

Mayor Fernandes called the meeting to order and requested those present to join her in the Flag Salute.

Mayor Fernandes read the following statement:

2. OPENING 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 RE-SCHEDULED REGULAR COUNCIL MEETING HAS BEEN PROVIDED TO THE HUB, ASBURY PARK PRESS, ATLANTICVILLE, LINK AND TWO RIVER TIMES ON SEPTEMBER 16 , 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."

3. ROLL CALL:

PRESENT: Bills, Keeler, Kelly, LoBiondo, Long, Murphy, Mayor Fernandes, Attorney Oxley, Engineer Hoder, Borough Administrator Smeltzer,

ABSENT: Chief Financial Officer Bascom

4. OATHS OF OFFICE - JOHN SORRENTINO

A. CHIEF OF POLICE John Sorrentino was sworn in by Mayor Fernandes while his wife and two children held the Bible.

B. EMERGENCY MANAGEMENT DEPUTY In the company of his wife and children John Sorrentino was sworn in by Mayor Fernandes.

5. CERTIFICATE OF COMMENDATION: SPECIAL OFFICER KHRISTIE JACOBS was awarded by Mayor Fernandes for her heroic actions in rendering first aid and safely removing a victim from their vehicle who was involved in an accident, which occurred on June 28, 2009 in Rumson, NJ.

6. CONSENT AGENDA: A Certification of Funds supports any items requiring expenditure; any items requiring discussion will be removed from the Consent Agenda: Item No. 6 September 15, 2009 Council Minutes was removed from the consent agenda and will be re-listed under the October 20, 2009 Consent Agenda.

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

**RESOLUTION NO. 211-2009
PAYMENT OF BILLS 10/1/2009**

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

NOW, THEREFORE, BE IT RESOLVED that these vouchers totaling \$626,965.21 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.

00758	B & H EQUIPMENT RENTAL, LLC		
09-04974	09/08/09 REC-JUDGES STAND:SKIM BASH	Open	310.00
01241	BAIN'S HARDWARE, INC.		
09-04988	09/10/09 AUG 2009 PURCHASES	Open	1,071.25
00738	BAYSHORE EMBROIDERY		
09-04970	09/08/09 REC-SKIM BASH T-SHIRTS	Open	2,125.00
01974	BOROUGH OF SEA BRIGHT COURT		
09-04993	09/11/09 COURT-08/09 CREDIT CARD REIMB	Open	123.57
01546	C.I.T. c/o SHORE BUSINESS		
09-01950	02/12/09 POLICE DEPT-2009 FAX LEASE	Open	62.15
09-04349	04/27/09 POLICE DEPT-2009 COPIER LEASE	Open	147.72
01358	CAMPBELL SUPPLY CO., L.L.C.		
09-04660	07/07/09 FIRE DEPT-ANNUAL MAINT #4374	Open	1,009.95
09-04750	07/23/09 FIRE DEPT-ADDT'L REPAIRS:#4374	Open	4,551.41

			5,561.36
01318	CONOVER BEYER ASSOCIATES, INC.		
09-04930	09/01/09 VOLUNTEER INSURANCE RENEWAL	Open	3,203.00
01320	DEMAIO, R.N.		
09-04809	08/11/09 BEACH-BLANKET:JANITORIAL SUPP	Open	793.94
00091	DIGIROLAMO, LOUIS		
09-04934	09/01/09 2009 PYMT 10/12 HEALTH REIMB	Open	1,769.93
00615	DMR LAWNS & LANDSCAPES, INC.		
09-04306	04/16/09 BLDGS/GRNDS-2009 WEED CONTROL	Open	740.00
00765	DUNBROW, DAN		
09-04976	09/08/09 REC-SOUND SYSTEM:SKIM BASH	Open	500.00
02008	E.J. SCHUSTER'S OFFICE SUPPLY		
09-04949	09/03/09 MULTI DEPTS-OFFICE SUPPLIES	Open	610.53
09-04952	09/03/09 FINANCE-OFFICE SUPPLIES	Open	81.10
09-04994	09/11/09 COURT-OFFICE SUPPLIES	Open	136.64

			828.27
00685	GOLDSTAR PRODUCTS, INC.		
09-04907	08/31/09 FIRE DEPT-TRUCK WASH	Open	450.00
01297	HATCH, MOTT & MACDONALD, LLC		
09-04985	09/10/09 MISC ENGINEERING-7/17-7/31/09	Open	1,559.80
01286	INDUSTRIAL MARINE		
09-04954	09/03/09 MODIFY MOBILE OFFICE STAIRS	Open	100.00
00297	JESSE A. HOWLAND & SONS, INC.		
09-04833	08/13/09 GARAGE RENT - OCT 2009	Open	1,737.00
09-04834	08/13/09 DPW-ADDT'L GARAGE RENT-OCT'09	Open	875.00

			2,612.00
00270	JOHNSON, KENNETH		
09-04935	09/01/09 2009 PYMT 10/12 HEALTH REIMB	Open	948.13
01209	LANGUAGE SERVICES ASSOCIATES		
09-04982	09/10/09 COURT-AUG 2009 INTERPRETATION	Open	21.00
00161	LOU'S UNIFORMS, INC.		
09-04650	07/07/09 DPW-PANTS	Open	75.00
09-04651	07/07/09 DPW-PANTS, SHIRTS, JACKET	Open	405.00
09-04652	07/07/09 DPW-T-SHIRTS	Open	162.00
09-04765	07/29/09 DPW-BOOTS:D.BAHRLE	Open	112.00

			754.00
01801	MASER CONSULTING, P.A.		
09-04937	09/01/09 ENGINEERING-RETAINER:OCT 2009	Open	250.00
01313	MCAA OF MONMOUTH COUNTY		
09-04886	08/21/09 COURT-2009 DUES	Open	80.00
01315	MOTOROLA, INC.		
09-04386	05/01/09 FIRE DEPT-RADIO PARTS/ACCESSOR	Open	465.40
00137	MUNICIPAL CAPITAL CORPORATION		
09-04611	06/29/09 A&E-2009 COPIER LEASE	Open	225.20
00339	NAPA AUTO PARTS		
09-04376	04/30/09 DPW-BLANKET:VEHICLE MAINT	Open	140.69
01309	OCEANPORT BOARD OF EDUCATION		
09-04883	08/21/09 GRADE SCHOOL TAX - OCT 2009	Open	74,912.67
00081	PERRY'S TROPHY CO., INC.		
09-04881	08/21/09 A&E-PLAQUE:W.MOORE	Open	87.40
09-04950	09/03/09 BEAUTIFICATION-BENCH PLATE	Open	20.00
09-04975	09/08/09 REC-ENGRAVE AWARDS:SKIM BASH	Open	312.00

			419.40

01648	PETRA OVERHEAD DOOR CO., INC.		
09-04963	09/08/09 BLDGS/GRNDS-REPAIR FIRE DOOR	Open	584.50
00158	PITNEY BOWES CREDIT CORP.		
09-04918	08/31/09 POLICE-4/Q/2009 METER RENTAL	Open	48.00
00164	RAIN, WILLIAM		
09-04936	09/01/09 2009 PYMT 10/12 HEALTH REIMB	Open	713.67
00915	ROADTECH MANUFACTURING, INC.		
09-04876	08/20/09 DPW-60 MOLLIES	Open	120.00
00234	ROY PRESS, INC.		
09-04925	08/31/09 PRINTING:SEP'09 NEWSLETTER	Open	760.00
00533	RUTGERS, THE STATE UNIVERSITY		
09-02810	03/03/09 SEWER-O/M PUMPS COURSE	Open	242.50
00788	SCARINCI & HOLLENBECK, LLC		
09-04940	09/01/09 LEGAL-OCT 2009 RETAINER	Open	1,666.67
01554	SEA BRIGHT SERVICE CENTER		
09-02340	02/23/09 DPW REPAIRS FORD 250 TRUCK	Open	1,480.58
09-04916	08/31/09 POLICE-BLANKET:VEHICLE MAINT	Open	987.71

			2,468.29
01120	SEA BRIGHT TAX COLLECTOR		
09-05001	09/23/09 2008 TAXES B18/L1	Open	436.32
00027	SEABOARD WELDING SUPPLY, INC.		
09-00910	01/21/09 DPW - 2009 CYLINDER RENTAL	Open	12.70
00053	SHORE REGIONAL HIGH SCHOOL		
09-04885	08/21/09 HIGH SCHOOL TAX - OCT 2009	Open	151,680.00
00222	SIGNS & LETTERS UNLIMITED		
09-04966	09/08/09 POLICE-LETTER NEW VEHICLE	Open	285.00
00975	SMACK, EDWARD		
09-04933	09/01/09 2009 PYMT 10/12 HEALTH REIMB	Open	713.67
00285	STAPLE'S, INC.		
09-04927	09/01/09 POLICE DEPT-LASER PRINT CARTS	Open	367.64
00214	STAVOLA COMPANIES		
09-04367	04/29/09 DPW-BLANKET:ASPHALT MATERIALS	Open	27.76
01400	THE ARNETTE LAW FIRM, LLC		
09-01570	02/04/09 2009 SPECIAL LITIGATION	Open	1,325.00
00353	TREASURER, STATE OF NEW JERSEY		
09-04998	09/16/09 CAFRA APPL FOR BEACH MAINT PER	Open	600.00
02114	TWO RIVERS WATER RECLAMATION		
09-04943	09/01/09 2009 PYMT 4/4 SEWER CHARGE	Open	103,449.75
00178	UNITED STATES POSTAL SERVICE		
09-04981	09/10/09 POSTAGE FOR POSTAGE METER	Open	1,100.00
02061	VERIZON WIRELESS		
09-04983	09/10/09 BLDG/FIRE/COURT:SEP 2009 BILL	Open	74.73
02177	WALSH, JOAN		
09-05002	09/23/09 LIBRARY DECORATIONS (WITCH)	Open	19.99
01164	WATCHUNG SPRING WATER CO, INC.		
09-04986	09/10/09 AUG 2009 SPRING WATER-BALANCE	Open	376.19
00051	WENNINGS & SONS		
09-04973	09/08/09 REC-BOTTLED WATER:SKIM BASH	Open	384.00
01557	ZIMMERER ELECTRIC, LLC		
09-04958	09/08/09 BLDGS/GRNDS-REPAIRS:BORO HALL	Open	245.00
A O L			18.99
BORO OF SEA BRIGHT	PAYROLL A/C (9/15/09 PAYROLL		129,420.47
BORO OF SEA BRIGHT	PAYROLL A/C 9/30/09 PAYROLL		106,631.47
NJSHBP	HEALTH BENEFITS AUG		22,283.42
RED BANK VETERINARY HOSP.	ANIMAL CONTROL AUG		15.00
MONMOUTH COUNTY SPCA	AUG SERV.		<u>720.00</u>
TOTAL			\$626,965.21

Second by Councilman LoBiondo and adopted upon the following roll call vote:

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

Nays: None

Abstain: None

Absent: None

B. MEETING MINUTES:

1. Councilman Murphy made a motion approving the August 4, 2009 Closed Executive Minutes. Second by Councilman LoBiondo and adopted upon the following roll call vote:

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

2. Councilman Murphy made a motion approving the September 1, 2009 Closed Executive Minutes (First Session). Second by Councilman LoBiondo and adopted upon the following roll call vote:

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

3. Councilman Murphy made a motion approving the September 1, 2009 Closed Executive Minutes (Second Session). Second by Councilman LoBiondo and adopted upon the following roll call vote:

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

4. Councilman Murphy made a motion approving September 8, 2009 Council Minutes. Second by Councilman LoBiondo and adopted upon the following roll call vote:

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

5. Councilman Murphy made a motion approving the September 8, 2009 Closed Executive Minutes. Second by Councilman LoBiondo and adopted upon the following roll call vote:

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

7. NEW BUSINESS

A. Councilwoman Bills introduced and offered for adoption the following Resolution:

RESOLUTION No. 212-2009
BOROUGH OF SEA BRIGHT
AUTHORIZING AN OPEN PUBLIC
RECORDS - RECORDS INFORMATION MANAGEMENT
SHARED SERVICES AGREEMENT WITH THE COUNTY
OF MONMOUTH

WHEREAS, under the New Jersey Uniform Shared Services and Consolidation Act, namely C. 40A:65-1, *et seq.*, local units, such as the County of Monmouth and the Borough of Sea Bright, may enter into shared services agreements with each other; and

WHEREAS, the County of Monmouth has entered into an agreement with Sunrise Systems, Inc. ("Sunrise"), whereby the County is licensed to access and use Sunrise's web-based system known as the Open Public Records Search System - Records Information Management ("OPRS-RIM"); and

WHEREAS, under the terms of its agreement with Sunrise, the County of Monmouth may sublicense access and use of OPRS-RIM to municipalities within Monmouth County; and

WHEREAS, the County of Monmouth, has offered to enter into a shared services agreement with the Borough of Sea Bright, whereby Sea Bright will be authorized as a sublicensee to access and use OPRS-RIM; and

WHEREAS, a copy of the agreement is attached to this resolution; and

WHEREAS, the OPRS-RIM provides for the Inventory Management, Retention Management, and Disposition Management of official records and includes an imaging module that permits the scanning of paper records into TIFF images, which may be stored long-term, searched and retrieved electronically.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Sea Bright that the Mayor and Municipal Clerk are hereby authorized to enter into the proposed OPRS-RIM shared services agreement with the County of Monmouth.

BE IT FURTHER RESOLVED, that there is no need for a certification of available funds for the period of September 1, 2009 through August 31, 2010, since the Borough of Sea Bright's obligation will be paid through a PARIS grant obtained by the County of Monmouth.

BE IT FURTHER RESOLVED, that if and when funds are required from this Municipality to pay for its continued participation in the OPRS-RIM agreement, the Chief Financial Officer shall file a certification of available funds, identifying the budget line item(s) and amount(s) certified.

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

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

Nays: None

Abstain: None

Absent: None

B. Councilman LoBiondo introduced and offered the following Resolution for adoption:

**RESOLUTION NO. 213-2009
BOROUGH OF SEA BRIGHT**

WHEREAS, request for quotes for military grade pick-up trucks were solicited from four different sources with only one source meeting the requirements.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Sea Bright hereby wish to purchase the following vehicles and equipment:

Two Military Chevrolet Diesel Pickup Trucks	\$10,950.00
One Vinyl Cover with full rear racks and supports	\$ 1,800.00
Two Vertical Exhaust with top flaps	\$ 2,400.00
Total	<hr/> \$15,150.00

from the following vendor:

**Eastern Surplus & Equipment, Co.
70 Buckmanville Road
Newton, PA 18940**

BE IT FURTHER RESOLVED, that the Sea Bright Police 1977 Dodge pick-up (VIN # W24BE 7S613 7783) will be traded in as part of this purchase.

CERTIFICATION OF FUNDS

WHEREAS, Michael J. Bascom, Chief Financial Officer of the Borough of Sea Bright has certified that funds will be available in OEM/OE for the purpose stated herein.

MICHAEL J. BASCOM, CFO

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

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

Nays: None

Abstain: None

Absent: None

C. Councilman Murphy introduced the following resolution:

**RESOLUTION NO. 214-2009
BOROUGH OF SEA BRIGHT**

BE IT RESOLVED, by the Mayor and Council of the Borough of Sea Bright, New Jersey that the following Application for Liquor License was received, the license granted to sell alcoholic beverage, and the Clerk of the Borough is authorized to issue and deliver such licenses:

RETAIL CONSUMPTION LICENSES: FEE FOR RENEWAL: \$2,400.00

1343-33-017-005

TWBC III, Incorporated

Alcoholic Beverage Licensee Retail Tax Clearance Certificate pursuant to Chapter 161, Laws of NJ 1995 has been granted by the Division of Taxation to the within named.

Second by Councilman Keeler and adopted upon the following roll call vote:

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

Nays: None

Abstain: None

Absent: None

D. Councilman LoBiondo introduced and offered for adoption the following resolution:

**RESOLUTION NO. 216-2009
BOROUGH OF SEA BRIGHT**

WHEREAS, the Borough of Sea Bright has been plagued by issues caused by excessive vessel wakes and increased danger to persons or property from vessels being operated at high speeds in the entire area of the Shrewsbury River; and

WHEREAS, there is also an increased environmental impact to estuaries and nature sanctuaries in this area; and

WHEREAS, Sea Bright residents have expressed their concerns to the Governing Body about how they have exhausted considerable time and resources in trying to stop erosion that has occurred along their river beaches; and

WHEREAS, as a result of the issues and concerns the Governing Body is requesting a "Slow Speed/No Wake" zone along the entire

area of the Shrewsbury River, from Plum Island on Sandy Hook to Sedge Island in Sea Bright.

NOW, THEREFORE, BE IT RESOLVED, that the Sea Bright Governing Body urges the New Jersey Boat Regulation Commission to authorize a "Slow Speed/No Wake" zone along the entire area of the Shrewsbury River and that this proposal be a cooperative effort between New Jersey State Police-Marine Services Bureau by strict enforcement of the zone, the Borough of Sea Bright and the Borough of Highlands.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the New Jersey Boat Regulation Commission.

Second by Councilman Murphy and adopted upon the following roll call vote:

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

Nays: None

Abstain: None

Absent: None

Councilman Keeler said that on Page Two, Section 4, Part 1A, Sick Leave as provided by the then-current PBA agreement.

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

**RESOLUTION NO. 217-2009
BOROUGH OF SEA BRIGHT**

WHEREAS, an Employment Agreement between the Borough of Sea Bright and John Sorrentino to serve as Chief of Police has been prepared, reviewed and accepted by both parties.

NOW THEREFORE BE IT RESOLVED, that the Mayor be authorized to sign the Agreement on behalf of the Borough of Sea Bright.

Seconded by Councilman LoBiondo and adopted upon the following roll call vote:

Ayes: Bills, Keeler, Kelly, LoBiondo, Long

Nays: None

Abstain: Murphy

Absent: None

Councilman Murphy said an application would be made for a grant/loan with the USDA for a Municipal Complex Project. There are parameters that we have to meet as to whether the Borough can afford it and whether we are eligible. We service the National Park which gives us an advantage.

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

**RESOLUTION NO. 218-2009
BOROUGH OF SEA BRIGHT**

WHEREAS, the Governing Body wishes their Grant Consultant, Birdsall Engineering, Inc. to proceed with an application for the USDA Community Facilities Program for a borough project known as "Sea Bright Municipal Complex Project".

NOW THEREFORE BE IT RESOLVED, that the Mayor be authorized to sign the appropriate documents on behalf of the Borough of Sea Bright in order to process the application.

Seconded by Councilman Kelly and adopted upon the following roll call vote:

Ayes: Bills, Keeler, Kelly, LoBiondo, Murphy

Nays: None

Abstain: Long

Absent: None

8. CORRESPONDENCE AND COMMUNICATIONS:

A. Porchlight.org September 1, 2009 letter about Borough Bulb Distribution Event. The Borough Administrator will contact this organization for more information.

B. Court Administrator August 2009 report.

C. Two Rivers Water Reclamation Authority Customer Community Update - September 17, 2009

D. Tax Collector's July & August 2009 report.

E. Monmouth County Regional Health Commission July 15, 2009 minutes.

F. Construction Department August 2009 report.

G. August 11, 2009 Planning Board Minutes

9. MAYOR FERNANDES - REPORT AND COMMUNICATIONS. Mayor Fernandes said that Attorney Arnette was in court regarding the NJDEP litigation and will report soon to the Council during an executive session.

Mayor Fernandes read NJ State Education Commissioner Lucille Davy's letter dated September 16, 2009 into the record: "Dear Mayor Fernandes. Thank you for your letter of July 30, 2009. The concerns that you expressed in your letter were the concerns that were addressed by Monmouth Executive County Superintendent of Schools, Carole Morris, in her preparation of the report regarding the formation of the new K~8 district consisting of Sea Bright and Oceanport. As the report indicated, the methodology used was a combination of equalized value and enrollment to achieve a neutral tax impact on Sea Bright and Oceanport taxpayers. That methodology will continue as the basis for taxes in this new district for the duration of the Sea Bright - Oceanport K-8 relationship. I do understand your concerns about the per pupil costs for the high school students sent to Shore Regional and we hope to reassess the issue as we move forward with the consolidation of school districts into K-12 systems. Thank you again for sharing your thoughts; and on behalf of Ms. Morris and myself, we look forward to working with the district."

October 3rd is the Taste of Sea Bright beginning at 11:30 a.m. to 5:30 p.m. and you can go to their website for more details at www.vistseabright.com., tickets are on sale at all participating businesses.

October 10th is Archives and History Day and Sea Bright will have an exhibit prepared by our Records Consultant Elsalyn Palmisano at the Monmouth County Library in Manalapan.

October 20th is the next Council Meeting.

Mayor Fernandes said she had good news to report to Sea Bright's Council and residents, this year the election for Sea Bright Council will be uncontested. There are two council seats up;

Councilwoman Long and Council President Keeler and they are both running unopposed so there will be no election in Sea Bright this year. She said that she called ELEC this morning and the Republican candidate Norma Ryan withdrew from the election.

Mayor Fernandes said that they should be preparing cell tower bids for both permanent and temporary towers.

10. REMARKS FROM THE AUDIENCE: Re Van Holt and Jo Van Holt of 678 Ocean Avenue thanked the Mayor and Council for passing the "no wake zone" resolution.

Marianne Chevalier of 666 Ocean Avenue also thanked the Mayor and Council for passing the "no wake zone" resolution and thanked the efforts of the Van Holts.

11. EXECUTIVE SESSION - Resolution No. 215-2009 was not moved.

12. ADJOURNMENT: There being no further business before the Governing Body. Councilman Murphy made a motion to adjourn the meeting at 8:03 P.M. Second by Councilman LoBiondo and approved upon unanimous voice vote.

Respectfully Submitted,

Maryann M. Smeltzer
Municipal Clerk