

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

**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, Kelly, LoBiondo, Long, Murphy, Mayor Fernandes, Attorney Oxley, Chief Financial Officer Bascom, Borough Engineer Hoder, Administrator/Clerk Smeltzer

**ABSENT:** Keeler, Police Chief Moore

**4. MAYOR'S PROCLAMATION NO. 3-2009 NATIONAL POISON PREVENTION WEEK"**

*WHEREAS*, the New Jersey Poison Information and Education System (NJPIES) (a division of the Department of Preventive Medicine and Community Health, /NJ Medical School of the University of Medicine and Dentistry of New Jersey (UMDNJ) ) is New Jersey's only certified poison control center; and

*WHEREAS*, NJPIES is celebrating 26 years of service to New Jersey residents; and

*WHEREAS*, unintentional poisoning is the 2<sup>nd</sup> leading cause of unintentional injury death nationally; and

approximately half of all accidental poisonings occurring each year happen to children under six (6) years of age; and

*WHEREAS*, this non-profit organization provides free poison consultation, drug information, and poison prevention education to NJ residents through the 1-800 Poison Help Hotline; and

*WHEREAS*, consumers and healthcare professionals need and desire a source of information for their questions regarding the use of prescriptive and non-prescriptive medications; and

*WHEREAS*, NJPIES' Poison Help Hotline services are free and confidential and are available 24 hours a day, 7 days a week, 365 days a year; and

*WHEREAS*, all NJ residents must be educated about the dangers posed by potentially poisonous household products and other toxic substances because these products when not used as intended or directed, may be dangerous or fatal; and

WHEREAS, NJPIES is involved with the state's efforts at homeland defense, counter-terrorism, bio surveillance, and surveillance for clusters of poisonings; and

WHEREAS, NJPIES encourages the public to use the resources of the Poison Control Center for emergencies, drug information, poison information questions, and public education services by calling the Poison Help Hotline at 1-800-222-1222. Educating the public about the Poison Control Center's services can help save lives.

**THEREFORE**, Honorable Maria D. Fernandes, Mayor of Sea Bright does hereby proclaim March 15<sup>th</sup> - March 21st, 2009 as national poison prevention week In the Borough of Sea Bright, New Jersey. Given, under my hand and the seal of the Borough of Sea Bright, this 17th DAY OF March, 2009.

**5. PUBLIC RELATIONS COMMITTEE APPOINTMENT.**

Councilman LoBiondo made a motion appointing the following to the Public Relations Committee.

- **Kathy Morris**

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

Ayes: Bills, Kelly, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: Keeler

**6.** Attorney Oxley called for the Second Reading, by Title Only, of the following Ordinance, which was introduced and approved at the Council Meeting of March 3, 2009.

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

**ORDINANCE NO. 6-2009**  
**AN ORDINANCE AMENDING CHAPTER 140 MERCANTILE LICENSES**  
**ARTICLE II GENERAL LICENSES**  
**SECTION 140-10 LICENSE FEES**  
**OF THE CODE OF THE BOROUGH OF SEA BRIGHT**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Sea Bright that Chapter 140 entitled Mercantile Licenses shall be amended as follows:

Section 140-10 License Fees.

Purpose: All license fees are imposed for the purpose of the regulation and control of the various professions, vocations, trades, business, callings or occupations hereinafter named.

Refund or Rebates: No rebate or refund of any license fee or any part thereof shall be made.

Due Date: April 1st of every year.

Amusement Arcades \$150.00

Amusement Machines, Pool Tables, Video Game Machines \$25.00 each (in locations other than amusement arcades)

Business/Retail License Fee \$100.00

Professional License Fee \$100.00

Trade License Fee \$100.00

Billboard License Fee \$100.00

Automotive Taxicab License Fee \$100.00 per cab

Hotels/Motels/Rooming/Lodging/Boardinghouses \$20.00 per sleeping room

Ship-Boat Yards or Marinas \$250.00

Restaurants without entertainment \$100.00

Restaurants with entertainment \$200.00

Swim Clubs, Beach Clubs, Cabana Clubs \$300.00

Garage Sale Permit (limit 2 per year) \$10.00

The inclusion of any business or occupation in this section is not intended to indicate that any such business or occupation is a permitted use within the Borough. Permitted uses are established only by the Zoning Ordinance.

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, Kelly, LoBiondo, Long, Murphy

NAYS: None

ABSTAIN: None

ABSENT: Keeler

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 Bills and approved by the following voice vote:

AYES: Bills, Kelly, LoBiondo, Long, Murphy

NAYS: None

ABSTAIN: None

ABSENT: Keeler

Councilman Murphy made a motion to approve Ordinance No. 6-2009 on its Third and Final Reading and advertise it according to law. Second by Councilwoman Bills and approved upon the following vote:

AYES: Bills, Kelly, LoBiondo, Long, Murphy

NAYS: None

ABSTAIN: None

ABSENT: Keeler

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

**ORDINANCE NO. 7-2009**

**AN ORDINANCE AMENDING CHAPTER 70 BUILDING CONSTRUCTION**

**ARTICLE I UNIFORM CONSTRUCTION CODE  
SECTION 70-5 STATE OF NEW JERSEY PERMIT FEES  
OF THE CODE OF THE BOROUGH OF SEA BRIGHT**

and moved the same be approved upon first Reading, held over for Second Reading and Public Hearing to be held on April 7, 2009. Second by Councilwoman Bills and approved upon the following roll call vote:

Ayes: Bills, Kelly, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: Keeler

7. Councilwoman Bills introduced and approved for adoption the following Resolution:

**RESOLUTION NO. 76-2009  
TRANSFER OF  
APPROPRIATION RESERVES**

**WHEREAS**, N.J.S.A. 40A:4-59 permits the transfer of 2008 Budget appropriation reserves during the first three months of the fiscal year; and

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

<u>Appropriation</u>	<u>Amount From</u>	<u>Amount To</u>
A&E S/W	\$3,000.00	
Clerk O/E	\$3,000.00	
Tax Collector O/E	\$800.00	
Planning Board	\$700.00	
Library O/E		\$ 500.00
Electric		\$ 1,000.00
Natural Gas		\$ 6,000.00
<b>TOTAL</b>	<b>\$7,500.00</b>	<b>\$ 7,500.00</b>

**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 2008 Budget appropriation reserves 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 Councilman Murphy and adopted upon the following roll call vote:

Ayes: Bills, Kelly, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: Keeler

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

A. Councilwoman Bills introduced and approved for adoption the following:

**RESOLUTION NO. 71-2009  
PAYMENT OF BILLS 03-17-2009**

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

NOW, THEREFORE, BE IT RESOLVED that these vouchers totaling \$64,972.01 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.

00002	PERMADUR INDUSTRIES, INC.			
09-0008	01/20/09 BLDGS/GRNDS-OSHA/ANSI INSPEC	OPEN		687.00
00003	ASBURY PARK PRESS			
09-0001	01/20/09 MUNI CLERK-BLANKET:NOTICES	OPEN		185.76
00019	NJ AMERICAN WATER			
09-0304	03/05/09 FEB 2009 HYDRANTS	OPEN		2,143.96
00027	SEABOARD WELDING SUPPLY, INC.			
09-0091	01/21/09 DPW - 2009 CYLINDER RENTAL	OPEN		12.70
00063	CHESAPEAKE EXTERMINATING CO.			
08-1124	08/25/08 BLDGS/GRNDS-DEC 2008 EXTERM	OPEN		30.00
09-0257	02/24/09 BLDGS/GRNDS-JAN 2009 EXTERM	OPEN		30.00
			-----	
				60.00
00131	NJ CONFERENCE OF MAYORS			
09-0151	02/03/09 A&E-ANNUAL MAYORS' CONFERENCE	OPEN		315.00
00161	LOU'S UNIFORMS, INC.			
09-0199	02/13/09 DPW-BOOTS:R.LORAY	OPEN		120.00
00198	COMCAST			
09-0286	03/03/09 FIRE DEPT-INTERNET:MAR 2009	OPEN		95.23
09-0317	03/09/09 A&E-INTERNET:MAR 2009	OPEN		95.00
			-----	
				190.23
00210	ATLANTIC PLUMBING SUPPLY CORP.			
08-1574	12/29/08 FIRE DEPT-DETECTOR/ADAPTER	OPEN		1,032.76
00249	CLARK, DOUGLAS			
09-0267	02/27/09 DPW-REIMB:WORK PANTS	OPEN		46.98
09-0321	03/09/09 DPW-TRAVEL REIMB:03/01/09	OPEN		28.60
			-----	
				75.58
00255	SMELTZER, MARYANN			
09-0296	03/04/09 MUNI CLERK-SET UP CHANGE FUND	OPEN		50.00
00273	BORGATA HOTEL & CASINO			
09-0179	02/10/09 A&E-ROOM RESERV:MAYORS' CONFER	OPEN		402.00
00285	STAPLE'S, INC.			
09-0187	02/11/09 POLICE DEPT-COMPUTER MONITORS	OPEN		399.39
09-0236	02/23/09 POLICE DEPT-OFFICE SUPPLIES	OPEN		123.07
			-----	
				522.46
00292	MASSELL, ESQ., GERALD			
09-0240	02/23/09 LEGAL-SERVICES RE:NOISE ORD	OPEN		625.00
00300	NJ STATE ASSN CHIEFS OF POLICE			
09-0222	02/18/09 POLICE DEPT-2009 CONFERENCE	OPEN		265.00
09-0261	02/26/09 POLICE DEPT-ABC SEMINAR	OPEN		60.00
			-----	
				325.00
00305	GORCEY PLUMBING & HEATING, INC			
08-1488	11/25/08 BLDGS/GRNDS-REPAIRS POLICE HQ	OPEN		2,279.00
00331	TREASURER, STATE OF NJ			
09-0319	03/09/09 SEWER-SAFE DRINKING WATER FEE	OPEN		200.00
00340	MORRIS, KATHLEEN			
09-0335	03/11/09 REC-REIMB:TROPHY & BANNERS	OPEN		161.80
00343	MACK CAMERA & VIDEO SERVICE			
09-0228	02/19/09 POLICE-POLAROID RIBBON/CARDS	OPEN		196.00

00347	MCCAULEY CONSTRUCTION CO, INC.			
09-0193	02/12/09 LIBRARY-SHELVING FOR ADDITION	OPEN		4,896.00
00427	STRATTON, FELECIA			
09-0292	03/04/09 A&E-EDIT/DESIGN:MAR'09 SEA BRZ	OPEN		700.00
00463	RUTGERS, THE STATE UNIVERSITY			
09-0137	01/29/09 MUNI CLERK-MASTER CLERK COURSE	OPEN		352.00
09-0266	02/27/09 MUNI CLERK-TEST REVIEW COURSE	OPEN		382.00
				-----
				734.00
00467	PALMISANO, ELSALYN			
09-0104	01/21/09 MUNI CLERK-02/09 RECORDS MGMT	OPEN		608.10
00513	A.R. COMMUNICATIONS			
09-0169	02/06/09 FIRE DEPT-PAGER REPAIR	OPEN		93.00
09-0218	02/17/09 POLICE-RADIO REPAIR	OPEN		70.00
				-----
				163.00
00982	CITY OF LONG BRANCH			
09-0181	02/10/09 DPW-BLANKET:ROCK SALT	OPEN		800.91
00987	REGISTRARS' ASSOCIATION OF NJ			
09-0258	02/26/09 MUNICIPAL CLERK-2009 DUES	OPEN		75.00
01027	SHORE BUSINESS SOLUTIONS			
09-0231	02/20/09 POLICE DEPT-SHARP FAX TONER	OPEN		132.00
01079	NJMVC CAIR PROGRAM			
09-0297	03/05/09 A&E-2009 ONLINE ACCESS FEE	OPEN		150.00
01241	BAIN'S HARDWARE, INC.			
09-0294	03/04/09 FEB 2009 PURCHASES	OPEN		664.74
01249	BRANAGAN, SUZANNE			
09-0262	02/26/09 MUNI CLERK-REIMB:EXAM FEE	OPEN		50.00
01285	THE HOME DEPOT			
09-0284	03/03/09 DPW-18V BATTERY	OPEN		299.00
01286	INDUSTRIAL MARINE			
09-0175	02/09/09 REIMB:01/08-02/05 GARAGE ELECT	OPEN		406.80
01363	IRON MOUNTAIN, INC.			
09-0162	02/05/09 A&E-VAULT:SERVER BACKUPS	OPEN		120.00
01400	THE ARNETTE LAW FIRM, LLC			
09-0157	02/04/09 2009 SPECIAL LITIGATION	OPEN		2,062.50
01493	COOPERATIVE INDUSTRIES, L.L.C.			
09-0290	03/04/09 DEC 2008 NATURAL GAS	OPEN		6,036.74
01546	C.I.T. c/o SHORE BUSINESS			
09-0195	02/12/09 POLICE DEPT-2009 FAX LEASE	OPEN		62.15
01554	SEA BRIGHT SERVICE CENTER			
09-0194	02/12/09 POLICE-BLANKET:VEHICLE MAINT	OPEN		38.95
09-0233	02/23/09 DPW-4 TIRES:FORD F-250 TRUCK	OPEN		440.00
				-----
				478.95
01565	BOROUGH OF SEA BRIGHT			
09-0329	03/11/09 T/F ADMIN FEE:03/13/09 PAYROLL	OPEN		510.00
09-0330	03/11/09 T/F ADMIN FEE:03/13/09 PAYROLL	OPEN		1,525.00
				-----
				2,035.00
01577	STATE OF NEW JERSEY			
09-0323	03/10/09 A&E-MICROFILM MINUTE/ORD BOOKS	OPEN		12.23
01578	AMERICAN MESSAGING			
09-0264	02/26/09 DPW-MAR 2009 PAGER SERVICE	OPEN		38.58
01790	YINGLING, CHARLES			
09-0282	03/03/09 DPW-TRAVEL REIMB:03/01/09	OPEN		10.19
01801	MASER CONSULTING, P.A.			
06-0325	03/23/06 PRJ#82 DIIP	OPEN		117.50
08-1366	10/23/08 PRJ#116 DEP AIR QUALITY PERMIT	OPEN		625.00
09-0295	03/04/09 ENGINEERING-STORMWATER SURVEY	OPEN		125.00
09-0301	03/05/09 ENGINEERING-HIGHLANDS BRIDGE	OPEN		127.50
				-----
				995.00
01854	MONMOUTH COUNTY BOARD/TAXATION			
09-0279	03/03/09 TAX ASSESSOR-POSTCARD MAILING	OPEN		333.58
01925	BORO OF SEA BRIGHT/EE' HEALTH			
09-0316	03/09/09 REPLENISH HEALTH INS FUND	OPEN		5,000.00
01957	BENEMAX BENEFIT MANAGEMENT CO.			
09-0299	03/05/09 02/09 DENTAL PLAN MANAGEMENT	OPEN		324.00
09-0300	03/05/09 03/09 DENTAL PLAN MANAGEMENT	OPEN		324.00
				-----
				648.00
01960	VERIZON			
09-0326	03/10/09 BEACH/POLICE/DPW-JAN 2009	OPEN		162.79
01974	BOROUGH OF SEA BRIGHT COURT			
09-0324	03/10/09 COURT-02/09 CREDIT CARD REIMB	OPEN		140.38

01985	MOBILE MINI, INC.				
09-0288	03/03/09	POLICE-TRAILER 2009 PYMT 03/13	OPEN		265.00
02008	E.J. SCHUSTER'S	OFFICE SUPPLY			
09-0197	02/12/09	MULTI DEPTS-OFFICE SUPPLIES	OPEN		226.38
02036	BAHRLE, DAVID				
09-0283	03/03/09	DPW-REIMB:3/1/09 VEHICLE FUEL	OPEN		31.01
09-0303	03/05/09	DPW-TRAVEL REIMB:03/04/09	OPEN		41.60
				-----	
					72.61
02108	CONTINENTAL FIRE & SAFETY, INC				
09-0259	02/26/09	POLICE DEPT-RECHARGEABLE BATT	OPEN		258.00
02177	WALSH, JOAN				
09-0289	03/04/09	LIBRARY-REIMB:2/24,3/3 ITEMS	OPEN		99.13
09-0331	03/11/09	LIBRARY-REIMB:3/10 DVDS+SUPPL	OPEN		102.26
				-----	
					201.39
02189	SHARP ELECTRONICS CORPORATION				
09-0043	01/20/09	POLICE-2009 COPY MACHINE LEASE	OPEN		148.19
NJSHBP	(FEB 2009)				25,004.22
TAYLOR, JOSEPH	(ESCROW REFUND)				840.60
TURNQUIST, ERIC	(ESCROW REFUND)				215.13
WELTY, MICHAEL	(ESCROW REFUND)				340.60
GRAND TOTAL					<u>64,972.01</u>

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

Ayes: Bills, Kelly, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: Keeler

**B.** Councilwoman Bills made a motion adopting the Council Meeting Minutes of February 17, 2009. Second by Councilwoman Long and adopted upon the following roll call vote:

Ayes: Bills, Kelly, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: Keeler

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

**BOROUGH OF SEA BRIGHT  
RESOLUTION NO. 72-2009**

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

**Michael Welty  
49 Bellevue Place  
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 in the amount of \$340.60 be refunded. Second by Councilwoman Long and adopted upon the following roll call vote:

Ayes: Bills, Kelly, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: Keeler

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

**BOROUGH OF SEA BRIGHT  
RESOLUTION NO. 73-2009**

WHEREAS, the Finance Manager has indicated that the inspection escrow account balance may now be refunded to:

St. Peter's College, Inc.  
50 Glenwood Avenue  
Jersey City, NJ 07306

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Sea Bright hereby authorize the inspection escrow account balance in the amount of \$452.98 be refunded.

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

Ayes: Bills, Kelly, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: Keeler

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

**RESOLUTION NO. 74-2009  
AMENDING RESOLUTION NO. 46-2009  
BOROUGH OF SEA BRIGHT**

WHEREAS, the Mayor and Council of the Borough of Sea Bright wish to amend the advertising rates for the Sea Bright Sea Breeze publication.

NOW, THEREFORE, BE IT RESOLVED that the following amended advertising rates for the Sea Bright Sea Breeze be adopted and effective immediately.

Rates:

4-color Ad Options	Rates					
	1x	2x	3x	4x	5x	6x
Full Page 7.5" X 10.50"	900	880	860	840	820	800
½ page 7.5" X 5.25"	500	480	460	440	420	400
¼ page 3.25" X 5.25"	300	280	260	240	220	200
1/8 page 3.25" X 2.625"	200	180	160	140	120	100

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

Ayes: Bills, Kelly, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: Keeler

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

**RESOLUTION NO. 75-2009  
BOROUGH OF SEA BRIGHT**

**WHEREAS**, authorization is hereby given to the Recreation Committee to book a reservation to the following baseball event;

<b>EVENT</b>	<b>DATE</b>	<b>TIME</b>	<b>PLACE</b>
Blue Claws (ticket prices: adult \$9.00/juniors, ages 5-12 and seniors 60+ \$7.00)	8/7/2009	7:05 P.M.	Lakewood, NJ

**NOW, THEREFORE, BE IT RESOLVED** that the above mentioned event is hereby authorized.

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

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

G. Councilwoman Bills made a motion approving the request from Clean Ocean Action for beach clean-up April 25 and October 24, 2009.

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

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

**9. OLD BUSINESS:**

**A. DISCUSSION** - Court Facilities - In Councilman Keeler's absence Councilwoman Long reported that Councilman Keeler, Councilman LoBiondo, Councilman Murphy Administrator Smeltzer and Acting Court Administrator Aurilio toured Oceanport's court facilities and operations. Further information will be required for space to accommodate Sea Bright's file storage system and a detailed employee schedule and job responsibilities. Oceanport has forwarded a draft agreement for review by the Governing Body and Borough Attorney Oxley.

Councilman Murphy made a motion authorizing Attorney Oxley to review the shared services agreement. Second by Councilman LoBiondo and adopted upon the following roll call vote:

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

**B. DISCUSSION** - Federal Stimulus Funding and Local Projects - Councilman LoBiondo said that he met with Councilman Murphy and Borough Engineer Hoder for projects submitted for federal stimulus funding. Projects might include: lowering Island View Way one inch, replacing/repairing an old bulkhead on Imbrie Place, repaving, sanitary work for Village and Sandpiper Roads, installing a pump station at the end of Osborne Place, paving and drainage for Beach Way, Mountainview Way and Normandie.

Councilman LoBiondo made a motion authorizing Engineer Hoder to prepare the required application to be submitted for Federal stimulus funding not to exceed one thousand dollars. Second by Councilman Murphy and adopted upon the following roll call vote:  
Ayes: Bills, Kelly, LoBiondo, Long, Murphy  
Nays: None  
Abstain: None  
Absent: Keeler

**C. DISCUSSION** - LEPC - In Councilman Keeler's absence Councilwoman Long reported that the LEPC meeting will be Tuesday, April 7, 10:00 a.m. at Borough Hall. A Monmouth County representative will attend and make a presentation about the program and its objectives.

Councilwoman Long said that Councilman Keeler was informed by Margaret Murnane of Monmouth County OEM that as long as any proposed changes were in line with the objectives and philosophies with the Hazard Mitigation plan there would be no problem. She suggested that we give her a brief outline of any proposals or changes and past those ideas to the State for their approval. Minor changes would be incorporated into the plan with a five year update.

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

**RESOLUTION NO. 58-2009**  
**BOROUGH OF SEA BRIGHT**

WHEREAS the *Borough* of Sea Bright, NJ, has experienced natural hazards that result in public safety hazards and damage to private and public property;

WHEREAS the hazard mitigation planning process set forth by the State of New Jersey and the Federal Emergency Management Agency offers the opportunity to consider natural hazards and risks, and to identify mitigation actions to reduce future risk;

WHEREAS the New Jersey Office of Emergency Management provided federal mitigation funds to support development of the Monmouth County Multi-jurisdictional All Natural Hazards Pre-Disaster Mitigation Plan;

WHEREAS this **Hazard Mitigation Plan** has been developed by the Mitigation Planning Committee and includes a prioritized list of mitigation actions including activities that, over time, will help minimize and reduce safety threats and damage to private and public property, and

WHEREAS two public meetings were held on, July 17, 2007 and November 29, 2007, to introduce the planning concept and to solicit questions and comment; and to present the Plan and request comments, as required by law,

NOW THEREFORE BE IT RESOLVED by the *Borough* Council of Sea Bright:

1. The **Hazard Mitigation Plan** is hereby adopted as an official plan of the Borough of Sea Bright; minor revisions recommended by the Federal Emergency Management Agency

and/or the New Jersey Office of Emergency Management may be incorporated without further action.

2. The Municipal Office of Emergency Management and the various Municipal Departments identified in the Plan are hereby encouraged to pursue implementation of the recommended high priority activities that are applicable to their departments.

3. Any action proposed by the Plan shall be subject to and contingent upon budget approval, if required, which shall be at the discretion of the *Borough Council*, and this resolution shall not be interpreted so as to mandate any such appropriations.

4. The Municipal Office of Emergency Management is designated to coordinate with other offices and shall periodically report on the activities, accomplishments, and progress, and shall prepare an annual progress report to be submitted to the Monmouth County Office of Emergency Management. The status reports shall be submitted by September 15<sup>th</sup> of each year.

**BE IT FURTHER RESOLVED**, that the Borough Clerk is hereby directed to transmit a certified copy of this resolution to Margaret Murnane, Monmouth County Office of Emergency Management, 300 Halls Mills Road, Freehold, New Jersey 07728.

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

Ayes: Bills, Kelly, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: Keeler

#### **10. NEW BUSINESS:**

**A.** Councilman LoBiondo made a motion approving the Special Permit to Sea Bright Fire Department on April 18, 2009.

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

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

NAYS: Keeler

ABSTAIN: None

ABSENT: None

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

**RESOLUTION NO. 77-2009  
BOROUGH OF SEA BRIGHT  
AUTHORIZE AN AGREEMENT WITH  
STEPHAN J. MIRANTI ON-LINE  
AUCTION LIQUIDATION SERVICES  
NON-FAIR AND OPEN CONTRACT**

WHEREAS, the Borough of Sea Bright wishes to acquire professional services of an auctioneer as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5 as appropriate; and

WHEREAS, the Governing Body wishes to participate in on-line auctions to dispose of surplus vehicles and equipment; and,

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

bids must be publicly advertised;

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

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

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

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

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

Ayes: Bills, Kelly, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: Keeler

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

**RESOLUTION NO. 78-2009  
BOROUGH OF SEA BRIGHT**

**BE IT RESOLVED**, by the Governing Body of the Borough of Sea Bright that the rates and charges of the municipal public utility for sewerage for the first, second, third and fourth quarter of 2009.

**BE IT FURTHER RESOLVED**, that any previous schedule of charges adopted by the Mayor and Council of the Borough of Sea Bright which are inconsistent herewith are hereby rescinded.

**BE IT FURTHER RESOLVED**, that the rates and charges for the utilities are as follows:

The first, second, third and fourth quarter sewerage rate will be at the rate of \$8.69 for every 1,000 gallons of water consumed by the customer.

The charges shall be due and payable in 2009, 10 days after the due date of the municipal sewer utilities bill. If the bill is not timely paid, the outstanding bill shall be considered a municipal charge and shall be subject to the same rate of interest accruing on delinquent taxes. The first quarter billing in 2009 shall be mailed during March of 2009. The second quarter billing in 2009 shall be mailed during June of 2009. The second half 2009 sewerage charges shall be billed in September for the third quarter of 2009 and in December for the fourth quarter of 2009.

Consumption shall be based upon the information provided to the Borough of Sea Bright Municipal Sewer Utility by the New Jersey American Water Company. The customers that are billed by the New Jersey American Water Company on a quarterly basis shall have their sewer charge based upon the quarterly water charges from New Jersey American Water Company. Those customers that are billed on a monthly basis by New Jersey American Water Company

shall have their bills based upon their water consumption from December of 2008 through November of 2009.

All customers of the municipal sewer utility shall be billed for at least 10,000 gallons quarterly. This minimum charge shall be \$86.90 for the second, third and fourth quarters of 2009.

The consumption charges shall be billed to the metered townhouse or condominium association or corporation for payment.

If any section, subsection, clause or provision of this Schedule of Charges shall be adjudged unconstitutional or to be ineffective in whole or in part, to the extent that it is not adjudged unconstitutional or is not effective, it shall be valid and effective; and no other section, subsection, clause or provision of this Schedule of Charges shall on account thereof be deemed invalid or ineffective and the inapplicability or invalidity of any section, subsection, clause or provision of this Schedule of Rates and Charges in any one or more instances or under any one or more circumstances shall not be taken to affect or prejudice in any way its applicability or validity in any other instances or under other circumstances.

A copy of same shall at all times be kept on file at the office of the Tax/Sewer Utility Collector at 1167 Ocean Avenue, Sea Bright, New Jersey and shall at all reasonable times be open to public inspection.

**BE IT FURTHER RESOLVED**, by the Borough Council of the Borough of Sea Bright that there shall be a moratorium on any new deduct meters effective March 17, 2009.

**BE IT FURTHER RESOLVED**, by the Borough Council of the Borough of Sea Bright that the utility is hereby authorized to publish a notice of final adoption of said Resolution of Rates and Charges.

**BE IT FURTHER RESOLVED**, by the Borough Council of the Borough of Sea Bright that they hereby authorize the utility to forward a copy of said Resolution of Rates and Charges to the customers of the utility at the utility's discretion.

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

Ayes: Bills, Kelly, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: Keeler

Councilman Murphy made a motion authorizing CFO Bascom and Engineer Hoder to work on the 2010 sewer utility rate. Second by Councilman Keller and adopted upon the following roll call vote:

Ayes: Bills, Kelly, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: Keeler

**D. Resolution No. 79-2009** hiring of Information Technology consultant was not moved.

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

**RESOLUTION NO. 80-2009  
BOROUGH OF SEA BRIGHT**

**WHEREAS**, the Holocaust, Genocide & Human Rights Education Center At Brookdale Community College was founded in 1979 under the name, the Center for Holocaust Studies at Brookdale Community College, and

**WHEREAS**, the mission of the Center is to be a resource for education about historical issues of the Holocaust and genocide; elimination of racism, anti-Semitism and all forms of prejudice that damage our society; and development of outstanding creative programs and activities regarding these crucial human issues, and

**WHEREAS**, in 2008, the Center changed its name to the "Holocaust, Genocide & Human Rights Education Center at Brookdale Community College" to reflect the full scope of its activities and the extensive programming and services offered to the community in all these areas, and

**WHEREAS**, the Center, through its programs, provides vital, creative educational resources to address genocide and human rights issues both locally and around the world, and

**WHEREAS**, in 2009, the Center will commemorate its 30th anniversary through a series of events that focus on the Center's mission, including a new exhibit called *The Exhibit: A Journey to Life* to be held at the Monmouth Museum on the campus of Brookdale Community College. There will also be a student art exhibit and an exhibit on modern genocide and human rights abuses. The exhibit will run from March 15 through May 17, 2009, and will form the basis for educational materials to carry its message well beyond the timeframe of the anniversary commemoration, and

**WHEREAS**, to honor and recognize local Holocaust survivors and their lives and experiences, the Center will hold a Commemorative Celebration on May 3, 2009, and in Spring 2009 will publish a Tribute Book honoring these local Holocaust survivors.

**THEREFORE IT IS RESOLVED**, by the Mayor and Council of the Borough of Sea Bright hereby congratulates the Center on its 30th anniversary and recognizes the vital work performed by the staff and volunteers at the Center over the past 30 years and continuing into the future.

**BE IT FURTHER RESOLVED**, that a certified copy be forwarded to the Holocaust Genocide & Human Rights Education Center.

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

Ayes: Bills, Kelly, Lobiondo, Long, Murphy

Nays: None

Abstain: None

Absent: Keeler

**F. DISCUSSION** - Smart Growth meeting dates - Councilman Kelly made a motion adopting the 2009 Smart Growth meetings of: April

23, June 25, September 24 and December 17 at 7:30 p.m. Second by Councilwoman Long and adopted upon the following roll call vote:  
Ayes: Bills, Kelly, Lobiondo, Long, Murphy  
Nays: None  
Abstain: None  
Absent: Keeler

**F. DISCUSSION** - School Formula Advisory Committee Report - Councilwoman Long. This discussion will be carried.

**G.** Councilman Murphy made a motion approving the request from Stately Homes to place a sign at the foot of Rumson/Sea Bright Bridge advertising a funding raising event. Councilwoman Bills and adopted upon the following roll call vote:  
Ayes: Bills, Kelly, Lobiondo, Long, Murphy  
Nays: None  
Abstain: None  
Absent: Keeler

**11. MONTHLY REPORTS FOR FEBRUARY 2009:**

- A. Police Chief
- B. Recreation Director
- C. Library Director

**12. CORRESPONDENCE AND COMMUNICATIONS:**

- A. NJ Division of Fish and Wildlife email regarding the Share the Shore award concerning endangered species. Councilwoman Long read the email's contents: The Borough of Sea Bright was one of four towns presented with an award for efforts with regard to endangered species protection for various beach species. The award is for the Borough but there are several individuals especially Administrator Maryann Smeltzer and Tom Scriven while he was on the Council that were critical in making this partnership succeed. Thanks for all your support and assistance all over the years.
- B. DEP March 3, 2009 report on compliance evaluation inspection. Engineer Hoder said that he and DPW Bahrle will work together on the evaluation inspection.
- C. 2008 Annual Tax Collector's Report
- D. US Coast Guard's proposal to limit openings of the Atlantic Highlands Bridge during 2009 recreational season. The Council will send a letter supporting the Highlands Bridge limited openings.

**13. COMMITTEE REPORTS:**

- A. **Beach/Education/Environment:** Councilwoman Long said that the pre-season beach badge sale was successful selling 566 badges which is 200 more than last year. The boardwalk and beach facilities are being prepared for the summer season. On April 25<sup>th</sup> Clean Ocean Action has their beach cleanup along the Jersey shore. The Beach committee is proposing to have on Wednesdays buy one get one free and beach fee waiver for active military servicemen.

Councilwoman Long said that the school levy will not be increased for the Sea Bright Board of Education 2009-2010 proposed budget The School Budget's public hearing is April 1, at 8 p.m. at the library.

The Monmouth County Executive Superintendent of Schools Carole Morris is recommending 12 feasibility studies for districts consolidated in Monmouth County. Sea Bright is part of two

studies. One study is to consolidate all the Shore Regional towns into one k-12 grade district. The other study is moving Sea Bright from Shore Regional to the Rumson/Fair Haven Regional district.

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

Councilman LoBiondo reported that Public Works removed snow for the town because of the recent snowstorm. Precision Landscaping also assisted. The snow removal costs was \$4,000 and a bill was sent to Monmouth County Emergency Management for possible reimbursement. Branch pick-up will begin on the first and third Tuesday starting in March to November.

Pillari Brothers suspended work on Beach and Center as they wait for JCPL to relocate the power and utility lines needed to complete this project. Councilman LoBiondo said that he will follow up with Roberta Sheridan of JCPL and see what are the reasons for their delay.

The Sea Breeze went out in today's mail to the resident.

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

Councilwoman Long said that the LEPC meeting is April 7. The JIF is scheduling a safety seminar for drivers in Emergency Vehicles. A Safety seminar for elected officials is March 19 at the Atlantic Highlands Borough Hall. Sea Bright receives a \$250 credit for each official that attends.

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

Councilman Murphy reported that an automated fingerprinting system will cost \$25,000 for the Police Department. Also, a proposal of eight thousand dollars in consultant fees for the inspection of the fire truck being built in Pennsylvania was received. Mayor Fernandes said the fire truck is costing the taxpayers \$600,000 and LaFrance, the company building the truck is semi-bankrupt. CFO Bascom said the truck could be inspected upon delivery and so not to pay the consultant travel fees to go to Pennsylvania.

Councilman Murphy said that the budget may be introduced on April 7. The total tax levy will be \$145,171.74. A house is assessed at \$375,000 which will increase about \$8.00 a month. The Borough is faced with impositions of arbitrary and an inflexible tax levy cap and an appropriations cap.

Councilman Murphy said that the Public Contracts Law requires the appointment of a Qualified Purchasing Agent for all municipalities. This constitutes an unfunded mandate to local units. Despite some amendments the added burden of certification, training, increases spending by governments and increases salaries. This is a cost difficulty for most municipalities. We could make an impression on the legislation that it is unwise and unnecessary to impose an unworkable, unfunded mandate on property tax payers who are already under stress over our national and state economies.

Councilman Murphy scheduled a second Budget Workshop meeting for March 30 at 6:00 p.m.

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

Councilwoman Bills reported that the Library's new wing will be receiving furniture and the book shelves will be completed soon.

The Easter Bonnet parade and Easter Egg hunt is April 4 at 11:00 a.m. on the boardwalk. Recreation Director Kathy Morris is getting volunteers and businesses to sponsor booths for the Firemen's Fair. The playground will have a safety inspection in April. More swings will be purchased for the playground.

**F. Smart Growth/Flood Mitigation/Beautification:** Councilman Kelly reported that the Council would be submitting suggestions for the Beach facilities' architectural draft. And the court plans will be done by another architectural firm. We are still undecided as to whether the court facility will remain in Sea Bright or have shared services agreement with Oceanport. The U.S. Army Corp of Engineers sent a rendering about the potential look of the bulkhead project for downtown. The Beautification Committee is looking at hiring a landscaper with funds from donations and money set aside.

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

Fernandes said that, resident and student, Leon Boyce has been accepted into the Central Jersey Region All Shore Band and All Shore Symphonic Band.

Mayor Fernandes said that she attended a meeting with the Mayors of the Two Rivers and there was discussion concerning school funding. The State needs to remove school funding from the property taxes as is the case with many states. On March 10 Administrator Smeltzer and the Mayor attended a DEP mediation with Special Litigation Counselor Arnette, the Beach Club owners and their attorneys.

Mayor Fernandes wished a Happy Birthday to Councilman Read Murphy.

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

**16. ADJOURNMENT:**

There being no further business before the Governing Body. Councilwoman Bills made a motion to adjourn the meeting at 9:21 P.M. Second by Councilwoman Long and approved upon unanimous voice vote.

Respectfully Submitted,

Maryann M. Smeltzer  
Municipal Clerk