

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

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

- John "Jack" Lacey
- Robert Crowley
- George Moss

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 9, 2009 AND POSTED ON THE BULLETIN BOARD IN THE BOROUGH OFFICE. IN EACH INSTANCE, THE DATE, TIME AND LOCATION OF THIS MEETING WERE PROVIDED IN THE NOTICE. THIS MEETING IS OPEN TO THE PUBLIC."

3. ROLL CALL:

PRESENT: Bills, Keeler, Kelly, LoBiondo, Long, Murphy, Mayor Fernandes, Attorney Oxley, Chief Financial Officer Bascom, Borough Engineer Hoder, Administrator/Clerk Smeltzer.

ABSENT: None

4. APPOINTMENTS TO SCHOOL FORMULA ADVISORY COMMITTEE

Councilwoman Long made a motion appointing the following to the School Advisory Committee.

- Mary Ann Chevalier
- Elizabeth DeGiulio

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

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

Nays: None

Abstain: None

Absent: None

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

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.

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 Long and approved upon the following roll call vote:

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

Nays: None

Abstain: None

Absent: None

Attorney Oxley called for the Second Reading, by Title Only, of the following Ordinance, which was introduced and approved at the Council Meeting of February 17, 2009.

B. Councilwoman Bills moved to approve this Ordinance upon Second Reading.

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

WHEREAS, the State Legislature recently adopted Chapter 92 of the Laws of 2007 (N.J. S. A. 43:15C-1 et seq.) to create the Defined Contribution Retirement Program to provide retirement benefits to various county and municipal officials; and,

WHEREAS, N.J. S. A. 43:15C-2 requires the governing body of each county, municipality, and other local entity to adopt, as appropriate, either a resolution or ordinance to determine the positions that are substantially similar in nature to the advice and consent of the Senate for appointments by the Governor of the State, pursuant to guidelines or policy that shall be established by the Local Finance Board in the Department of Community Affairs, and for which officials appointed to such positions shall be eligible for and shall participate in the Defined Contribution Retirement Program, subject to the provisions of law; and,

WHEREAS, the Borough of Sea Bright has considered the guidelines issued by the Local Finance Board;

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

SECTION 1.

Pursuant to N.J.S.A. 43:15C-2, the following positions are deemed to be eligible for and shall participate in the Defined Contribution Retirement Program:

- a. (Statutory-based, untenured chief administrative officer of the local unit)
 - i. Borough Administrator
 - ii. Borough Manager

- b. (Positions with principal responsibility of government function (s), commonly called "department heads" or similar title, that are filed by action of the governing body and who report directly to an elected official(s) or chief administrative officer);
 - i. Director of Code Enforcement
 - ii. Recreation Director
 - iii. Emergency Management Coordinator
 - iv. Registrar of Vital Statistics
 - v. Librarian
- c. Borough Attorney
- d. Borough Engineer
- e. Municipal Prosecutor
- f. Municipal Court Judge

SECTION 2.

Individuals serving in the following positions are exempt from Defined Contribution Retirement Program membership, pursuant to N.J.S. 43:15C-2:

- g. Tax Collector

- h. Chief Financial Officer
- i. Construction Code Official
- j. Qualified Purchasing Agent
- k. Tax Assessor
- l. Municipal Planner
- m. Registered Municipal Clerk
- n. Principal Public Works Manager
- o. Municipal Court Administrator
- p. Licensed Uniform Sub-code Inspectors

SECTION 3.

This ordinance shall be implemented, construed and subject to the aforesaid Chapter 92 of the Laws of 2007 (N.J.S.A.43:15C-1 et seq.) as amended from time to time, and any regulations or guidance documents from the Local Finance Board or the Division of Pensions and Benefits.

SECTION 4.

Should any part or parts of this ordinance be held to be invalid by any competent court of law, such invalidity shall only affect the part or parts held to be invalid, and all other parts shall remain in effect.

SECTION 5.

A copy of this ordinance shall be filed with the Director of the Division of Pensions & Benefits of the New Jersey Department of the Treasury, P.O. Box 298, Trenton, NJ 08625. Attention: DCRP

SECTION 6.

This ordinance shall take effect upon its passage and publication as required by law.

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

AYES: Bills, Keeler, Kelly, LoBiondo, Long, Murphy
 NAYS: None
 ABSTAIN: None
 ABSENT: None

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

AYES: Bills, Keeler, Kelly, LoBiondo, Long, Murphy
 NAYS: None
 ABSTAIN: None
 ABSENT: None

Councilman Murphy made a motion to approve Ordinance No. 5-2009 on its Third and Final Reading and advertise it according to law. Second by Councilwoman Bills and approved upon the following vote:

AYES: Bills, Keeler, Kelly, LoBiondo, Long, Murphy
 NAYS: None
 ABSTAIN: None
 ABSENT: None

C. Attorney Oxley read by title only and Councilwoman Bills introduced an Ordinance entitled:

ORDINANCE NO. 6-2009
 AN ORDINANCE AMENDING
 MERCANTILE LICENSE FEES

and moved the same be approved upon first Reading, held over for Second Reading and Public Hearing to be held on March 17, 2009. Second by Councilman Murphy and approved upon the following roll call vote:

Ayes: Bills, Kelly, Long, Murphy

Nays: None

Abstain: Keeler, LoBiondo

Absent: None

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

Item B the February 17, 2009 Council Meeting minutes was removed from the Consent Agenda.

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

RESOLUTION NO. 61-2009
PAYMENT OF BILLS 03-03-2009

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

NOW, THEREFORE, BE IT RESOLVED that these vouchers totaling \$712,338.62 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 115.56
00019	NJ AMERICAN WATER			
	09-0212	02/17/09	JAN 2009 WATER UTILITY	OPEN 241.01
00027	SEABOARD WELDING SUPPLY, INC.			
	09-0091	01/21/09	DPW - 2009 CYLINDER RENTAL	OPEN 12.70
00053	SHORE REGIONAL HIGH SCHOOL			
	09-0206	02/13/09	HIGH SCHOOL TAX - MAR 2009	OPEN 182,200.00
00077	FLEET SERVICES			
	09-0214	02/17/09	GASOLINE - FEB 2009	OPEN 1,791.71
00091	DIGIROLAMO, LOUIS			
	09-0208	02/13/09	2009 PYMT 03/12 HEALTH REIMB	OPEN 1,769.93
00104	LORAY, ROBERT			
	09-0245	02/23/09	DPW-02/20/09 TRAVEL REIMB	OPEN 9.70
00119	SEA BRIGHT BOARD OF EDUCATION			
	09-0205	02/13/09	GRADE SCHOOL TAX - MAR 2009	OPEN 74,912.67
00141	MUNICIPAL RECORD SERVICE			
	09-0158	02/04/09	COURT-TRAFFIC TICKETS	OPEN 301.50
00158	PITNEY BOWES CREDIT CORP.			
	09-0215	02/17/09	POLICE-2/Q/2009 METER RENTAL	OPEN 48.00
00164	RAIN, WILLIAM			
	09-0210	02/13/09	2009 PYMT 03/12 HEALTH REIMB	OPEN 713.67
00198	COMCAST			
	09-0217	02/17/09	POLICE DEPT-INTERNET:FEB 2009	OPEN 95.00
	09-0254	02/24/09	LIBRARY-INTERNET:FEB 2009	OPEN 100.19

				195.19
00221	INTERN'L ASSN CHIEFS OF POLICE			
	09-0053	01/20/09	POLICE DEPT-2009 DUES	OPEN 120.00
00270	JOHNSON, KENNETH			
	09-0207	02/13/09	2009 PYMT 03/12 HEALTH REIMB	OPEN 948.13
00297	JESSE A. HOWLAND & SONS, INC.			
	09-0203	02/13/09	GARAGE RENT - MAR 2009	OPEN 1,737.00
	09-0204	02/13/09	DPW-ADDT'L GARAGE RENT-MAR'09	OPEN 875.00

				2,612.00
00339	NAPA AUTO PARTS			
	09-0079	01/21/09	DPW-BLANKET:VEHICLE MAINT	OPEN 95.99
00363	TRICO EQUIPMENT, INC.			
	09-0145	02/02/09	DPW-SERVICE CASE LOADER	OPEN 660.30
00384	AT & T MOBILITY			
	09-0256	02/24/09	DPW-FEB 2009 CELL BILL	OPEN 164.21
00433	NATIONAL ENTERTAINMENT			
	09-0049	01/20/09	REC-TOY/CANDY EGGS FOR HUNT	OPEN 491.60
00788	SCARINCI & HOLLENBECK, LLC			
	09-0201	02/13/09	LEGAL-MAR 2009 RETAINER	OPEN 1,666.67

00897	SICKELS, PATRICIA				
	09-0242	02/23/09	COURT-02/19/09	COVERAGE	OPEN 120.00
00975	SMACK, EDWARD				
	09-0209	02/13/09	2009 PYMT 03/12	HEALTH REIMB	OPEN 713.67
01027	SHORE BUSINESS SOLUTIONS				
	08-1059	08/15/08	COPIER MAINT #4/4-BORO	HALL	OPEN 735.01
01074	DATA-GUARD, INC.				
	09-0113	01/22/09	A&E-RECORDS DESTRUCTION		OPEN 854.00
01075	DESIGN IDEA GROUP ARCHITECTURE				
	08-0291	03/05/08	BEACH-SCHEMATIC DESIGN		OPEN 5,473.20
01164	WATCHUNG SPRING WATER CO, INC.				
	09-0255	02/24/09	FEB 2009	SPRING WATER	OPEN 308.28
01241	BAIN'S HARDWARE, INC.				
	09-0173	02/09/09	JAN 2009	PURCHASES	OPEN 362.39
01297	HATCH, MOTT & MACDONALD, LLC				
	07-1208	08/29/07	DIIP#2-ENGINEERING		OPEN 3,770.00
	07-1599	12/13/07	COMMUNITY RATING SYSTEM	PROGRM	OPEN 655.20
	09-0216	02/17/09	MISC ENGINEERING-DIIP		OPEN 585.00

					5,010.20
01320	DEMAIO, R.N.				
	09-0186	02/11/09	BLDGS/GRNDS-PAPER TOWELS		OPEN 247.50
01429	THE BANK OF NEW YORK				
	09-0249	02/24/09	2009 ANNUAL BOND ADMIN	FEE	OPEN 400.00
01500	PILLARI BROS CONSTRUCTION CORP				
	08-1232	09/24/08	DIIP STORMWATER PUMP	STATIONS	OPEN 123,973.17
01526	JCP & L				
	09-0253	02/24/09	JAN 2009	ELECTRIC SERVICE	OPEN 10,366.35
01554	SEA BRIGHT SERVICE CENTER				
	09-0078	01/21/09	DPW-BLANKET:VEHICLE	MAINT	OPEN 319.50
01570	BUCK, BRIAN				
	08-1589	12/31/08	DPW-TRAVEL REIMB:12/31/08		OPEN 17.46
01593	DEROSA, ISABEL				
	09-0243	02/23/09	COURT - 02/19/09	INTERPRETER	OPEN 100.00
01801	MASER CONSULTING, P.A.				
	09-0211	02/13/09	ENGINEERING-RETAINER:MAR	2009	OPEN 250.00
01900	MCKENNA, DUPONT, HIGGINS &				
	09-0219	02/17/09	P/L BOARD-LOBI LITIGATION		OPEN 100.00
01974	BOROUGH OF SEA BRIGHT COURT				
	09-0196	02/12/09	COURT-01/09	CREDIT CARD REIMB	OPEN 200.57
01985	MOBILE MINI, INC.				
	09-0213	02/17/09	COURT-TRAILER 2009	PYMT 03/13	OPEN 255.31
02008	E.J. SCHUSTER'S OFFICE SUPPLY				
	09-0227	02/19/09	MULTI DEPTS-OFFICE	SUPPLIES	OPEN 668.66
02054	POWERHOUSE SIGN WORKS				
	09-0170	02/06/09	FIRE DEPT-TEMPORARY	LETTERING	OPEN 900.00
02061	VERIZON WIRELESS				
	09-0251	02/24/09	POLICE-FEB 2009	CELL PHONES	OPEN 516.48
02114	TWO RIVERS WATER RECLAMATION				
	09-0202	02/13/09	2009 PYMT 1/4	SEWER CHARGE	OPEN 103,449.75
02177	WALSH, JOAN				
	09-0190	02/12/09	LIBRARY-REIMB:2/6	GIFT BASKETS	OPEN 150.00
02181	GATEWAY PRESS				
	08-1584	12/30/08	A&E-BUSINESS CARDS:M.	SMELTZER	OPEN 38.00
	09-0160	02/05/09	A&E-2009 MUNICIPAL	DIRECTORY	OPEN 539.00
	09-0188	02/11/09	A&E-PERSONNEL	HANDBOOKS	OPEN 190.00

					767.00
BALANCE CARRIED FORWARD					525,329.04
AOL (FEB 2009)					32.90
BORO OF SEA BRIGHT (2/13/09 PAYROLL)					83,190.95
BORO OF SEA BRIGHT (2/27/09 PAYROLL)					77,442.93
KIMBER PETROLEUM (ESCROW REFUND)					125.00
MAYER, DAVID (ESCROW REFUND)					500.00
MCKENNA,DUPONT,HIGGINS & STONE (ESCROW)					490.00
NJSHBP (JAN 2009)					25,004.22
U.S. POSTAL SERVICE (BULK MAILING:DIRECTORY)					223.58
GRAND TOTAL					712,338.62

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

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

NAYS: None

ABSTAIN: None

ABSENT: None

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

RESOLUTION NO. 62-2009
CHANGE FUND
BOROUGH OF SEA BRIGHT

WHEREAS, the Municipal Clerk request that the following change fund be maintained in the Borough of Sea Bright:

Office of the Municipal Clerk: Change Fund \$ 50.00

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Sea Bright authorizes the Municipal Clerk to maintain change fund for the year 2009.

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

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

NAYS: None

ABSTAIN: None

ABSENT: None

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

BOROUGH OF SEA BRIGHT
RESOLUTION NO. 63-2009

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

Eric Turnquist
27 Hill & Dale Road
Lebanon, NJ 08833

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 \$215.13 be refunded.

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

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

NAYS: None

ABSTAIN: None

ABSENT: None

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

BOROUGH OF SEA BRIGHT
RESOLUTION NO. 64-2009

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

Joseph Taylor
15 West Walnut Street
Metuchen, NJ 08840

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 \$840.60 be refunded.

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

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

NAYS: None

ABSTAIN: None

ABSENT: None

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

BOROUGH OF SEA BRIGHT
RESOLUTION NO. 65-2009

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

Kimber Petroleum Corporation
P.O. Box 860
Liberty Corner, NJ 07938

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 \$125.00 be refunded.

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

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

NAYS: None

ABSTAIN: None

ABSENT: None

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

RESOLUTION NO. 66-2009
BOROUGH OF SEA BRIGHT

WHEREAS, the Sea Bright Fire Department will hold the first annual Firemen's Fair from Thursday, May 14 through Sunday May 17th; and

WHEREAS, a request has been made for a waiver of the 10:00 pm requirement of Chapter 144 Noise, Section 144-3.1 to midnight during the duration of the Firemen's Fair.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Sea Bright, County of Monmouth authorizes a waiver of Chapter 144 Noise, Section 144-3.1 for this event.

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

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

NAYS: None

ABSTAIN: None

ABSENT: None

7. OLD BUSINESS:

A. DISCUSSION - First Aid Building - Mayor Fernandes

Councilman Keeler said that the First Aid could be included as part of the Public Safety complex rather than build it separately. The First Aid could focus on fundraising for a new ambulance and equipment. The Borough would retain full ownership of the property and build the First Aid building.

Mayor Fernandes said that the Borough Attorney should prepare the lease for the First Aid building. They are willing to build their own building and the town should not build it for the First Aid when there are many other municipal facilities to construct. They are willing to move on the First Aid building within the year and we should not be stalling them. Last year, the Council voted to allow the First Aid to lease the property at the north end of the fire station.

Attorney Oxley said that he could add a provision that the architectural plans are subject to review and approval and it would take about thirty days to draw up this agreement.

Councilwoman Long made a motion authorizing Borough Attorney Oxley to prepare a lease for the First Aid to build on Borough property. Second by Councilman LoBiondo and adopted upon the following roll call vote:

AYES: Bills, Kelly, LoBiondo, Long, Murphy

NAYS: Keeler

ABSTAIN: None

ABSENT: None

B. DISCUSSION - Court Facilities - Councilman Keeler said that they are considering sharing court facilities with neighboring Oceanport while Sea Bright plans for renovations to provide more space for municipal offices. He said that he had concerns about adequate facilities, square footage for filing cabinets and storage. Councilwoman Long said that she disagreed with Councilman Keeler about the space and that she heard that Oceanport's Court Administrator was swapping her office with the Tax Assessor and this would provide sufficient space.

Mayor Fernandes said that she spoke recently to Judge Lawson and he was agreeable to either shared court services or construction. He needs another timeline for the construction project. She raised the issue of whether it would cost more to share the service or renovate the Borough's recreation center space for use by the municipal office. Councilman Keeler said that the potential cost to use Oceanport's offices would be \$71,000 for a three-year agreement but that nothing had been finalized. He added that Oceanport was the first town to respond positively and actively to using shared services. Councilwoman Long suggested that the Borough Council visit Oceanport's facilities prior to any decision making.

C. DISCUSSION - Federal Stimulus Funding and Local Projects. Councilman LoBiondo said that his committee would be discussing projects that may work along with federal stimulus funding. The following projects may be considered: lowering the street one inch on Islandview Way, bulkhead replacement/repair for Imbrie Place. Village Road and Sandpiper Lane need road re-paving, and possibly a pump station at the end of Osborne.

8. NEW BUSINESS:

A. Special Permit for Social Affair - Clean Ocean Action - at the Ship Ahoy Beach Club on May 17, 2009 from 3 p.m.- 7 p.m. Councilman Murphy made a motion to approve this request. 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

Administrator Smeltzer said that Marlboro and Freehold are members of the Central Jersey Council of Governments.

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

RESOLUTION NO. 67-2009
BOROUGH OF SEA BRIGHT
AUTHORIZING THE EXECUTION OF THE JOINT MEETING
AGREEMENT FOR THE FORMATION AND OPERATION
OF THE JOINT MEETING KNOWN AS THE
CENTRAL JERSEY COUNCIL OF GOVERNMENTS

WHEREAS, in 2007, the State Legislature enacted the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq., which seeks to

encourage the financial accountability of local units of government through empowering citizens, reducing waste and duplicative services, and clearing legal hurdles to shared services; and

WHEREAS, The problem of high property taxes paid by New Jersey's residents is not easily solved, but can be ameliorated through government action designed to encourage efficiency through shared services; and

WHEREAS, Marlboro Township has hosted several "Shared Services Summits" which have consisted of meetings between local, county and statewide representatives looking for new way to save taxpayer money in each participant's respective community; and

WHEREAS, as a result of these "Share Services Summits" a consensus of government leaders has been reached indicating that it would be in the best interests of the participating government entities that a Joint Meeting, as that term is defined and described in N.J.S.A. 40A:65-14, et seq., be formed which shall be known as the "Central Jersey Council of Governments"; and

WHEREAS, the Joint Meeting known as the Central Jersey Council of Governments is a public body corporate and politic constituting a political subdivision of the State for the exercise of public and essential governmental functions to provide for the public health and welfare as provided in N.J.S.A. 40A:65-15; and

WHEREAS, the Mayor and Council of the Borough of Sea Bright believes that it is in the best interest of the citizens and taxpayers of the Borough of Sea Bright to join the Joint Meeting known as the "Central Jersey Council of Governments"; and

WHEREAS, it has been requested that each government entity that joins the Central Jersey Council of Governments pay the sum of Three Hundred Dollars (\$300.00) to the Joint Meeting as an initial membership fee to join the Central Jersey Council of Governments.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Sea Bright, County of Monmouth and State of New Jersey hereby authorizes the Mayor to execute the Joint Meeting Agreement for the formation of the public body corporate and politic known as the "Central Jersey Council of Governments" for the purpose of facilitating and promoting the joint operation of public services, public improvements, works, facilities, or undertakings as permitted by N.J.S.A. 40A:65-14; and

BE IT FURTHER RESOLVED, that Borough Administrator is hereby designated as the representative to the Management Committee the Joint Meeting known as the Central Jersey Council of Governments and that he or she shall provide the Mayor and Council with periodic updates of the activities and initiatives of the Central Jersey Council of Governments; and

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 2009 Temporary Budget for A&E O/E.

MICHAEL J. BASCOM, CFO

BE IT FURTHER RESOLVED, that this Resolution shall be effective to the extent that it does not conflict with any applicable laws or regulations.

A certified copy of this Resolution shall be provided to the Central Jersey Council of Governments.

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

AYES: Bills, Kelly, LoBiondo, Long, Murphy

NAYS: Keeler

ABSTAIN: None

ABSENT: None

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

RESOLUTION NO. 69-2009

AUTHORIZING RELEASE OF THE PERFORMANCE GUARANTEE, ACCEPTANCE OF THE SITE IMPROVEMENTS AND ACCEPTANCE OF THE MAINTENANCE GUARANTEE FOR JESSIE A. HOWLAND & SONS, BLOCK 13, LOTS 14

WHEREAS, the Jessie A. Howland and Sons, posted a Performance Guarantee with the Borough of Sea Bright in the amount of \$39,660.00 for the on-site improvements associated with the development of this project on Block 13, Lot 14 as follows: surety bond(no 13BCSEX4715) from Hartford Fire Insurance Company in the amount of \$35,694.00 and a cash portion in the amount of \$3,966.00; and

WHEREAS, upon review of the construction status and associated paperwork, the Borough Engineer has found that all on-site improvements for the project have been completed in accordance with the approved plans and has recommended the release of the performance guarantee and acceptance of the improvements in his correspondence to the Borough of Sea Bright dated February 11, 2009; and

WHEREAS, the Borough Engineer has recommended the acceptance of the two-year Maintenance Guarantee in the amount of \$4,957.50 in the form of a maintenance surety bond (Bond No. 13BCSEX4715-M) from Hartford Fire Insurance Company, scheduled to expire February 1, 2011 and the Borough Attorney has found such Maintenance Bond to be satisfactory as to form, substance and execution; and

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Sea Bright, County of Monmouth and State of New Jersey that 1) all of the on-site improvements covered by the aforementioned performance guarantee are hereby accepted; 2) therefore, said Performance Guarantee posted by Jessie A. Howland and Sons in the amount \$39,660.00 delineated hereinabove be and is hereby released and 3) that these acceptances are subject to all professional escrow fees being paid (with \$300.00 being held in the escrow account for final inspection in 2011), and

BE IT FURTHER RESOLVED, in accordance with the recommendation of the Borough Engineer stated above, that the Borough Council accept the two-year Maintenance Guarantee in the amount of \$4,957.50 delineated hereinabove be and is hereby accepted.

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby directed to transmit certified copies of this resolution to the following individuals and entities: Jessie A. Howland and Sons, Borough Engineer and Borough Attorney.

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

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

NAYS: None

ABSTAIN: None

ABSENT: None

Administrator Smelzer said that the maintenance bond was reviewed by Borough Attorney Oxley.

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

RESOLUTION NO. 70-2009
BOROUGH OF SEA BRIGHT
RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES
AND ESTABLISHMENT OF MAINTENANCE BOND

WHEREAS, the Borough of Sea Bright engaged F&P Contractors Inc., to perform construction activities in connection with the publicly bid project known as 2007 Sea Bright Road Drainage Program; and

WHEREAS, the Borough of Sea Bright required a performance bond to guarantee the faithful performance of the construction activities; and

WHEREAS, F&P Contractors Inc., requested a release of their performance bond No. NJC42234 in the amount of \$312,970.53; and

WHEREAS, Maser Consulting, P.A., the Borough Engineers on this project, have performed inspections of the development known as 2007 Sea Bright Road Drainage Program and is satisfied that all punch list items in connection with the performance of approved construction activities have been satisfied and has recommended by letter dated February 10, 2009, as revised on February 26, 2009 which is attached hereto and made a part of this resolution, that the Borough release the performance bond No. NJC42234 in the amount of \$312,970.53 as requested by F&P Contractors Inc.; and

WHEREAS, Maser Consulting, P.A. has further recommended that F&P Contractors Inc. post a one year maintenance bond in the amount of \$28,308.68, and

WHEREAS, the F&P Contractors Inc. have submitted a form of maintenance bond no.NJC42234 in the amount of \$28,308.68, which has been reviewed and approved as to form by Borough Counsel.

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

- 1) The Governing Body hereby concurs in the recommendation of Maser Consulting, P.A., dated February 10, 2009, as revised on February 26, 2009 that the performance bond No. NJC42234 of F&P Contractors Inc., in the amount of \$312,970.53 be released
- 2) The Governing Body hereby concurs in the recommendation of Maser Consulting, P.A., dated February 10, 2009, as revised on February 26, 2009 that F&P Contractors Inc. be required to post a maintenance bond of \$28,308.68.
- 3) The Governing Body hereby accepts the F&P Contractors Inc. form of maintenance bond no.NJC42234 in the amount of \$28,308.68.
- 4) All Borough officials including, but not limited to the Mayor, Engineer and Municipal Clerk are hereby authorized and directed to take such ministerial actions as are necessary to effectuate the provisions of this resolution.

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

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

Nays: None

Abstain: None

Absent: None

9. CORRESPONDENCE AND COMMUNICATIONS:

- A. Director of Public Works - January report

10 MAYOR FERNANDES - REPORT AND COMMUNICATIONS. Mayor Fernandes asked Councilman Kelly to organize an ad hoc committee for the March 21, 2009 Green Team training seminar and research the Sustainable Jersey program.

Councilman Keeler said he will speak with OEM Lang and have LEPC meeting dates ready for the next agenda. Attorney Oxley said he will contact Gary McTighe, Acting Director of Monmouth County OEM and ask him to be a speaker at a LEPC meeting.

Councilman Kelly said that he will submit dates for Smart Growth workshops at the March 17th Council Meeting.

Mayor Fernandes said she, Jonathan Beer and Councilwoman Long attended a Shore Regional board meeting. Our request for a referendum was not on their agenda and Shore Regional's attorney informed us that a resolution was needed from the other three towns in order for the Board to consider our request. Mayor Fernandes said that we did not receive a written response from Shore Regional regarding the referendum.

The pre-season Beach fees was a huge success because of the half price offered for a limited time. In 2008, 307 Seasonal badges were sold bringing in \$30,700. The sale that the Borough offered to the public sold 549 badges with revenue of \$27,450.

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

12. Councilwoman Bills introduced and offered for adoption the following resolution at 8:43 p.m.:

RESOLUTION NO. 68-2009
EXECUTIVE SESSION
BOROUGH OF SEA BRIGHT

WHEREAS, N.J.S.A. 20:40.12 et seq. provides for closed session of the Council as appropriate; and,

WHEREAS, the Public Meetings Act provides for closed session of the Council; and,

WHEREAS, the matter to be discussed involves litigation.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Sea Bright, New Jersey, that they meet in closed session to discuss the issue as herein set forth and when the need for confidentiality no longer exists the decisions made therein will be made available to the public.

BE IT FURTHER RESOLVED, that the Mayor and Council may come back into Regular Session to conduct additional business.

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

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

NAYS: None

ABSTAIN: None

ABSENT: None

The Council returned back to regular business at 9:27 p.m. Councilman Keeler made a motion to authorize Attorney Oxley to contact the attorney for the Municipal Excess Liability Insurance Company to accept their offer of \$7,500.00 with regard to the Jiovino vs. Sea Bright matter. Seconded by Councilman Murphy and approved upon the following roll call vote:

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

NAYS: None

ABSENT : None

ABSTAIN: None

13. ADJOURNMENT:

There being no further business before the Governing Body. Councilman Murphy made a motion to adjourn the meeting at 9:29 P.M. Second by Councilwoman Long and approved upon unanimous voice vote.

Respectfully Submitted,

Maryann M. Smeltzer
Municipal Clerk