

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

Mayor Fernandes requested a Moment of Silence for Kevin Ruddy, age 52 who died on October 20.

**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 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, Kelly, LoBiondo, Long, Murphy, Mayor Fernandes, Attorney McNamara, Chief Financial Officer Bascom Engineer Hoder, Chief Sorrentino, Borough Administrator Smeltzer,

**ABSENT:** Attorney Oxley

**4. CERTIFICATES OF COMMENDATION:**

- Corporal Kevin H. Lovgren
- Special Officer Travis M. Morgan

Corporal Lovgren and Officer Morgan were awarded Certificates of Commendation for their outstanding lifesaving efforts during a medical emergency that saved the life of a Sea Bright resident on September 2, 2009.

**5.** Councilman Keeler introduced and offered for adoption the following at 7:35 p.m.:

**RESOLUTION NO. 238-2009  
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 the following roll call vote.  
Ayes: Bills, Keeler, Kelly, LoBiondo, Long, Murphy  
Nays: None  
Abstain: None  
Abstain: None

Councilman Murphy made a motion to return to the regular order of business at 7:46 p.m. Second by Councilwoman Bills and approved upon unanimous voice vote.

6. Administrator/Clerk Smeltzer called for the Second Reading, by Title Only, of the following Ordinance, which was introduced and approved at the Council Meeting of October 20, 2009.

A. Councilman Murphy moved to approve this Ordinance upon Second Reading.

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

**WHEREAS**, the Borough of Sea Bright intends to enter a shared services agreement with the Borough of Oceanport to share Oceanport's municipal court facilities, equipment, a joint municipal court administrator, joint deputy court administrator and other related services while appointing its own municipal court judge, municipal prosecutor and public defender; and

**WHEREAS**, in view of the agreement about to be entered with the Borough of Oceanport to share municipal court services, it is necessary to revise and supplement the Borough's municipal court ordinance.

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

**SECTION ONE:**

C. Article III, Municipal Court, Section 13-8, Court established; powers, Subsection C shall be amended to read as follows:

The Court shall be held in the Oceanport Municipal Building as is provided for in a Shared Services Agreement between the Borough of Sea Bright and the Borough of Oceanport and shall exercise all of the functions, powers, duties and jurisdiction conferred upon municipal courts by the provision of N.J.S.A. 2B:12-1 et seq., as amended and supplemented, or by any other law.

**SECTION TWO:**

The title and first sentence of Article III, Municipal Court, Section 13-10, Municipal Court Administrator, shall be amended to read as follows:

§ 13-10 There shall be a Joint Municipal Court Administrator shared with the Borough of Oceanport as is provided in the Shared Services Agreement with the Borough of Oceanport, who shall perform such functions and duties as prescribed for him or her by law, the rules applicable to municipal courts and by the Judge of the Municipal Court.

The remaining provisions of Section 13-10 shall remain the same.

**SECTION THREE:**

Article III, Municipal Court is hereby amended to add a new Section entitled "Shared Services Agreement," which shall read as follows:

§ 13-11 The Court shall operate under the administrative support services provided for under the Shared Services Agreement with the Borough of Oceanport which has been approved and authorized by the Borough of Sea Bright.

**SECTION FOUR:**

If any part of this Ordinance shall be deemed invalid by an administrative agency or court of competent jurisdiction, such decision shall not affect the legality and enforceability of any other provision hereof.

**SECTION FIVE:**

All ordinances, policies and or procedures or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency.

**SECTION SIX:**

This Ordinance shall take effect upon publication and in accordance with applicable law.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon its adoption, passage and publication according to law and moved the Public Hearing to be held. Second by Councilwoman Long and approved by the following vote:

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

NAYS: None

ABSTAIN: None

ABSENT: None

There being no members of the Public who wished to be heard a motion to close the Public Hearing was made by Councilman Murphy. Second by Councilwoman Long and approved by unanimous voice vote.

Councilwoman Long made a motion to approve Ordinance No. 22-2009 on its Third and Final Reading and advertise it according to law. Second by Councilman LoBiondo and approved upon the following roll call vote:

AYES: Bills, Kelly, Long, LoBiondo

NAYS: Keeler, Murphy

ABSTAIN: None

ABSENT: None

7. Councilman Keeler introduced and approved for adoption the following Resolution:

**RESOLUTION NO. 247-2009  
AUTHORIZE TRANSFER OF FUNDS**

**WHEREAS**, N.J.S.A. 40A:4-58 permits the transfer of current year appropriations during the last two months of the fiscal year; and

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

<u>Appropriation</u>	<u>Amount From</u>	<u>Amount To</u>
Tax Assessor OE	\$3,000.00	
Landfill/Tipping Fee	\$5,000.00	
Beautification	\$1,300.00	
Finance	\$500.00	
A&E O/E		\$3,800.00
Engineer		\$3,500.00
Natural Gas		\$2,000.00
Water		\$ 500.00
TOTAL	\$ 9,800.00	\$9,800.00

**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 2009 Budget appropriations 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 Long and adopted upon the following roll call vote:

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

Nays: None

Abstain: None

Absent: None

Item A was removed from the Consent Agenda.

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

**B1.** Councilwoman Bills made a motion approving the October 20, 2009 Council Meeting Minutes. 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

**B2.** Councilwoman Bills made a motion approving the October 20, 2009 Closed Session Meeting Minutes(Session II). 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

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

**BOROUGH OF SEA BRIGHT  
RESOLUTION NO. 239-2009**

**WHEREAS**, the Finance Manager has indicated that the unused Planning Board escrow money shall be refunded to:

Jo-Ann Kalaka-Adams	BL 16 LOT 7	\$1,787.50
356 Ocean Avenue		
Sea Bright, NJ 07760		

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Sea Bright hereby authorize the unused Planning Board escrow money be refunded.

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

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

**RESOLUTION NO. 240-2009  
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 **\$9,673.30** which is now available as a revenue from **FY 2009 Drunk Driving Enforcement Fund**; and

**BE IT FURTHER RESOLVED**, that a like sum of **\$9,673.30** is hereby appropriated under the caption **FY 2009 Drunk Driving Enforcement Fund**; and

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

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

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

**RESOLUTION NO. 241-2009  
BOROUGH OF SEA BRIGHT**

**WHEREAS**, Sea Bright Public Works Department will not work the following holidays:

- Thanksgiving Day
- Christmas Day
- New Year's Day

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Sea Bright authorize the above referenced holidays to be included as days off to the employees of the Department of Public Works.

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

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

**RESOLUTION NO. 242-2009  
BOROUGH OF SEA BRIGHT**

**WHEREAS**, that the Mayor and Council of the Borough of Sea Bright hereby authorize an increase not to exceed \$4,000.00 of the original contract to Scott Arnette, Esq. for special project legal services; 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 Legal O/E.

\_\_\_\_\_  
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

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

**RESOLUTION NO. 248-2009  
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 **\$1,057.57** which is now available as a revenue from **FY 2009 Body Armor Replacement Fund**; and

**BE IT FURTHER RESOLVED**, that a like sum of **\$1,057.57** is hereby appropriated under the caption **FY 2009 Body Armor Replacement Fund**; and

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

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

Administrator Smeltzer said that Resolution No. 226-2009 was amended by the removal of item# 01746 Pete Lang for \$700.00.

**A.** Councilwoman Long introduced and approved for adoption the following:

**RESOLUTION NO. 226-2009  
PAYMENT OF BILLS 11/16/2009**

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

**NOW, THEREFORE, BE IT RESOLVED** that these vouchers totaling \$870,827.06 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.

00261	A.C. MOORE, INC.		
09-05092	10/14/09 REC-SUPP:HALLOWEEN CONTEST	Open	176.60
00350	ABSOLUTE FIRE PROTECTION, INC.		
09-05126	10/22/09 FIRE DEPT-ADDT'L REPAIRS #4375	Open	247.73
01492	ALAN'S RUMSON FLORIST		
09-05116	10/19/09 A&E-WREATH:VETERAN'S DAY	Open	100.00
01578	AMERICAN MESSAGING		
09-05157	10/29/09 DPW-NOV 2009 PAGER SERVICE	Open	41.12
01170	ANDY K'S DAIRY & DELI		
09-04968	09/08/09 REC-SUBS,SODA,CHIPS:SKIM BASH	Open	560.79
00003	ASBURY PARK PRESS		
09-00010	01/20/09 MUNI CLERK-BLANKET:NOTICES	Open	92.88
01408	AT & T		
09-05225	11/10/09 COURT-OCT 2009 VIDEO CONFER	Open	15.88
00384	AT & T MOBILITY		
09-05137	10/28/09 DPW-OCT 2009 CELL BILL	Open	162.25
01042	ATLANTIC TOMORROWS OFFICE		
09-05210	11/09/09 A&E-3/Q/09 COPY/CLICK CHARGES	Open	276.58

00006	AVAYA, INC.		
09-04899	08/24/09	POLICE-4/Q/2009 PHONE MAINT	Open 54.96
09-04900	08/24/09	POLICE-4/Q/2009 BOX/MOD MAINT	Open 50.31
01504	BAGEL COVE		
09-04977	09/08/09	REC-COFFEE FOR SKIM BASH	Open 119.88
02036	BAHRLE, DAVID		
09-05139	10/28/09	DPW-REIMB:C-4 LICENSE RNWL FEE	Open 50.00
01241	BAIN'S HARDWARE, INC.		
09-05078	10/13/09	SEP 2009 PURCHASES	Open 550.55
01957	BENEMAX BENEFIT MANAGEMENT CO.		
09-05181	11/04/09	09/09 DENTAL PLAN MANAGEMENT	Open 288.00
09-05182	11/04/09	10/09 DENTAL PLAN MANAGEMENT	Open 288.00
09-05183	11/04/09	11/09 DENTAL PLAN MANAGEMENT	Open 288.00
			-----
			864.00
00843	BIRDSALL SERVICES GROUP		
09-04889	08/21/09	A&E-GRANT CONSULTANT	Open 510.00
01925	BORO OF SEA BRIGHT/EE' HEALTH		
09-05143	10/28/09	REPLENISH HEALTH INS FUND	Open 5,000.00
01565	BOROUGH OF SEA BRIGHT		
09-05131	10/26/09	T/F BALANCE OF ADMIN FEE	Open 4,565.00
01974	BOROUGH OF SEA BRIGHT COURT		
09-05107	10/16/09	COURT-09/09 CREDIT CARD REIMB	Open 239.14
01249	BRANAGAN, SUZANNE		
09-05114	10/19/09	P/L BOARD-TRAVEL:10/1-10/15/09	Open 74.25
00530	BULLET LOCK & SAFE CO., INC.		
09-05121	10/22/09	BLDGS/GRNDS-REPAIR DOOR CLOSER	Open 347.05
00789	C & C SIGNS & BANNERS		
09-05029	10/02/09	DPW-VEHICLE EMBLEMS	Open 359.90
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
			-----
			209.87
01358	CAMPBELL SUPPLY CO., L.L.C.		
09-04333	04/20/09	FIRE DEPT-REPAIR/TEST #4377	Open 7,841.74
09-04991	09/10/09	FIRE DEPT-REPAIRS:#4377 #4886	Open 2,659.95
			-----
			10,501.69
00063	CHESAPEAKE EXTERMINATING CO.		
09-05226	11/10/09	BLDGS/GRNDS-AUG/SEP/OCT EXTERM	Open 90.00
00249	CLARK, DOUGLAS		
09-05120	10/22/09	DPW-TRAVEL REIMB:10/17/09	Open 28.60
09-05142	10/28/09	SEWER-REIMB:C-1 LICENSE FEE	Open 50.00
			-----
			78.60
00198	COMCAST		
09-05109	10/16/09	POLICE DEPT-INTERNET:OCT 2009	Open 95.00
09-05128	10/22/09	LIBRARY-INTERNET:OCT 2009	Open 100.19
09-05138	10/28/09	FIRE DEPT-INTERNET:NOV 2009	Open 95.23
09-05227	11/12/09	A&E-INTERNET:NOV 2009	Open 95.00
			-----
			385.42
01988	COMPTON, BARBARA		
09-05124	10/22/09	MUNI CLERK-RETURN ELECTION BKS	Open 30.00
00135	COOPER ELECTRIC SUPPLY COMPANY		
09-05038	10/02/09	BLDGS/GRNDS-SERVICE GENERATOR	Open 300.00
01493	COOPERATIVE INDUSTRIES, L.L.C.		
09-05205	11/05/09	AUG 2009 NATURAL GAS	Open 558.93
00089	DE LISA DEMOLITION, INC.		
09-02930	03/04/09	DPW-2009 BRANCH/LEAF PICKUP	Open 1,000.00
01320	DEMAIO, R.N.		
09-05079	10/13/09	BLDGS/GRNDS-SUPPL:POLICE DEPT	Open 449.73
01387	DMH LAWN CARE, LLC		
09-04305	04/16/09	BLDGS/GRNDS-2009 MOWING SERV	Open 1,800.00
09-04476	05/19/09	BLDGS/GRNDS-2009 BRUSH CONTROL	Open 200.00
			-----
			2,000.00
00615	DMR LAWNS & LANDSCAPES, INC.		
09-04306	04/16/09	BLDGS/GRNDS-2009 WEED CONTROL	Open 740.00
02008	E.J. SCHUSTER'S OFFICE SUPPLY		
09-05083	10/14/09	COURT-PAPER	Open 121.66

00126	EASTERN SURPLUS & EQUIPMENT CO		
09-04997	09/16/09 OEM-2 MILITARY DIESEL TRUCKS	Open	15,150.00
00421	FAIL SAFE FIRE HOSE TEST, INC.		
09-04774	07/31/09 FIRE DEPT-ANNUAL HOSE TESTING	Open	1,655.40
00662	FEDERAL EXPRESS		
09-05108	10/16/09 POLICE-9/17/09 EXPRESS SERVICE	Open	29.39
00077	FLEET SERVICES		
09-05147	10/28/09 GASOLINE - OCT 2009	Open	3,101.28
01549	GENERAL CODE PUBLISHERS CORP.		
09-05168	11/03/09 A&E-SUPPLEMENT #54	Open	2,925.26
01194	GLENCO SUPPLY, INC.		
09-05037	10/02/09 DPW-WHITE TRAFFIC PAINT	Open	402.50
09-05080	10/13/09 DPW-HANDICAP FINE STICKERS	Open	38.00
			-----
			440.50
00305	GORCEY PLUMBING & HEATING, INC		
09-05146	10/28/09 BLDGS/GRNDS-FALL'09 WINTERIZE	Open	800.00
01297	HATCH, MOTT & MACDONALD, LLC		
09-05228	11/12/09 MISC ENGINEERING-10/2/09	Open	97.60
01887	HEIM ELECTRONICS, INC.		
09-05104	10/16/09 LIBRARY-11/1-1/31/09 ALARM	Open	62.85
09-05105	10/16/09 BORO HALL-11/1-1/31/10 ALARM	Open	62.85
			-----
			125.70
01286	INDUSTRIAL MARINE		
09-05077	10/13/09 REIMB:09/10-10/08 GARAGE ELECT	Open	170.96
09-05145	10/28/09 SEWER-REPAIRS:WET WELL BASKET	Open	200.00
			-----
			370.96
01374	INTERNATIONAL CODE COUNCIL		
09-05036	10/02/09 BLDG DEPT-CODE BOOK	Open	84.75
01363	IRON MOUNTAIN, INC.		
09-01620	02/05/09 A&E-VAULT:SERVER BACKUPS	Open	140.88
01526	JCP & L		
09-05158	10/29/09 SEP 2009 ELECTRIC SERVICE	Open	8,085.59
00895	JOHNNY ON THE SPOT, INC.		
09-04815	08/11/09 PORTO-POTS - OCT 2009	Open	409.20
09-04816	08/11/09 PORTO-POTS - NOV 2009	Open	396.00
			-----
			805.20
01246	KIMBALL MEDICAL CENTER		
09-05118	10/22/09 DPW-LAB SCREENING:K.JONES	Open	31.00
09-05134	10/27/09 DPW-PHYSICALS/SCREENINGS	Open	262.00
			-----
			293.00
01209	LANGUAGE SERVICES ASSOCIATES		
09-05106	10/16/09 COURT-SEP 2009 INTERPRETATION	Open	48.30
00779	LINE SYSTEMS, INC.		
09-05148	10/29/09 LOCAL/LONG DISTANCE:SEP 2009	Open	1,772.03
00161	LOU'S UNIFORMS, INC.		
09-04906	08/31/09 DPW-PANTS	Open	138.00
09-05007	09/24/09 FIRE DEPT-UNIFORMS	Open	207.00
			-----
			345.00
00275	M & S WASTE SERVICES, INC.		
09-05039	10/02/09 DUMPSTER+DISP FEE:DRIFTWOOD	Open	478.00
09-05201	11/05/09 OCT 2009 LANDFILL TIPPING FEES	Open	6,915.27
09-05202	11/05/09 10/09 GARBAGE/RECYCLING PICKUP	Open	8,691.67
			-----
			16,084.94
01801	MASER CONSULTING, P.A.		
09-04593	06/22/09 TIDELANDS APPLIC:EXTRA PLANS	Open	177.53
09-04854	08/17/09 ENGINEERING-ZONING MAPS	Open	150.00
09-04867	08/18/09 PRJ#115 ADA RAMP OVER SEA WALL	Open	1,447.50
09-04938	09/01/09 ENGINEERING-RETAINER:NOV 2009	Open	250.00
09-05098	10/15/09 PRJ#127 INFRASTR GRANT APPLIC	Open	1,000.00
09-05099	10/15/09 ENGINEERING-SEWER GRANT	Open	125.00
09-05101	10/16/09 ENGINEERING-HIGHLANDS BRIDGE	Open	120.00
			-----
			3,270.03

01985	MOBILE MINI, INC.		
09-04844	08/13/09	POLICE-TRAILER 2009 PYMT 11/13	Open 278.00
09-05111	10/16/09	POLICE-TRAILER 2009 PYMT 12/13	Open 278.00
09-05156	10/29/09	COURT-TRAILER 2009 PYMT 12/13	Open 268.00
			-----
			824.00
00110	MONM CNTY REGIONAL HEALTH		
09-04995	09/11/09	4/Q/2009 PUBLIC SERVICE HEALTH	Open 10,901.25
00688	MONMOUTH COUNTY POLICE ACADEMY		
09-05047	10/02/09	POLICE DEPT-BASIC COURSE	Open 720.00
01532	MONMOUTH MEDICAL CENTER		
09-03940	03/30/09	DPW-PHYSICAL/SCREENING:J.JONES	Open 131.00
01499	MONMOUTH SPRINKLER CO., INC.		
09-05119	10/22/09	BLDGS/GRNDS-REPAIR SPRINKLERS	Open 161.00
00140	MOORE, WILLIAM		
09-05169	11/03/09	2009 PYMT 01/02 HEALTH REIMB	Open 1,769.93
00137	MUNICIPAL CAPITAL CORPORATION		
09-04611	06/29/09	A&E-2009 COPIER LEASE	Open 225.20
00190	MUNICIPAL CLERKS' ASSOC OF NJ		
09-05161	10/30/09	MUNI CLERK-WINTER CONFERENCE	Open 200.00
00019	NJ AMERICAN WATER		
09-05154	10/29/09	SEP 2009 WATER UTILITY	Open 1,291.74
09-05174	11/04/09	OCT 2009 HYDRANTS	Open 2,143.96
			-----
			3,435.70
00885	OCEAN TWP FIRE DISTRICT NO. 2		
09-04891	08/21/09	INSPEC/FIRE-VEHICLE-4/Q/2009	Open 225.00
01309	OCEANPORT BOARD OF EDUCATION		
09-04978	09/09/09	GRADE SCHOOL TAX - NOV 2009	Open 74,912.67
00163	OSWALD ENTERPRISES, INC.		
09-05127	10/22/09	SEWER-CLEAN OUT WET WELL	Open 3,100.00
00467	PALMISANO, ELSALYN		
09-04929	09/01/09	MUNI CLERK-BLANKET:RECORDS MGT	Open 378.70
01022	PITNEY BOWES SUPPLY LINE		
00025	REALTY APPRAISAL CO.		
09-05113	10/19/09	TAX ASSESSOR-2009 ADDED ASSESS	Open 1,315.00
00682	RICCIARDI BROTHERS OF MONMOUTH		
09-05096	10/14/09	DPW-PAINT SPRAYER NOZZLES	Open 190.00
00234	ROY PRESS, INC.		
09-04926	08/31/09	PRINTING:NOV'09 NEWSLETTER	Open 735.00
00788	SCARINCI & HOLLENBECK, LLC		
09-04941	09/01/09	LEGAL-NOV 2009 RETAINER	Open 1,666.67
01554	SEA BRIGHT SERVICE CENTER		
09-05075	10/13/09	POLICE-8/30/09 REPAIR A/C#4308	Open 904.95
09-05162	10/30/09	POLICE-BLANKET:VEHICLE MAINT	Open 373.05
09-05163	10/30/09	POLICE-REPAIRS:2001 SUBURBAN	Open 1,273.30
			-----
			2,551.30
00053	SHORE REGIONAL HIGH SCHOOL		
09-04887	08/21/09	HIGH SCHOOL TAX - NOV 2009	Open 151,680.00
00436	SOFFEL, ANN		
09-04788	08/03/09	REC-RENTALS:9/12-13 SKIM BASH	Open 840.00
00031	SORRENTINO, JOHN		
09-05193	11/04/09	POLICE-REIMB:(2) DMV REG	Open 120.00
00285	STAPLE'S, INC.		
09-05043	10/02/09	POLICE DEPT-OFFICE SUPPLIES	Open 297.00
09-05086	10/14/09	POLICE DEPT-OFFICE SUPPLIES	Open 373.55
			-----
			670.55
00214	STAVOLA COMPANIES		
09-04367	04/29/09	DPW-BLANKET:ASPHALT MATERIALS	Open 55.02
00427	STRATTON, FELECIA		
09-04912	08/31/09	A&E-EDIT/DESIGN:NOV'09 SEA BRZ	Open 700.00
09-05170	11/03/09	REC-REIMB:HOLIDAY CHOCO COINS	Open 56.71
			-----
			756.71
01285	THE HOME DEPOT		
09-04859	08/17/09	BLDGS/GRNDS-BLANKET:MISC SUPP	Open 136.99
09-05196	11/04/09	BLDGS/GRNDS-BLANKET:MISC SUPP	Open 179.00
			-----
			315.99

01067	THE ODB COMPANY		
09-05033	10/02/09 DPW-STREET SWEEPER BRUSHES	Open	160.00
01863	THE QUAY		
09-05218	11/09/09 LIBRARY-11/06 HARVEST DINNER	Open	2,456.00
00849	THEISEN-SCOTT, LOIS		
09-05217	11/09/09 LIBRARY-RAFFLE WINNER	Open	230.00
01388	UPTON, JANET		
09-05136	10/27/09 COURT-OFFICE COVERAGE:10/23/09	Open	96.00
01960	VERIZON		
09-05102	10/16/09 BEACH-SEP 2009	Open	57.82
01020	VERIZON ONLINE		
09-05115	10/19/09 DPW-DSL INTERNET:SEP 2009	Open	42.99
02061	VERIZON WIRELESS		
09-05110	10/16/09 BLDG/FIRE/COURT:OCT 2009 BILL	Open	75.02
09-05141	10/28/09 POLICE-OCT 2009 CELL & MDT	Open	726.76
09-05224	11/10/09 BLDG/FIRE/COURT:NOV 2009 BILL	Open	74.53
			-----
			876.31
00418	VON ZIEGESAR, ELIZABETH		
09-05122	10/22/09 LIBRARY-REIMB:SUPPLIES	Open	69.45
00251	W.B. MASON COMPANY, INC.		
09-05084	10/14/09 9 CARTONS:COPIER PAPER	Open	315.21
02177	WALSH, JOAN		
09-05123	10/22/09 LIBRARY-REIMB:GIFT BASKET	Open	42.58
09-05165	11/02/09 LIBRARY-REIMB:10/30 MISC ITEMS	Open	120.44
			-----
			163.02
01164	WATCHUNG SPRING WATER CO, INC.		
09-05167	11/03/09 OCT 2009 SPRING WATER	Open	139.43
01702	WHIRL CONSTRUCTION, INC.		
09-05093	10/14/09 REC-BASKETBALL SET-UPS	Open	850.00
AOL			18.99
BORO OF SEA BRIGHT PAYROLL A/C (10/15/09 PAYROLL)			94,437.67
BORO OF SEA BRIGHT PAYROLL A/C (10/30/09 PAYROLL)			80,576.48
CDW GOVERNMENT, INC. (2005 MCIA)			1,799.23
MASER CONSULTING (ESCROW)			545.00
NJSHBP (OCTOBER 20)			22,283.42
RED BANK VETERINARY (8/30 DOVE, 9/15 KITTEN)			410.45
THE BANK OF NEW YORK (BOND P&I PAYMENTS)			78,476.87
THE BANK OF NEW YORK (BOND P&I PAYMENTS)			130,026.13
THE BANK OF NEW YORK (BOND P&I PAYMENTS)			103,560.00
U.S. POSTAL SERVICE (MAILING:NOV'09 NEWSLETTER)			199.33
WPCS INTERNATIONAL , INC. (2005 MCIA)			<u>8,543.00</u>
TOTAL			\$870,827.06

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

#### 9. OLD BUSINESS:

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

**RESOLUTION NO. 232-2009  
RESOLUTION APPROVING AND AUTHORIZING  
A SHARED SERVICES AGREEMENT WITH THE BOROUGH  
OF OCEANPORT FOR MUNICIPAL COURT FACILITIES**

WHEREAS, the Borough of Sea Bright is desirous of entering a Municipal Court Shared Services Agreement with the Borough of Oceanport to achieve cost savings and economy in the use of facilities, employees, equipment, supplies and related services, as is permitted by N.J.S.A. 2B:12-1, Municipal Courts, and the Uniform Shared Services and Consolidation Act, P.L.2007, c.63 (C.40A:65-1, et seq., provided that such Agreement is approved by the Assignment Judge of the Superior Court of New Jersey,

Monmouth County and the New Jersey Administrative Office of Courts; and

WHEREAS, pursuant to said Agreement, the Borough of Sea Bright will use Oceanport's municipal court facilities and will compensate Oceanport for its administrative costs therein; and

WHEREAS, while Sea Bright's municipal court shall be held in Oceanport's municipal building, the municipal court of the Borough of Sea Bright will maintain a separate identity; and

WHEREAS, the Boroughs shall share a joint municipal court administrator and related court personnel all of whom shall become employees of the Borough of Oceanport; and

WHEREAS, the Borough of Sea Bright shall appoint a municipal judge to sit in its court, a municipal prosecutor and public defender.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Sea Bright, as follows:

1. A certain Shared Services Agreement between the Borough of Oceanport and the Borough of Sea Bright is hereby approved and authorized.
2. The Mayor is authorized to sign said Agreement on behalf of the Borough.
3. A copy of the Agreement shall be open to public inspection in the office of the Borough Clerk immediately upon passage of this Resolution authorizing the Agreement.
4. The Agreement shall take effect upon the adoption of appropriate resolutions by the Borough of Sea Bright and the Borough of Oceanport, and the execution of the Agreement by the Borough officials authorized there under.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be forwarded to the Borough of Oceanport to consider adoption of a similar resolution.

BE IT FURTHER RESOLVED that upon adoption of said resolution by the Borough of Oceanport, a copy of said resolution shall be forwarded to the Honorable Lawrence M. Lawson, Assignment Judge, Superior Court, Monmouth County and the Office of Administrative Courts for approval.

BE IT FURTHER RESOLVED that a copy of the fully executed Shared Services Agreement shall be filed for informational purposes with the New Jersey Department of Community Affairs in compliance with N.J.S.A. 40A :65-4(b).

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

Ayes: Bills, Kelly, LoBiondo, Long

Nays: Keeler, Murphy

Abstain: None

Absent: None

Mayor Fernandes said that Judge Lawson prefers that Sea Bright join Oceanport in a court shared services agreement than the alternate plan proposed by Councilman Keeler.

**B. DISCUSSION: Cell Tower** - authorizing cell tower bid process would be discussed at the December 1, 2009 Council Meeting. Councilman Keeler and the Governing Body discussed amending some aspects of the cell tower bid specifications and instructed Attorney McNamara to alter the document accordingly and re-list this at the December 1<sup>st</sup> Council meeting.

**10. NEW BUSINESS:**

**A. DISCUSSION:** Community Development Beach Access - Engineer Hoder discussed a conceptual plan for two handicapped beach access points. The plan showed a handicapped access point at the recycling center allowing access over the sea wall and another located at the sea wall behind Borough Hall. Engineer Hoder will send plans to CAFRA requesting a waiver for a permit.

**B. DISCUSSION:** All Hazard Mitigation Amendments. Administrator/Clerk Smeltzer said that the prioritization of actions needs to be amended to include the three pump stations as critical facilities. She asked the Governing Body to forward anything else they feel should be included.

**C.** Councilwoman Long made a motion adopting the October 20, 2009 Closed Session Meeting (Session I). Second by Councilman Murphy and approved upon the following roll call vote:

Ayes: Bills, Keeler, Kelly, Long, Murphy

Nays: None

Abstain: LoBiondo

Absent: None

**D.** Councilman LoBiondo made a motion approving a request from SBFD Chief Engineer Forsman to add Brett Murphy as a probationary driver. Second by Councilwoman Long and approved upon the following roll call vote:

Ayes: Bills, Keeler, Kelly, LoBiondo, Long

Nays: None

Abstain: Murphy

Absent: None

**E.** Councilwoman Bills approved a request from SBBA to donate bike racks to Sea Bright with the condition that they work with the Zoning Officer and receive zoning approval prior to installation. Second by Councilman LoBiondo and approved upon the following roll call vote:

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

Nays: None

Abstain: None

Absent: None

Borough employees will utilize Conte's Car Wash commencing January 1, 2010 for vehicle washing which is in line with Stormwater regulations. Administrator/Clerk Smeltzer will notify the following departments of this policy: Police, Fire, Department of Public Works, Office of Emergency Management and First Aid of this resolution.

F. Councilwoman Long introduced and offered the following Resolution for adoption:

**RESOLUTION NO. 243-2009  
BOROUGH OF SEA BRIGHT**

**WHEREAS**, request for quotes for Car/Truck Wash services for all Borough owned vehicles in order to be in compliance with Stormwater regulations were received.

**NOW THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Sea Bright hereby award the contract for Car/Truck Wash services to:

**Conte's Car Wash  
684 Highway 36  
Long Branch, NJ 07740**

**At a yearly rate as indicated on the attached quotation. commencing January 1, 2010.**

**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 2010 budgets for Police, DPW, Fire, First Aid, OEM for the purpose stated herein.

---

MICHAEL J. BASCOM, CFO

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

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

Nays: None

Abstain: None

Absent: None

**G. Resolution No. 244-2009** authorizing engineering services for the Beachway/Normandie Place project was not moved and will return to the DPW committee for review and recommendation.

**H. Resolution No. 245-2009** authorizing engineering services for the Beachway outfall was not moved and will return to the DPW committee for review and recommendation.

I. Councilwoman Long introduced and offered the following Resolution for adoption:

**BOROUGH OF SEA BRIGHT  
RESOLUTION NO. 237-2009  
Amends Resolution No. 19-2009**

**WHEREAS**, an amendment needs to be made to Resolution No. 19-2009 Sea Bright Cash Management Plan to include the Sea Bright Board of Education Checking Account #071-000933 located at Valley National Bank into the cash management plan of the Borough of Sea Bright; and

**WHEREAS**, the following shall now be the authorized signatories on Account No. 071-000933: Clerk, Mayor or CFO - Any two (2).

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Sea Bright hereby amend the Sea Bright Cash Management Plan to include the Sea Bright Board of Education Checking Account #071-000933 which is located at Valley National Bank, Sea Bright, NJ.

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

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

Nays: None

Abstain: None

Absent: None

**I. Mayor Fernandes' 5 Year Plan:**

1. Implement Smart Growth Plan - January 2010
  - a. Obtain Plan Endorsement - State Planning Commission - 2010
  - b. Permanent cell tower - April 2010
  - c. Beach Pavilion - September 2010
  - d. Bulkheads - Beach and Center Streets - October 2010
  - e. Municipal Complex/Court - April 2011
  - f. Streetscape Downtown Ocean Avenue - April 2011
  - g. DIIP II - Osborne, Church, South, River, and Peninsula Streets - October 2011
  - h. Police/OEM Headquarters - April 2012
  - i. Beachfront Enhancements (pool, boardwalk, etc.) - April 2013
  - j. Maintain the Borough's sanitary sewer system- yearly
  - k. Maintain the Borough's roadways/bulkheads - yearly
  - l. Public Works Garage - April 2014

**11. CORRESPONDENCE AND COMMUNICATIONS:**

- A. Monmouth County Regional Health Commission No. 1 August 19, 2009 minutes.
- B. September 22, 2009 Planning Board Minutes.
- C. Two Rivers Water Reclamation Authority October 27, 2009 letter regarding replacement pumping station.
- D. DOT November 6, 2009 letter regarding speed limits along Sea Bright's municipal roads.
- E. Library Director's October report.
- F. Recreation Director's November report.
- G. Chief of Police October report
- H. Court Administrator October report

**12. COMMITTEE REPORTS:**

**A. Beach/Education/Environment:** Councilwoman Long reported that there was severe damage to the beach dunes, the fencing was washed away, there is a six foot drop off and public beach access is hazardous. Beach badges are half price and available at Borough Hall. We received notification from the US Fish and Wildlife regarding the dune restoration plan for 2010 to remove the invasive plant species and replant vegetation at no cost to the Borough. Councilwoman Long made a motion authorizing an agreement with US Fish and Wildlife for the invasive plant species removal project. 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

Councilwoman Long proposed an open forum for the public to ask the Governing Body questions. She said she would like these forums to be held quarterly on Saturdays beginning in 2010. 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

Also, Sea Bright meeting agendas will reflect a public portion at the beginning and end for the 2010 Council meetings.

She proposed establishing a Sea Bright Cat Committee that would consider using the trap/neuter release program. That would be discussed further at the next Council Meeting.

**B. Public Works/Building Department/Public Relations:**

Councilman LoBiondo reported that DPW finished re-patching potholes on Mountainview Way. The Fire Department's chimney collapsed and was repaired. New stainless steel no dumping drain medallions were installed by DPW. The submersible flood pump on Beach Street was down and Hatch, Mott, MacDonald were notified for repairs.

**C. Police/Emergency Management/Insurance/Court:**

Councilman Keeler reported that there is a severe problem with dog owners not cleaning up after their pets on the beach. OEM trucks were used extensively during the storm. OEM submitted a report of the storm damages in Sea Bright to the county. Sea Bright's court will be moving to Oceanport January 1. DOT opened up one lane on the Highlands Bridge and the old bridge will be dismantled in a couple months.

**D. Finance/Grants/Fire:**

Councilman Murphy met with Tax Assessor Anfuso regarding tax assessments in 2010. Budget workshops will begin the second week of January. The LaFrance fire truck should arrive in mid January.

**E. Personnel/Administration/Cultural Arts/Recreation:**

Councilwoman Bills reported progress for personnel and administration. The Library's fundraiser was a huge success. The tree lighting ceremony is December 4<sup>th</sup> at the Firehouse.

**F. Smart Growth/Flood Mitigation/Beautification:** Councilman

Kelly said that the Smart Growth committee will meet tomorrow night and discuss project funding. Several landscaping proposals were accepted and will be reviewed.

**13. MAYOR FERNANDES - REPORT AND COMMUNICATIONS.** Mayor

Fernandes thanked the services of the Police, OEM, Fire, First Aid Squad and Public Works during the Nor'easter

Congressman Pallone's Office contacted Mayor Fernandes as to a meeting tomorrow when FEMA, OEM and NJDEP will discuss the damages caused by Ida. The Mayor brought up the need for sand replenishment to Sea Bright.

Jo & Re Van Holt, Maryann Chevalier, Trooper McCall, and Mayor Fernandes attended the NJ Boat Commission meeting, November 4th, at the Raritan Yacht Club in Perth Amboy on the topic of Slow Speed/No Wake Shrewsbury River. The commission voted

unanimously to adopt the resolutions proposed by the Sea Bright and Highlands. NJ Boat Commission's attorney will draft an amendment for their next meeting on Wednesday, January 13, 10 a.m. This amendment must undergo a process of public hearings and comments. Boating rules cannot be changed during the boating season (May 1 to Sept 30) so the Slow Speed No Wake rule may not be enacted for this summer. Mayor Fernandes suggested that the Commission post signs on both bridges advertising the new rule to boaters, which was agreeable to the Commission.

The NJDOT will begin on the Ocean Avenue Repaving project from the Highlands Bridge to the Rumson Bridge this spring. They will answer the public's questions here on Tuesday, December 15, from 4-6 p.m.

Michael Einsidler, Northeast/Atlantic Coast representative of Floodbreak Automatic Floodgates was referred by Jenifer Thalhauser and Donald Cresitello (USACE). We might consider their product and technology for possible applications in our area. Mr. Einsidler will attend the Smart Growth Workshop on Thursday, December 17. His company's website is [www.floodbreak.com](http://www.floodbreak.com).

The Two Rivers Mayors Council initiated a Mayors Task Force. They will develop a School Funding Reform proposal to be adopted at the NJLM conference. This would require other funding sources for education rather than strictly from property taxes.

Ed McKenna, former Mayor Red Bank, spoke at the TRMC about municipalities getting Plan Endorsement from the State Planning Commission. Mayor Fernandes met with Planner Mary Tangolics and Borough Administrator Maryann Smeltzer to start the process through our Smart Growth Plan. Once approved, this would speed the process for Sea Bright when applying for permits from the DEP, DOT, and grants.

The next council meeting will be Tuesday, December 1, 2009 at 7:30 p.m..

**14. REMARKS FROM THE AUDIENCE:** Natalie Nichols of 16 New Street thanked the police department for their tremendous work during the recent storm.

Serena Smith of Fountains Condos said it was good that the Council was going to move forward with Sea Bright's cat problem.

**15. EXECUTIVE SESSION Resolution No. 246-2009** was not moved due to the absence of Borough Attorney Oxley.

**16. ADJOURNMENT:** There being no further business before the Governing Body. Councilman Murphy made a motion to adjourn the meeting at 9:36 P.M. Second by Councilman LoBiondo and approved upon unanimous voice vote.

Respectfully Submitted,

Maryann M. Smeltzer  
Municipal Clerk