS, KATHLEEN				
08-1590	12/31/08	REC/A&E-REIMB:VARIOUS ITEMS	OPEN	27.73	
00347	MCCAULEY CONSTRUCTION CO, INC.				
08-1547	12/18/08	LIBRARY-EXTRA INTERIOR WORK	OPEN	3,895.00	
00351	MASON, JR., PATRICK				
08-1572	12/29/08	FIRE DEPT-PORTABLE RADIO #4375	OPEN	225.00	
00363	TRICO EQUIPMENT, INC.				
08-1253	09/26/08	DPW-BLANKET:CASE LOADER PARTS	OPEN	447.55	
00378	MONMOUTH TRUCK EQUIPMENT				
08-1555	12/22/08	DPW-REPLACEMENT SHOES	OPEN	205.00	
00418	VON ZIEGESAR, ELIZABETH				
08-1539	12/17/08	LIBRARY-REIMB:GIFT CERTIFICATE	OPEN	100.00	
00441	MONMOUTH COUNTY SHERIFF'S				
08-1512	12/05/08	POLICE-2008 COMPUTER SERVICES	OPEN	4,679.88	
00467	PALMISANO, ELSALYN				
08-1102	08/21/08	A&E-RECORDS MANAGEMENT	OPEN	585.00	
00487	TERRY GRIBBEN'S TRANSCRIPTION				
08-1580	12/30/08	COURT-TAPE DUPLICATION	OPEN	30.00	
00502	NJ STATE LEAGUE/MUNICIPALITIES				
08-1364	10/22/08	LEAGUE CONFERENCE REGISTRATION	OPEN	110.00	
08-1434	11/12/08	A&E-ELECTED OFFICIALS HANDBOOK	OPEN	30.00	
09-0002	01/20/09	A&E-1/24/09 SEMINAR	OPEN	250.00	
09-0086	01/21/09	A&E-2009 MEMBERSHIP DUES	OPEN	274.00	

				664.00	
00602	STATE OF NJ DEPT OF LWD				

00635	08-1544	12/17/08	BLDGS/GRNDS-BOILER INSPECTION	OPEN	110.00
			PARTY CORNER		
00672	08-1086	08/21/08	A&E-REORG MTG SUPPLIES	OPEN	169.68
			NJ DEPT OF COMMUNITY AFFAIRS		
00688	09-0092	01/21/09	BLDG DEPT-UCC SUBSCRIPTION	OPEN	50.00
			MONMOUTH COUNTY POLICE ACADEMY		
00743	08-1508	12/05/08	POLICE DEPT-BASIC COURSE	OPEN	720.00
			OFFICE MAX, INC.		
	08-1255	09/29/08	DPW-H/P FAX MACHINE	OPEN	148.65
	08-1535	12/17/08	DPW-INK CARTS:BLACK & COLOR	OPEN	62.98

					211.63
00884			BORO OF SEA BRIGHT PETTY CASH		
	09-0065	01/21/09	A&E-SETUP 2009 PETTY CASH	OPEN	100.00
00895			JOHNNY ON THE SPOT, INC.		
	09-0058	01/20/09	PORTO-POTS - JAN 2009	OPEN	520.80
00915			ROADTECH MANUFACTURING, INC.		
	08-1369	10/27/08	DPW-SPEED HUMPS	OPEN	499.63
00982			CITY OF LONG BRANCH		
	08-1274	10/01/08	DPW-ROCK SALT	OPEN	400.47
01004			LAWYERS DIARY & MANUAL		
	08-0984	08/05/08	(3) 2009 NJ LAWYERS DIARY	OPEN	259.50
01022			PITNEY BOWES SUPPLY LINE		
	08-1569	12/29/08	A&E-POSTAGE METER INK CART	OPEN	125.98
01027			SHORE BUSINESS SOLUTIONS		
	08-1519	12/09/08	A&E-FAX:TONE CARTRIDGE	OPEN	132.00
01112			CMF BUSINESS SUPPLIES, INC.		
	08-1101	08/21/08	10 CARTONS:COPIER PAPER	OPEN	335.90
01150			W.W. GRAINGER, INC.		
	08-1521	12/09/08	SEWER-ELECTRIC UTILITY HEATER	OPEN	327.38
	08-1528	12/11/08	SEWER-LINE MONITOR COMPONENT	OPEN	92.30
	08-1581	12/30/08	DPW-DISINFECTANT	OPEN	24.84

					444.52
01199			ACE MANZO, INC.		
	08-1224	09/23/08	DIIP ROAD IMPROVEMENTS	OPEN	413,219.57
01241			BAIN'S HARDWARE, INC.		
	08-1308	10/03/08	NOV 2008 PURCHASES	OPEN	826.65
	08-1309	10/03/08	DEC 2008 PURCHASES	OPEN	1,121.63
	08-1470	11/21/08	RECREATION-CHRISTMAS LIGHTS	OPEN	401.21

					2,349.49
01260			GASS, ALBAN		
	08-1548	12/18/08	LIBRARY-INTERNET CLASSES	OPEN	320.00
01278			ALPHAGRAPHICS		
	08-1464	11/21/08	A&E-HIGH TIDE CHARTS	OPEN	44.64
01285			THE HOME DEPOT		
	08-1302	10/02/08	BLDGS/GRNDS-BLANKET:MISC SUPP	OPEN	178.58
	09-0080	01/21/09	BLDGS/GRNDS-BLANKET:MISC SUPP	OPEN	219.40

					397.98
01286			INDUSTRIAL MARINE		
	08-1466	11/21/08	REIMB:10/09-11/10 GARAGE WATER	OPEN	4.55
01297			HATCH, MOTT & MACDONALD, LLC		
	07-1208	08/29/07	DIIP#2-ENGINEERING	OPEN	4,213.54
01358			CAMPBELL SUPPLY CO., L.L.C.		
	08-0478	04/16/08	FIRE DEPT-#4374 SERV CONTRACT	OPEN	786.41
01363			IRON MOUNTAIN, INC.		
	08-0179	02/07/08	A&E-VAULT:SERVER BACKUPS	OPEN	120.00
01398			DEBEVEC, ANA		
	09-0012	01/20/09	A&E-REIMB:SUPPLIES & STAMPS	OPEN	33.73
01400			THE ARNETTE LAW FIRM, LLC		
	08-1587	12/31/08	DEC 2008 LEGAL SERVICES	OPEN	4,362.50
	09-0100	01/21/09	LEGAL-RETAINER:JAN 2009	OPEN	312.50

					4,675.00
01465			DEPTCOR, BUREAU OF STATE USE		
	08-1311	10/03/08	POLICE-STOOL	OPEN	370.00
	08-1324	10/08/08	POLICE-(6) STORAGE CABINETS	OPEN	3,450.00

					3,820.00
01492			ALAN'S RUMSON FLORIST		
	08-1565	12/23/08	A&E-FRUIT BASKET:J.SWAGGERTY	OPEN	50.00
	08-1583	12/30/08	A&E-FRUIT BASKET:D.LONG	OPEN	50.00

					100.00
01554			SEA BRIGHT SERVICE CENTER		
	08-1390	10/30/08	POLICE-BLANKET:VEHICLE MAINT	OPEN	303.55
	08-1489	11/25/08	POLICE-BLANKET:VEHICLE MAINT	OPEN	598.00
	08-1552	12/22/08	FIRE DEPT-OIL CHANGE #4366	OPEN	38.95

08-1561	12/23/08	DPW-REPAIRS:FORD F250 TRUCK	OPEN	629.95

				1,570.45
01565		BOROUGH OF SEA BRIGHT		
08-1537	12/17/08	T/F ADMIN FEE:12/15/08 PAYROLL	OPEN	4,392.00
08-1538	12/17/08	T/F ADMIN FEE:12/15/08 PAYROLL	OPEN	454.00

				4,846.00
01570		BUCK, BRIAN		
08-1533	12/17/08	DPW-TRAVEL REIMB:12/16/08	OPEN	17.46
08-1541	12/17/08	DPW-TRAVEL REIMB:12/14/08	OPEN	34.92
08-1559	12/22/08	DPW-TRAVEL REIMB:12/19/08	OPEN	17.46

				69.84
01577		STATE OF NEW JERSEY		
08-0773	06/20/08	A&E-MICROFILM MINUTE/ORD BOOKS	OPEN	1,948.64
01591		STORR TRACTOR COMPANY		
08-0820	06/27/08	BEACH-TIRE:KAWASAKI MULE	OPEN	127.97
08-0943	07/29/08	BEACH-SERVICE KAWASAKI MULE	OPEN	928.50

				1,056.47
01593		DEROSA, ISABEL		
08-1529	12/12/08	COURT - 12/11/08 INTERPRETER	OPEN	100.00
01612		GAYLORD BROTHERS, INC.		
08-1181	09/05/08	LIBRARY-HAND TRUCK/BOOK CARTS	OPEN	2,633.33
01619		MIDDLETOWN ELECTRIC		
08-1556	12/22/08	LIBRARY-INSTALL RECEPTACLES	OPEN	848.00
01701		ONE CALL SYSTEMS, INC.		
08-1110	08/21/08	A&E - 4/Q/2008 BILLS	OPEN	82.09
01790		YINGLING, CHARLES		
08-1545	12/18/08	DPW-TRAVEL REIMB:12/09/08	OPEN	7.76
01801		MASER CONSULTING, P.A.		
06-0325	03/23/06	PRJ#82 DIIP	OPEN	10,233.75
08-1366	10/23/08	PRJ#116 DEP AIR QUALITY PERMIT	OPEN	1,375.00
08-1531	12/12/08	ENGINEERING-MISCELLANEOUS	OPEN	38.65
08-1549	12/18/08	PRJ#82-P4 DIIP:CENTER & FRONT	OPEN	9,956.25
09-0045	01/20/09	ENGINEERING-RETAINER:JAN 2009	OPEN	250.00

				21,853.65
01925		BORO OF SEA BRIGHT/EE' HEALTH		
09-0010	01/20/09	REPLENISH HEALTH INS FUND	OPEN	5,000.00
01957		BENEMAX BENEFIT MANAGEMENT CO.		
08-1317	10/06/08	12/08 DENTAL PLAN MANAGEMENT	OPEN	324.00
09-0035	01/20/09	01/09 DENTAL PLAN MANAGEMENT	OPEN	324.00

				648.00
01974		BOROUGH OF SEA BRIGHT COURT		
08-1093	08/21/08	COURT-12/08 CREDIT CARD REIMB	OPEN	166.24
01984		AVAYA, INC.		
09-0036	01/20/09	A&E-1/Q/2009 PHONE MAINT	OPEN	211.80
02008		E.J. SCHUSTER'S OFFICE SUPPLY		
08-1449	11/14/08	COURT-OFFICE SUPPLIES	OPEN	135.10
08-1505	12/04/08	COURT-CASSETTE TAPES	OPEN	60.80

				195.90
02009		B J'S WHOLESALE CLUB, INC.		
09-0038	01/20/09	A&E-2009 MEMBERSHIP	OPEN	85.00
02036		BAHRLE, DAVID		
08-1543	12/17/08	DPW-TRAVEL REIMB:12/09/08	OPEN	47.32
08-1579	12/29/08	DPW-REIMB:12/29 2009 PLANNER	OPEN	20.99
08-1588	12/31/08	DPW-TRAVEL REIMB:12/31/08	OPEN	46.35

				114.66
02054		POWERHOUSE SIGN WORKS		
08-1571	12/29/08	FIRE DEPT-"PROPERTY OF" STCKRS	OPEN	65.00
02061		VERIZON WIRELESS		
09-0046	01/20/09	BLDG/FIRE/COURT:JAN 2009 CELL	OPEN	99.38
02071		LAB SAFETY SUPPLY, INC.		
08-1554	12/22/08	BLDGS/GRNDS-EMERG LIGHTING	OPEN	157.02
02076		LOC PUMP & EQUIPMENT, INC.		
08-1536	12/17/08	SEWER-(2) AIR COMPRESSORS	OPEN	266.00
02177		WALSH, JOAN		
08-1567	12/29/08	LIBRARY-REIMB:12/23 SUPPLIES	OPEN	30.97
08-1568	12/29/08	LIBRARY-REIMB:GET WELL GIFT	OPEN	93.46
09-0039	01/20/09	LIBRARY-REIMB:01/09 DVDS+SUPPL	OPEN	151.44

02181	GATEWAY PRESS		275.87
08-1506	12/04/08 A&E-BUS CARDS:MURPHY,LOBIONDO	OPEN	80.00

02189	SHARP ELECTRONICS CORPORATION		
08-0038	01/17/08 POLICE-2008 COPY MACHINE LEASE	OPEN	148.19

			148.19
BALANCE CARRIED FORWARD:			589,955.79
AMERICAN MESSAGING (JAN 2009 PAGER SERVICE)			38.64
AOL (INTERNET SERVICE)			32.90
AT&T (DEC 2008 COURT VIDEO CONFERENCING)			29.65
AT&T MOBILITY (DEC 2008 CELL BILL)			177.91
BORO OF SEA BRIGHT PAYROLL A/C (12/15/08 PAYROLL)			105,857.27
BORO OF SEA BRIGHT PAYROLL A/C (12/30/08 PAYROLL)			76,494.15
COMCAST (DEC 2008 INTERNET:LIBRARY)			100.21
COMCAST (DEC 2008 INTERNET:POLICE)			95.00
COMCAST (DEC 2008 INTERNET:FIRE)			95.25
COMCAST (JAN 2009 INTERNET-FIRE)			95.25
COOPERATIVE INDUSTRIES (OCT 2008)			1,949.09
DEPOSITORY TRUST CO (BOND PRINCIPAL PAYMENTS)			190,000.00
DEPOSITORY TRUST CO (BOND INTEREST PAYMENTS)			51,635.00
DIGIROLAMO, LOUIS (HEALTH REIMB)			1,769.93
FIDELITY NATIONAL PROPERTY (FLOOD INSURANCE)			1,118.00
FLEET SERVICES (DEC 2008 GASOLINE)			2,194.63
JCP&L (NOV 2008 ELECTRIC SERVICE)			8,967.57
JESSE A. HOWLAND & SONS (JAN 2009 RENT)			1,737.00
JESSE A. HOWLAND & SONS (JAN 2009 RENT)			875.00
JOHNSON, KENNETH (HEALTH REIMB)			948.13
MONMOUTH MUNICIPAL JIF (2009 FIRST INSTALLMENT)			89,535.51
NJ AMERICAN WATER (NOV 2008 WATER UTILITY)			310.63
NJ AMERICAN WATER (DEC 2008 HYDRANTS)			2,096.64
NJ DEPT OF COMMUNITY AFFAIRS (4/Q/2008 DCA FEES)			404.00
NJSHBP (DEC 2008)			23,736.37
RAIN, WILLIAM (HEALTH REIMB)			713.67
RED BANK VETERINARY HOSPITAL (11/7/08 SEAGULL)			140.42
SHORE REGIONAL HIGH SCHOOL (JAN 2009 TAX)			182,200.00
SMACK, EDWARD (HEALTH REIMB)			713.67
THE MOBILE STORAGE GROUP (JAN 2009-POLICE)			265.00
THE MOBILE STORAGE GROUP (JAN 2009-COURT)			255.31
TREASURER, STATE OF NJ (4/Q/2008 MARRIAGE LICENSE)			125.00
U.S. POSTAL SERVICE (4/Q/2008 SEWER BILLING)			188.73
VERIZON (NOV 2008)			1,658.98
VERIZON WIRELESS (DEC 2008 CELL PHONE BILL)			75.62
VERIZON WIRELESS (DEC 2008 POLICE CELL BILL)			481.98
WATCHUNG SPRING WATER CO (DEC 2008)			248.81
GRAND TOTAL			1,337,316.71

Second by Councilman Kelly and adopted upon the following roll call vote:
Ayes: Bills, Keeler, Kelly, LoBiondo, Long
Nays: None
Abstain: None
Absent: Murphy

B. Councilman Keeler made a motion approving the Council Meeting Minutes of December 16, 2008. Second by Councilman Kelly and adopted upon the following roll call vote:
Ayes: Bills, Keeler, Kelly, LoBiondo, Long
Nays: None
Abstain: None
Absent: Murphy

C. Councilman Keeler made a motion approving the Smart Growth Workshop Minutes of December 18, 2008. Second by Councilman Kelly and adopted upon the following roll call vote:
Ayes: Bills, Keeler, Kelly, LoBiondo, Long
Nays: None
Abstain: None
Absent: Murphy

D. Councilman Keeler made a motion approving the Reorganization Meeting Minutes of January 3, 2009. Second by Councilman Kelly and adopted upon the following roll call vote:

Ayes: Bills, Keeler, Kelly, LoBiondo, Long

Nays: None

Abstain: None

Absent: Murphy

E. Councilman Keeler made a motion approving the Raffle Application No. 1-2009 from St. James Grammar School for off premise raffle on March 14, 2009 at Driftwood Beach Club. Second by Councilman Kelly and adopted upon the following roll call vote:

Ayes: Bills, Keeler, Kelly, LoBiondo, Long

Nays: None

Abstain: None

Absent: Murphy

F. Councilman Keeler made a motion approving the Raffle Application No. 2-2009 from St. James Grammar School for silent auction on March 14, 2009 at Driftwood Beach Club. Second by Councilman Kelly and adopted upon the following roll call vote:

Ayes: Bills, Keeler, Kelly, LoBiondo, Long

Nays: None

Abstain: None

Absent: Murphy

G. Councilman Keeler made a motion approving the NJ Firemen's Association Membership Application - Kelly Leimburg. Second by Councilman Kelly and adopted upon the following roll call vote:

Ayes: Bills, Keeler, Kelly, LoBiondo, Long

Nays: None

Abstain: None

Absent: Murphy

H. Councilman Keeler made a motion approving the NJ Firemen's Association Membership Application - Justin R. Hughes. Second by Councilman Kelly and adopted upon the following roll call vote:

Ayes: Bills, Keeler, Kelly, LoBiondo, Long

Nays: None

Abstain: None

Absent: Murphy

I. Councilman Keeler made a motion approving the Raffle Application No. 3-2009 from CPC Behavioral Healthcare, Inc. for 50/50 at McLoone's Rum Runner on March 27, 2009. Second by Councilman Kelly and adopted upon the following roll call vote:

Ayes: Bills, Keeler, Kelly, LoBiondo, Long

Nays: None

Abstain: None

Absent: Murphy

J. Councilman Keeler introduced and offered the following Resolution for adoption:

RESOLUTION NO. 31-2009

WHEREAS, there exists a reserve on the balance sheet for the Pedestrian Safety grant; and

WHEREAS, the Pedestrian Safety grant creating the reserve has been investigated and it has been determined that the reserve should be canceled.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Sea Bright that the Pedestrian Safety grant for the amount of \$145.00 be canceled.

Second by Councilman Kelly and approved upon the following roll call vote:
Ayes: Bills, Keeler, Kelly, LoBiondo, Long
Nays: None
Abstain: None
Absent: Murphy

K. Councilman Keeler introduced and offered for adoption the following resolution:

**RESOLUTION NO. 32-2009
BOROUGH OF SEA BRIGHT
AMENDING RESOLUTION NO. 217-2008**

WHEREAS, the renewal lease agreement between the Borough of Sea Bright and Jesse A. Howland & Sons, Inc. for the bay garages at the property known as 15 South Street, Sea Bright, NJ is being amended to reflect the correct funding source which is available in the 2009 Temporary Budget for Roads and OEM.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Sea Bright that the Mayor is hereby authorizes the amendment to Resolution No. 217-2008.

CERTIFICATION OF FUNDS

I, Michael J. Bascom, Chief Financial Officer of the Borough of Sea Bright do hereby certify that funds will be available in 2009 Temporary Budget for Roads and OEM.

MICHAEL J. BASCOM, CFO

Second by Councilman Kelly and adopted upon the following roll call vote:
Ayes: Bills, Keeler, Kelly, LoBiondo, Long
Nays: None
Abstain: None
Absent: Murphy

L. Councilman Keeler introduced and offered for adoption the following resolution:

**RESOLUTION NO. 33-2009
AMENDING RESOLUTION NO. 211-2008**

WHEREAS, the Fire Official for the Township of Ocean Fire District No. 2 is also the Housing Inspector for the Borough of Sea Bright; and

WHEREAS, the entities have an arrangement whereby, the Borough of Sea Bright will pay to the Township of Ocean Fire District No. 2, an annual rental fee for the use of the fire official vehicle in the sum of \$600.00 and for the use as Housing Inspection the sum of \$300.00 for an annual total of \$900.00; and

WHEREAS, the Borough of Sea Bright and Township of Ocean Fire District No. 2 wish to enter into a shared service agreement for the term of January 1, 2009 through December 31, 2009; and

WHEREAS, under the terms of the Agreement, the Borough of Sea Bright will pay to the Township of Ocean Fire District No. 2 \$900.00 annually; and

WHEREAS, it has been determined by the Borough of Sea Bright and Township of Ocean Fire District No. 2 that it is in the best interest of both entities to share the expenses for a vehicle by eliminating unnecessary cost.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body that the shared service agreement be authorized as above mentioned and that the Mayor or Acting Mayor and Borough Clerk are hereby authorized to sign the agreement for 2009.

CERTIFICATION OF FUNDS

I, Michael J. Bascom, Chief Financial Officer of the Borough of Sea Bright do hereby certify that funds will be available in 09-01-42-200-235 appropriation for the purpose stated in 2009 Budget.

MICHAEL J. BASCOM, CFO

Second by Councilman Kelly and adopted upon the following roll call vote:
Ayes: Bills, Keeler, Kelly, LoBiondo, Long
Nays: None
Abstain: None
Absent: Murphy

M. Councilman Keeler introduced and offered for adoption the following resolution:

RESOLUTION NO. 38-2009

WHEREAS, four Motorola Max Trak radios owned by the Borough of Sea Bright - Police Department are unusable; and

WHEREAS, the Sea Bright Police Department is seeking authorization to transfer ownership of the following radios with serial numbers and Borough inventory numbers listed below to the Sea Bright Fire Department.

- 0252 PST315016034
- 0255 428t116647
- 0256 28ATL4160
- 0269 776TT86918

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Sea Bright that the Chief of the Sea Bright Police Department is hereby authorized to transfer ownership of the above mentioned radios to the Sea Bright Fire Department.

Second by Councilman Kelly and adopted upon the following roll call vote:
Ayes: Bills, Keeler, Kelly, LoBiondo, Long
Nays: None
Abstain: None
Absent: Murphy

8. NEW BUSINESS:

A. DISCUSSION - SHORE REGIONAL SCHOOL FORMULA REFERENDUM -

Councilwoman Long made a motion to notify the Shore Regional School Board by letter the wish of the Borough of Sea Bright to have a referendum at the school election regarding the school formula. Second by Councilwoman Bills and adopted upon the following roll call vote:

Ayes: Bills, Keeler, Kelly, LoBiondo, Long

Nays: None
Abstain: None
Absent: Murphy

B. Councilman Keeler introduced and offered for adoption the following resolution:

**RESOLUTION NO. 34-2009
BOROUGH OF SEA BRIGHT
AMENDING RESOLUTION NO. 174-2008
CHANGE ORDER AND SUPPLEMENTAL AGREEMENT NO. 3
DOWNTOWN STORMWATER IMPROVEMENT PROJECT
AND THE RECONSTRUCTION OF VARIOUS ROADS**

WHEREAS, a change order is required to the original project cost. The description for this change order shall be pursuant to the supplemental Agreement No. 3 dated January 6, 2009 prepared by David Hoder, P.E. of Maser Consulting and signed by a principal of Ace Manzo, Inc. **increasing** the original contract amount of \$722,396.10.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Sea Bright that the contract for the Downtown Stormwater Improvement Project and which was previously awarded to:

**Ace Manzo, Inc.
436 Charles Street
Aberdeen, NJ 07747**

on September 16, 2008 be amended and a change order be allowed for a **increase** in the amount of **\$24,444.90**. The adjusted contract amount is \$812,715.00.

CERTIFICATION OF FUNDS

I, Michael J. Bascom, Chief Financial Officer of the Borough of Sea Bright do hereby certify that funds are available in Ordinance 20-2007 for the purpose stated herein.

MICHAEL J. BASCOM, CFO

Second by Councilman Kelly and adopted upon the following roll call vote:
Ayes: Bills, Keeler, Kelly, LoBiondo, Long
Nays: None
Abstain: None
Absent: Murphy

C. Councilman Kelly introduced and offered the following Resolution for adoption:

**RESOLUTION NO. 35-2009
AUTHORIZING THE AWARD OF A
NON-FAIR AND OPEN CONTRACT
FOR AN ARCHITECT**

WHEREAS, the Borough of Sea Bright has a need to acquire professional services of an Architect as a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A-20.5 as appropriate*; and,

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the acquisition is expected to exceed \$17,500; and,

WHEREAS, JAMES MONTEFORTI, has submitted a proposal dated: January 19, 2009 for Phase I fees in the sum of \$3,900.00

WHEREAS, JAMES MONTEFORTI has completed and submitted a Business Entity Disclosure Certification which certifies that **JAMES MONTEFORTI** has not made any reportable contributions that would bar award of this contract pursuant to N.J.S.A. 19:44A-1 and PL 2004, c.19 to a political or candidate committee in the Borough of Sea Bright in the previous one year, and that the contract will prohibit the **JAMES MONTEFORTI** from making any reportable contributions through the term of the contract; and

CERTIFICATION OF FUNDS

WHEREAS, Michael J. Bascom, Chief Financial Officer of the Borough of Sea Bright has certified that funds will be available in the Bond Ordinance No. 11-2007 and other expense appropriation for the purpose stated herein.

MICHAEL J. BASCOM, CFO

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Sea Bright authorizes the Mayor to enter into a contract with **JAMES MONTEFORTI** as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and,

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

Second by Councilwoman Bills and approved upon the following roll call vote:

Ayes: Bills, Keeler, Kelly, LoBiondo, Long

Nays: None

Abstain: None

Absent: Murphy

D. Councilwoman Bills introduced and offered for adoption the following resolution:

**RESOLUTION NO. 36-2009
RECOMMENDING AMENDMENT TO N.J.S.A. 40:54-8
REGARDING TAX LEVIES FOR FREE PUBLIC LIBRARIES**

WHEREAS, N.J.S.A. 40:54-8 requires the Governing Body of every municipality which is governed by the law concerning free public libraries to annually appropriate, and raise by taxation, an amount equal to one third of a mill on every dollar of assessable property within the municipality, based on the equalized valuation of such property; and

WHEREAS, this law was first enacted in 1944 and has only been amended once, that being in 1985; and

WHEREAS, the last amendment was over 23 years ago, and the initial law is now 64 years old; and

WHEREAS, the equalized value of property within New Jersey in 1944, as well as in 1985, was substantially less than the equalized value of property today, considering the rate of inflation and the boom in the real estate market in the mid-to-late 80's and again in the early-to-mid 2000's; and

WHEREAS, though the equalized values of real estate have increased many times over - perhaps as much as 50 times the equalized values in 1944, and as much as two or three-fold since 1985 --- the state law

(40:54-8) has not changed the fractional obligation of each municipality to contribute toward its free public library; and

WHEREAS, the amount each municipality is required to contribute under the current statute far exceeds the reasonable needs and requirements of the free public libraries in the municipalities governed by this law.

NOW, THEREFORE, BE IT RESOLVED that the Borough of Sea Bright hereby urges the Legislature to revise the statutory requirements, in order to reduce the mandated financial obligation on the municipalities and their taxpayers under 40:54-8; and

BE IT FURTHER RESOLVED, that the Borough of Sea Bright urges that N.J.S.A. 40:54-8 be amended to read as follows:

"The governing body or appropriate board of every municipality governed by this article shall annually appropriate and raise by taxation an amount of not less than one-sixth of a mill on every dollar of assessable property within such municipality based on the equalized valuation of such property as certified by the Director of the Division of Taxation in the Department of the Treasury. Nothing herein shall prevent the municipality from appropriating a greater amount where the governing body, in its discretion, determines that such amount is appropriate," and

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to Senator Sean T. Keane, Assemblywoman Mary Pat Angelini, Assemblyman David Rible, the New Jersey State League of Municipalities and Governor Jon S. Corzine.

Second by Councilwoman Long and adopted upon the following roll call vote:

Ayes: Bills, Keeler, Kelly, LoBiondo, Long

Nays: None

Abstain: None

Absent: Murphy

E. DISCUSSION - ON STREET PARKING STUDY - Councilman Keeler. This was not heard.

F. Councilwoman Bills made a motion approving the request from Sea Bright Fire Department to hold their 2nd Annual Fair from May 14 through May 17 at the Peninsula House parking lot. Second by Councilwoman Long and adopted upon the following roll call vote:

Ayes: Bills, Keeler, Kelly, LoBiondo, Long

Nays: None

Abstain: None

Absent: Murphy

G. Request from Stately Homes by the Sea to use the Municipal Parking lot for 200 guests from Tuesday through Sunday - April 28th to May 31 - 9:00 a.m. to 4:00 p.m. This was carried to the February 3, 2009.

I. Councilwoman Bills made a motion approving the request from KDM Foundation to hold St. Patrick's Day, 3 mile Fun Run/Walk on March 15, 2009. Second by Councilman Keeler and adopted upon the following roll call vote:

Ayes: Bills, Keeler, Kelly, LoBiondo, Long

Nays: None

Abstain: None

Absent: Murphy

J. Councilwoman Long made a motion approving the request from Garden State Crewzers to hold its Annual Car Show, Shore Thing 9 on Saturday, September 19, 2009 (Rosh Hashanah). Second by Councilwoman Bills and adopted upon the following roll call vote:

Ayes: Bills, Keeler, Kelly, LoBiondo, Long

Nays: None

Abstain: None

Absent: Murphy

10. MONTHLY REPORTS FOR DECEMBER 2008:

- A. Chief of Police
- B. Library Director
- C. Recreation Director
- D. Borough Administrator/Clerk
- E. Construction Department
- F. Court Administrator
- G. Tax/Sewer Collector

11. CORRESPONDENCE AND COMMUNICATIONS:

- A. Construction Department November 2008 monthly report.
- B. Sewerage System Operation & Maintenance Report November 2008.
- C. Director of Public Works Report November 2008.
- D. Sea Bright First Aid Inc. 2008 report.
- E. Monmouth County Regional health Commission Minutes of November 12, 2008.

12. COMMITTEE REPORTS:

A. Beach/Education/Environment: Councilwoman Long said that the seasonal beach badges were on sale for fifty dollars until March 2. We received a Community Block Development Grant for a handicapped accessible ramp that would start at the front of the beach parking lot and would continue over the dunes to the Beach. The Beach Committee will be meeting to discuss the new Lifeguard station and adjacent structures.

Councilwoman Long said that a Liquefied Natural Gas facility off the coast of Sea Bright would destroy marine life habitats and in a potential risk to residents. The Governing Body passed a resolution last year in opposition to this project.

Councilwoman Long read for the record the following letter that would be mailed to the Shore Regional School Board:

To Honorable Members of the Board:

The Borough of Sea Bright is requesting that a district wide referendum be placed on the April election ballot to address the method of school tax apportionment presently used for constituent municipalities within the Shore Regional District.

This request is solely focused on re-evaluating the way each municipality's share of the school budget is calculated. The Borough of Sea Bright is proud of our affiliation with Shore Regional and recognizes its many substantial accomplishments and achievements. We are proud to have Sea Bright children attend Shore Regional and have not sought affiliation with other districts.

Unfortunately, the fact that Sea Bright has rejected school budgets in the past has led to a misperception to the contrary. However, the negative votes are a reflection of frustration from the citizenry because they have been subjected for a very long time to a school funding formula that has onerous tax implications for our property owners. Voting in opposition to school budgets has been the only way for our residents to express their objection to this inequitable formula.

As you aware, when the total tax payment made by each community is divided by the number of students it sends to the district, the resulting per pupil cost differential is astonishing:

Sea Bright	\$80,977	Oceanport	\$12,990
Mon. Beach	\$31,273	W. Long Branch	\$12,969

In comparison, according to the 2007 School Report Card, the Shore Regional average per pupil expenditure is \$16,739. You can imagine how frustrating this is for taxpayers who spend quadruple this amount to

educate their students, while other taxpayers in equally affluent municipalities are paying less than the average. While we are aware that per pupil is not the manner in which school budget costs are apportioned, it is the manner in which the state of New Jersey measures its school districts, sets minimum budget requirements and determines state aid levels. The present formula used to determine each municipality's share of the Shore Regional budget is based largely on property values, and has created a disproportionate tax burden that negatively impacts both Sea Bright and Monmouth Beach.

Language within the regional school funding law (NJSA 18A:13-23) allows districts some flexibility in determining the method used for apportionment. School districts formed after passage of the law are able to determine apportionment using a calculation that combines per pupil cost with equalized property value. We believe this would be a more equitable solution that will align our mutual interests, and allow us to work together to provide quality, affordable education for our children.

In order to pursue this remedy, we have been advised by the Department of Education to follow the procedure as set forth in the statute, which requires a request for ballot question to be submitted by the Regional Board of Education. As such, please consider this letter our formal request that you allow a jointly formulated question to be presented to the voters in the April election. Let's work as partners to revise the apportionment method, and provide fairness and equity for all members of the Shore Regional School District.

B. Public Works/Building Department/Public Relations:

Councilman LoBiondo reported that the valve on Imbrie Place was installed. The DPW worked overtime by salting the roads during the snow storm and assisted with the submersible pump project on Center Street.

Councilman LoBiondo said that a decision has not been made for a date for Sea Bright Day.

C. Police/Emergency Management/Insurance/Court:

Councilman Keeler reported that Police Chief Moore's report details the department's certification program and radar checkpoints. We have not received a response from the DOT or Monmouth County for lowering the speed limit over the Sea Bright/Rumson Bridge and North Beach. We will send out a second follow-up letter

Councilman Keeler said that they are looking into whether the OEM truck is worth repairing and the costs of the repairs.

Councilman Keeler said that Sea Bright has been with the Monmouth County JIF for three years. He asked the Council to respond back to him with any observations or concerns they have with JIF.

D. Finance/Grants/Fire:

Councilman Murphy said that he CFO Bascom and the Sewer Collector Spahr would be discussing the sewer rate and that department through a sub-committee. The budget workshop would be scheduled soon.

Councilman Murphy said that the Fire Dept would go through the chain of command with any of their concerns and requests.

E. Personnel/Administration/Cultural Arts/Recreation:

Councilwoman Bills said that January 3rd's Reorganization meeting was festive and more streamlined this year to reflect the current fiscal challenges.

Councilwoman Bills said that pet owners were notified by mail of their pet license renewal. The personnel manual will be printed and circulated to all employees.

The new library addition looks beautiful said Councilwoman Bills. She thanked Ms. VonZiegesar for donating the funds to make this a reality.

The Beach Bash will be cancelled this year because the Recreation Department will be assisting the Fire Department with their annual Firemen's Fair in May.

F. Smart Growth/Flood Mitigation/Beautification: Councilman Kelly said that the Monteforti Architectural firm will begin Phase I the building and expansion of the Municipal/Court facility. The Army Corp of Engineers will be meeting with us to come up with options to our flood mitigation problems.

The Beautification Committee has been pouring over the landscaping plans for Sea Bright and will hire a professional landscaper this year said Councilman Kelly.

13. MAYOR FERNANDES - REPORT AND COMMUNICATIONS. Council President Keeler said that Mayor Fernandes continues to work with other municipalities to come to agreements for shared services. We have signed a contract with Monmouth County for commodity resale for salt which is needed for streets and roads for the winter.

14. REMARKS FROM THE AUDIENCE: No one wished to be heard.

15. Councilman Kelly introduced and offered for adoption the following resolution at 8:06 P.M.:

**RESOLUTION NO. 37-2009
EXECUTIVE SESSION
BOROUGH OF SEA BRIGHT**

WHEREAS, N.J.S.A. 20:40.12 et seq. provides for closed session of the Council as appropriate; and,

WHEREAS, the Public Meetings Act provides for closed session of the Council; and,

WHEREAS, the matter to be discussed involves litigation.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Sea Bright, New Jersey, that they meet in closed session to discuss the issue as herein set forth and when the need for confidentiality no longer exists the decisions made therein will be made available to the public.

BE IT FURTHER RESOLVED, that the Mayor and Council may come back into Regular Session to conduct additional business.

Second by Councilwoman Long and adopted upon a unanimous voice vote.

Ayes: Bills, Keeler, Kelly, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: None

The Governing Body returned to regular business at 8: 25 p.m.

Councilman Keeler made a motion authorizing the acceptance of Mr. Murro's \$3,000 settlement in the matter of Sea Bright v. Murro.

Second by Councilwoman Bills and adopted upon a unanimous voice vote.

Ayes: Bills, Keeler, Kelly, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: None

16. ADJOURNMENT: There being no further business before the Governing Body. Councilman Murphy made a motion to adjourn the meeting at 8:26 P.M. Second by Councilwoman Long and approved upon unanimous voice vote.

Respectfully Submitted,

Maryann M. Smeltzer
Municipal Clerk