

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

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 COURIER ON JANUARY 10, 2008 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:** Keeler, Long, Markson, Scriven, Mayor Fernandes, Attorney Arnette, Chief Financial Officer Bascom, Borough Engineer Hoder and Administrative Assistant Branagan.

**ABSENT:** Bills, Kelly

**ABSTAIN:** None

**4. A.** Councilwoman Long moved to approve this Ordinance upon Second Reading.

**ORDINANCE # 9-2008**  
**BOROUGH OF SEA BRIGHT**  
**AN ORDINANCE GRANTING RENEWAL**  
**OF MUNICIPAL CONSENT TO COMCAST**  
**TO CONSTRUCT, CONNECT, OPERATE AND MAINTAIN**  
**A CABLE TELEVISION AND COMMUNICATIONS SYSTEM**  
**IN THE BOROUGH OF SEA BRIGHT, NEW JERSEY.**

**SECTION 1. PURPOSE OF THE ORDINANCE**

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

**SECTION 2. DEFINITIONS**

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

- a. "Town" or "Municipality" is the Borough of Sea Bright, County of Monmouth, State of New Jersey.
- b. "Company" is the grantee of rights under this Ordinance and is known as Comcast of Monmouth County.

- c. "Act" or "Cable Television Act" is Chapter 186 of the General Laws of New Jersey, and subsequent amendments thereto, N.J.S.A. 48:5A-1, et seq.
- d. "FCC" is the Federal Communications Commission.
- e. "Board" or "BPU" is the Board of Public Utilities, State of New Jersey.
- f. "Office" or "OCTV" is the Office of Cable Television of the Board.
- g. "Basic Cable Service" means any service tier, which includes the retransmission of local television broadcast signals as defined by the FCC.
- h. "Application" is the Company's Application for Renewal of Municipal Consent.
- i. "Primary Service Area" or "PSA" consists of the area of the Municipality currently served with existing plant as set forth in the map annexed to the Company's Application for Municipal Consent.

**SECTION 3. STATEMENT OF FINDINGS**

Public hearings conducted by the municipality, concerning the renewal of Municipal Consent herein granted to the Company were held after proper public notice pursuant to the terms and conditions of the Act and the regulations of the Board adopted pursuant thereto. Said hearings, having been fully open to the public, and the municipality, having received at said public hearings all comments regarding the qualifications of the Company to receive this renewal of Municipal Consent, the Municipality hereby finds that the Company possesses the necessary legal, technical, character, financial and other qualifications and that the Company's operating and construction arrangements are adequate and feasible.

**SECTION 4. DURATION OF FRANCHISE**

The non-exclusive Municipal Consent granted herein shall expire Fifteen (15) years from the date of expiration of the previous Certificate of Approval issued by the Board.

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

**SECTION 5. FRANCHISE FEE**

Pursuant to the terms and conditions of the Act, the Company shall, during each year of operation under the consent granted herein, pay to the Municipality two percent (2%) of the gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for cable television

reception service in the Municipality or any higher amount permitted by the Act or otherwise allowable by law, whichever is greater.

**SECTION 6. FRANCHISE TERRITORY**

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

**SECTION 7. EXTENSION OF SERVICE**

The Company shall be required to proffer service along the public right-of-way to any person's residence or business located in those areas of the Primary Service Area as set forth herein. Any extension of the cable television system beyond the PSA will be made in accordance with the Office of Cable Television's ("OCTV") Line Extension Policy ("LEP"). For purposes of the LEP, the minimum density of homes-per-mile shall be thirty-five (35).

**SECTION 8. CONSTRUCTION REQUIREMENTS**

Restoration: In the event that the Company or its agents shall disturb any pavement, street surfaces, sidewalks, driveways, or other surface in the natural topography, the Company shall, at its sole expense, restore and replace such places or things so disturbed in as good a condition as existed prior to the commencement of said work.

Relocation: If at any time during the period of this consent, the Municipality shall alter or change the grade of any street, alley or other way or place the Company, upon reasonable notice by the Municipality, shall remove, re-lay or relocate its equipment, at the expense of the Company.

Removal or Trimming of Trees: During the exercise of its rights and privileges under this franchise, the Company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks or other public places of the municipality so as to prevent the branches of such trees from coming in contact with the wires and cable of the Company. Such trimming shall be only to the extent necessary to maintain proper clearance of the Company's wire and cables.

**SECTION 9. CUSTOMER SERVICE**

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

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

- b. The Company shall continue to fully comply with all applicable state and federal statues and regulations regarding the availability of devices for the hearing impaired and the notification of same to customers.
- c. The Company shall use every reasonable effort to meet or exceed voluntary standards for telephone accessibility developed by the National Cable Television Association (NCTA).
- d. Nothing herein shall impair the right of any subscriber or the Municipality to express any comment with respect to telephone accessibility to the Complaint Officer, or impair the right of the Complaint Officer to take any action that is permitted under law.

**SECTION 10. MUNICIPAL COMPLAINT OFFICER**

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

**SECTION 11. LOCAL OFFICE**

During the term of this franchise, and any renewal thereof, the Company shall maintain a business office or agent in accordance with N.J.A.C. 14:18-5.1 for the purpose of receiving, investigating and resolving all local complaints regarding the quality of service, equipment malfunctions, and similar matters. Such a business office shall have a publicly listed toll-free telephone number and be open during standard business hours, and in no event (excepting emergent circumstances) less than 9:00 A.M. to 5:00 P.M., Monday through Friday.

**SECTION 12. PERFORMANCE BONDS**

During the life of the franchise the Company shall give to the municipality a bond in the amount of twenty-five thousand (\$25,000.00) dollars. Such bond shall be to insure the faithful performance of all undertakings of the Company as represented in its application for municipal consent incorporated herein.

**SECTION 13. SUBSCRIBER RATES**

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

**SECTION 14. COMMITMENTS BY THE COMPANY**

- a. The Company shall provide Total Preferred cable television service on one (1) outlet at no cost to each school in the Municipality, public and private, elementary, intermediate and secondary, provided the school is within 175 feet of active cable distribution plant. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis by the school requesting service. Monthly service charges shall be waived on all additional outlets.
- b. The Company shall provide Internet service to one (1) non-network to each school in the Municipality, public and private, elementary, intermediate and secondary and library, provided the building is within 175 feet of active cable distribution plant.

- c. The Company shall provide Total Preferred cable television service at no cost on one (1) outlet to each police, fire, emergency management facility and public library in the Municipality. Comcast will continue to provide free cable service to the Municipal Facilities. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis by the Municipality. Monthly service charges shall be waived on all additional outlets.
- d. A one-time technology grant in the amount of Ten Thousand Dollars (\$10,000.00) to be paid within 12 months of NJ BPU approval of the franchise renewal.

**SECTION 15. TWO WAY SERVICES AND INTERCONNECTION**

In the event that the Municipality determines that it is necessary and feasible for it to contract with the Company for the purpose of providing two-way or interconnection services, the Company shall be required to apply to the BPU for approval to enter into and establish the terms and conditions of such contract. All costs for such application to the BPU shall be borne by the Municipality.

**SECTION 16. EMERGENCY USES**

The Company will comply with the Emergency Alert System ("EAS") rules in accordance with applicable state and federal statutes and regulations.

The Company shall in no way be held liable for any injury suffered by the municipality or any other person, during an emergency, if for any reason the municipality is unable to make full use of the cable television system as contemplated herein.

**SECTION 17. LIABILITY INSURANCE**

The Company shall at all times maintain a comprehensive general liability insurance policy with a single limit amount of \$1,000,000 covering liability for any death, personal injury, property damages or other liability arising out of its construction and operation of the cable television system, and an excess liability (or "umbrella") policy in the amount of \$5,000,000.

**SECTION 18. INCORPORATION OF THE APPLICATION**

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

**SECTION 19. COMPETITIVE EQUITY**

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

**SECTION 20. SEPARABILITY**

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

**SECTION 21. THIRD PARTY BENEFICIARIES**

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

**SECTION 22. EFFECTIVE DATE**

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

**BE IT FURTHER ORDAINED**, that this Ordinance shall take effect upon its adoption, passage and publication according to 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 Councilman Scriven and approved by the following vote:

AYES: Keeler, Long, Markson, Scriven

NAYS: None

ABSTAIN: None

ABSENT: Bills, Kelly

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

AYES: Keeler, Long, Markson, Scriven

NAYS: None

ABSTAIN: None

ABSENT: Bills, Kelly

Councilwoman Long made a motion to approve Ordinance No. 9-2008 on its Third and Final Reading and advertise it according to law. Second by Councilman Keeler and approved upon the following vote:

AYES: Keeler, Long, Markson, Scriven

NAYS: None

ABSTAIN: None

ABSENT: Bills, Kelly

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

**ORDINANCE NO. 10-2008**  
**AN ORDINANCE AMENDING "LAND USE"**  
**OF THE REVISED ORDINANCES OF THE BOROUGH OF SEA BRIGHT,**  
**COUNTY OF MONMOUTH AND STATE OF NEW JERSEY.**

and moved the same be approved upon first Reading, held over for Second Reading and Public Hearing to be held on December 16, 2008. Second by Councilwoman Markson and approved upon the following vote:

AYES: Keeler, Long, Markson, Scriven

NAYS: None

ABSTAIN: None

ABSENT: Bills, Kelly

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

**A.** Councilwoman Markson made a motion adopting the November 17, 2008 Special Meeting Minutes. Second by Councilman Scriven and approved upon the following vote:

AYES: Keeler, Long, Markson, Scriven

NAYS: None

ABSTAIN: None

ABSENT: Bills, Kelly

**B.** Councilwoman Markson introduced and offered for adoption the following resolution:

**RESOLUTION NO. 210-2008  
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 2008 in the sum of **\$1079.48** which is now available as a revenue from **FY 2008 Body Armor Replacement Fund Program**; and

**BE IT FURTHER RESOLVED**, that a like sum of **\$1079.48** is hereby appropriated under the caption **FY 2008 Body Armor Replacement Fund Program**; 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 Scriven and adopted upon the following roll call vote:

AYES: Keeler, Kelly, Long, Markson, Scriven

NAYS: None

ABSTAIN: None

ABSENT: Bills, Kelly

**C.** Councilwoman Markson introduced and offered for adoption the following resolution:

**RESOLUTION NO. 211-2008  
BOROUGH OF SEA BRIGHT**

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

**WHEREAS**, the entities have an arrangement whereby, the Borough of Sea Bright will pay to the Township of Ocean Fire District No. 2, an annual rental fee for the use of the fire official vehicle owned by the Township of Ocean Fire District No. 2 avoiding the necessity of Sea Bright having to provide such a vehicle; and

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

**WHEREAS**, under the terms of the Agreement, the Borough of Sea Bright will pay to the Township of Ocean Fire District No. 2 \$600.00 annually; and

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

**WHEREAS**, the sharing of a fire official vehicle will in no way lessen the services provided by the Borough Housing Inspector in the performance of his duties.

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

**CERTIFICATION OF FUNDS**

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

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**MICHAEL J. BASCOM, CFO**

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

AYES: Keeler, Long, Markson, Scriven,

NAYS: None

ABSTAIN: None

ABSENT: Bills, Kelly

D. Councilwoman Markson introduced and offered the following Resolution for adoption:

**BOROUGH OF SEA BRIGHT  
RESOLUTION NO. 212-2008**

**WHEREAS**, the Finance Manager has indicated that an overpayment in connection with a Police Special Duty contract may now be refunded to:

**James Butler  
First Energy  
1500 Florence Avenue  
Union Beach, NJ 07735**

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Sea Bright hereby authorize an overpayment refund for a Police Special Duty contract in the amount of \$5.00 Second by Councilman Scriven and approved upon the following roll call vote:

AYES: Keeler, Long, Markson, Scriven  
NAYS: None  
ABSTAIN: None  
ABSENT: Bills, Kelly

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

**BOROUGH OF SEA BRIGHT  
RESOLUTION NO. 213-2008**

**WHEREAS**, the Finance Manager has indicated that a plot plan escrow may now be refunded to:

**Pamela Sendowski  
3 Marius Lane  
Sea Bright, NJ  
Block 7, Lot 2**

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Sea Bright hereby authorizes a refund for a plot plan escrow in the amount of \$1.25

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

AYES: Keeler, Long, Markson, Scriven  
NAYS: None  
ABSTAIN: None  
ABSENT: Bills, Kelly

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

**RESOLUTION NO. 215-2008  
BOROUGH OF SEA BRIGHT**

**WHEREAS**, the Borough of Sea Bright wishes to maintain a software and hardware support agreement for the Sea Bright Administrative Offices from Edmunds & Associates, Inc. for CY 2009 as follows:

**SOFTWARE SUPPORT**

**TAX**

**FINANCE**

**UTILITY**

**TOTAL SOFTWARE SUPPORT** \$7,579.00

**HARDWARE SUPPORT**

**Pervasive SQL I** \$180.00

**TOTAL DUE FOR CY 2008** \$7,759.00

**WHEREAS**, the purchase of goods and services by local contracting units is authorized by Local Public Contracts Laws, N.J.S.40A:11-12; and

**WHEREAS**, the actual cost for the computer support agreements listed herein shall be \$7,759.00 for calendar year 2009.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Sea Bright that the support agreements for computer software and hardware are authorized as described for the calendar year 2009.

**CERTIFICATION OF FUNDS**

I, Michael J. Bascom, Chief Financial Officer of the Borough of Sea Bright do hereby certify that funds will be available in the 2009 Temporary Budget for Tax Other Expense; Finance Other Expense; and Sewer Other Expense appropriations for the purpose stated in the this resolution.

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**Michael J. Bascom, CFO**

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

AYES: Keeler, Long, Markson, Scriven

NAYS: None

ABSTAIN: None

ABSENT: Bills, Kelly

**G.** Councilwoman Markson made a motion approving Raffle Application No. 15-2008 Sea Bright Partnership at Sea Bright Fire House on January 1, 2009. Second by Councilman Scriven and approved upon the following roll call vote:

AYES: Keeler, Long, Markson, Scriven

NAYS: None

ABSTAIN: None

ABSENT: Bills, Kelly

**H.** Councilwoman Markson introduced and offered for adoption the following resolution:

**RESOLUTION NO. 216-2008  
BOROUGH OF SEA BRIGHT**

**WHEREAS**, a renewal agreement has been proposed for January 1, 2009 through December 31, 2009 between the Borough of Sea

Bright and Jesse A. Howland & Sons, Inc., P.O. Box 419, Kingston, NJ 08528 for the bay garages at the property known as 15 South Street, Sea Bright, NJ; and

**WHEREAS**, the rental amount for this period will be \$10,500.00 per annum (\$875.00 per month); and

**WHEREAS**, the Mayor and Council of the Borough of Sea Bright wish to enter into such a renewal agreement for said period of time, as mentioned above for the storage of the Department of Public Works equipment and vehicles.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Sea Bright that the Mayor is hereby authorized to execute the renewal agreement between the Borough of Sea Bright and Jesse A. Howland & Sons, Inc.

#### **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 2009 Temporary Budget for Public Works appropriation for the purpose stated in the above resolution.

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**MICHAEL J. BASCOM, CFO**

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

AYES: Keeler, Kelly, Long, Markson, Scriven

NAYS: None

ABSTAIN: None

ABSENT: Bills, Kelly

**I.** Councilwoman Markson introduced and offered for adoption the following resolution:

#### **RESOLUTION NO. 217-2008 BOROUGH OF SEA BRIGHT**

**WHEREAS**, a renewal agreement has been proposed for January 1, 2009 through December 31, 2009 between the Borough of Sea Bright and Jesse A. Howland & Sons, Inc., P.O. Box 419, Kingston, NJ 08528 for the bay garages at the property known as 15 South Street, Sea Bright, NJ; and

**WHEREAS**, the rental amount for this period will be \$20,844.00 per annum (\$1,737.00 per month); and

**WHEREAS**, the Mayor and Council of the Borough of Sea Bright wish to enter into such a renewal agreement for said period of time, as mentioned above for the storage of borough owned equipment and vehicles.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Sea Bright that the Mayor is hereby authorized to execute the renewal agreement between the Borough of Sea Bright and Jesse A. Howland & Sons, Inc.

**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 2009 Temporary Budget for Roads, OEM & Police appropriation for the purpose stated in the above resolution.

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**MICHAEL J. BASCOM, CFO**

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

AYES: Keeler, Long, Markson, Scriven

NAYS: None

ABSTAIN: None

ABSENT: Bills, Kelly

**6. OLD BUSINESS:**

**A. Resolution No. 189-2008** adopting Sea Bright Police Department's Standard Operating Procedures regarding hiring and promotion was carried to December 16, 2008.

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

**RESOLUTION NO. 214-2008  
BOROUGH OF SEA BRIGHT**

**WHEREAS**, the Mayor and Council of the Borough of Sea Bright authorizes payment to Maser Consulting for an additional proposal that was previously completed in October - February 2007/2008 regarding Downtown Sewer Improvement Project and Reconstruction of Various Roads FY 2003 and 2004 in the amount of \$10,000.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, that David J. Hoder, P.E. of Maser Consulting is hereby authorized to receive monies for the above services as stated herein.

I, Michael J. Bascom, Chief Financial Officer of the Borough of Sea Bright do hereby certify that funds are available in Ordinance 8-2007 for the purpose stated in the above resolution.

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**MICHAEL J. BASCOM, C.F.O.**

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

AYES: Keeler, Long, Markson, Scriven

NAYS: None

ABSTAIN: None

ABSENT: Bills, Kelly

Councilwoman Long made a motion authorizing the Borough Attorney to cancel negotiations for the purchase of 3 Church Street. Second by Councilwoman Markson and adopted upon the following roll call vote:

AYES: Keeler, Long, Markson, Scriven  
 NAYS: None  
 ABSTAIN: None  
 ABSENT: Bills, Kelly

**7. NEW BUSINESS:**

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

**RESOLUTION NO.209-2008  
 PAYMENT OF BILLS 12/02/2008**

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

**NOW, THEREFORE, BE IT RESOLVED** that these vouchers totaling \$457,085.57 are to be paid; and

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

00003	ASBURY PARK PRESS				
	08-1436	11/12/08	MUNI CLERK-BIDS:FIRE REPAIRS	OPEN	104.36
00006	AVAYA, INC.				
	08-0048	01/17/08	POLICE-4/Q/2008 PHONE MAINT	OPEN	54.96
00019	NJ AMERICAN WATER				
	08-1279	10/01/08	OCT 2008 WATER UTILITY	OPEN	676.94
00027	SEABOARD WELDING SUPPLY, INC.				
	08-0095	01/22/08	DPW - 2008 CYLINDER RENTAL	OPEN	11.50
00053	SHORE REGIONAL HIGH SCHOOL				
	08-1353	10/15/08	HIGH SCHOOL TAX - DEC 2008	OPEN	182,200.00
00077	FLEET SERVICES				
	08-1471	11/21/08	GASOLINE - NOV 2008	OPEN	3,102.57
00091	DIGIROLAMO, LOUIS				
	08-1415	11/04/08	2008 PYMT 12/12 HEALTH REIMB	OPEN	1,638.82
00106	MGL FORMS-SYSTEMS, LLC				
	08-1380	10/28/08	FINANCE-1000 PURCHASE ORDERS	OPEN	467.00
00119	SEA BRIGHT BOARD OF EDUCATION				
	08-1444	11/13/08	GRADE SCHOOL TAX - DEC 2008	OPEN	74,912.67
00125	SPAHR, PATRICIA				
	08-1474	11/21/08	TAX COLL-REIMB:A/CITY FOOD+TRV	OPEN	93.49
00172	DRIVERS LICENSE GUIDE CO.				
	08-1400	11/03/08	POLICE DEPT-INTERN'L ID GUIDES	OPEN	70.00
00198	COMCAST				
	08-1454	11/14/08	POLICE DEPT-INTERNET:NOV 2008	OPEN	95.00
	08-1475	11/24/08	LIBRARY-INTERNET:NOV 2008	OPEN	100.21
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					195.21
00199	YATES SIGN CO.				
	08-1177	09/05/08	LIBRARY-LETTERS FOR SIGNS	OPEN	200.00
00202	KAY PRINTING & ENVELOPE CO, INC				
	08-1063	08/18/08	BLDG DEPT-VARIOUS FORMS	OPEN	272.88
00261	A.C. MOORE, INC.				
	08-1318	10/06/08	REC-SUPP:HALLOWEEN CONTEST	OPEN	107.19
00270	JOHNSON, KENNETH				
	08-1416	11/04/08	2008 PYMT 12/12 HEALTH REIMB	OPEN	948.13
00285	STAPLE'S, INC.				
	08-1385	10/29/08	POLICE DEPT-LASER PRINTER/CART	OPEN	279.48
	08-1441	11/12/08	POLICE DEPT-OFFICE SUPPLIES	OPEN	1,237.89
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					1,517.37
00297	JESSE A. HOWLAND & SONS, INC.				
	08-0956	07/29/08	GARAGE RENT - DEC 2008	OPEN	1,654.00
	08-0957	07/29/08	DPW-ADDT'L GARAGE RENT-DEC'08	OPEN	833.00
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					2,487.00

00305	GORCEY PLUMBING & HEATING, INC				
	08-1439	11/12/08	BLDGS/GRNDS-REPAIR GARAGE LEAK	OPEN	210.00
00309	PRECISION LANDSCAPING &				
	08-0377	03/25/08	BLDGS/GRNDS-2008 BRUSH CLEANUP	OPEN	700.00
	08-1032	08/15/08	BEAUTIFICATION-PRUNE TREES	OPEN	1,000.00
	08-1396	11/03/08	BEAUTIFICATION-PRUNE TREES	OPEN	505.00
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					2,205.00
00331	TREASURER, STATE OF NJ				
	08-1495	11/26/08	SITE REMEDIATION-DIESEL SPILL	OPEN	464.32
00341	SCHWARZ, CHARLES				
	08-1393	11/03/08	B&G-REPAIR BORO HALL HANDRAILS	OPEN	600.00
00384	AT & T MOBILITY				
	08-1485	11/24/08	DPW-NOV 2008 CELL BILL	OPEN	138.06
00418	VON ZIEGESAR, ELIZABETH				
	08-1440	11/12/08	LIBRARY-REIMB:CHRISTMAS LIGHTS	OPEN	274.11
00422	FORSMAN, JAMES				
	08-1037	08/15/08	FIRE DEPT-2008 DRIVER	OPEN	110.00
00438	CIAGLIA, ANGELO				
	08-1346	10/14/08	FIRE DEPT-2008 DRIVER	OPEN	110.00
00700	JACOBS, KHRISTI				
	08-1467	11/21/08	POLICE DEPT-TRAVEL REIMB	OPEN	67.51
00895	JOHNNY ON THE SPOT, INC.				
	08-0688	05/30/08	PORTO-POTS - NOV 2008	OPEN	524.16
00975	SMACK, EDWARD				
	08-1417	11/04/08	2008 PYMT 12/12 HEALTH REIMB	OPEN	660.81
01150	W.W. GRAINGER, INC.				
	08-1297	10/02/08	BLDGS/GRNDS-TRASH LINERS	OPEN	682.50
01241	BAIN'S HARDWARE, INC.				
	08-1307	10/03/08	OCT 2008 PURCHASES	OPEN	716.59
01258	ACA COMPUTERS, INC.				
	08-1428	11/07/08	SEWER-NEW COMPUTER (KD)	OPEN	1,400.00
	08-1446	11/13/08	A&E-NEW COMPUTER (SB)	OPEN	1,400.00
					-----
					2,800.00
01285	THE HOME DEPOT				
	08-1302	10/02/08	BLDGS/GRNDS-BLANKET:MISC SUPP	OPEN	73.36
01286	INDUSTRIAL MARINE				
	08-1429	11/10/08	REIMB:10/04-11/05 GARAGE ELECT	OPEN	136.26
	08-1453	11/14/08	LIBRARY-STEEL BOOK DROP	OPEN	800.00
					-----
					936.26
01288	FISLER, CHRISTOPHER				
	08-1433	11/12/08	POLICE DEPT-REIMB:NECKLACES	OPEN	108.99
01293	COLLINE LOCK & SAFE CO., LLC				
	08-1438	11/12/08	BLDGS/GRNDS-REPAIR DOOR LOCK	OPEN	157.50
01320	DEMAIO, R.N.				
	08-1310	10/03/08	BLDGS/GRNDS-BLANKET:SUPP	OPEN	328.50
01397	MURPHY, CHARLES				
	08-1338	10/14/08	FIRE DEPT-2008 DRIVER	OPEN	110.00
01400	THE ARNETTE LAW FIRM, LLC				
	08-0792	06/23/08	LEGAL-RETAINER:DEC 2008	OPEN	312.50
01408	AT & T				
	08-1484	11/24/08	COURT-11/18/08 BILL VIDEO CONF	OPEN	29.52
01466	EAST COAST FLAG & BANNER, INC.				
	08-1392	10/30/08	BLDGS/GRNDS-(12) FLAGS	OPEN	193.20
01486	KRASS, PH.D., ALVIN				
	08-1458	11/17/08	POLICE DEPT-PSYCH EXAMS	OPEN	1,000.00
01526	JCP & L				
	08-1407	11/04/08	OCT 2008 ELECTRIC SERVICE	OPEN	7,653.28
01532	MONMOUTH MEDICAL CENTER				
	08-1397	11/03/08	POLICE DEPT-(2) PHYSICALS	OPEN	380.00
01593	DEROSA, ISABEL				
	08-1469	11/21/08	COURT - 11/20/08 INTERPRETER	OPEN	160.00
01603	SIGNS BY TOMORROW				
	08-1026	08/14/08	BEACH-(4) SIGNS	OPEN	140.00
01629	NJRHS COMMERCIAL SERVICES				
	08-1231	09/23/08	BLDGS/GRNDS-HVAC MAINT CONTRCT	OPEN	218.00
01649	SWAGGERTY, JANICE				
	08-1478	11/24/08	COURT-REIMB:A/CITY CONVENTION	OPEN	55.00
01742	STATE TREASURER				
	08-1472	11/21/08	TAX COLL-RENEW CERTIFICATION	OPEN	50.00

01771	PROFESSIONAL GOVERNMENT			
	08-1473 11/21/08 TAX COLL-12/3/08 SEMINAR	OPEN		90.00
01801	MASER CONSULTING, P.A.			
	08-0786 06/23/08 ENGINEERING-RETAINER:DEC 2008	OPEN		250.00
01950	LAFFERTY, JAMES			
	08-1220 09/23/08 LIBRARY-DJ:11/14 HARVEST DINNR	OPEN		500.00
02008	E.J. SCHUSTER'S OFFICE SUPPLY			
	08-1174 09/03/08 BLDG DEPT/COURT-OFFICE SUPP	OPEN		171.47
02061	VERIZON WIRELESS			
	08-1486 11/24/08 POLICE:11/16-12/15/08 CELL	OPEN		475.20
02076	LOC PUMP & EQUIPMENT, INC.			
	08-0308 03/11/08 SEWER-SERV:PUMP CONTROL PANEL	OPEN		657.00
02194	THE COURIER			
	08-1452 11/14/08 P/L BOARD-11/6/08 D.LOBI ENT	OPEN		7.52
AOL (DEC 2008 SERVICE)				32.90
BORO OF SEA BRIGHT PAYROLL A/C (11/15/08 PAYROLL)				84,928.57
BORO OF SEA BRIGHT PAYROLL A/C (11/30/08 PAYROLL)				79,278.14
MCKENNA,DUPONT,HIGGINS & STONE (ESCROW)				150.00
THE COURIER (ESCROW)				15.51
<b>GRAND TOTAL</b>				<b>\$457,085.57</b>

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

AYES: Keeler, Long, Markson, Scriven

NAYS: None

ABSTAIN: None

ABSENT: Bills, Kelly

Councilman Keeler introduced and approved for adoption the following:

**RESOLUTION NO.209A-2008  
PAYMENT OF BILL 12/02/2008**

**WHEREAS**, the following listed voucher has been audited and found to be correct.

**NOW, THEREFORE, BE IT RESOLVED** that this voucher totals \$482.30 and is to be paid; and

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

00426	Long, Dina			
	08-1476 11/24/08 A&E-REIMB: A/CITY CONVENTION	OPEN		482.30

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

AYES: Keeler, Markson, Scriven, Mayor Fernandes

NAYS: None

ABSTAIN: Long

ABSENT: Bills, Kelly

Councilman Scriven introduced and approved for adoption the following:

**RESOLUTION NO.209B-2008  
PAYMENT OF BILL 12/02/2008**

**WHEREAS**, the following listed voucher has been audited and found to be correct.

**NOW, THEREFORE, BE IT RESOLVED** that this voucher totals \$43.39 and is to be paid; and

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

01216 Keller, Jack  
08-1465 11/21/08 A&E-REIMB: DOT COPIES & PHOTOS OPEN 43.39

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

AYES: Long, Markson, Scriven, Mayor Fernandes

NAYS: None

ABSTAIN: Keeler

ABSENT: Bills, Kelly

Councilwoman Long introduced and approved for adoption the following:

**RESOLUTION NO.209C-2008  
PAYMENT OF BILL 12/02/2008**

**WHEREAS**, the following listed voucher has been audited and found to be correct.

**NOW, THEREFORE, BE IT RESOLVED** that this voucher totals \$82.94 and is to be paid; and

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

01753 Markson, Susanna  
08-1462 11/19/08 A&E-REIMB: A/CITY TRAVEL OPEN 82.94

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

AYES: Keeler, Long, Scriven, Mayor Fernandes

NAYS: None

ABSTAIN: Markson

ABSENT: Bills, Kelly

**B.** Councilwoman Long introduced and offered for adoption the following resolution:

**RESOLUTION NO. 219-2008  
AUTHORIZING RETURN OF  
IRREVOCABLE LETTER OF CREDIT NO. 1132  
TO THE JESUITS OF ST. PETER'S  
FOR BLOCK 1 LOT 4.02**

**WHEREAS**, The Jesuits of St. Peter's posted on November 10, 2004 an Irrevocable Letter of Credit No. 1132 from Provident Bank in the amount of \$175,014.00 for the property known as Block 1, Lot 4.02 for site work on this property; and

**WHEREAS**, David Hoder, P.E. of Maser Consulting in his letter dated November 25, 2008 states that the final inspection has been made for Block 1 Lot 4.02 and that he has no objection to the release of any maintenance bond or escrow monies subject to the payment of any outstanding fees; and

**WHEREAS**, now that it is more than 12 months since the June 2007 performance cash bond refund and the applicant has satisfied all the terms of the original letter of credit they are asking for its return so they can present it to the Provident Bank and have it terminated.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council that Sea Bright Borough return the Letter of Credit No. 1132 (Block 1 Lot 4.02 Priest's House) from Provident Bank in the amount of \$175,014.00 to the attention of Rev. Edward J. Heavey, S.J., Saint Peter's College, 50 Glenwood Avenue, Jersey City, NJ 07306-4606 by certified mail, return receipt requested.

**BE IT FURTHER RESOLVED** that a full refund of the applicant's balance left in the inspection escrow account will be returned once the invoice for the final inspection has been received from the Borough Engineer and paid; and

**BE IT FURTHER RESOLVED** that all bonds related to the Retreat House on property known as Block 1 Lot 4.01, of which construction totaled \$191,160.00, as well as \$9,558.00 escrow, shall remain with the Borough until such time that this work is completed.

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

AYES: Keeler, Long, Markson, Scriven

NAYS: None

ABSTAIN: None

ABSENT: Bills, Kelly

**C. DISCUSSION - OEM SURPLUS TRUCK - COUNCILMAN KEELER**

Councilman Keeler said that we are looking into purchasing an OEM surplus truck. The surplus truck needs to be retrofitted to meet certain standards. We need to purchase a small 4x4 diesel truck to replace the Dodge 4x4 which is in bad condition. The diesel truck would take the place of a patrol car during flood conditions.

**8. CORRESPONDENCE AND COMMUNICATIONS:**

**A.** Tax & Sewer Collector report - October 2008

**B.** Director of Public Works report - October 2008.

**C.** DEP Compliance Evaluation and Assistance Inspection dated November 17, 2008.

**9. MAYOR'S REPORT AND COMMUNICATIONS:** Mayor Fernandes said that the tree lighting is this Friday, December 5 with the parade starting at 5:30 P.M. The last Smart Growth Workshop is December 18. She request information from the Monmouth County Engineering Department regarding Rumson Bridge replacement and received a powerpoint presentation that we could present at the Smart Growth meeting.

**10. REMARKS FROM THE AUDIENCE:** Diane Rappoport of 3 Church Street said she had concerns about the land use ordinance that was introduced this evening and asked why the rezoning was approved by the Planning Board. Mayor Fernandes said that the rezoning changes were made with smart zoning in mind. If there is an existing business it would be grandfathered but if someone buys it will be in a residential zone.

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

**RESOLUTION NO. 218-2008  
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 personnel matters.

**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 Markson and adopted upon a unanimous voice vote.

AYES: Keeler, Long, Markson, Scriven

NAYS: None

ABSTAIN: None

ABSENT: Bills, Kelly

**12. ADJOURNMENT:** There being no further business before the Governing Body. Councilman Scriven made a motion to adjourn the meeting at 8:13 P.M. Second by Councilman Keeler and approved upon unanimous voice vote.

Respectfully Submitted,

Suzanne Branagan  
Administrative Assistant