

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

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."

3. ROLL CALL:

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

ABSENT: Bills, LoBiondo

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

A.

**BOROUGH OF SEA BRIGHT
RESOLUTION NO. 92-2009**

WHEREAS, the Piping Plover (*Charadrius melodus*), Least Tern (*Sterna antillarum*), and Black Skimmer (*Rynchops niger*) are beach-nesting birds listed as endangered species pursuant to the New Jersey Endangered and Nongame Species Conservation Act (N.J.S.A. 23:2A-1 *et seq.*) (ENSCA), and the Piping Plover is also listed as a threatened species pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. §§ 1531 *et seq.*) (ESA), and the Piping Plover, Least Tern, and Black Skimmer are protected as migratory birds pursuant to the federal Migratory Bird Treaty Act of 1918 (16 U.S.C. §§ 703 *et seq.*) (MBTA), and;

WHEREAS, the American Oystercatcher (*Haematopus palliatus*) is currently proposed by the NJDEP Endangered and Nongame Species Program to be included as a species of special concern and is protected as a migratory bird pursuant to the MBTA, and;

WHEREAS, the seabeach amaranth (*Amaranthus pumilus*), seabeach knotweed (*Polygonum glaucum*), seabeach evening-primrose (*Oenothera humifusa*), and sea-milkwort (*Glaux maritima*) are listed as endangered species pursuant to the New Jersey Endangered Plant Species List Act (N.J.S.A. 13:1B-15.151 *et seq.*) (EPSLA), and the seabeach amaranth is also listed as a threatened species pursuant to the ESA, and;

WHEREAS, the seabeach sandwort (*Honckenya peploides*) and seabeach purslane (*Sesuvium maritimum*) are designated as a New Jersey Plant Species of Concern pursuant to the Endangered Plant Species rules (N.J.A.C. 7:5C-3.1), and;

WHEREAS, pursuant to N.J.S.A. 23:2A-2, 3, 4 & 7 and to the existing Cooperative Agreement of 1976 for endangered wildlife species pursuant to Section 6 of the ESA, between the USFWS and the NJDEP (under the terms of 16 U.S.C. §§ 1535 and N.J.S.A. 23:2A-7b & c), NJDEP is the principal steward of endangered and threatened wildlife populations in New Jersey and is directed and authorized to conserve, manage, and enhance

sustainable populations of endangered or threatened species, including beach-nesting birds, and is authorized to enter into agreements with other governmental entities and private individuals for administration and management of these wildlife species, and;

WHEREAS, pursuant to N.J.S.A. 13:1B-15.147, 15.148, 15.50 and 15.52 through 15.56 and to the existing Cooperative Agreement of 1985 for endangered and threatened plant species pursuant to Section 6 of the ESA, between the USFWS and the NJDEP (under the terms of 16 U.S.C. §§ 1535 and N.J.S.A. 13:1B-15.150 and 15.156), NJDEP has a responsibility to conserve endangered and threatened species, including beach flora of New Jersey and is directed and authorized to do so by research and investigation that will aid in determining the eligibility of a plant species for inclusion on the endangered plant species list, and is authorized to cooperate with other government entities and private individuals for administration and management of these plant species, and;

WHEREAS, notwithstanding the aforementioned NJDEP stewardship of endangered and threatened species populations, the USFWS retains certain responsibilities for implementation of the ESA in New Jersey, including Section 7 (16 U.S.C. §§ 1536) consultation with the U.S. Army Corps of Engineers for its ongoing, long-term program of federally funded beach nourishment within the Borough, and including activities to implement and oversee recovery of Piping Plover and seabeach amaranth, and;

WHEREAS, the Borough, as an Atlantic coastal beach community that has previously provided and currently provides crucial habitat for listed species, is obliged, consistent with N.J.S.A. 23:2A-6 and 16 U.S.C. §§ 1538 (and as defined and codified in 50 CFR 17.3, 17.21 and 17.31), to ensure that activities carried out, promoted, or encouraged by the Borough do not harm endangered or threatened species or otherwise hinder the restoration or maintenance of sustainable populations, and;

WHEREAS, the Borough, as principal stewards of the beaches and dunes on which listed species depend, recognizes a further responsibility to participate actively in the management plan designed to recover listed species populations, and;

WHEREAS, the USFWS and the NJDEP recognize the additional responsibilities of the Borough to minimize the threat to life and property from coastal flooding and storms and to provide a safe and secure town, a sustainable economy, and recreational opportunities for residents and visitors, and;

WHEREAS, the USFWS, the NJDEP, and the Borough have jointly developed the *Borough of Sea Bright, Beach Management Plan for the Protection of Federally and State-Listed Species* which defines and describes the roles and responsibilities of the Borough, the NJDEP, and the USFWS in the protection and management of listed species within the Borough and endeavors to provide for the long-term conservation and restoration of listed species populations while balancing potentially conflicting missions, and;

WHEREAS, the USFWS has determined that the management plan is consistent with the USFWS' applicable Programmatic Biological Opinion for the U.S. Army Corps of Engineers' long-term federal beach nourishment programs in New Jersey, and is consistent with the USFWS *Guidelines for Managing Recreational Activities in Piping Plover Breeding Habitat on the U.S. Atlantic Coast to Avoid Take Under Section 9 of the Endangered Species Act*, and that implementation of the management plan is not likely to result in unauthorized take of federally listed species in violation of Section 9 of the ESA (16 U.S.C. §§ 1538).

NOW THEREFORE, the parties hereto in consideration of the foregoing and recognizing their shared responsibility for the stewardship of listed species, do hereby agree to implement the *Borough of Sea Bright, Beach*

Management Plan for the Protection of Federally and State-Listed Species which is attached hereto and incorporated by reference in accordance with the following terms and conditions:

REVISIONS: This MOA and the management plan may be revised or amended when deemed necessary by the USFWS, the NJDEP, or the Borough of Sea Bright. Any such revision or amendment to either document shall become effective only upon the mutual written agreement of the USFWS, the NJDEP, and the Borough.

HABITAT CONSERVATION PLAN: Development of a Habitat Conservation Plan and/or issuance of an incidental take permit pursuant to Section 10(a)(1)(B) of the ESA (16 U.S.C. §§ 1539) is not necessary for implementation of the management plan (unless otherwise required pursuant to other applicable law).

EFFECTIVE DATE AND DURATION: This MOA will remain in effect for five (5) years following its formal adoption and signature by all parties. This MOA may be terminated prior to the five-year term by any party only upon sixty (60) days written notice. This MOA will be reviewed by all parties immediately following the five-year period for renewal or extension.

EXCEPTIONS AND LIMITATIONS: Neither this MOA nor the management plan exempts the Borough, in any way from any of the provisions of ENSCA or ESA, nor from any other State or federal laws or regulations (e.g., Rules on Coastal Zone Management [N.J.A.C. 7:7E]; Clean Water Act [33 U.S.C. 1251 *et seq.*, as amended]). Neither this MOA nor the management plan referenced herein constitutes a permit under section 10(a)(1)(A) or 10(a)(1)(B) of the ESA, nor does it constitute any other type of approval under either ENSCA or ESA or their implementing regulations. The agreement also does not release the Borough from any provisions of any other contracts or agreements between the Borough and the NJDEP or the USFWS or any other State or federal entity. Under the Antideficiency Act (31 U.S.C. §§ 1341), the United States of America is not authorized to make any expenditure or obligation of funds for this MOA or the management plan, except as authorized in specific appropriations and is subject to all laws, regulations, and policies governing the USFWS. No funds are obligated by this agreement, and the Borough, NJDEP, and USFWS shall bear its own expenses in implementation of the management plan.

INDEMNIFICATION: The Borough of Sea Bright shall hold harmless, indemnify and defend State of New Jersey, the United States of America and their members, directors, officers, employees, agents, and contractors, and their successors and assigns from and against all liabilities, penalties, costs, losses, damages, expenses or claims, including, without limitation, reasonable attorneys fees, arising from or in any way connected with the work covered by this Agreement, regardless of cause, unless due solely to the negligence of any of the indemnified parties. The liability of the United States for personal injury and/or property damage claims arising from the activities authorized under this agreement shall be governed in accordance with the provisions of the Federal Tort Claims Act (28 U.S.C. §§ 1346(b), 2671-2680), and subject to the availability of funds. The New Jersey Department of Environmental Protection shall be responsible for losses or damages arising from this agreement resulting from its own negligence or the negligence of its employees to the extent legally liable for such actions by the New Jersey Tort Claims Act (N.J.S.A. 59:1-1 *et seq.*), as amended, and subject to the availability of funds. (N.J.S.A. 59:12 as amended). The Borough's agreement to hold harmless and indemnify the State of New Jersey and the United States of America shall not affect the statutory protections available to the Borough under the Landowner's Liability Act (N.J.S.A. 2A:42A-2 *et seq.*).

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Sea Bright authorize the Mayor to execute this Memorandum of Agreement.
Second by Councilman Murphy and adopted upon the following roll call vote:
Ayes: Keeler, Kelly, Long, Murphy
Nays: None
Abstain: None
Absent: Bills, LoBiondo

B. INTRODUCTION OF STEPHANIE EGGER, OF THE US DEPARTMENT OF INTERIOR FISH & WILDLIFE SERVICE.

C. FORMAL SIGNING OF MEMORANDUM OF AGREEMENT - MAYOR FERNANDES

5. MAYORS PROCLAMATION 4-2009- Designating April 8, 2009 as National Start Walking Day!

WHEREAS, each year 1.2 million Americans suffer a new and recurrent coronary attack, and cardiovascular disease is the nation's leading cause of death with direct and indirect costs estimated to be \$457.3 billion in 2008; and

WHEREAS, more physical activity can help improve these statistics; and

WHEREAS, some adults may gain up to two hours of life expectancy for every hour of regular, vigorous physical activity, such as very brisk walking; and

WHEREAS, in addition to the possibility of increased life expectancy, regular walking has many proven benefits for an individual's overall health. Brisk walking for 30 minutes a day can lower both bad cholesterol (LDL) levels and high blood pressure. It may also help individuals who are overweight prevent weight gain, and reduce their risk of stroke; and

WHEREAS, the Centers for Disease Control and Prevention estimate that physically active people save \$330 per year in direct medical expenditures; and

WHEREAS, on National Start! Walking Day, April 8, the American Heart Association's Start! initiative calls on all citizens of BOROUGH OF SEA BRIGHT to walk at least 30 minutes today; and

WHEREAS, the purpose behind National Start! Walking Day is to get Americans to become more physically active by walking.

NOW, THEREFORE, I, MARIA D. FERNANDES, MAYOR FOR THE BOROUGH OF SEA BRIGHT, in recognition of the importance of regular physical activity, do hereby proclaim April 8, 2009, as "National Start! Walking Day" in SEA BRIGHT and urge all citizens to show their support for walking and the fight against heart disease and commemorate this day by walking **ON THE SPLASH PAD WHICH RUNS ALONG THE SEAWALL IN THE NORTH BEACH AREA OF SEA BRIGHT**. By increasing awareness of the importance of physical activity to reduce the risk for cardiovascular disease, we can save thousands of lives each year.

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

A.

ORDINANCE NO.1-2009
AN ORDINANCE AMENDING CHAPTER 130 "LAND USE" OF THE REVISED
ORDINANCES OF THE BOROUGH OF SEA BRIGHT,
COUNTY OF MONMOUTH AND STATE OF NEW JERSEY.

BE IT ORDAINED by the Mayor and the Borough Council of the Borough of Sea Bright, County of Monmouth, and State of New Jersey, that Chapter 130 of the Sea Bright Code, is amended to include the following:

Article II (130-5) - Definitions and Word Usage

ACCESSORY BUILDING OR USE - The following shall be added to the definition: Structures, steps, decks, patios or raised platforms attached to a building and less than 18" height shall be considered accessory. This shall include all HVAC and pool equipment and supporting structures.

BUILDING - The following shall be added to the definition: Decks, patios or raised platforms without roofs over 18" above grade shall be considered as part of the building and must comply with all building setback requirements.

BUILDING AREA - The following shall replace the definition presently in use: The total of areas of outside dimensions on a horizontal plane at ground level of the principal building and all accessory buildings excluding unroofed porches, terraces, steps, decks, patios or raised platforms having a vertical face of less than 18" above the level of the ground from which the height of the building is measured.

BUILDING COVERAGE - The following shall be added to the definition to create a new definition: The percentage of lot area covered by building area.

LOT COVERAGE - The following shall replace the definition presently in use: The ratio between the area which is improved and overlain by structures and/or materials which results in the reduction and/or prevention of absorption of water into the ground and the lot area expressed in terms of a percentage of the total area.

ARTICLE VII - Area, Bulk and Use Requirements

NON-CONFORMING STRUCTURES - The following shall be added to **Sec. 130-46.A (2)** No non-conforming structure shall be extended horizontally or vertically, unless such extension does not increase the existing non-conformity and such extension fully complies with all current bulk requirements for that zone.

Sec. 130-49

130-49.D *Add the following:*

ACCESSORY USES - The following shall be added: "and Buildings" to the description of title of Section.

Sec. 130-49 D. Accessory and Building Uses. The following shall be added to the language presently in use in the following section of the Ordinance:

Sec. 130-49. D. 1:

ADD: (c) An accessory building attached to a principal building shall comply in all aspects with the yard requirements of this Ordinance for the principal building, unless attached accessory structure is less than 18" height, then the following requirements for accessory structures shall apply. Detached accessory buildings shall be located in other than a front yard, and if located in a side or rear yard area, shall be set back at least five (5) feet from all lot lines, except that storage sheds containing less than 100 sq. ft. of floor area may be located not less than three (3) feet from any side or rear lot line.

(d) Accessory buildings shall not occupy more than thirty-five percent (35%) of a required rear or side yard or a maximum of five hundred (500) sq. ft. Such building shall not exceed fifteen (15) feet in height.

(e) No detached accessory structure, in any residential zone, shall be less than five (5) feet from the principal building.

(f) No accessory building in any zone shall be habitable

(g) Air conditioning units shall be considered accessory uses for the purpose of this ordinance and shall comply with all requirements for accessory uses in that zone

FENCES - The following language shall replace the language presently in use in Section 130-45:

A. Fences in any location more than 30% solid shall not be taller than six feet. Fences located in a front yard shall not be taller than four feet. Open-wire and mesh fences and fences less than 30% solid shall not be taller than six feet.

B. Retaining Walls may be taller than six feet provided that they are not taller than one foot above the uphill (retained) side of the adjacent ground.

C. Fence height shall be measured off existing grade. In no case shall fence be located on top of a deck or other structure.

D. Fences located within fifty feet of any river or other body of water shall not exceed four feet in height.

E. All fences must be erected within property lines and no fence shall be erected so as to encroach on a public right of way.

F. All supporting members of a fence shall be located on the inside of the fence, and if erected along or adjacent to a property line, the supporting members of the fence shall face the principal portion or the tract of land of the property upon which the fence is erected.

G. The following shall be prohibited fencing materials in the Borough of Sea Bright:

- (a) Barbed wire
- (b) Electrically charged fences
- (c) Broken glass surmounting a fence

LOT & BUILDING REQUIREMENTS, HEIGHT MODIFICATION - In Sec. 130-50.A.2, the language shall be changed to reflect that the existing height limitation of eight feet is reduced to the new limitation of four feet.

HEIGHT MAXIMUM - In Sec. 130-50.A(5) the last two sentences beginning "By example:" shall be deleted, and the following shall be inserted: The above stated formula shall apply to all undersized lots, provided, however, that the maximum permitted height for undersized lots shall not be less than thirty (30) feet.

CORNER LOTS - The following shall be added as Sec. 130-40.N:

(a) In cases where one of the front yard setbacks would be more consistent with the adjoining property if it were treated as a side yard, than the side yard setback shall apply for that side only. In cases where the property will be considered to have two front yards, the remaining

yards shall be considered side yards and no rear yard setback will be required. In no case shall Ocean Avenue ever be considered a "side yard".

PARKING - The following shall be added to Sec. 130-43.A: Existing garages may not be eliminated in any case or converted to living space unless parking requirement is met in another location on the subject property.

SEAWALLS - The following should be *deleted* from Sec. 130-49.C(6) Use regulations in the CP Zone, (b) (1):

All construction of platforms or other structures on top of seawalls on the oceanfront in the Borough of Sea Bright is hereby prohibited, except that platforms may be erected with rails not over 36" in height and painted white. Such rails may not be constructed on the north or south borders of the platform.

The following *new language should be added*:

All construction of stairs and platforms on top of the seawall shall be as per Borough of Sea Bright specifications for Platforms and Stairs over the Sea Wall.

The following shall be added to Sec. 130-40: Regulations Applicable to all zones:

(O) Any residential structure may be elevated to comply with the flood regulations and/or to provide the required off-street parking under the structure, upon issuance of building permits, provided there is no increase in the building coverage, or in the floor area of the structure, other than the addition of the parking under the structure, and the final height of the structure does not exceed existing height limitations.

(P) All new driveways, sidewalks or curbs shall be subject to the Review of the Borough Engineer. A survey and proposed Site Plan showing layout and all dimensions or proposed work must accompany all applications for any work on Driveways, sidewalks and curbs, which must be constructed as per the following specifications:

1. Curbing shall meet the standards of the NJDOT Standards for Road and Bridge construction, latest edition. Pavement repair shall be in accordance with the following: Neatly saw cut the pavement three (3) feet from the curb line; pavement restoration shall be five (5) inches of hot mix asphalt base course (NJDOT Mix 1-2) and two (2) inches of hot mix asphalt surface course (NJDOT Mix 1-5)

2. Sidewalks shall meet the standards of the NJDOT Standards for Road and Bridge construction, latest edition. Sidewalk shall be four (4) inches thick and constructed from NJDOT Class C concrete (4,500 psi)

3. Aprons shall meet the standards of the NJDOT Standards for Road and Bridge construction, latest edition. Aprons shall be six (6) inches thick, welded wire mesh reinforced, and constructed from NJDOT Class C concrete (4,500 psi). aprons shall be 8'-18' wide (residential), 15'-35' wide (commercial), when measured at the back of the sidewalk and the aprons shall be no closer than two (2) feet from any property line.

4. Driveways shall be no closer than three (3) feet from any property line and have a minimum 2% slope toward the street. New driveways shall be a minimum of 25 feet from

any intersection, measured from the street line of the intersecting street.

The following shall be **added** to Sec. **130-49.F(2)(c)**: Tent structures shall require a Zoning Permit and shall be considered temporary structures. No permit shall be issued for longer than one season. Application shall clearly state the length of time the structure shall remain installed, the size and location on property. Tent structures must be located within the property lines and comply with all setbacks for the zone in which erected. The Tent Structure may not be used to increase occupancy load or effect parking requirements for the site. Utilities, other than electric are not permitted in tent structures without Site Plan Approval. Such structures shall be subject to building Department review and compliance with all relevant building regulations where applicable. Tent structures to be erected for less than one week on residential property shall not require a Zoning permit.

The following shall be **added** to **Sec. 130-5**:

TENT STRUCTURES: A temporary, portable structure or canopy for protection of animate or inanimate objects from weather or environment by at least partially covering or enclosing objects. These shelters essentially comprise (a) a cover or enclosure made of flaccid material and (b) a means for supporting the covering or enclosure.

REZONING -

The following areas **shall be changed to R-1 Zone**

- Marius Lane to Village Road

The following areas **shall be changed to R-1 Zone** from Ocean Avenue up to the Seawall

- Tradewinds Development and Tradewinds Lane.

The newly created Zones of R-3 Downtown Residential Zone and B-R Business Residential Zone are contained as follows and are in the locations designated on the attached map marked "Exhibit D".

In Sec. 130-48:

130-48.C. (1) Add the following:

- (c) R-3 Downtown Residence Zone

130-48.C Add the following:

130-48.C. (4) Mixed Use Business/Residential Zones

- (a) B-R Business Residential Zone

130-48.E. (1) (a) Replace with the following:

B-1 Zone: specific intent and purpose. The B-1 Zone is the central or town business zone designed to provide for local shopping and to include a wide range of retail business and service establishments which cater to the frequently recurring needs of the residents. The primary purpose of all permitted uses in this zone should be to encourage a pedestrian-friendly, mixed use Main Street character for this zone. Retail and personal service with inviting storefronts would be most encouraged, with an open feel and small scale at street level. The purpose of future development and rehabilitation in this zone should be to retain the historic charm and character of Sea Bright's downtown.

In Sec. 130-49:

130-49.C. Add the following:

130-49.C. (2A) Schedule of Use Regulations in the R-3 Zone

- (a) Permitted primary uses
 - (1) Single-family dwelling unit
 - (2) Churches
 - (3) Public Parks
- (b) Conditional uses
 - (1) Real estate and insurance office (owner-occupied)
 - (2) Physician's and dentist's office (owner-occupied)
 - (3) Architecture, legal and engineering office (owner-occupied)
 - (4) Accounting and bookkeeping services (owner-occupied)
 - (5) Public building.
 - (6) Public and private schools
 - (7) Multi-family (provided minimum lot sizes are met)

130-49.C. (3) (a) Replace with the following:

Permitted primary uses.

- (1) Residential uses in multi-story buildings, located above permitted uses as listed below. In no case shall Class I residential uses be permitted in this zone (single-family or multi-family dwellings located on first floor of building).

Note: The remainder of sections, numbers [2], [3], [4], [5], [7], [8], [9] and [10] will remain as is.

In Sec. 130-49:

130-49.C.3 Schedule of Use Regulations in the B-1 Zone

- (a) Permitted Uses
 - [6] Class VI, repair services (business) **remove [iii] Reupholstering and furniture repairs. Items [i], [ii], [iv] and [v] will remain as is.**

In Sec. 130-49:

130-49.C.3 Schedule of Use Regulations in the B-1 Zone

- (b) Conditional Uses.
 - ADD [5] Reupholstering and furniture repairs.**

130-49.C. Add the following to be inserted after the section 130.49.C.(5) Use regulations in the B-3 Zone and before the section 130.49.C.(6) Use regulations in the CP Zone

130-49.C. (5.1) Use Regulations in the BR Zone

(Note: Mixed use buildings containing one or more permitted uses for the zone may be permitted with Site Plan approval)

- (a) Permitted primary uses
 - (1) Class I, residential uses
 - (a) Type No. 1 single family dwelling unit
 - (b) Multi-family A: a detached building containing not more than two residential dwelling units
 - (c)

Note: The remainder of this section of permitted uses will be copied exactly from numbers [2], [3], [4], [5], [7], [8], [9] and [10], and [6] as amended above which is the Schedule of Use Regulations in the B-1 Zone.

- (b) Conditional uses
 - (1) Existing light industrial parcels (not permitted to expand)
 - (2) Professional offices

- (3) Public buildings
- (4) Public and private schools

SCHEDULE OF LOT AND BUILDING REQUIREMENT -

All notes at bottom of Chart 130-50.C shall be deleted.

BUILDING COVERAGE LOT COVERAGE -

Chart 130-50.C shall be deleted and replaced with the attached chart.

SCHEDULE OF LOT & BUILDING REQUIREMENTS
Sec. 130-50.c

***Note: Front Setback to be consistent with homes on the same side of the street on the same block. Applicant needs to provide setbacks from a surveyor shot from the street to arrive at average. In no case would setback be permitted less than 5 ft.**

Zone	Minimum Lot Area (sq. ft.)	Minimum Lot Width (ft.)	Minimum Lot Depth (ft.)	Minimum Yard Requirements (ft.)				Maximum Building Height (ft)	Maximum Building Coverage (%)	Maximum Lot Coverage (%)	Minimum GFA (Total) (sq. ft.)
				Front	Either Side	Both Sides	Rear				
R-1	7,500	75	80	25	10	25	20	35'2-1/2 story	30	50	1,200
R-2	4,000	50	60	25	7	15	15	35'2-1/2 story	50	70	880
R-3	1,800	25	60	5-12*	3	6	15	35'2-1/2 story	50	70	880
B-1	3,000	50	60	0/West 25/East	0	0	15	42/3 sty.	50	75	880
B-2	25,000	100	25	25	15	30	10	35/3 sty.	30	50	N/A
B-3	50,000	125	25	25	20	40	10	35/3 sty.	20	40	N/A
B-R	4,000	50	60	25	7	15	15	35/3 sty.	50	70	880

This Ordinance shall take effect immediately upon its enactment.

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: Keeler, Kelly, Long, Murphy

NAYS: None

ABSTAIN: None

ABSENT: Bills, LoBiondo

Bob McNanley, Esq. representing the property owner of 1056 Ocean Avenue said that a furniture re-finishing/repair business is a light industrial use and is not compatible with the proposed uses to that zone.

Dr. Henry Shotwell, an environmental expert said that any re-finishing/repair furniture business would pose health problems. The

business sends vapors from chemicals and paints. Sanding wood causes dust problems and a fire hazard from spontaneous combustion. This would affect all businesses to the south and north of the proposed site.

Andrew Scott of 29 Center Street said that there are restaurants neighboring the proposed re-finishing/repair furniture business.

Cono Trezza, owner of Sea Bright Pizza had concerns that the furniture business would affect the health and safety of his customers and Sea Bright's residents.

Jack Kearns, writer of The Link asked if the Council would be forwarding Land Use Ordinance 1-2009 to the Planning Board for their review.

John Bulcas member of Adrenaline Health Club said that the refinishing business would be a hazard to health club members.

Kimberly Jones of 1060 Ocean Avenue said the fumes from the furniture finishing business would affect her health.

Chris Acari, owner of Adrenaline said even the removal of lead paint from wood furniture in itself is a major health hazard.

Mr. Pappas of 34 Beach Street said that solvents used to strip furniture would be hazardous.

Marc owner of Salon Mari said he is a Adrenaline member and he is concerned about the health hazard from the fumes.

There being no more 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: Keeler, Kelly, Long, Murphy

NAYS: None

ABSTAIN: None

ABSENT: Bills, LoBiondo

Councilwoman Long made a motion to add re-upholstery and furniture repairs as a conditional use in the B1 zone. Second by Councilman Murphy and approved by the following voice vote:

AYES: Keeler, Kelly, Long, Murphy

NAYS: None

ABSTAIN: None

ABSENT: Bills, LoBiondo

Councilwoman Long moved to reopen the Public Hearing. Second by Councilman Murphy and approved by the following vote:

AYES: Keeler, Kelly, Long, Murphy

NAYS: None

ABSTAIN: None

ABSENT: Bills, LoBiondo

Andrew Scott said that in the downtown area there should not be light industrial use.

There being no more 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: Keeler, Kelly, Long, Murphy

NAYS: None

ABSTAIN: None

ABSENT: Bills, LoBiondo

Councilwoman Long made a motion to approve Ordinance No. 1-2009 on its Third and Final Reading and advertise it according to law. Second by Councilman Murphy and approved upon the following vote:

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

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

BE IT ORDANINED by the Mayor and Council of the Borough of Sea Bright that Chapter 70 entitled Building Construction shall be amended as follows:

Section 170-5 State of New Jersey Permit Fees.

The State of New Jersey Permit Surcharge Fees shall be charged in accordance with those provided under the New Jersey Administrative Code 5.23-4.19 Chapter 23 Uniform Construction Code.

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

Councilman Keeler made a motion to approve Ordinance No. 7-2009 on its Third and Final Reading and advertise it according to law. Second by Councilman Kelly and approved upon the following vote:

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

Items A, D, E and I were removed from the Consent Agenda.

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

B. Councilman Keeler made a motion adopting Council Meeting Minutes of March 3, 2009. Second by Councilwoman Long and adopted upon the following roll call vote:

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

C. Councilman Keeler made a motion approving the request from Donavan's Reef to have a bonfire on May 2, 2009 from 8 p.m. to 10 p.m. Second by Councilwoman Long and adopted upon the following roll call vote:
Ayes: Keeler, Kelly, Long, Murphy
Nays: None
Absent: Bills, LoBiondo
Abstain: None

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

**RESOLUTION NO. 82-2009
AUTHORIZING THE PUBLIC DISPLAY OF FIREWORKS
BOROUGH OF SEA BRIGHT**

WHEREAS, pursuant to the New Jersey Uniform Fire Code, NJAC 5:70-3,3301 .2.4.3. the Mayor and Council of the Borough of Sea Bright hereby authorize the public display of fireworks on July 4, 2009 with a rain date of July 5, 2009; and

WHEREAS, there is also a need for a municipal official to be in charge of the July 4, 2009 fireworks display which would include, but not be limited to having the authority to state what areas in the municipal lot and beach are to be closed off in accordance with fire safety regulations and when the fireworks should be started or postponed and said official shall be the **FIRE OFFICIAL**.

NOW, THEREFORE, BE IT RESOLVED, that the public display of fireworks is hereby authorized by the Governing Body of Sea Bright to be held on July 4, 2009 with a rain date of July 5, 2009.

BE IT FURTHER RESOLVED that the Type 3ii Fireworks Display Permit Fee in the sum of \$331.00 shall be waived in this case.

BE IT FURTHER RESOLVED that the Fire Official and Borough Clerk shall insure that all applicable regulations are enforced, all required permits are obtained and all necessary insurance documents filed.

Second by Councilwoman Long and adopted upon the following roll call vote:
Ayes: Keeler, Kelly, Long, Murphy
Nays: None
Abstain: None
Abstent: Bills, LoBiondo

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

**RESOLUTION NO. 83-2009
BOROUGH OF SEA BRIGHT**

WHEREAS, there exists a need in the Department of Public Works for a part-time maintenance employee.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Sea Bright, County of Monmouth that the following person be appointed and receive the hourly rate of pay as specified below effective April 7, 2009:

<u>MAINTENANCE</u>	<u>HOURLY RATE</u>
John B. Jones	\$15.00

CERTIFICATION OF FUNDS

I, Michael J. Bascom, Chief Financial Officer, of the Borough of Sea Bright, do hereby certify that funds are available in DPW Salaries & Wages for the purpose stated herein.

MICHAEL J. BASCOM, CFO

Second by Councilwoman Long and adopted upon the following roll call vote:
Ayes: Keeler, Kelly, Long, Murphy
Nays: None
Abstain: None
Absent: Bills, LoBiondo

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

**RESOLUTION NO. 84-2009
BOROUGH OF SEA BRIGHT**

WHEREAS, authorization is hereby given to the Public Relations Committee to raise funds through the sale of merchandise and that all funds raised will be deposited into the Public Relations Trust Fund; and,

WHEREAS, certain items have been purchased for resale purposes for the Easter Egg Hunt, April 11 and Firemen's Fair, May 14 thru May 17; and,

WHEREAS, the following items which the Public Relations Committee wish to sell at the prices listed below:

MERCHANDISE, ETC	AMOUNT	FUND ACCOUNT CREDITED
T-Shirts	\$15.00	Public Relations Trust
Sweatshirts	\$35.00	Public Relations Trust
Caps	\$15.00	Public Relations Trust
Hooded Sweatshirts	\$40.00	Public Relations Trust

NOW, THEREFORE, BE IT RESOLVED that the above mentioned items are hereby authorized to be sold.

Second by Councilwoman Long and adopted upon the following roll call vote:
Ayes: Keeler, Kelly, Long, Murphy
Nays: None
Abstain: None
Absent: Bills, LoBiondo

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

**RESOLUTION NO. 85-2009
BOROUGH OF SEA BRIGHT**

WHEREAS, the Governing Body of the Township of Marlboro as Lead Municipality and the City of Asbury Park, Borough of Atlantic Highlands, Borough of Bradley Beach, Township of Colts Neck (recycle only), Borough of Eatontown, Borough of Englishtown, Borough of Freehold, Township of Freehold (recycle only), Township of Hazlet, Township of Holmdel (recycle only), Borough of Keyport, Borough of Lake Como, Borough of Little Silver, Village of Loch Arbour, City of Long Branch, Township of Manalapan, Borough of Matawan, Borough of Monmouth Beach, Borough of Neptune City, Township of Ocean, Borough of Oceanport, Borough of Red Bank, Borough of Sea Girt, Borough of Shrewsbury, Township of Shrewsbury, Borough of Spring Lake Heights, Borough of Union Beach, Township of Wall, and the Borough of West Long Branch have agreed to apply for a *SHARE* (Sharing Available Resources Efficiently) Grant through the State of New Jersey Local *SHARE* Program in the amount of \$228,003.00; and,

WHEREAS, Township of Marlboro has agreed to be the lead agency in this endeavor; and

WHEREAS, the State of New Jersey has made *SHARE* grants available to assist local units study, develop and implement new shared and regional services; and

WHEREAS, the purpose of this grant is to promote shared services between our local units through the sharing of solid waste and recycling collection services that would be beneficial to all local units. This would include things such as technological advances, different methods of solid waste removal, and data retrieval.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Sea Bright, that the Borough of Sea Bright does hereby join with the Township of Marlboro in applying for a grant for the purpose of a feasibility study; and

BE IT FURTHER RESOLVED that the Borough of Sea Bright has a population of less than 10,000 residents and the State of New Jersey has agreed to pay our 10% matching funds of \$256.00.

Second by Councilwoman Long and adopted upon the following roll call vote:
Ayes: Keeler, Kelly, Long, Murphy
Nays: None
Abstain: None
Absent: Bills, LoBiondo

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

**BOROUGH OF SEA BRIGHT
RESOLUTION NO. 87-2009**

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

Gregory Greco	BL 30 LOT 43	\$800.13
P.O. Box 8004		
Red Bank, NJ 07701		

1488 Ocean, Inc.	BL 2 Lot 3	\$200.00
Michael Savarese		
24 Elizabeth Drive		
Oceanport, NJ 07757		

Vivek Bajaj	BL 3 Lot 20	\$200.00
P.O. 102		
Union, NJ 07083		

Richard Sullivan	BL 16 Lot 18.01	\$500.00
1071 Ocean Avenue		
Sea Bright, NJ 07760		

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

Second by Councilwoman Long and adopted upon the following roll call vote:
Ayes: Keeler, Kelly, Long, Murphy
Nays: None
Abstain: None
Absent: Bills, LoBiondo

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

RESOLUTION NO. 88-2009
BOROUGH OF SEA BRIGHT

WHEREAS, there are certain vehicles and equipment owned by the Borough of Sea Bright which are no longer of use to the Borough and the Borough Council have recommended that they be sold; and

WHEREAS, Local Public Contracts Law N.J.S.A. 40A:11-36 requires authorization of municipal surplus via the adoption of a Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Sea Bright that the Borough Clerk be authorized to dispose of the following items of municipality owned property not needed for public use through the process of an on-line public auction to begin May 2, 2009 at 9:00 a.m. and will end on May 8, at 7:00 p.m.

Items belonging to the Borough of Sea Bright for public auction are as follows:

2003 Yamaha ATV
(660 Ultramatic)
VIN No. JY4AM03Y03C009521
Condition - Good

1985 CASE 580E Tractor Loader
(no backhoe)
VIN No. 17030430
Condition - Good

Second by Councilwoman Long and adopted upon the following roll call vote:
Ayes: Keeler, Kelly, Long, Murphy
Nays: None
Abstain: None
Absent: Bills, LoBiondo

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

RESOLUTION NO. 81-2009
PAYMENT OF BILLS 04-07-2009

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

NOW, THEREFORE, BE IT RESOLVED that these vouchers totaling \$601,345.63 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	180.36
09-0376	03/23/09 MUNI CLERK-BID:FIRE TOOLS	OPEN	73.44

			253.80
00019	NJ AMERICAN WATER		
09-0381	03/23/09 FEB 2009 WATER UTILITY	OPEN	373.26
00041	BRIELLE FURNITURE		
09-0191	02/12/09 LIBRARY-FURNITURE	OPEN	3,543.00
00053	SHORE REGIONAL HIGH SCHOOL		
09-0327	03/11/09 HIGH SCHOOL TAX - APR 2009	OPEN	182,200.00
00077	FLEET SERVICES		
09-0349	03/17/09 GASOLINE - MAR 2009	OPEN	2,151.90
00081	PERRY'S TROPHY CO., INC.		
09-0306	03/05/09 A&E-NAMEPLATES:LONG, SMELTZER	OPEN	28.00
00088	CROWN TIRE MART		
09-0311	03/06/09 FIRE DEPT-TIRE REPAIR #4375	OPEN	155.00
00091	DIGIROLAMO, LOUIS		
09-0273	02/27/09 2009 PYMT 04/12 HEALTH REIMB	OPEN	1,769.93

00119	SEA BRIGHT BOARD OF EDUCATION			
	09-0276 02/27/09 GRADE SCHOOL TAX - APR 2009	OPEN	74,912.67	
00120	7-ELEVEN OF SEA BRIGHT			
	09-0367 03/19/09 POLICE-03/07/09 PRISONER FOOD	OPEN	1.19	
00153	NORTHSHORE LIFE SAVING ASSOC.			
	09-0241 02/23/09 BEACH-LIFESAVING CERTIFICATION	OPEN	100.00	
00158	PITNEY BOWES CREDIT CORP.			
	09-0368 03/19/09 A&E-1/Q/09 METER RENTAL+MAINT	OPEN	384.00	
00160	COASTAL TITLE AGENCY, INC.			
	09-0358 03/17/09 COURT-TITLE SEARCH	OPEN	375.00	
00161	LOU'S UNIFORMS, INC.			
	09-0141 01/29/09 DPW-JACKET:D.CLARK	OPEN	86.00	
00164	RAIN, WILLIAM			
	09-0275 02/27/09 2009 PYMT 04/12 HEALTH REIMB	OPEN	713.67	
00178	UNITED STATES POSTAL SERVICE			
	09-0371 03/19/09 POSTAGE FOR POSTAGE METER	OPEN	900.00	
00187	JACOBS, RICHARD			
	09-0009 01/20/09 POLICE DEPT-REIMB:RIPPED PANTS	OPEN	47.00	
00190	MUNICIPAL CLERKS' ASSOC OF NJ			
	09-0238 02/23/09 MUNI CLERK-SPRING CONFERENCE	OPEN	250.00	
00192	TAX COLL & TREAS ASSOC OF NJ			
	09-0403 04/01/09 TAX COLL-2009 SPRING CONFER	OPEN	285.00	
00198	COMCAST			
	09-0348 03/17/09 POLICE DEPT-INTERNET:MAR 2009	OPEN	95.00	
	09-0382 03/24/09 LIBRARY-INTERNET:MAR 2009	OPEN	100.19	
	09-0400 04/01/09 FIRE DEPT-INTERNET:APR 2009	OPEN	95.23	

			290.42	
00228	THOMSON WEST/WEST GROUP			
	09-0287 03/03/09 MUNI CLERK-NEW CASE LAW BOOK	OPEN	137.00	
00230	CERTIFIED SPEEDOMETER			
	09-0260 02/26/09 POLICE DEPT-CALIBRATE VEHICLES	OPEN	108.00	
00234	ROY PRESS, INC.			
	09-0291 03/04/09 PRINTING:MAR'09 NEWSLETTER	OPEN	1,595.00	
00249	CLARK, DOUGLAS			
	09-0385 03/24/09 DPW-REIMB:NEW CELL PHONE	OPEN	64.18	
00251	W.B. MASON COMPANY, INC.			
	09-0350 03/17/09 10 CARTONS:COPIER PAPER	OPEN	308.40	
00255	SMELTZER, MARYANN			
	09-0406 04/01/09 MUNI CLERK-3/26-3/27/08 TRAVEL	OPEN	56.28	
00270	JOHNSON, KENNETH			
	09-0274 02/27/09 2009 PYMT 04/12 HEALTH REIMB	OPEN	948.13	
00275	M & S WASTE SERVICES, INC.			
	09-0342 03/12/09 02/09 GARBAGE/RECYCLING PICKUP	OPEN	8,691.67	
	09-0343 03/12/09 FEB 2009 LANDFILL TIPPING FEES	OPEN	4,766.86	

			13,458.53	
00285	STAPLE'S, INC.			
	09-0277 02/27/09 POLICE DEPT-OFFICE SUPPLIES	OPEN	216.47	
	09-0357 03/17/09 POLICE DEPT-OFFICE SUPPLIES	OPEN	413.58	

			630.05	
00297	JESSE A. HOWLAND & SONS, INC.			
	09-0270 02/27/09 GARAGE RENT - APR 2009	OPEN	1,737.00	
	09-0271 02/27/09 DPW-ADDT'L GARAGE RENT-APR'09	OPEN	875.00	

			2,612.00	
00309	PRECISION LANDSCAPING &			
	09-0312 03/06/09 DPW-3/2/09 SNOW PLOWING	OPEN	1,260.00	
00339	NAPA AUTO PARTS			
	09-0079 01/21/09 DPW-BLANKET:VEHICLE MAINT	OPEN	47.49	
00350	ABSOLUTE FIRE PROTECTION, INC.			
	09-0310 03/06/09 FIRE DEPT-ADDT'L REPAIRS #4375	OPEN	571.75	
00351	MASON, JR., PATRICK			
	09-0235 02/23/09 DPW-PORTABLE RADIO PACKAGE	OPEN	545.00	
	09-0332 03/11/09 POLICE DEPT-BATTERIES & CLIPS	OPEN	248.00	

			793.00	
00384	AT & T MOBILITY			
	09-0386 03/24/09 DPW-MAR 2009 CELL BILL	OPEN	139.80	
00410	SEYR, STEPHANIE			
	09-0346 03/13/09 COURT-03/12/09 COVERAGE	OPEN	75.00	
00443	KLINE, GEORGE t/a			
	09-0308 03/06/09 FIRE DEPT-(2) TURNOUT GEAR	OPEN	3,002.68	
	09-0309 03/06/09 FIRE DEPT-(3) FIRE HELMETS	OPEN	592.50	

			3,595.18	
00543	ICHABOD'S			
	09-0140 01/29/09 DPW-FOOD:1/28/09 SNOW STORM	OPEN	29.85	

09-0164	02/05/09	DPW-FOOD:2/03/09	SNOW STORM	OPEN	68.75
09-0280	03/03/09	DPW-FOOD:3/02/09	SNOW STORM	OPEN	30.80

					129.40
00575	GALLS, INC.				
09-0246	02/23/09	POLICE DEPT-DRUG DETECTION KIT		OPEN	314.99
09-0247	02/23/09	POLICE DEPT-TACTICAL HELMETS		OPEN	989.93
09-0278	03/03/09	POLICE DEPT-COVERS & SHIELDS		OPEN	402.91

					1,707.83
00601	IROQUOIS PRODUCTS				
09-0184	02/11/09	A&E-1000 MAILING LABELS		OPEN	119.62
00743	OFFICE MAX, INC.				
09-0101	01/21/09	DPW-PRINTER INK CARTRIDGES		OPEN	64.98
00779	LINE SYSTEMS, INC.				
09-0373	03/20/09	LOCAL/LONG DISTANCE:JAN/FEB		OPEN	3,141.13
00788	SCARINCI & HOLLENBECK, LLC				
09-0268	02/27/09	LEGAL-APR 2009 RETAINER		OPEN	1,666.67
00895	JOHNNY ON THE SPOT, INC.				
09-0315	03/06/09	PORTO-POTS - MAR 2009		OPEN	520.80
00975	SMACK, EDWARD				
09-0272	02/27/09	2009 PYMT 04/12 HEALTH REIMB		OPEN	713.67
01027	SHORE BUSINESS SOLUTIONS				
09-0363	03/19/09	A&E-FAX:DRUM CARTRIDGE		OPEN	105.00
01045	USLA LIFEGUARD AGENCY				
09-0239	02/23/09	BEACH-3 YEAR NATIONAL CERTIF		OPEN	300.00
01164	WATCHUNG SPRING WATER CO, INC.				
09-0380	03/23/09	MAR 2009 SPRING WATER		OPEN	197.69
01194	GLENCO SUPPLY, INC.				
09-0223	02/18/09	DPW-PARKING SIGNS		OPEN	449.52
01249	BRANAGAN, SUZANNE				
09-0405	04/01/09	MUNI CLERK-3/21-3/28/09 TRAVEL		OPEN	280.50
01285	THE HOME DEPOT				
09-0080	01/21/09	BLDGS/GRNDS-BLANKET:MISC SUPP		OPEN	46.91
09-0265	02/27/09	BLDGS/GRNDS-BLANKET:MISC SUPP		OPEN	39.94

					86.85
01286	INDUSTRIAL MARINE				
09-0129	01/27/09	REIMB:12/11-01/13 GARAGE WATER		OPEN	4.92
09-0338	03/11/09	LIBRARY-BOOKCASE BRACKETS		OPEN	400.00
09-0339	03/12/09	REIMB:02/06-03/09 GARAGE ELECT		OPEN	382.79

					787.71
01403	TREASURER, STATE OF NEW JERSEY				
09-0409	04/02/09	1/Q/2009 MARRIAGE LICENSE FEES		OPEN	100.00
01482	PRECISION DYNAMICS CORP.				
09-0183	02/11/09	BEACH-2009 TYVEK WRIST BANDS		OPEN	1,568.97
01526	JCP & L				
09-0401	04/01/09	FEB 2009 ELECTRIC SERVICE		OPEN	10,706.08
01549	GENERAL CODE PUBLISHERS CORP.				
09-0302	03/05/09	A&E-SUPPLEMENT #50		OPEN	710.24
01554	SEA BRIGHT SERVICE CENTER				
09-0003	01/20/09	POLICE DEPT-NEW ENGINE #4310		OPEN	3,700.00
09-0194	02/12/09	POLICE-BLANKET:VEHICLE MAINT		OPEN	734.45

					4,434.45
01576	CENTRAL JERSEY COUNCIL OF GOVT				
09-0318	03/09/09	A&E-2009 MEMBERSHIP DUES		OPEN	300.00
01593	DEROSA, ISABEL				
09-0345	03/13/09	COURT - 03/12/09 INTERPRETER		OPEN	120.00
01614	CENTRAL JERSEY REGISTRARS ASSN				
09-0322	03/10/09	MUNI CLERK-04/01/09 LUNCHEON		OPEN	60.00
01692	TROPICANA CASINO & RESORT				
09-0237	02/23/09	MUNI CLERK-SPRING CONFERENCE		OPEN	285.00
01790	YINGLING, CHARLES				
09-0364	03/19/09	DPW-TRAVEL REIMB:03/01/09		OPEN	1.36
01801	MASER CONSULTING, P.A.				
09-0328	03/11/09	ENGINEERING-RETAINER:APR 2009		OPEN	250.00
01812	VAN METER & ASSOCIATES, INC.				
09-0094	01/21/09	POLICE DEPT-02/12/09 SEMINAR		OPEN	125.00
01900	MCKENNA, DUPONT, HIGGINS &				
09-0225	02/18/09	P/L BOARD-10/23-11/11/08		OPEN	620.00
09-0226	02/18/09	P/L BOARD-1/27/09		OPEN	400.00

					1,020.00
01985	MOBILE MINI, INC.				
09-0370	03/19/09	COURT-TRAILER 2009 PYMT 04/13		OPEN	268.00
09-0397	03/30/09	POLICE-TRAILER 2009 PYMT 04/13		OPEN	278.00

					546.00

02061	VERIZON WIRELESS				
09-0341	03/12/09	BLDG/FIRE/COURT:MAR 2009	CELL	OPEN	64.04
09-0391	03/25/09	POLICE-MAR 2009	CELL PHONES	OPEN	479.95

					543.99
02062	SUPERIOR SIDING/ROOFING, INC.				
09-0313	03/06/09	ROOF REPAIRS TO POLICE HEADQTR		OPEN	1,429.16
02071	LAB SAFETY SUPPLY, INC.				
09-0198	02/12/09	SEWER-GLOVES		OPEN	202.58
02094	NJ OFFICE WEIGHTS & MEASURES				
09-0393	03/30/09	POLICE-INSPEC/TEST TUNING FORK		OPEN	60.00
02114	TWO RIVERS WATER RECLAMATION				
09-0269	02/27/09	2009 PYMT 2/4 SEWER CHARGE		OPEN	103,449.75
02177	WALSH, JOAN				
09-0377	03/23/09	LIBRARY-REIMB:03/20 DVDS+MISC		OPEN	153.96
09-0399	04/01/09	LIBRARY-REIMB:3/27 DVD+MISC		OPEN	37.99

					191.95
02181	GATEWAY PRESS				
09-0285	03/03/09	SEWER-NOTE PADS:DAVID BAHRLE		OPEN	25.00
09-0305	03/05/09	RECREATION-NOTE PADS/BUS CARDS		OPEN	60.00

					85.00
AOL (MARCH 2009)					32.90
ASBURY PARK PRESS (ESCROW)					107.26
BORO OF SEA BRIGHT PAYROLL A/C (3/13/09 P/R)					83,858.95
BORO OF SEA BRIGHT PAYROLL A/C (3/30/09 P/R)					78,558.61
JESSE A. HOWLAND & SONS, INC. (CPG REFUND)					3,966.00
JESUITS OF ST. PETER'S COLLEGE (ESCROW REFUND)					452.98
MASER CONSULTING (ESCROW)					273.75
MONMOUTH COUNTY SPCA (FEB 2009 BOARDING)					200.00
STATE OF NJ (4/Q/2008 UNEMPLOYMENT)					1,772.49
U.S. POSTAL SERVICE (POSTAGE:NEWSLETTER)					243.17
U.S. POSTAL SERVICE (POSTAGE:SEWER BILLING)					198.99
TOTAL					601,345.63

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

Ayes: Keeler, Kelly, Long, Murphy

Nays: None

Absent: Bills, LoBiondo

Abstain: None

D. Councilman Keeler made a motion approving the request from First United Methodist Church to hold annual Easter Sunrise Service on municipal beach on April 12, 2009. Second by Councilman Kelly and adopted upon the following roll call vote:

Ayes: Keeler, Kelly, Murphy, Mayor Fernandes

Nays: None

Absent: Bills, LoBiondo

Abstain: Long

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

**RESOLUTION NO. 86-2009
BOROUGH OF SEA BRIGHT**

WHEREAS, the Governing Body of the Borough of Sea Bright recognize the contributions of the Active Duty Members of the United States Armed Forces and their sacrifices as well as the sacrifices their families must endure; and

WHEREAS, the Mayor and Council wish to waive the following fees for all Active Duty Members of the United States Armed Forces and their families who provide the proper identification:

- Beach Fees
- Recreation Program and Use of Recreation Center Fees
- Exemption from the municipal portion of the Uniform Construction Code fees for the issuance of a building permit required in connect with either the construction of an addition or completion of repairs to an

existing single-family dwelling owned and occupied by an Active Duty Member and/or their family

- Partial exemption from the municipal portion of the Uniform Construction Code fees, not to exceed a maximum of \$500 per year for the issuance of a building permit required in connection with the construction of a new single-family dwelling owned and occupied by an Active Duty Member and/or their family;
- Exemption from miscellaneous fees, licenses and permits, including but not limited to cat licenses and Planning/Zoning Board fees required in connection with applications for either use or bulk variances for any dwelling owned and occupied by the Active Duty Member and/or their family.

WHEREAS, it is also the wish of the Governing Body to designate every Wednesday from June 17, 2009 through September 2, 2009 as half price day for daily beach badges (\$4.00 per person).

NOW, THEREFORE, BE IT RESOLVED, that authorization to waive the fees mentioned above to all Active Duty Members of the United States Armed Forces and their families upon proof of military/dependent identification is hereby granted by the Mayor and Council.

BE IT FURTHER RESOLVED that a copy of this resolution will be mailed to the US Army Garrison Fort Monmouth, Fort Hancock and U.S. Naval Weapons Station Earle.

BE IT FURTHER RESOLVED, that authorization is given by the Mayor and Council to the Sea Bright Beach Department to charge \$4.00 (half price) for daily beach badges on Wednesday during the time period mentioned above.

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

Ayes: Keeler, Kelly, Long, Murphy

Nays: None

Abstain: None

Absent: Bills, LoBiondo

8. NEW BUSINESS:

Councilman Murphy made a motion to carry the following resolutions to the April 21, 2009 Council Meeting:

A. Resolution No. 89-2009 School Tax Deferral

B. Resolution No. 90-2009 Self-Examination of the 2009 Municipal Budget

C. Resolution No. 91-2009 Introduction of the Municipal Budget.

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

Ayes: Keeler, Kelly, Long, Murphy, Mayor Fernandes

Nays: None

Absent: Bills, LoBiondo

Abstain: None

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

RESOLUTION NO. 93-2009 BOROUGH OF SEA BRIGHT

WHEREAS, Assembly Bill No. 3570 has been introduced in the General Assembly and has at least 30 co-sponsors including nine Assembly members representing Monmouth County; and

WHEREAS, the Bill abolishes the Council on Affordable Housing (COAH) which was established by the Legislature more than 20 years ago in order to achieve the objective of making affordable housing available in New Jersey in response to the New Jersey Supreme Court's Mount Laurel decisions; and

WHEREAS, since its inception, COAH has unlawfully extended its regulatory power far beyond what was authorized in the original enabling legislation of 1985 and subsequent legislative action; and

WHEREAS, COAH has consistently ignored legislative directives and attempts by the Legislature to impose limits on its regulatory powers, in effect becoming a fourth branch of State government that refuses to answer to the Legislature, or to the people of the State of New Jersey; and

WHEREAS, the recent "Third Round Regulations" issued by COAH have placed unreasonable, destructive and costly State mandates on New Jersey municipalities that were never intended or authorized by the Legislature; and

WHEREAS, these State mandates serve no purpose but to exacerbate the existing high property tax burden imposed on New Jersey residents and also serve to accelerate the flight of middle class residents from the State.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Sea Bright strongly endorses Assembly Bill No. 3570.

BE IT FURTHER RESOLVED that the Clerk forward a certified true copy of this resolution to the Legislative Delegation representing Monmouth County, the New Jersey Council of Affordable Housing.

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

Ayes: Keeler, Kelly, Long, Murphy

Nays: None

Abstain: None

Absent: Bills, LoBiondo

9. OLD BUSINESS:

A. DISCUSSION - Federal Stimulus Funding and Local Projects - Councilman LoBiondo. This discussion was rescheduled to the April 21, 2009 Council Meeting.

B. DISCUSSION - Update on Noise Ordinance - Mayor Fernandes. This discussion was rescheduled to the April 21, 2009 Council Meeting.

C. DISCUSSION - Update on Court Facility.

Councilman Kelly offered a motion authorizing CFO Bascom and Attorney Oxley to work on the agreement with Oceanport for court shared services. Second by Councilman Keeler and approved upon the following roll call vote:

Ayes: Keeler, Kelly, Long, Murphy

Nays: None

Abstain: None

Absent: Bills, LoBiondo

D. DISCUSSION - Coast Guard request for comment on a proposal to modify the operating schedule of the Rumson/Sea Bright Bridge opening. - Councilman Keeler.

Councilwoman Long offered a motion requesting a meeting with the Coast Guard's Commander, DEP or the DOT concerning the Sea Bright/Rumson bridge operating summer schedule. Second by Councilman Keeler and approved upon the following roll call vote:

Ayes: Keeler, Kelly, Long, Murphy

Nays: None

Abstain: None

Absent: Bills, LoBiondo

10. CORRESPONDENCE AND COMMUNICATIONS:

A. Monmouth County Regional Health Comm. Minutes of January 21, 2009.

B. Director of Public Works Report - February 2009.

C. Construction Department Report - January and February 2009.

D. Municipal Court Report - February 2009

E. Sewerage System Operation & Maintenance Report - February 2009

11. MAYOR FERNANDES - REPORT AND COMMUNICATIONS. Mayor Fernandes reported that the Shore Regional Budget brought a decrease of 7.1 cents per one hundred dollars of assessed value. A medium home value is about \$400,000 and equals to a savings of \$284.00.

On March 19th, Councilwoman Bills, Councilman Keeler and Mayor Fernandes attended a MEL seminar in Atlantic Highlands about workman's compensation. Each elected office who attends these seminars saves the town on insurance premiums at \$250.00 per elected official.

Colonel Stephen Christian of Fort Monmouth notified Mayor Fernandes that Sun Eagles Golf course is open to the general public.

Sea Bright will receive from the NJDEP \$4,000. grant for Clean Communities by the end of April.

12. REMARKS FROM THE AUDIENCE:

Dan Ranger of 310 Ocean Avenue asked the Council to consider lifting the moratorium on the deduct meters.

Mr. Pappas said that he did not feel that they were properly noticed about the deduct meter moratorium.

Ms. Hamilton of 34 Beach Street said there were safety and health concerns at the construction site at the end of Beach Street. Mayor Fernandes said that Perrillo Brothers will be notified about the safety problems by Engineer Mainberger and police will be alerted to keep children away from playing at the site.

13. ADJOURNMENT: There being no further business before the Governing Body. Councilman Murphy made a motion to adjourn the meeting at 9:50 P.M. Second by Councilwoman Long and approved upon unanimous voice vote.

Respectfully Submitted,

Maryann M. Smeltzer
Municipal Clerk

