

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

Mayor Fernandes 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."

3. ROLL CALL:

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

ABSENT: Kelly, Chief Financial Officer Bascom

4. Councilwoman Long introduced and offered for adoption the following at 7:34 p.m.:

**RESOLUTION NO. 233-2009
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 potential 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 Bills and adopted upon the following roll call vote.

Ayes: Bills, Keeler, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: Kelly

The Council returned to the regular order of business at 8:15 p.m.

5.

A. Attorney Oxley read by title only and Councilman Murphy introduced an Ordinance entitled:

**ORDINANCE NO.22-2009
AN ORDINANCE REVISING CHAPTER 13 COURT,
ARTICLE III, MUNICIPAL COURT
OF THE CODE OF SEA BRIGHT**

and moved the same be approved upon first Reading, held over for Second Reading and Public Hearing to be held on November 16, 2009.

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

Ayes: Bills, Keeler, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: Kelly

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

Item J was removed from the Consent Agenda.

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

**RESOLUTION NO. 219-2009
PAYMENT OF BILLS 10/20/2009**

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

NOW, THEREFORE, BE IT RESOLVED that these vouchers totaling \$627,567.16 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.

00205	ALMETEK INDUSTRIES, INC.		
09-05032	10/02/09 DPW-CATCH BASIN MEDALLIONS	Open	475.00
01578	AMERICAN MESSAGING		
09-05050	10/05/09 DPW-OCT 2009 PAGER SERVICE	Open	39.62
00003	ASBURY PARK PRESS		
09-00010	01/20/09 MUNI CLERK-BLANKET:NOTICES	Open	72.90
00384	AT & T MOBILITY		
09-05015	09/30/09 DPW-SEP 2009 CELL BILL	Open	170.02
01984	AVAYA, INC.		
09-04901	08/24/09 A&E-4/Q/2009 PHONE MAINT	Open	211.80
02036	BAHRLE, DAVID		
09-05074	10/13/09 DPW-REIMB:TIRE MOUNTED	Open	10.00
01565	BOROUGH OF SEA BRIGHT		
09-05066	10/06/09 T/F ADMIN FEE:09/15/09 PAYROLL	Open	5,214.00
09-05067	10/06/09 T/F ADMIN FEE:09/15/09 PAYROLL	Open	184.00
09-05089	10/14/09 T/F ADMIN FEE:10/15/09 PAYROLL	Open	396.00
09-05090	10/14/09 T/F ADMIN FEE:10/15/09 PAYROLL	Open	1,980.00

			7,774.00
00198	COMCAST		
09-05025	10/02/09 POLICE DEPT-INTERNET:SEP 2009	Open	95.00
09-05026	10/02/09 LIBRARY-INTERNET:SEP 2009	Open	100.19
09-05027	10/02/09 FIRE DEPT-INTERNET:OCT 2009	Open	95.23
09-05068	10/06/09 A&E-INTERNET:OCT 2009	Open	95.00

			385.42

01493	COOPERATIVE INDUSTRIES, L.L.C.		
09-05065	10/06/09 JUL 2009 NATURAL GAS	Open	549.61
01759	DELL COMPUTERS, CORP.		
09-04914	08/31/09 LIBRARY-NEW COMPUTER	Open	696.44
01593	DEROSA, ISABEL		
09-05041	10/02/09 COURT - 09/24/09 INTERPRETER	Open	100.00
00091	DIGIROLAMO, LOUIS		
09-05056	10/05/09 2009 PYMT 11/12 HEALTH REIMB	Open	1,769.93
00419	DRAEGER SAFETY DIAGNOSTICS, INC		
09-05048	10/02/09 POLICE DEPT-SEMI ANNUAL CALIB	Open	142.00
00077	FLEET SERVICES		
09-05010	09/30/09 GASOLINE - SEP 2009	Open	4,158.25
00168	GANN LAW BOOKS		
09-04992	09/11/09 COURT-2010 NJ COURT RULES	Open	105.50
02181	GATEWAY PRESS		
09-05004	09/23/09 LIBRARY-HARVEST DINNER INVITES	Open	880.00
01657	GOWAN, KERRY		
09-05091	10/14/09 POLICE DEPT-6/4-9/17/09 MATRON	Open	288.00
01297	HATCH, MOTT & MACDONALD, LLC		
09-04592	06/22/09 PREPARE COASTAL GENERAL PERMIT	Open	1,200.00
09-05024	10/02/09 MISC ENGINEERING-9/4/09	Open	610.38

			1,810.38
01286	INDUSTRIAL MARINE		
09-05069	10/06/09 REIMB:08/11-09/10 GARAGE WATER	Open	8.78
09-05070	10/06/09 REIMB:08/11-09/09 GARAGE ELECT	Open	120.13

			128.91
01363	IRON MOUNTAIN, INC.		
09-01620	02/05/09 A&E-VAULT:SERVER BACKUPS	Open	121.92
01526	JCP & L		
09-05082	10/14/09 AUG 2009 ELECTRIC SERVICE	Open	9,390.85
00297	JESSE A. HOWLAND & SONS, INC.		
09-04835	08/13/09 GARAGE RENT - NOV 2009	Open	1,737.00
09-04836	08/13/09 DPW-ADDT'L GARAGE RENT-NOV'09	Open	875.00

			2,612.00
00270	JOHNSON, KENNETH		
09-05057	10/05/09 2009 PYMT 11/12 HEALTH REIMB	Open	948.13
00779	LINE SYSTEMS, INC.		
09-05013	09/30/09 LOCAL/LONG DISTANCE:AUG 2009	Open	1,444.97
00275	M & S WASTE SERVICES, INC.		
09-04905	08/31/09 DUMPSTER+DISP FEE:DRIFTWOOD	Open	766.19
09-05052	10/05/09 SEP 2009 LANDFILL TIPPING FEES	Open	6,922.58
09-05053	10/05/09 09/09 GARBAGE/RECYCLING PICKUP	Open	8,691.67

			16,380.44
01584	MACLEARIE PRINTING, LLC		
09-04996	09/16/09 BEACH-BADGE REGISTRATION CARDS	Open	147.00
01512	MARCANTUONO, J., M.D.		
09-04984	09/10/09 POLICE DEPT-PSYCH EXAMS	Open	1,000.00
00106	MGL FORMS-SYSTEMS, LLC		
09-05005	09/23/09 TAX COLL-DELINQUENT NOTICES	Open	401.00
00128	MID-STATE EQUIPMENT CO., INC.		
09-05018	09/30/09 DPW-TIRE:KUBOTA	Open	146.62
01985	MOBILE MINI, INC.		
09-05014	09/30/09 POLICE-TRAILER 2009 PYMT 10/13	Open	278.00
09-05051	10/05/09 COURT-TRAILER 2009 PYMT 11/13	Open	268.00

			546.00
00317	MONMOUTH BUILDING CENTER		
09-04733	07/22/09 BLDGS/GRNDS-BLANKET:LUMBER	Open	34.44
00339	NAPA AUTO PARTS		
09-04376	04/30/09 DPW-BLANKET:VEHICLE MAINT	Open	149.59
09-05087	10/14/09 DPW-BLANKET:VEHICLE MAINT	Open	132.51

			282.10
00019	NJ AMERICAN WATER		
09-05045	10/02/09 AUG 2009 WATER UTILITY	Open	1,827.59
09-05064	10/06/09 SEP 2009 HYDRANTS	Open	2,143.96

			3,971.55
00671	NJ DEPT OF COMMUNITY AFFAIRS		
09-05095	10/14/09 3/Q/2009 STATE PERMIT FEES	Open	910.00
00502	NJ STATE LEAGUE/MUNICIPALITIES		
09-05035	10/02/09 A&E-RENEWAL:LEGISLATIVE BULLTN	Open	49.00

01629	NJRHS COMMERCIAL SERVICES		
09-05006	09/24/09 BLDGS/GRNDS-A/C REPAIRS:LIBR	Open	340.00
01701	ONE CALL SYSTEMS, INC.		
09-05071	10/13/09 A&E - 3/Q/2009 BILLS	Open	47.60
00158	PITNEY BOWES CREDIT CORP.		
09-04917	08/31/09 A&E-3/Q/09 METER RENTAL+MAINT	Open	384.00
01829	QUALITY COMMUNICATIONS		
09-05019	09/30/09 POLICE DEPT-REPAIR REPEATER	Open	1,070.00
01290	QUARTERMASTER UNIFORMS & EQUIP		
09-04964	09/08/09 POLICE DEPT-EXPLORERS PATCHES	Open	69.79
00164	RAIN, WILLIAM		
09-05058	10/05/09 2009 PYMT 11/12 HEALTH REIMB	Open	713.67
00788	SCARINCI & HOLLENBECK, LLC		
09-05044	10/02/09 LEGAL SERVICES-AUG 2009	Open	9,091.19
09-05081	10/13/09 LEGAL SERVICES-SEP 2009	Open	9,042.96

			18,134.15
01554	SEA BRIGHT SERVICE CENTER		
09-00780	01/21/09 DPW-BLANKET:VEHICLE MAINT	Open	38.95
00027	SEABOARD WELDING SUPPLY, INC.		
09-00910	01/21/09 DPW - 2009 CYLINDER RENTAL	Open	12.70
01724	SEASIDE MATERIALS, INC.		
09-04875	08/20/09 BLDGS/GRNDS-(2) BENCH SECTIONS	Open	173.28
00975	SMACK, EDWARD		
09-05055	10/05/09 2009 PYMT 11/12 HEALTH REIMB	Open	713.67
01285	THE HOME DEPOT		
09-04859	08/17/09 BLDGS/GRNDS-BLANKET:MISC SUPP	Open	49.91
00425	THE NEW YORK TIMES		
09-05022	10/02/09 LIBRARY-1 YEAR SUBSCRIPTION	Open	597.80
01863	THE QUAY		
09-05003	09/23/09 LIBRARY-DEPOSIT:11/06 DINNER	Open	1,000.00
00223	TREASURER, COUNTY OF MONMOUTH		
09-05060	10/05/09 4/Q/2009 COUNTY TAXES	Open	459,736.59
00439	TREASURER, COUNTY OF MONMOUTH		
09-05061	10/05/09 4/Q/2009 LIBRARY TAXES	Open	26,621.72
00523	TREASURER, COUNTY OF MONMOUTH		
09-05062	10/05/09 4/Q/2009 OPEN SPACE TAXES	Open	29,674.29
01403	TREASURER, STATE OF NEW JERSEY		
09-05023	10/02/09 3/Q/2009 MARRIAGE LICENSE FEES	Open	325.00
00178	UNITED STATES POSTAL SERVICE		
09-05030	10/02/09 POLICE DEPT-METER POSTAGE	Open	500.00
01960	VERIZON		
09-05012	09/30/09 BEACH-AUG 2009	Open	120.51
01020	VERIZON ONLINE		
09-05011	09/30/09 DPW-DSL INTERNET:AUG 2009	Open	42.99
02061	VERIZON WIRELESS		
09-05028	10/02/09 POLICE-SEP 2009 CELL & MDT	Open	753.93
02177	WALSH, JOAN		
09-05021	10/02/09 LIBRARY-REIMB:LUNCH+DECOR	Open	27.14
09-05042	10/02/09 LIBRARY-REIMB:9/27 DVDS	Open	33.98
09-05076	10/13/09 LIBRARY-REIMB:10/7 DECORATIONS	Open	13.42
09-05085	10/14/09 LIBRARY-REIMB:10/13 DVD,TREATS	Open	25.58

			100.12
01164	WATCHUNG SPRING WATER CO, INC.		
09-05063	10/05/09 SEP 2009 SPRING WATER	Open	181.90
ASBURY PARK PRESS (ESCROW)			52.82
GOWAN, KERRY (54 CALLS:2/28-9/29/09)			1,350.00
KENNEDY CONSULTING ENGINEERS (ESCROW)			2,335.00
MASER CONSULTING (ESCROW)			850.00
MONMOUTH COUNTY SPCA (SEPT 2009 BOARDING)			420.00
NJSHBP (SEPT 2009)			22,283.42
QUALITY COMMUNICATIONS (MCIA)			320.22
U.S. POSTAL SERVICE (SEWER 3/Q/2009 BILLING)			200.00
U.S. POSTAL SERVICE (LIBRARY BULK MAILING)			199.33
TOTAL			\$ 627,567.16

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

Ayes: Bills, Keeler, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: Kelly

B. Council Meeting Minutes

1. Councilman LoBiondo made a motion approving the September 15, 2009. Second by Councilman Keeler and adopted upon the following roll call vote:

Ayes: Bills, Keeler, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: Kelly

2. Councilman LoBiondo made a motion approving the October 1, 2009. Second by Councilman Keeler and adopted upon the following roll call vote:

Ayes: Bills, Keeler, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: Kelly

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

RESOLUTION NO. 220-2009
Borough of Sea Bright

BE IT RESOLVED , by the Mayor and Council of Borough of Sea Bright, County of Monmouth, State of New Jersey that the proper officers, be and are hereby authorized to approved sewer adjustments on the following sewer accounts.

BLOCK	LOT	AMOUNT
1.17	14	86.90 2 ND QTR
1.17	14	86.90 3 RD QTR

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Sea Bright hereby approve the following sewer adjustments in the amount of \$173.80.

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

Ayes: Bills, Keeler, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: Kelly

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

RESOLUTION NO. 221-2009
BOROUGH OF SEA BRIGHT

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and,

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and,

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Sea Bright in the County of Monmouth hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2009 in the sum of **\$10,000.00** which is now

available as a revenue from **FY 2009 Comcast Technology Grant**;
and

BE IT FURTHER RESOLVED, that a like sum of **\$10,000.00** is hereby appropriated under the caption **FY 2009 Comcast Technology Grant**; and

BE IT FURTHER RESOLVED, that the Borough Clerk forward two copies of this resolution to the Director of Local Government Services.

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

Ayes: Bills, Keeler, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: Kelly

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

**RESOLUTION NO. 222-2009
BOROUGH OF SEA BRIGHT**

WHEREAS, there exists a need for an **Acting Construction/Building Sub-Code Official and an Acting Electrical Sub-Code Official** within the building department from November 1, 2009 through November 30, 2009.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Sea Bright, County of Monmouth that **ALBERT HOPPING** be appointed and receive the rate of pay as specified below effective November 1 through November 30, 2009:

Acting Construction/Building Sub-Code Official	\$1,160.00
Acting Electrical Sub-Code Official	\$ <u>574.00</u>
Total Amount to be:	\$1,733.72

CERTIFICATION OF FUNDS

I, Michael J. Bascom, Chief Financial Officer, of the Borough of Sea Bright, do hereby certify that funds are available in Construction Department Salaries & Wages for the purpose stated herein.

MICHAEL J. BASCOM, CFO

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

Ayes: Bills, Keeler, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: Kelly

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

**RESOLUTION NO. 223-2009
BOROUGH OF SEA BRIGHT**

WHEREAS, there exists a need for a **Code Enforcement Officer** within the building department.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Sea Bright, County of Monmouth that **THOMAS HAEGE** be appointed and receive **\$6,000.00 annually** for the position of Code Enforcement Officer effective November 1, 2009.

CERTIFICATION OF FUNDS

I, Michael J. Bascom, Chief Financial Officer, of the Borough of Sea Bright, do hereby certify that funds are available in UCC Salaries & Wages for the purpose stated herein.

MICHAEL J. BASCOM, CFO

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

Ayes: Bills, Keeler, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: Kelly

G Councilman LoBiondo introduced and offered for adoption the following resolution:

**RESOLUTION NO.224-2009
BOROUGH OF SEA BRIGHT**

WHEREAS, the Sea Bright Governing Body wish to support the fundraising events in town by donating two 2010 beach badges for the gift auction for the Sea Bright Library's Harvest Dinner; and

WHEREAS, the borough auditor has been informed and advised that a resolution should be passed to donate the two badges.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council authorize the donation of two 2010 beach badges for the gift auction for the Library's Harvest Dinner.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Beach Director for his notification and files. Second by Councilman Keeler and adopted upon the following roll call vote:

Ayes: Bills, Keeler, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: Kelly

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

**RESOLUTION NO. 225-2009
Borough Of Sea Bright**

WHEREAS, an Agreement between the Borough of Sea Bright and Kerry Gowan to serve as Animal Control Officer 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.

CERTIFICATION OF FUNDS

I, Michael J. Bascom, Chief Financial Officer, of the Borough of Sea Bright, do hereby certify that funds are

available in the Borough of Sea Bright Animal Account for the purpose stated herein.

MICHAEL J. BASCOM, CFO

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

Ayes: Bills, Keeler, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: Kelly

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

**RESOLUTION NO. 230-2009
BOROUGH OF SEA BRIGHT
AUTHORIZE AN AGREEMENT WITH
STEPHAN J. MIRANTI ON-LINE
AUCTION LIQUIDATION SERVICES
NON-FAIR AND OPEN CONTRACT**

WHEREAS, the Borough of Sea Bright wishes to acquire professional services of an auctioneer 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 Governing Body wishes to participate in on-line auctions to dispose of surplus vehicles and equipment; and,

WHEREAS, the Local Public Contract Law, N.J.S.A. 40A:11-6.1, requires that the resolution authorizing the award of contracts for "Extraordinary Unspecifiable Services" without competitive bids must be publicly advertised;

NOW, THEREFORE, BE IT RESOLVED, BY THE BOROUGH COUNCIL OF THE BOROUGH OF SEA BRIGHT THAT:

1. The Mayor and the Municipal Clerk be and are hereby authorized to execute an agreement with Auction Liquidation Services for on-line auctions of surplus vehicles and equipment no longer needed for public use by the Borough of Sea Bright in accordance with the terms of the contract for online auction.

2. This appointment is awarded without competitive bidding as an Extraordinary Unspecifiable Service in accordance with N.J.S.A. 40A:1 1-8.1 of the Local Public Contracts Law.

3. A copy of this resolution shall be published in the Asbury Park Press as required by the law within 10 days of its passage.

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

Ayes: Bills, Keeler, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: Kelly

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

**RESOLUTION NO. 235-2009
AMENDS RESOLUTION NO. 191-2009
BOROUGH OF SEA BRIGHT**

WHEREAS, on September 1, 2009 the Governing Body approved an additional fee to Maser Consulting for engineering services on the Downtown Infrastructure Improvement Project in the amount of \$4,500.00, and

WHEREAS, the funding source of Resolution No. 191-2009 needs to be amended to reflect the \$4,500.00 to be charged out of section 20 costs in Ordinance No. 8-2007.

NOW, THEREFORE, BE IT RESOLVED that the additional fee for Maser consulting be charged out of Ordinance No. 8-2007.

I, Michael J. Bascom, Chief Financial Officer, of the Borough of Sea Bright, do hereby certify that funds are available in Ordinance No. 8-2007 for the purpose stated herein.

MICHAEL J. BASCOM, CFO

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

Ayes: Bills, Keeler, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: Kelly

Councilman LoBiondo requested that Resolution No. 231-2009 be amended to exclude flood pumps.

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

**RESOLUTION NO. 231-2009
BOROUGH OF SEA BRIGHT**

WHEREAS, there are certain vehicles and equipment owned by the Borough of Sea Bright which are no longer of use to the Borough and the Borough Council have recommended that they be sold; and

WHEREAS, Local Public Contracts Law N.J.S.A. 40A:11-36 requires authorization of municipal surplus via the adoption of a Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Sea Bright that the Borough Clerk be authorized to dispose of the following items of municipality owned property not needed for public use through the process of an on-line public auction to begin November 7, 2009 at 9:00 a.m. and will end on November 11, 2009 at 7:00 p.m.

Items belonging to the Borough of Sea Bright for public auction are as follows:

2001 Ford Crown Victoria
VIN #2FAFP71W61X179736
Condition: Fair
Mileage: 131,729

2003 Ford Crown Victoria
VIN #2FAFP71W13X113131
Condition: Fair
Mileage: 115,063

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

Ayes: Bills, Keeler, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: Kelly

7. NEW BUSINESS:

A. Councilman Murphy made a motion approving the request from Village Dock, Inc. for approval to have a staging area at 50 Church Street for the US Army Corps dredging project on the Shrewsbury River with the following conditions: No noise prior to 8:00 a.m., drivers use extreme caution in this neighborhood, to use Church Street only, rubber tire vehicles only and trucks' weight not to exceed 10,000 pounds and most items to be delivered by barge.

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

Ayes: Bills, Keeler, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: Kelly

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

RESOLUTION NO. 226-2009

RESOLUTION AUTHORIZING EXECUTION OF A SHARED SERVICES AGREEMENT WITH THE COUNTY OF MONMOUTH FOR PARTICIPATION IN THE SHREWSBURY RIVER AUTOMATED FLOOD WARNING SYSTEM

WHEREAS, over the years, the Shrewsbury River, including the portion locally referred to as the Navesink River, has been the source of flooding that has adversely affected the communities bordering the river; and

WHEREAS, the County of Monmouth has applied for a grant through the New Jersey State Police, Office of Emergency Management, to fund the installation of a Shrewsbury River Automated Flood Warning System (the "System"); and

WHEREAS, the County of Monmouth has proposed a Shared Services Agreement with this Municipality and other "Participating Municipalities" to establish and maintain the System, subject to the availability of the requested grant funding; and

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 Participating Municipalities may enter into such an agreement; and

WHEREAS, a copy of the proposed Shared Services Agreement is attached to this resolution; and

WHEREAS, there will be a separate Project Agreement between the County and Monmouth University ("Monmouth") and Stevens Institute of Technology ("Stevens"), whereby Monmouth and Stevens will assist with the project generally and, in particular, will gather and post the data so that it will be available electronically to the Participating Municipalities, the County and other appropriate parties.

NOW, THEREFORE, BE IT RESOLVED by the governing body of this Municipality that the Mayor, Municipal Clerk and OEM Coordinator be and they are hereby authorized to enter into the proposed Shared Services Agreement with the County of Monmouth for the Shrewsbury River Automated Flood Warning System.

BE IT FURTHER RESOLVED that there is no need for a certification of available funds for the initial period of the Agreement, that is, through one year from the Operational Date, since the Agreement is conditioned upon the availability of the requested grant funds for that period, payable by the County of Monmouth.

BE IT FURTHER RESOLVED that the expenditure of future funds required thereafter for this Municipality's continued participation in the Agreement, shall be subject to the filing of a certification by the Chief Financial Officer, stating that funds are available in subsequent municipal budgets, in line item Emergency Management Office.

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

Ayes: Bills, Keeler, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: Kelly

C. Councilman Murphy introduced and offered for adoption the following resolution:

**RESOLUTION NO. 227-2009
BOROUGH OF SEA BRIGHT**

WHEREAS, the Governing Body of Sea Bright wish to support the New Jersey Department of Transportation **Route 36 Resurfacing Project** to take place within the Borough of Sea Bright; and

WHEREAS, representatives of the New Jersey Department of Transportation have agreed to include the following items as part of this project:

- Resetting all Manholes
- Replacing or installing Duck Bill Valves on all Catch Basins
- Providing a Bicycle Lane on the east side of Route 36 to include striping
- Providing "Share the Road" signage
- Installing sloping curbs from the Ship Ahoy Beach Club, located at 801 Ocean Avenue, to the north end of town
- Replace Pedestrian Cross-walks and install two new crosswalks; one at Beachway and the other at the discretion of NJDOT; and replace and install curb cuts

WHEREAS, it has been agreed upon that NJDOT will begin the Route 36 Resurfacing Project in the spring of 2010 and will coordinate the project with the Sea Bright Borough Administrator and Chief of Police; and

WHEREAS, during the construction process alternating traffic will be allowed through on Route 36; and

WHEREAS, pursuant to Sea Bright Code, Chapter 144 Noise, Section 144-3.1 Exceptions, projects deemed to be in the public's welfare, safety and for the public's good may with prior approval expand the hours of operation for the NJDOT Route 36 Resurfacing Project.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Sea Bright, County of Monmouth that Chapter 144 Noise, Section 144-3.1 be waived and permit this project to begin at 7:00 a.m.; and

BE IT FURTHER RESOLVED that the NJDOT Route 36 Resurfacing Project is hereby supported by the Mayor and Council according to the terms and conditions listed above; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to Anthony Marsella, Deputy Director, Office of Community Relations, NJDOT and to Christ Haritos, Project Manager, Division of Project Management, NJDOT.

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

Ayes: Bills, Keeler, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: Kelly

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

**RESOLUTION NO. 229-2009
BOROUGH OF SEA BRIGHT**

WHEREAS, the Sea Bright Governing Body wishes to authorize Tetra Tech EM, Inc., 100 Enterprise Drive, Rockaway, NJ 07866 to apply for the 2009 FEMA Hazard Mitigation Assistance program Severe Repetitive Loss Grant for the elevation of 8 Center Street pursuant to the Scope of Work and Proposal dated September 4, 2009.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Governing Body hereby authorizes Tetra Tech EM Inc. to apply for the above-mentioned grant at a cost not to exceed \$6,000.00.

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 No. 8-2007 appropriation for the purpose stated herein.

FOR: MICHAEL J. BASCOM, CFO

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

Ayes: Bills, Keeler, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: Kelly

E. **Resolution No. 232-2009** approving and authorizing a Shared Services Agreement with the Borough of Oceanport for Municipal

Court Facilities was carried to the November 16, 2009 Council Meeting.

F. DISCUSSION: Draft Ordinance for Charitable Clothing Bins was re-scheduled to the January 16th Council Meeting.

G. DISCUSSION: Cell Tower Attorney Oxley will amend the bids to reflect alternate options for permanent locations versus temporary. This will be reconsidered at the November 16, 2009 Agenda.

8. CORRESPONDENCE AND COMMUNICATIONS:

- A.** NJDOT letter dated October 14, 2009 advising of FY2010 Municipal Aid Program Grant award in the amount of \$215,000.
- B.** Library Director Report for August 2009.
- C.** Construction Department Report for September 2009.
- D.** Municipal Court Report for September 2009.
- E.** Police Chief Report for September 2009
- F.** NJDEP notification of Clean Water Financing
- G.** Sea Bright First Aid letter dated October 2, 2009 commending lifesaving efforts of Corporal Lovgren and Officer Morgan.

9. COMMITTEE REPORTS:

A. Beach/Education/Environment: Councilwoman Long reported that Clean Ocean Action Beach Sweep is Saturday October 24, 2009. The Committee discussed the assessment of Beach operations to maximize efficiency. Half price Beach badge pre-season sale began on October 1 and will end December 31, 2009.

The Education Committee met with Oceanport Board of Education to discuss some of the issues created by elimination of Sea Bright's Board of Education and the consolidation with Oceanport.

Monmouth County Board of Freeholders has supported our stance in opposition of a liquefied natural gas facility off of the coast of Sea Bright. The Board of Freeholders will discuss this issue publicly on October 22, 2009.

B. Public Works/Building Department/Public Relations:

Councilman LoBiondo reported that Fire Marshall Tom Haege was appointed as Sea Bright's Code Enforcement officer. Public Works employees will not work Thanksgiving, Christmas and New Year's which will save the town money. DPW changed all the 35 mph signs to 40 mph on Ocean Avenue. OSHA repairs were done to the First Aid building. DPW did repairs on potholes Mountainview Way.

C. Police/Emergency Management/Insurance/Court:

Councilman Keeler reported on the monthly Police report. One of the OEM trucks have been modified and the second truck should also be done soon. The JIF contract is up this year.

D. Finance/Grants/Fire:

Councilman Murphy reported progress.

E. Personnel/Administration/Cultural Arts/Recreation:

Councilwoman Bills reported that the Personnel manual will be updated next year. Records consultant Elsalynn Palmisano had Sea Bright's records displayed at the Monmouth Archives Day.

The Recreation Committee is looking for volunteers, new recreational programs and other departments to assist with this year's holiday event.

The Library's annual fundraiser is at The Quay restaurant on November 6th.

F. Smart Growth/Flood Mitigation/Beautification: Councilman Kelly was absent and Councilman Keeler reported that they have received pool operation' information from a town in South Jersey. USACE's upcoming sand replenishment project will prevent the repeat of the 1992 storm.

10. MAYOR FERNANDES - REPORT AND COMMUNICATIONS. Mayor Fernandes said that Sea Bright will receive a grant for \$215,000 for paving, dredging and drainage on Normandie and Beachway. Corp. Lovgren and Officer Morgan resuscitated a person on September 2nd saving their life.

The Halloween parade begins at 6pm and the festivities will be at the Fire House. Election Day is November 4th, Veteran's Day is November 11th and the next Council meeting is November 16th.

Mayor Fernandes requested that all department heads lower their budget 10% for the 2010 budget year.

11. REMARKS FROM THE AUDIENCE:

Serena Smith of 1382 Ocean Avenue complained about a landscaped buffer zone not present on Navesink Marina's property and band music coming from the Dockside last Sunday and the noise from when they throw out their recyclables.

Murphy Anderson of 8 Center said that he appreciated the Police Departments handling of the storm over the weekend.

Tom Bonfiglio owner of the Dockside said that Serena Smith's complaints were unfounded because it rained last Sunday. There was no band. He said that he works with the Police and the noise decibel machine reading does not show that he is in violation of the noise ordinance. He said that Ms. Smith could have approached him directly about the noise from the recyclables and he would have worked with her.

12. EXECUTIVE SESSION: Councilman Murphy introduced and offered for adoption the following resolution at 9:32 p.m.:

**RESOLUTION NO. 234-2009
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 unanimous voice vote.

Ayes: Bills, Keeler, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: Kelly

The Council returned to the regular order of business at 9:48 p.m.

Councilwoman Long made a motion authorizing an additional \$4,000 to Scott Arnette, Esq. on the beach access lawsuit. Second by Councilman Murphy and adopted upon unanimous voice vote.

Ayes: Bills, Keeler, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: Kelly

13. ADJOURNMENT: There being no further business before the Governing Body. Councilman Murphy made a motion to adjourn the meeting at 9:50 P.M. Second by Councilwoman Long and approved upon unanimous voice vote.

Respectfully Submitted,

Maryann M. Smeltzer
Municipal Clerk