

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

Mayor Fernandes asked that all present remain standing for a Moment of Silence for the following persons who passed away.

- Calvin Siciliano
- Paul Geayer
- Billy Cousins
- Victor Perotti, Jr.

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."

PRESENT: Bills, Keeler, Long, Murphy, Mayor Fernandes, Attorney Oxley (arrived at 7:40 p.m.), Borough Engineer Hoder, and Police Chief Moore.

ABSENT: Councilmembers Kelly, LoBiondo, Chief Financial Officer Bascom

4. MAYOR'S PROCLAMATION NO. 2-2009 MARCH- WOMEN'S HISTORY MONTH.

MAYORS PROCLAMATION NO. 2-2009

Designating the Month of March as "Women's History Month"

Whereas, New Jersey women of every race, class, and ethnic background have made historic contributions to the growth and strength of our State in countless recorded and unrecorded ways;

Whereas, New Jersey women have played and continue to play a critical economic, cultural, and social role in every sphere of the life of the State by constituting a significant portion of the labor force working inside and outside of the home;

Whereas, New Jersey women have played a unique role throughout the history of the State by providing the majority of the volunteer labor force of the State;

Whereas, New Jersey women were particularly important in the establishment of early charitable, philanthropic, and cultural institutions in our State;

Whereas, New Jersey women of every race, class, and ethnic background served as early leaders in the forefront of every major progressive social change movement;

Whereas, New Jersey women have been leaders, not only in securing their own rights of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, and other movements, especially the peace movement, which create a more fair and just society for all; and

Whereas, despite these contributions, the role of women in history has been consistently overlooked and undervalued, in the literature, teaching and study of American history

Whereas, the Department of Community Affairs, specifically the Division on Women's goals are to remember and celebrate New Jersey women and to:

- ensure that NJ women are offered equal opportunities in education, the workforce and healthcare regardless of age, sexual orientation, income, ethnicity, race or religion.
- identify, implement, measure and coordinate programs that address the needs of NJ women.
- engage in continuous study and research on issues affecting NJ women and their families, develop policy papers and legislative recommendations

Now, therefore, be it resolved by Honorable Maria D. Fernandes, Mayor of the Borough of Sea Bright, State of New Jersey, that March 2009 is designated as "Women's History Month" under the National Women History Project's 2009 theme: Women Taking the Lead to Save our Planet.

5.
A.

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

This matter was carried to March 3, 2009.

Mayor Fernandes called for the Second Reading, by Title Only, of the following Ordinance, which was introduced and approved at the Council Meeting of February 3, 2009.

B. Councilman Keeler moved to approve this Ordinance upon Second Reading.

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

WHEREAS, the Borough Council of the Borough of Sea Bright deems it in the best interests of the residents of the Borough of Sea Bright to provide for a line of authority relating to the police function and for the adoption and promulgation by the appropriate authority of rules and regulations for the governance of the force and for the discipline of its members;

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Sea Bright as follows:

Article I - Establishment

Section 39-1 shall be amended to include the following language: the Borough Administrator is hereby designated the appropriate authority as defined by the laws of the State of New Jersey and the ordinances of the Borough of Sea Bright. The power vested in the borough administrator shall include all responsibilities of the appropriate authority in governing the efficient work of the police force and all other powers under law.

Pursuant to N.J.S.A. 40A:14-118, the Chief of Police shall be the head of the Police Department and shall be directly responsible to the appropriate authority who shall be the Borough Administrator of the Borough of Sea Bright for its efficiency and day to day operations.

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 Murphy and approved by the following vote:

AYES: Bills, Keeler, Long, Murphy

NAYS: None

ABSTAIN: None

ABSENT: Kelly, LoBiondo

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 Councilman Keeler and approved by the following voice vote:

AYES: Bills, Keeler, Long, Murphy

NAYS: None

ABSTAIN: None

ABSENT: Kelly, LoBiondo

Councilman Murphy made a motion to approve Ordinance No. 2-2009 on its Third and Final Reading and advertise it according to law. Second by Councilman Keeler and approved upon the following vote:

AYES: Bills, Keeler, Long, Murphy

NAYS: None

ABSTAIN: None

ABSENT: Kelly, LoBiondo

Mayor Fernandes called for the Second Reading, by Title Only, of the following Ordinance, which was introduced and approved at the Council Meeting of February 3, 2009.

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

ORDINANCE NO. 3-2009
AN ORDINANCE AUTHORIZING
THE BOROUGH OF SEA BRIGHT TO EXCEED
THE 2.5% COLA RATE APPROPRIATION LIMIT
FOR PURPOSES OF INTRODUCING THE 2009
MUNICIPAL BUDGET

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Borough Council of the Borough of Sea Bright in the County of Monmouth finds it advisable and necessary to increase its CY 2009 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough Council hereby determines that a 3.5 % increase in the budget for said year, amounting to \$ 33,712.60 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Borough Council of the Borough of Sea Bright hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years,

THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Sea Bright, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2009 budget year, the final appropriations of the Borough of Sea Bright shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$ 117,994.10, and that the CY 2009 municipal budget for the Borough of Sea Bright be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

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 Bills and approved by the following vote:

AYES: Bills, Keeler, Long, Murphy

NAYS: None

ABSTAIN: None

ABSENT: Kelly, LoBiondo

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

AYES: Bills, Keeler, Long, Murphy

NAYS: None

ABSTAIN: None

ABSENT: Kelly, LoBiondo

Councilman Murphy made a motion to approve Ordinance No. 3-2009 on its Third and Final Reading and advertise it according to law. Second by Councilman Keeler and approved upon the following vote:

AYES: Bills, Keeler, Long, Murphy

NAYS: None

ABSTAIN: None

ABSENT: Kelly, LoBiondo

Mayor Fernandes called for the Second Reading, by Title Only, of the following Ordinance, which was introduced and approved at the Council Meeting of February 3, 2009.

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

ORDINANCE NO. 4-2009
AN ORDINANCE ESTABLISHING A CHAPTER KNOWN AS
"GAMES OF CHANCE" OF THE CODE OF SEA BRIGHT

BE IT ORDAINED that the Governing Body of the Borough of Sea Bright, Monmouth County, New Jersey hereby wish to establish the following within the Code of Sea Bright:

Games of Chance.

Raffle Licensing Law.

All games of chance permitted to be held, operated or conducted pursuant to the "State Raffle Licensing Law" as may be found in N.J.R.S. 5:8-50-76, its amendments and supplements thereto, may be held, operated and conducted on the first day of the week, commonly known and designated as Sunday, subject to all other provisions, regulations and requirements of the aforesaid "Raffle Licensing Law." This section is hereby adopted pursuant to the specific authorization provided for in N.J.R.S. 5:8-58.

Bingo Licensing Law.

All games of chance permitted to be held, operated or conducted pursuant to the "Bingo Licensing Law" as may be found in R.S. 5:8-24 through R.S. 5:8-49.11, its amendments and supplements thereto, may be held, operated and conducted on the first day of the week, commonly known and designated as Sunday, subject to all other provisions, regulations and requirements of the "Bingo Licensing Law." This subsection is hereby adopted pursuant to the specific authorization provided for in R.S. 5:8-31.

Raffle and Bingo Approval Process.

The Municipal Clerk is hereby delegated the authority to act as the "issuing authority" for the purpose of approving the granting of raffle and bingo licenses.
Penalty.

Penalties for violations of this chapter shall be as provided in Chapter 1, General provisions, Article I, unless otherwise specified in this article.

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 Bills and approved by the following vote:

AYES: Bills, Keeler, Long, Murphy

NAYS: None

ABSTAIN: None

ABSENT: Kelly, LoBiondo

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 the following voice vote:

AYES: Bills, Keeler, Long, Murphy

NAYS: None

ABSTAIN: None

ABSENT: Kelly, LoBiondo

Councilman Murphy made a motion to approve Ordinance No. 4-2009 on its Third and Final Reading and advertise it according to law. Second by Councilman Keeler and approved upon the following vote:

AYES: Bills, Keeler, Long, Murphy

NAYS: None

ABSTAIN: None

ABSENT: Kelly, LoBiondo

E. Mayor Fernandes read by title only and Councilman Murphy introduced an Ordinance entitled:

ORDINANCE NO.5-2009
AN ORDINANCE FOR DETERMINING
POSITIONS ELIGIBLE FOR THE DEFINED
CONTRIBUTION RETIREMENT PROGRAM

and moved the same be approved upon first Reading, held over for Second Reading and Public Hearing to be held on March 3, 2009. Second by Councilwoman Bills and approved upon the following roll call vote:

AYES: Bills, Keeler, Long, Murphy

NAYS: None

ABSTAIN: None

ABSENT: Kelly, LoBiondo

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

Item I was removed from the Consent Agenda.

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

RESOLUTION NO.49-2009
PAYMENT OF BILLS 02-17-2009

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

NOW, THEREFORE, BE IT RESOLVED, that these vouchers totaling \$ 143,160.47 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			
09-0001	01/20/09 MUNI CLERK-BLANKET:NOTICES	OPEN		80.46
00006	AVAYA, INC.			
09-0178	02/10/09 POLICE-1/Q/2009 PHONE MAINT	OPEN		54.96
00019	NJ AMERICAN WATER			
09-0149	02/02/09 JAN 2009 HYDRANTS	OPEN		2,143.96
00080	MURPHY FIRE & SAFETY, INC.			
08-1435	11/12/08 FIRE DEPT-FOAM CONCENTRATE	OPEN		696.00
00081	PERRY'S TROPHY CO., INC.			
09-0161	02/05/09 A&E-NAMEPLATE:J.OXLEY	OPEN		14.00
00109	MONMOUTH COUNTY POLICE CHIEF'S			
09-0134	01/28/09 POLICE DEPT-2009 DUES	OPEN		150.00
00131	NJ CONFERENCE OF MAYORS			
09-0084	01/21/09 A&E-2009 MEMBERSHIP DUES	OPEN		295.00
00161	LOU'S UNIFORMS, INC.			
08-1524	12/10/08 DPW-BOOTS:C.YINGLING	OPEN		120.00
00162	MONMOUTH MUNICIPAL JUDGES ASSN			
09-0147	02/02/09 COURT-2009 DUES	OPEN		150.00
00178	UNITED STATES POSTAL SERVICE			
09-0185	02/11/09 A&E-2009 PERMIT#69 MAILING FEE	OPEN		180.00
00188	MONMOUTH/OCEAN TCTA			
09-0138	01/29/09 TAX COLL-2009 MEMBERSHIP DUES	OPEN		75.00
00190	MUNICIPAL CLERKS' ASSOC OF NJ			
09-0136	01/29/09 MUNI CLERK-2009 DUES	OPEN		175.00
00192	TAX COLL & TREAS ASSOC OF NJ			
09-0139	01/29/09 TAX COLL-2009 DUES	OPEN		75.00
00198	COMCAST			
09-0180	02/10/09 A&E-INTERNET:FEB 2009	OPEN		95.00
00227	INTERN'L INST/MUNICIPAL CLERKS			
09-0082	01/21/09 MUNICIPAL CLERK-2009 DUES	OPEN		125.00
00249	CLARK, DOUGLAS			
09-0142	01/29/09 DPW-TRAVEL REIMB:01/29/09	OPEN		25.22
00275	M & S WASTE SERVICES, INC.			
09-0047	01/20/09 DUMPSTER+DISP FEE:DRIFTWOOD	OPEN		400.00
09-0159	02/04/09 01/09 GARBAGE/RECYCLING PICKUP	OPEN		8,691.67
09-0172	02/09/09 JAN 2009 LANDFILL TIPPING FEES	OPEN		5,284.39

				14,376.06
00285	STAPLE'S, INC.			
09-0011	01/20/09 POLICE DEPT-OFFICE SUPPLIES	OPEN		171.29
09-0059	01/20/09 POLICE DEPT-OFFICE SUPPLIES	OPEN		246.95

				418.24
00316	TREASURER, COUNTY OF MONMOUTH			
09-0119	01/26/09 POLICE-2009 MOCERT ASSESSMENT	OPEN		1,000.00
00331	TREASURER, STATE OF NJ			
09-0165	02/05/09 DPW-FY2009 POLLUTANT DISCHARGE	OPEN		1,050.00
00339	NAPA AUTO PARTS			
09-0079	01/21/09 DPW-BLANKET:VEHICLE MAINT	OPEN		324.79
00353	TREASURER, STATE OF NEW JERSEY			
09-0167	02/06/09 SEWER-NJDEP PERMIT FEE	OPEN		500.00
00386	GARDEN STATE BATTERY			
08-1573	12/29/08 FIRE DEPT-BATTERIES	OPEN		1,149.54
00421	FAIL SAFE FIRE HOSE TEST, INC.			
08-0836	07/07/08 FIRE DEPT-ANNUAL HOSE TESTING	OPEN		1,934.40
00542	F & P CONTRACTORS, INC.			
07-1600	12/13/07 ROAD & DRAINAGE IMPROVEMENTS	OPEN		64,788.79
00580	NJ PUBLIC SAFETY ACC COALITION			
09-0106	01/21/09 POLICE DEPT-2009 DUES	OPEN		300.00
00757	ARIAS, JOHN			
09-0120	01/26/09 POLICE DEPT-REIMB:COURSES	OPEN		868.40
00788	SCARINCI & HOLLENBECK, LLC			
09-0163	02/05/09 LEGAL-FEB 2009 RETAINER	OPEN		1,666.67
00814	THE JERSEY SHORE PARTNERSHIP			
09-0089	01/21/09 A&E - 2009 MEMBERSHIP DUES	OPEN		100.00
00885	OCEAN TWP FIRE DISTRICT NO. 2			
09-0154	02/03/09 INSPEC/FIRE-VEHICLE-1/Q/2009	OPEN		225.00
00895	JOHNNY ON THE SPOT, INC.			
09-0171	02/06/09 PORTO-POTS - FEB 2009	OPEN		470.40
00982	CITY OF LONG BRANCH			
09-0181	02/10/09 DPW-BLANKET:ROCK SALT	OPEN		1,468.34
01213	NJ ALLIANCE FOR ACTION, INC.			

09-0085	01/21/09	A&E - 2009 DUES	OPEN	600.00
01285		THE HOME DEPOT		
09-0080	01/21/09	BLDGS/GRNDS-BLANKET:MISC SUPP	OPEN	208.72
01286		INDUSTRIAL MARINE		
09-0109	01/22/09	LIBRARY-REPAIR/PAINT SHELVING	OPEN	3,700.00
01293		COLLINE LOCK & SAFE CO., LLC		
09-0148	02/02/09	BLDGS/GRNDS-REPAIR DOOR LOCK	OPEN	105.00
01363		IRON MOUNTAIN, INC.		
09-0162	02/05/09	A&E-VAULT:SERVER BACKUPS	OPEN	120.00
01374		INTERNATIONAL CODE COUNCIL		
09-0044	01/20/09	FIRE MARSHALL-FIRE CODE BOOK	OPEN	127.00
01400		THE ARNETTE LAW FIRM, LLC		
09-0156	02/04/09	JAN 2009 LEGAL SERVICES	OPEN	3,575.00
01492		ALAN'S RUMSON FLORIST		
09-0050	01/20/09	A&E-FRUIT BASKET:B.BUCK	OPEN	60.95
09-0127	01/26/09	A&E-FRUIT BASKET:M.FERNANDES	OPEN	70.00

				130.95
01493		COOPERATIVE INDUSTRIES, L.L.C.		
09-0174	02/09/09	NOV 2008 NATURAL GAS	OPEN	4,202.41
01554		SEA BRIGHT SERVICE CENTER		
08-1390	10/30/08	POLICE-BLANKET:VEHICLE MAINT	OPEN	57.95
09-0067	01/21/09	POLICE-BLANKET:VEHICLE MAINT	OPEN	941.78
09-0095	01/21/09	FIRE DEPT-WIPER BLADES #4366	OPEN	40.94

				1,040.67
01565		BOROUGH OF SEA BRIGHT		
09-0155	02/04/09	T/F ADMIN FEE:01/15/09 PAYROLL	OPEN	246.00
09-0177	02/10/09	T/F ADMIN FEE:02/13/09 PAYROLL	OPEN	193.00

				439.00
01578		AMERICAN MESSAGING		
09-0143	01/29/09	DPW-FEB 2009 PAGER SERVICE	OPEN	37.08
01632		NETSOFT SOLUTIONS, INC.		
09-0068	01/21/09	POLICE DEPT-WEB SITE ADDRESS	OPEN	26.00
01648		PETRA OVERHEAD DOOR CO., INC.		
09-0052	01/20/09	REPAIR FIREHOUSE OVERHEAD DOOR	OPEN	528.50
01700		ELECTRO MAINTENANCE, INC.		
08-0998	08/07/08	SEWER-MAIN BREAKER SWITCH	OPEN	658.00
01724		SEASIDE MATERIALS, INC.		
08-1532	12/15/08	BEAUTIF-(2) BENCH SECTIONS	OPEN	173.28
09-0108	01/21/09	BEAUTIF-(2) BENCH SECTIONS	OPEN	173.28

				346.56
01754		EDMUNDS & ASSOCIATES, INC.		
09-0102	01/21/09	2009 SOFTWARE MAINTENANCE	OPEN	7,579.00
09-0103	01/21/09	A&E-2009 PERVASIVE MAINT	OPEN	180.00

				7,759.00
01801		MASER CONSULTING, P.A.		
08-1366	10/23/08	PRJ#116 DEP AIR QUALITY PERMIT	OPEN	875.00
01842		ELECTRONIC POLICE FORMS, LLC		
09-0048	01/20/09	POLICE-2009 MAINT/SUPPORT	OPEN	550.00
01960		VERIZON		
08-1413	11/04/08	LOCAL/LONG DISTANCE-DEC 2008	OPEN	797.16
01985		THE MOBILE STORAGE GROUP, INC.		
09-0144	01/29/09	POLICE-TRAILER 2009 PYMT 02/13	OPEN	265.00
02061		VERIZON WIRELESS		
09-0189	02/12/09	BLDG/FIRE/COURT:FEB 2009 CELL	OPEN	97.70
02116		EBSCO SUBSCRIPTION SERVICES		
09-0040	01/20/09	LIBRARY-MAGAZINE SUBSCRIPTIONS	OPEN	479.97
02118		ELECTRONIC MEASUREMENT LAB INC		
09-0115	01/22/09	SEWER-CALIBRATE GAS DETECTOR	OPEN	129.46
02181		GATEWAY PRESS		
09-0096	01/21/09	A&E & POLICE-WINDOW ENVELOPES	OPEN	156.00
09-0107	01/21/09	A&E-PERSONNEL HANDBOOKS	OPEN	380.00
02189		SHARP ELECTRONICS CORPORATION		
09-0043	01/20/09	POLICE-2009 COPY MACHINE LEASE	OPEN	148.19
ASBURY PARK PRESS (ESCROW)				52.82
COMMERCE BANK (MCIA INTEREST PAYMENT)				2,984.50
FRENCH & PARRELLO (ESCROW)				500.00
FRENCH & PARRELLO (ESCROW)				500.00
GOWAN, KERRY (ANIMAL CONTROL CALLS)				75.00
MASER CONSULTING (ESCROW)				93.75
NGO, FRANK (ESCROW REFUND)				830.00
SENDOWSKI, PAMELA (ESCROW REFUND)				1.25

U.S. BANK, N.A. (MCIA INTEREST PAYMENT) 15,545.55
TOTAL 143,160.47

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

Ayes: Bills, Keeler, Long, Murphy

Nays: None

Abstain: None

Absent: Kelly, LoBiondo

B. Councilman Murphy made a motion adopting the Council Meeting Minutes of January 19, 2009. Second by Councilwoman Long and approved upon the following roll call vote:

Ayes: Bills, Keeler, Long, Murphy

Nays: None

Abstain: None

Absent: Kelly, LoBiondo

C. Councilman Murphy made a motion adopting the Council Meeting Minutes of February 3, 2009. Second by Councilwoman Long and approved upon the following roll call vote:

Ayes: Bills, Keeler, Long, Murphy

Nays: None

Abstain: None

Absent: Kelly, LoBiondo

D. Councilman Murphy made a motion approving Raffle Application No. 4-2009 from CPC Behavioral Healthcare, Inc. for 50/50 on premise raffle at Elements on April 24, 2009. Second by Councilwoman Long and approved upon the following roll call vote:

Ayes: Bills, Keeler, Long, Murphy

Nays: None

Abstain: None

Absent: Kelly, LoBiondo

E. Councilman Murphy made a motion approving Raffle Application No. 5-2009 from Christian Brothers Academy for 50/50 on September 18, 2009 at Merri-Makers. Second by Councilwoman Long and approved upon the following roll call vote:

Ayes: Bills, Keeler, Long, Murphy

Nays: None

Abstain: None

Absent: Kelly, LoBiondo

F. Councilman Murphy made a motion approving Raffle Application No. 6-2009 Clean Ocean Action for 50/50 on May 17, 2009 at Ship Ahoy Beach Club. Second by Councilwoman Long and approved upon the following roll call vote:

Ayes: Bills, Keeler, Long, Murphy

Nays: None

Abstain: None

Absent: Kelly, LoBiondo

G. Councilman Murphy made a motion approving Raffle Application No. 7-2009 Clean Ocean Action for Chance Auction on May 17, 2009 at Ship Ahoy Beach Club. Second by Councilwoman Long and approved upon the following roll call vote:

Ayes: Bills, Keeler, Long, Murphy

Nays: None

Abstain: None

Absent: Kelly, LoBiondo

H. Councilman Murphy made a motion approving the Request from Holy Cross Church to host Palm Sunday procession from Sea Bright to Rumson on Sunday, April 5 2009. Second by Councilwoman Long and approved upon the following roll call vote:

Ayes: Bills, Keeler, Long, Murphy

Nays: None

Abstain: None

Absent: Kelly, LoBiondo

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

**RESOLUTION NO. 51-2009
BOROUGH OF SEA BRIGHT**

BE IT RESOLVED, that the Mayor and Council of the Borough of Sea Bright authorizes the Library to conduct computer courses(Internet, Word, Excel, Photo Shop) to be taught by Alban Gass for a fee of \$320.00 per session. The cost of the computer programs to the public will be \$60.00 for an 8 hour class and all monies will be deposited into the Library Trust Fund.

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

Ayes: Bills, Keeler, Long, Murphy

Nays: None

Abstain: None

Absent: Kelly, LoBiondo

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

**RESOLUTION NO. 52-2009
BOROUGH OF SEA BRIGHT
ANNUAL LIBRARY SALE**

WHEREAS, authorization is hereby given to the Library to raise funds for the Jay W. Ross Cultural Arts Center & Library and that all funds raised will be deposited into the Library Trust Fund; and

WHEREAS, the annual book sale will be from September 19, 2009 (9 a.m. - 2 p.m.) to September 24th (regular Library schedule).

WHEREAS, The following items are no longer of use by the Jay W. Ross Cultural Arts Center and Library and will be priced accordingly:

<u>ITEM</u>	<u>PRICE</u>
Bag of Books	\$6.00
Paperbacks	3@\$1.00
Children	4@\$1.00
Videos	2@\$1.00
Hard covered Books	\$1.00
Audios,Bestsellers/DVD's	Priced based on resale value
Sea Bright tote bag	\$10.00 (Additional \$1 - filled with books)

NOW, THEREFORE, BE IT RESOLVED that the above mentioned events are hereby authorized.

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

Ayes: Bills, Keeler, Long, Murphy

Nays: None

Abstain: None

Absent: Kelly, LoBiondo

Councilwoman Bills left the Council Meeting at 7:45 p.m.

8. NEW BUSINESS:

A. Councilwoman Long made a motion approving the request from JCPL to install a portable sub-station north of the Library parking lot. Second by Councilman Murphy and adopted upon the following roll call vote:

Ayes: Mayor Fernandes, Keeler, Long, Murphy

Nays: None

Abstain: None

Absent: Bills, Kelly, LoBiondo

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

**RESOLUTION NO. 53-2009
CDBG BLOCK GRANT RESOLUTION AUTHORIZING THE MAYOR
AND CLERK TO EXECUTE A PROJECT AGREEMENT WITH MONMOUTH
COUNTY FOR PERFORMANCE AND DELIVERY OF FY 2009
COMMUNITY DEVELOPMENT PROJECTS**

WHEREAS, certain federal funds are potentially available to Monmouth County under the Housing and Community Development Act of 1974, as amended; and,

WHEREAS, the County of Monmouth expects to receive an allocation for **FY 2009** from the United States Department of Housing and Urban Development; and

WHEREAS, the County of Monmouth has submitted its Annual Plan for FY2007 to the U.S. Department of Housing and Urban, which included a project hereinafter referred to as Borough of Sea Bright with a grant allocation of **\$158,571.00**

WHEREAS, the Borough of Sea Bright hereby met all the requirements for the release of funds to begin incurring costs for this project; and

WHEREAS, the Borough of Sea Bright has filed with the Monmouth County Community Development Program an acceptable "TIMETABLE FOR PROJECT COMPLETION AND EXPENDITURE OF GRANT FUNDS," which is included as Appendix I of the Project Agreement.

NOW, THEREFORE, BE IT ORDAINED, that the Mayor and Municipal Clerk of the Borough of Sea Bright authorized to execute with the County of Monmouth the attached Project Agreement.

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

Ayes: Keeler, Long, Murphy

Nays: None

Abstain: None

Absent: Bills, Kelly, LoBiondo

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

**RESOLUTION NO. 54-2009
CDBG BLOCK GRANT RESOLUTION AUTHORIZING THE MAYOR
TO SIGN A CERTIFICATION PROHIBITING THE USE
OF EXCESSIVE FORCE AND A CERTIFICATION PROHIBITING
THE USE OF FEDERAL FUNDS FOR LOBBYING
BOROUGH OF SEA BRIGHTY**

WHEREAS, certain federal funds are potentially available to Monmouth County through the Housing and Community Development Act of 1974, as amended; and,

WHEREAS, the United States Department of Housing and Urban Development has allocated funding to the County of Monmouth for FY 2009; and,

WHEREAS, the County is making some of these funds available to certain participating municipalities and non-profit agencies; and,

WHEREAS, it is required that the Borough of Sea Bright execute a project agreement with Monmouth County to undertake a project known as ADA Access to the Beach and WHEREAS, the U.S. Department of Housing and Urban Development is requiring that the Mayor of the Borough of Sea Bright sign additional certifications in order to receive these funds; and,

WHEREAS, the Borough of Sea Bright has adopted a policy prohibiting the use of excessive force by its law enforcement agency (police force) within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and,

WHEREAS, a copy of that policy is attached to and made part of this resolution.

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Sea Bright has met the conditions of receiving a FY 2009 allocation by adopting a policy prohibiting the use of excessive force and by not using federal funds for lobbying or by disclosing that funds have been used for lobbying.

BE IT FURTHER RESOLVED, that the Mayor of the Borough of Sea Bright is hereby authorized to sign the attached certifications which will become part of the FY 2009 Project Agreement.

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

Ayes: Keeler, Long, Murphy, Mayor Fernandes

Nays: None

Abstain: None

Absent: Bills, Kelly, LoBiondo

D. Motion authorizing CFO to bond for Municipal/Court Facility Renovations was tabled.

E. Central Jersey Council of Governments request for resolution and membership fee was not moved so that the Administrator could research this further.

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

**RESOLUTION NO. 55-2009
BOROUGH OF SEA BRIGHT**

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 installation of submersible pumps and for construction of various roads for the DIIP project; and

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 end at 9:00 p.m.

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

Ayes: Bills, Keeler, Long, Murphy

Nays: None

Abstain: None

Absent: Kelly, LoBiondo

G. **Resolution No. 57-2009** authorizing release of a performance guarantee for Jesse A. Howland & Sons, Bl 13, Lot 14 was carried to March 3, 2009..

H. **Resolution No. 58-2009** adoption of Hazard Mitigation plan was carried to March 3, 2009.

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

**RESOLUTION NO. 59-2009
BOROUGH OF SEA BRIGHT
AMENDING RESOLUTION NO. 212-2007
AND RESOLUTION NO. 94-2008
CHANGE ORDER AND SUPPLEMENTAL AGREEMENT NO. 2
2007 Sea Bright Road Drainage Program
Waterview Way, Northway, Via Ripa and Southway**

WHEREAS, a change order is required to the original project cost. The description for this change order shall be pursuant to the supplemental Agreement No. 1 dated January 13, 2009 prepared by David Hoder of Maser Consulting, P.A. and signed by a

principal of F&P Construction **decreasing** the original contract amount from \$312,970.53 to \$283,086.80.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Sea Bright that the contract for the 2007 Sea Bright Drainage Program on Waterview Way, Northway, Via Ripa and Southway which was previously awarded to:

**F & P Contractors
659 Washington Avenue
South Amboy, NJ 08879**

be amended and a change order be allowed for a **decrease** in the amount of **\$18,868.73**. The adjusted contract amount is \$283,086.80.

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

Ayes: Keeler, Long, Murphy, Mayor Fernandes

Nays: None

Abstain: None

Absent: Bills, Kelly, LoBiondo

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

RESOLUTION NO. 60-2009

WHEREAS, the Director of Public Works, David Bahrle, has notified the Borough Administrator that on Friday, February 13, 2009 at 4:00 p.m. Howard Brian Buck visited Mr. Bahrle's office to resign, effective immediately, from his Public Works Maintenance Position with the Sea Bright Department of Public Works; and

WHEREAS, all borough property has been returned by Mr. Buck in accordance with the personnel handbook requirements.

NOW, THEREFORE, BE IT RESOLVED, that the Sea Bright Governing Body hereby accepts the resignation of Howard Brian Buck effective February 13, 2009.

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

Ayes: Keeler, Long, Murphy, Mayor Fernandes

Nays: None

Abstain: None

Absent: Bills, Kelly, LoBiondo

10. MONTHLY REPORTS FOR JANUARY 2009:

- A.** Police Chief
- B.** Library Director
- C.** Court Administrator
- D.** Recreation Director
- E.** Tax Collector
- F.** Sewerage System Operation & Maintenance Report

11. CORRESPONDENCE AND COMMUNICATIONS:

- A.** Director of Public Works December 2008 report.
- B.** Letter dated January 30, 2009 from MCIA regarding seminars.
- C.** Uniform Construction Code Annual Report for CY 2008.
- D.** Thank you letter dated February 1, 2009 from Ancient Order of Hibernians regarding Polar Plunge.
- E.** DOT letter concerning an investigation into lowering speed limit for Route 36/Ocean Avenue.

F. Monmouth County Regional Health Commission 12-17-2008 minutes.

12. COMMITTEE REPORTS:

A. Beach/Education/Environment: Councilwoman Long said that Clean Ocean Action's beach clean-up is scheduled on Earth Day, Saturday April 25th. The committee will be meeting to discuss the plans for the Beach with the architect.

Environment Commission members Mr. Scriven and Ms. Blaser attended a meeting on February 2, some of the topics discussed were Municipal rain gardens, dredging and safe paint disposal.

Councilwoman Long said that they have not received a response from Shore Regional for a school referendum. Shore Regional's next meeting is February 26 at 7 pm.

B. Public Works/Building Department/Public Relations:
Councilman Murphy said Progress.

C. Police/Emergency Management/Insurance/Court:

Councilman Keeler said that they would be interviewing candidates for the court administrator vacancy. In January, there were 265 motor vehicle stops. The Police's have been focusing on speed enforcement. The Court office is trying to work with people during this stressful economic and giving them time extensions to pay their fines.

D. Finance/Grants/Fire:

Councilman Murphy said the Budget workshop is scheduled for March 3rd. The hook and ladder truck was sent out for repairs for the ladder's electrical connections.

Councilman Keeler said that the First Aid building' renovation could be discussed at the next council meeting.

E. Personnel/Administration/Cultural Arts/Recreation:
Councilman Murphy said progress.

F. Smart Growth/Flood Mitigation/Beautification: Councilman Keeler said progress.

13. MAYOR FERNANDES - REPORT AND COMMUNICATIONS. Mayor

Fernandes thanked everyone for their thoughtfulness during her recent surgery. She appreciated the cards, calls and gifts.

The Army Corp of Engineers should be visiting Sea Bright to take pictures of the bulkheads.

On February 26 at 7 p.m., the Long Branch Higher Education Center located at 540 Broadway will have a public information session on "Coastal Evacuation Route Improvement Study".

Mayor Fernandes said that Rumson is not interested in doing shared services with Sea Bright at this time however; Oceanport is very interested in shared court services. Administrator Smeltzer said that she would be receiving information from Oceanport shortly

Mayor Fernandes said that the Public Works committee shall meet with Engineer Hoder regarding funds that Sea Bright may receive through the Federal economic stimulus package.

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

15. ADJOURNMENT:

There being no further business before the Governing Body.
Councilman Murphy made a motion to adjourn the meeting at 8:30
P.M. Second by Councilwoman Long and approved upon unanimous
voice vote.

Respectfully Submitted,

Maryann M. Smeltzer
Municipal Clerk