

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

Mayor Fernandes asked those present to join her in a moment of silence for the passing of George Cottrell.

Mayor Fernandes read the following statement:

"GOOD EVENING LADIES AND GENTLEMEN. THIS MEETING IS NOW CALLED TO ORDER. IN LINE WITH THE BOROUGH OF SEA BRIGHT'S LONGSTANDING POLICY OF OPEN GOVERNMENT, AND IN COMPLIANCE WITH THE "OPEN PUBLIC MEETINGS ACT", I WISH TO ADVISE YOU THAT ADEQUATE NOTICE OF THIS REGULARLY SCHEDULED MEETING HAS BEEN ADVERTISED IN THE ASBURY PARK PRESS ON JANUARY 9, 2009 AND POSTED ON THE BULLETIN BOARD IN THE BOROUGH OFFICE. IN EACH INSTANCE, THE DATE, TIME AND LOCATION OF THIS MEETING WERE PROVIDED IN THE NOTICE. THIS MEETING IS OPEN TO THE PUBLIC."

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

ABSENT: Chief Financial Officer Bascom

4. MAYOR'S PROCLAMATION NO.7-2009 FRANZ ALBRECHT VON ZIEGESAR LIBRARY WING DEDICATION

WHEREAS, Franz Albrecht Von Ziegesar was born in Brazil and attended the Choate School graduating in 1941. Franz joined the US Armed Forces and after the war attended and graduated from Yale University in 1948, (a fellow graduate was George Bush,) Franz started as a salesman for Bowne and Co that year and over his 41 year career, he rose to the CEO and Chairman of the Board; and

WHEREAS, Franz moved to Sea Bright in 1991 and was married by Mayor CHARLES Rooney at McLooone's in 1992 to his lovely Liz. He quickly felt like a native. He loved the people and the sea. He was an ardent sailor and supporter of local causes, primarily the Sea Bright Library. He was known for his quick wit and sincere interest in everyone who crossed his path; and

WHEREAS, Franz's widow Liz and his six children decided that a new addition to Sea Bright Library was a fitting tribute to Franz because of his avid interest in the world and its people. The Wing was started in November of 2008 and took four months to complete. The new Wing is primarily dedicated to Non-Fiction books in his honor; AND

NOW, THEREFORE, I, Maria D. Fernandes, Mayor of the Borough of Sea Bright, do hereby dedicate the newly constructed wing of the Sea Bright Library as the "Von Ziegesar Wing".

5.

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

**RESOLUTION NO. 119-2009
BOROUGH OF SEA BRIGHT**

WHEREAS, NJSA 40A:4-8 provides that the budget be read by title only at the time of the Public Hearing if a resolution is

passed by not less than a majority of the full Governing Body, providing that at least one week prior to the date of hearing a complete copy of the approved budget as advertised has been posted in Borough Hall and copies have been made available by the Clerk to persons requiring them; and

WHEREAS, these two conditions have been met.

NOW, THEREFORE, BE IT RESOLVED that the budget shall be read by title only.

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

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

Nays: None

Abstain: None

Absent: None

B. Does anyone wish to comment on the 2009 Budget? No one wished to be heard.

C. Councilman Murphy made a motion to close the Public Hearing. Second by Councilwoman Long and adopted upon the following roll call vote:

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

Nays: None

Abstain: None

Absent: None

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

**RESOLUTION NO. 120-2009
BOROUGH OF SEA BRIGHT**

BE IT RESOLVED by the Borough Council of the Borough of Sea Bright, County of Monmouth that the budget herein before set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

(a) \$ 3,558,473.06 (Item 2 below) for municipal purposes; and

(b) \$0 (Item 3 below) for School Purposes in Type 1 School Districts Only (NJSA 18A:9-2) to be raised by taxation; and

(c) \$0 (Items 4 below) to be added to the certificate of amount to be raised by taxation for local school purposes in Type II School Districts only (NJSA 18A:9-3) and certification to the County Board of Taxation of the following summary of general revenues and appropriations.

(d) \$ 0 (Sheet 43) Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy.

SUMMARY OF REVENUES

1.	General Revenues	
	Surplus Anticipated	\$ 507,000.00
	Miscellaneous Revenues	
	Anticipated	\$ 666,522.92
	Receipts from Delinquent Taxes	\$ 202,138.51
2.	AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES (Item 6(a), Sheet 11)	\$ 3,558,473.06
3.	AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICT ONLY:	
	Item 6, Sheet 42	\$ -0-
	Item 6, (b) Sheet 13 (NJSA 40A:4-14)	\$ -0-
	Total Amount to be Raised by Taxation for Schools in Type I School Districts Only	
4.	To be added to THE CERTIFICATE FOR AMOUNT TO BE RAISED BY TAXATION FOR SCHOOL IN TYPE II SCHOOL DISTRICTS ONLY:	
	Item 6(b), Sheet 13 (NJSA 40A:4-14)	
	TOTAL REVENUES	\$ 4,997,134.49
5.	GENERAL APPROPRIATIONS	
	Within "CAPS"	
	(a&b) Operations Including Contingent	\$ 3,793,483.00
	(e) Deferred Charges and Statutory Expenditures - Municipal	\$ 1,326.49
	Excluded from "CAPS"	
	(a) Operations - Total Operations Excluded from "CAPS"	\$ 69,100.00
	(c) Capital Improvements	\$ 40,000.00
	(d) Municipal Debt Service	\$ 723,225.00
	(e) Deferred Charges - Municipal	\$ -0-
	(m) Reserve for Uncollected Taxes (Include Other Reserves if Any)	\$ 370,000.00
6.	SCHOOL APPROPRIATIONS - TYPE I SCHOOL DISTRICTS ONLY (NJSA 40A:4-13)	
	Total Appropriations	\$ 4,997,134.49

It is hereby certified that the within budget is a true copy of the budget finally adopted by resolution of the Governing Body on the 19th day of May 2009. It is further certified that each item of revenue and appropriation is set forth in the same title as appeared in the 2009 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services. Second by Councilman Keeler and adopted upon the following roll call vote:

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

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 May 5, 2009.

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

ORDINANCE NO.8-2009
BOROUGH OF SEA BRIGHT
AN ORDINANCE AMENDING CHAPTER 115 - FLOOD DAMAGE PREVENTION
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 115 of the Sea Bright Code is amended to include the following:

The existing language for 115-17 Specific Standards; subsection A and B should be removed and replaced with the following new language:

**Article V (115-17) Provisions for Flood Hazard Reduction;
Section 115-17 Specific Standards; Subsection A and B.**

Specific Standards. In all areas of special flood hazard, where base flood elevation data has been provided as set forth in Section 115-6 Basis for establishing areas of special flood hazard or Section 115-14B, Use of other base flood data, the following provisions are required:

- A. New construction or substantial improvement of any residential or nonresidential structure in the "A" and "V" Zones as established in the Borough's prevailing NFIP Flood Map shall have the lowest horizontal structural member including basement, together with attendant utility and sanitary facilities, built to a minimum of two feet (2') above the base flood elevation (BFE). In the "AO" Zones as established in the Borough's prevailing NFIP Flood Map, new construction or substantial improvement of any residential or nonresidential structure shall have the lowest horizontal structural member, including basement, together with attendant utility and sanitary facilities, built to two feet (2') above the base flood depth. The total height of the structure should not exceed thirty-eight feet (38') in height as measured from the crown of the road fronting the structure. The BFE and the base flood depth shall be as identified in the current Flood Insurance Rate Map (FIRM) as prepared for or by the Federal Emergency Management Agency (FEMA). A registered professional

B. engineer or architect shall certify that the standards of this subsection are satisfied.

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

AYES: Bills, Keeler, 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. 8-2009 on its Third and Final Reading and advertise it according to law. Second by Councilman Keeler and approved upon the following vote:

AYES: Bills, Kelly, Keeler, 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 May 5, 2009.

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

**BOROUGH OF SEA BRIGHT
ORDINANCE NO.10-2009
AN ORDINANCE AMENDING CHAPTER 144 NOISE
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 140 Noise of the Sea Bright Code is amended in its entirety as follows:

Title: This chapter shall be known as the "Sea Bright Noise Ordinance" and shall supersede any pre-existing ordinances which deal with regulation of noise within the Borough of Sea Bright.

I. Definitions

The following words and terms, when used in this ordinance, shall have the following meanings, unless the context clearly

indicates otherwise. Terms not defined in this ordinance have the same meaning as those defined in N.J.A.C. 7:29.

"Construction" means any site preparation, assembly, erection, repair, alteration or similar action, including demolition of buildings or structures.

"Demolition" means any dismantling, destruction or removal of buildings, structures, or roadways.

"Department" means the New Jersey Department of Environmental Protection.

"Emergency work" means any work or action necessary to deliver essential public services including, but not limited to, repairing water, gas, electricity, telephone, sewer facilities, or public transportation facilities, removing fallen trees on public rights-of-way, dredging navigational waterways, or abating life-threatening conditions.

"Impulsive sound" means either a single pressure peak or a single burst (multiple pressure peaks) that has a duration of less than one second.

"Motor vehicle" means any vehicle that is propelled other than by human or animal power on land.

"Muffler" means a properly functioning sound dissipative device or system for abating the sound of escaping gasses on equipment where such a device is part of the normal configuration of the equipment.

"Multi-dwelling unit building" means any building comprising two or more dwelling units, including, but not limited to, apartments, condominiums, co-ops, multiple family houses, townhouses, and attached residences.

"Multi-use property" means any distinct parcel of land that is used for more than one category of activity.

Examples include, but are not limited to:

1. A commercial, residential, industrial or public service property having boilers, incinerators, elevators, automatic garage doors, air conditioners, laundry rooms, utility provisions, or health and recreational facilities, or other similar devices or areas, either in the interior or on the exterior of the building, which may be a source of elevated sound levels at another category on the same distinct parcel of land; or

2. A building which is both commercial (usually on the ground floor) and residential property located above, behind, below or adjacent.

"Noise control officer" means an employee of: (1) a local, county or regional health agency which is certified pursuant to the County Environmental Health Act (N.J.S.A. 26:3A2-21 et seq.) to perform noise enforcement activities; or (2) a municipality with a Department approved noise control ordinance and the employee has received noise enforcement training and is currently certified in noise enforcement. The employee must be acting within his or her

designated jurisdiction and must be authorized to issue a summons in order to be considered a noise control officer.

"Plainly audible" means any sound that can be detected by a person using his or her unaided hearing faculties. As an example, if the sound source under investigation is a portable or personal vehicular sound amplification or reproduction device, the detection of the rhythmic bass component of the music is sufficient to verify plainly audible sound. The noise control officer need not determine the title, specific words, or the artist performing the song.

"Private right-of-way" means any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased, or controlled by a non-governmental entity.

"Public right-of-way" means any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased, or controlled by a governmental entity.

"Public space" means any real property or structures thereon that are owned, leased, or controlled by a governmental entity.

"Real property line" means either (a) the imaginary line including its vertical extension that separates one parcel of real property from another; (b) the vertical and horizontal boundaries of a dwelling unit that is part of a multi-dwelling unit building; or (c) on a multi-use property, the interface between the two portions of the property on which different categories of activity are being performed (e.g., if the multi-use property is a building which is residential upstairs and commercial downstairs, then the real property line would be the interface between the residential area and the commercial area).

"Weekday" means any day that is not a federal holiday, and beginning on Monday at 7:00 a.m. and ending on the following Friday at 6:00 p.m.

"Weekends" means beginning on Friday at 6:00 p.m. and ending on the following Monday at 7:00 a.m.

II. Applicability

(A) This noise ordinance applies to sound from the following property categories:

1. Industrial facilities;
2. Commercial facilities;
3. Public service facilities;
4. Community service facilities;
5. Residential properties;
6. Multi-use properties;
7. Public and private right-of-ways;
8. Public spaces; and
9. Multi-dwelling unit buildings.

(B) This noise ordinance applies to sound received at the following property categories:

1. Commercial facilities;
2. Public service facilities;

3. Community service facilities;
4. Residential properties;
5. Multi-use properties; and
6. Multi-dwelling unit buildings.

(C) Sound from stationary emergency signaling devices shall be regulated in accordance with **N.J.A.C. 7:29-1.4**, except that the testing of the electromechanical functioning of a stationary emergency signaling device shall not meet or exceed 10 seconds.

III. Declaration of Findings and Policy

WHEREAS excessive sound is a serious hazard to the public health, welfare, safety, and the quality of life; and,

WHEREAS a substantial body of science and technology exists by which excessive sound may be substantially abated; and,

WHEREAS the people have a right to, and should be ensured of, an environment free from excessive sound,

NOW, THEREFORE, it is the policy of the Borough of Sea Bright to prevent excessive sound that may jeopardize the health, welfare, or safety of the citizens or degrade the quality of life.

This ordinance shall apply to the control of sound originating from sources within the Borough of Sea Bright.

IV. Noise Control Officers

(A) The provisions of this ordinance shall be enforced by noise control officers. A person shall be qualified to be a noise control officer if the person meets the criteria set forth in the definition above and completes, at a frequency specified by the Department in N.J.A.C. 7:29-2.11, a noise certification and re-certification course which are offered by the Department of Environmental Sciences of Cook College, Rutgers, the State University of New Jersey or any other noise certification or re-certification course which is offered by an accredited university and approved by the Department.

(B) Sound measurements made by a noise control officer shall conform to the procedures set forth at N.J.A.C. 7:29-2, except that interior sound level measurements shall also conform with the procedures set forth in sections V.(B) and V.(C) of this regulation and with the definition of "real property line" as contained herein.

(C) Noise control officers shall have the power to:

1. Coordinate the noise control activities of all departments in the Borough of Sea Bright and cooperate with all other public bodies and agencies to the extent practicable;
2. Review the actions of the Borough of Sea Bright and advise of the effect, if any, of such actions on noise control;
3. Review public and private projects, subject to mandatory review or approval by other departments or boards, for compliance with this

ordinance; and

4. Investigate and pursue possible violations of this ordinance for sound levels which equal or exceed the sound levels set forth in Tables I and II, when measured at a receiving property located within the designated jurisdiction of the noise control officer, in accordance with Section VII. below.

5. Cooperate with noise control officers of adjacent municipalities in enforcing one another's municipal noise ordinances.

V. Maximum Permissible Sound Levels

(A) No person shall cause, suffer, allow, or permit the operation of any source of sound on any source property listed in II (A) above in such a manner as to create a sound level that equals or exceeds the sound level limits set forth in Tables I and II when measured at or within the real property line of any of the receiving properties listed in Tables I and II, except as specified in (B) below.

(B) When measuring total sound or residual sound within a multi-use property, or within a residential unit when the property line between it and the source property is a common wall, all exterior doors and windows shall be closed and the measurements shall be taken in the center of the room most affected by the noise. Residual sound shall be measured in accordance with N.J.A.C. 7:29-2.9(b)2. When measuring total sound or residual sound, all sound sources within the dwelling unit must be shut off (e.g., television, stereo). Measurements shall not be taken in areas which receive only casual use such as hallways, closets and bathrooms.

(C) Indoor measurements shall only be taken if the sound source is on or within the same property as the receiving property, as in the case of a multi-use property (e.g., sound generated within a commercial unit of a multi-use property building and received within a residential unit of the same building) or multi-dwelling unit building. In addition, indoor measurements shall be taken if the property line between the receiving property and the source property is a common wall, such as in a multi-dwelling unit building. The allowable sound level standards for indoors are as shown in Tables I and II.

(D) Impulsive Sound

1. Impulsive sound shall not equal or exceed 80 decibels at all times.

**TABLE I
MAXIMUM PERMISSIBLE A-WEIGHTED SOUND LEVELS**

1. No person shall cause, suffer, allow, or permit the operation of any source of sound on any source property listed in II.(A) above in such a manner as to create a sound level that equals or exceeds the sound levels listed below.

(A). Outdoors

RECEIVING PROPERTY CATEGORY	Residential property, or residential portion of a multi-use property		Commercial facility, public service facility, non-residential portion of a multi-use property, or community service facility
TIME	7 am - 10 pm	10pm- 7 am	24 Hours
Maximum A-Weighted sound level standard, dB	65	50	65

(B). Indoors

RECEIVING PROPERTY CATEGORY	Residential Property, or residential portion of a multi-use property		Commercial Facility*, or non-residential portion of a multi-use property
TIME	7 am - 10 pm	10 pm - 7 am	24 Hours
Maximum A - Weighted sound level standard, dB	55	40	55

*In those instances when a commercial facility shares a common wall/ceiling/floor with another commercial facility that is producing the sound.

TABLE II
MAXIMUM PERMISSIBLE OCTAVE BAND
SOUND PRESSURE LEVELS IN DECIBELS

1. No person shall cause, suffer, allow, or permit the operation of any source of sound on any source property listed in II.(A) above in such a manner as to create a sound pressure level that equals or exceeds the sound levels listed below in one or more octave bands.

2. When octave measurements are made, the sound from the source must be constant in level and character. If octave band sound pressure level variations exceed plus or minus 2 dB in the bands containing the principal source frequencies, discontinue the measurement.

* In those instances when a commercial facility shares a common wall/ceiling/floor with another commercial facility that is producing the sound.

VI. Restricted Uses and Activities

(A) 1. Except as provided in (B) below, the provisions of this ordinance shall not apply to the exceptions listed at **N.J.A.C. 7:29-1.5**

Receiving Property Category	Residential property, or residential portion of a multi-use property		Residential property, or residential portion of a multi-use property		Commercial facility, public service facility, non-residential portion of a multi-use property, or community service facility	Commercial facility*, or non-residential portion of a multi-use property	
	OUTDOORS		INDOORS			INDOORS	
Octave Band Center Frequency, Hz.	Octave Band Sound Pressure Level, dB		Octave Band Sound Pressure Level, dB		Octave Band Sound Pressure Level, dB	Octave Band Sound Pressure Level, dB	
Time	7am-10pm	10pm-7am	7am-10pm	10pm-7am	24 hours	24 hours	
31.5	96	86	86	76	96	86	
63	82	71	72	61	82	72	
125	74	61	64	51	74	64	
250	67	53	57	43	67	57	
500	63	48	53	38	63	53	
1,000	60	45	50	35	60	50	
2,000	57	42	47	32	57	47	
4,000	55	40	45	30	55	45	
8,000	53	38	43	28	53	43	

2. Construction and demolition activities are exempt from the sound level limits set forth in Tables I and II, except as provided for in (B). below.

(B) Notwithstanding the provisions of Tables I and II, the following standards shall apply to the activities or sources of sound set forth below:

1. Non-commercial or non-industrial power tools and landscaping and yard maintenance equipment shall not be operated between the hours of 8:00 p.m. and 8:00 a.m., unless such activities can meet the applicable limits set forth in Tables I and II. All motorized equipment used in these activities shall be operated with a muffler. At all other times, the limits set forth in Tables I and II do not apply to non-commercial or non-industrial power tools and landscaping and yard maintenance equipment;

2. Commercial or industrial power tools and landscaping and yard maintenance equipment, excluding emergency work, shall not be operated on a residential property or within 250 feet of a residential property line when operated on commercial or industrial property, between the hours of 6:00 p.m. and 7:00 a.m. on weekdays, or between the hours of 6:00 p.m. and 9:00 a.m. on weekends or federal holidays, unless such activities can meet the limits set forth in Tables I and II. In addition, commercial or industrial power tools and landscaping and yard maintenance equipment, excluding emergency work, utilized on commercial or industrial property shall meet the limits set forth in Tables I and II between the hours of 10 p.m. and 7 a.m. All motorized equipment used in these activities shall be operated with a muffler. At all other times, the limits set forth in Tables I and II do not apply to commercial or industrial power tools and landscaping and yard maintenance equipment;

3. Construction and demolition activity, excluding emergency work, shall not be performed between the hours of 6:00 p.m. and 7:00 a.m. on weekdays, or between the hours of 6:00 p.m. and 9:00 a.m. on weekends and federal holidays, unless such activities can meet the limits set forth in Tables I and II. All motorized equipment used in construction and demolition activity shall be operated with a muffler. At all other times, the limits set forth in Tables I and II do not apply to construction and demolition activities;

4. Motorized snow blowers, snow throwers, and lawn equipment with attached snow plows shall be operated at all times with a muffler;

5. An exterior burglar alarm of a building or motor vehicle must be activated in such a manner that the burglar alarm terminates its operation within five (5) minutes for continuous airborne sound and fifteen (15) minutes for impulsive sound after it has been activated;

6. Personal or commercial vehicular music amplification or reproduction equipment shall not be operated in such a manner that it is plainly audible at a residential property line between the hours of 10:00 p.m. and 8:00 a.m.

7. Personal vehicular music amplification equipment shall not be operated in such a manner as to be plainly audible at a distance of 50 feet in any direction from the operator between the hours of 8:00 a.m. and 10:00 p.m. ;

8. Self-contained, portable, hand-held music or sound amplification or reproduction equipment shall not be operated on a public space or public right-of-way in such a manner as to be plainly audible at a distance of 50 feet in any direction from the operator between the hours of 8:00 a.m. and 10:00 p.m. Between the hours of 10:00 p.m. and 8:00 a.m., sound from such equipment shall not be plainly audible by any person other than the operator;

9. Sound levels exceeding the limits set forth in Table I and Table II shall be prohibited between residential units within the same multi-dwelling unit building. Measurements shall be taken indoors as per Section V. (B) and V.(C).

VII. Enforcement

(A) Violation of any provision of this ordinance shall be cause for an enforcement document to be issued to the violator by the noise control officer according to procedures set forth at **N.J.A.C. 7:29-1.7.**

The recipient of an enforcement document shall be entitled to a hearing in municipal court having jurisdiction to contest such action.

(B) Any person who violates any provision of this ordinance shall be subject to a civil penalty for each offense of not more than \$3,000. If the violation is of a continuing nature, each day during which it occurs shall constitute an additional, separate, and distinct offense.

(C) No provision of this ordinance shall be construed to impair any common law or statutory cause of action, or legal remedy there from, of any person for injury or damage arising from any violation of this ordinance or from other law.

VIII. Severability and Repealer

(A) If any provision or portion of a provision of this ordinance is held to be unconstitutional, preempted by federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.

(B) All ordinances or parts of ordinances which are inconsistent with any provisions of this ordinance are hereby repealed as to the extent of such inconsistencies.

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

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

NAYS: None

ABSTAIN: None

ABSENT: None

Administrator Smeltzer said that they received approval from the NJDEP for this Noise Ordinance.

Richard Bott of Merri-Makers said that a 10:00 pm is too early and midnight would be a better time.

Beatrice Coles-Patton 924 Ocean Avenue said that midnight is too late for the music to end.

Liz Homer of 1 Imbrie Place said that midnight is too late for the noise ordinance.

Lori Peter of Tradewinds said that she was concerned about extending the time from 10 pm to midnight.

Sue Adams of 1 Garden Way said that 10:00 p.m. is sufficient.

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Scott Arnette of 7 Imbrie Place said that the Ordinance is 10:00 p.m. under state guidelines.

Serena Smith of 1382 Ocean Avenue said that noise has worsened in the last several months at the Dockside.

Tom Bonfiglio, owner of Dockside said that 10:00 p.m. is too early for his business to build a clientele.

Mike Walsh of 2 East New Street said that if you live next to a bar noise is going to happen and allowing for some exceptions should be acceptable.

Missy Vitagliano of 18 Tradewinds Lane said that all of this is a lack of respect no matter what time the music stops.

Janice DeMarco of 406 Ocean Avenue said that clarification is needed as to whether the bars are to close the doors at 10:00 pm or just stopping the music.

Scott Kelly of 672 Ocean Avenue said that as the owner of The Madhatter he is trying to work with people and he has concerns with the decibel level during the permitted times.

Norma Ryan of 4 Sandpiper Lane said that 10:00 p.m. is unreasonable and too early.

Kevin Homer of 1 Imbrie Place said that the Dockside is a restaurant not a nightclub.

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

NAYS: None

ABSTAIN: None

ABSENT: None

Councilman Kelly made a motion to approve Ordinance No. 10-2009 on its Third and Final Reading and advertise it according to law. Second by Councilwoman Long and approved upon the following vote:

AYES: Bills, Keeler, Kelly, Long

NAYS: Murphy

ABSTAIN: LoBiondo

ABSENT: None

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

ORDINANCE NO.11-2009
BOROUGH OF SEA BRIGHT
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 June 16, 2009.

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

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

Nays: None

Abstain: None

Absent: None

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

ORDINANCE NO.12-2009
AN ORDINANCE AMENDING CHAPTER 201 VEHICLES AND TRAFFIC
SECTION 201.22 RESERVED PARKING FOR
EMERGENCY PERSONNEL AND EMPLOYEES
OF THE CODE OF SEA BRIGHT

and moved the same be approved upon first Reading, held over for Second Reading and Public Hearing to be held on June 16, 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

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

ORDINANCE NO. 13-2009
BOROUGH OF SEA BRIGHT
ORDINANCE AUTHORIZING LEASE
OF BOROUGH OWNED PROPERTY KNOWN AS
LOT 1, BLOCK 23 TO SEA BRIGHT FIRST AID INC.,
FOR FIRST AID PURPOSES

and moved the same be approved upon first Reading, held over for Second Reading and Public Hearing to be held on June 2, 2009. Second by Councilwoman Long and approved upon the following roll call vote:

Ayes: Bills, Kelly, LoBiondo, Long, Murphy

Nays: Keeler

Abstain: None

Absent: None

7. Councilman Murphy introduced and offered for adoption the following resolution at 8:05 p.m.:

RESOLUTION NO. 126-2009
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,

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WHEREAS, the matter to be discussed involves litigation and,

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

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

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

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

Nays: None

Abstain: None

Absent: None

Councilman Murphy made a motion for the Council to return to its Regular Session at 8:33 p.m. Second by Councilwoman Long and approved upon unanimous voice vote.

Councilman Kelly left the Council Meeting at 8:35 p.m.

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

Items A, D and F were pulled from the Consent Agenda.

B. Councilwoman Bills made a motion approving the March 30, 2009 Budget Workshop Meeting Minutes. Second by Councilwoman Long and adopted upon the following roll call vote:

Ayes: Bills, Keeler, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: Kelly

C. Councilwoman Bills made a motion approving the April 7, 2009 Council Meeting Minutes. Second by Councilwoman Long and adopted upon the following roll call vote:

Ayes: Bills, Keeler, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: Kelly

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

**RESOLUTION NO. 122-2009
BOROUGH OF SEA BRIGHT**

WHEREAS, there exists a need for BEACH PERSONNEL for the 2009 season.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Sea Bright. County of Monmouth, that the following people shall be hired for the Beach and will receive the hourly rate of pay as specified after each name:

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LIFEGUARD SUPERVISORS:

Christopher O'Connor
Cliff Schmardel
Jon Holmes

HOURLY RATE:

\$12.00
\$12.00
\$12.00

LIFEGUARD LIEUTENANT

Andrew Mahon

\$10.75

LIFEGUARDS

John Brennan
Sheila Ernst
John P. Forrester
Kelsey Guttormsen
Stuart Kiely
William Russell Kiely
Joseph P. Kingsbery
Bryan Lutz
Kelly Megill
Sean O'Mealia
Thomas O'Mealia
Courtney Sergeant
Cameron Voell
Mariska Voell
Kristyn Wikoff

\$10.50
\$10.50
\$ 9.50
\$ 9.00
\$ 9.00
\$10.50
\$10.50
\$ 9.00
\$ 9.00
\$10.00
\$ 9.00
\$10.00
\$10.50
\$ 8.50
\$ 9.00

OFFICE SUPERVISORY STAFF

Jennifer Knoeppel \$11.00
Carolyn Walsh \$11.00

BEACH ATTENDANT

Lauren Anderson \$ 7.25
Lindsay Crescenzi \$ 7.75
Lyndsay Ganz \$ 7.25
Danielle Hemhauser \$ 8.00
Michelle Hemhauser \$ 7.75
Mary Janosi \$ 7.75
Danielle Knoeppel \$ 7.50
Dana Lagomarsino \$ 8.00
Britney Lenz \$ 8.00
Maura McCarthy \$ 7.50
Briehan Moran \$ 8.50
Eleanor Morse \$ 7.50
Alexandra O'Connor \$ 7.25
Russel Pepe \$ 7.50
Julianne Piano \$ 7.75
Merissa Quigley \$ 8.00
Catherine Rogers \$ 7.50
Brooke Tunny-Farley \$ 7.50

CERTIFICATION

I, Michael J. Bascom, Chief Financial Officer of the Borough of Sea Bright do hereby certify that funds are available in the Beach Utility appropriation of the purpose stated in the above resolution.

Michael J. Bascom, CFO

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

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

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

**RESOLUTION NO. 125-2009
BOROUGH OF SEA BRIGHT**

WHEREAS, the Borough of Sea Bright wishes to acquire the following equipment for the Police Department from authorized vendors under the State of New Jersey Cooperative Purchasing Program; and

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Law, NJSA 40A:11-12; and

- CDW Government, Inc., State Contract No. 67176.
6 Panasonic Mobile Data Terminals.....\$23, 917.96

- Monmouth County Computer, 6 MDT New World mobile unit software/ mobile report software.....\$3, 107.52
- Quality Communication, County Coop No.47-CPCPS MDT Mounts & Installation\$8,543.00

WHEREAS, the cost for the purchase of Mobile Data Terminals (MDT), installation and software is \$35,568.48.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Sea Bright hereby authorize the purchase of Mobile Data Terminals (MDT), installation and software.

CERTIFICATION OF FUNDS

I, Michael J. Bascom, Chief Financial Officer, of the Borough of Sea Bright do hereby certify that funds are available in MCIA 2005 Capital Equipment Lease Program for the purpose stated in the above resolution.

MICHAEL J. BASCOM, C.F.O.

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

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

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

**RESOLUTION NO. 118-2009
PAYMENT OF BILLS 05/19/2009**

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

NOW, THEREFORE, BE IT RESOLVED that these vouchers totaling \$536,244.41 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.

00350	ABSOLUTE FIRE PROTECTION, INC.		
09-04339	04/24/09 FIRE DEPT-REPAIR #4375	Open	370.00
01062	ALL HANDS FIRE EQUIPMENT, LLC		
09-04271	04/08/09 FIRE DEPT-SHIPPING FOR GLOVES	Open	28.25
01578	AMERICAN MESSAGING		
09-04373	04/30/09 DPW-MAY 2009 PAGER SERVICE	Open	38.64
00003	ASBURY PARK PRESS		
09-00010	01/20/09 MUNI CLERK-BLANKET:NOTICES	Open	44.28
09-02480	02/23/09 SEWER-CLASSIFIED:JOB POSTING	Open	888.30

			932.58
00006	AVAYA, INC.		
09-04427	05/11/09 POLICE-2/Q/2009 PHONE MAINT	Open	54.96
02036	BAHRLE, DAVID		
09-04420	05/11/09 DPW-REIMB:NEW CELL PHONE	Open	109.97
01241	BAIN'S HARDWARE, INC.		
09-04391	05/04/09 APR 2009 PURCHASES	Open	694.11
01546	C.I.T. c/o SHORE BUSINESS		
09-01950	02/12/09 POLICE DEPT-2009 FAX LEASE	Open	62.15
00063	CHESAPEAKE EXTERMINATING CO.		
09-04372	04/30/09 BLDGS/GRNDS-MAR 2009 EXTERM	Open	30.00
00198	COMCAST		
09-04431	05/14/09 A&E-INTERNET:MAY 2009	Open	95.00
09-04436	05/14/09 POLICE DEPT-INTERNET:MAY 2009	Open	95.00

			190.00
01493	COOPERATIVE INDUSTRIES, L.L.C.		
09-04392	05/04/09 FEB 2009 NATURAL GAS	Open	3,159.96
00089	DE LISA DEMOLITION, INC.		
09-02930	03/04/09 DPW-2009 BRANCH/LEAF PICKUP	Open	1,000.00
09-04407	05/05/09 DUMPSTERS-2009 CLEAN SHORES	Open	719.35

			1,719.35
01593	DEROSA, ISABEL		
09-04417	05/08/09 COURT - 05/07/09 INTERPRETER	Open	100.00
00419	DRAEGER SAFETY DIAGNOSTICS, INC		
09-04120	04/03/09 POLICE DEPT-TEMP PROBE	Open	293.95
00057	FREEHOLD SOIL CONSERVATION		
09-04405	05/05/09 DIIP - NON-COMPLIANCE FEE	Open	150.00
09-04406	05/05/09 DIIP - PLAN REVISION FEE	Open	300.00

			450.00
02181	GATEWAY PRESS		
09-04365	04/29/09 A&E-10 BOXES:ENVELOPES	Open	332.00
01549	GENERAL CODE PUBLISHERS CORP.		
09-04401	05/05/09 A&E-SUPPLEMENT #52	Open	710.98
01657	GOWAN, KERRY		
09-04344	04/27/09 POLICE DEPT-4/2/09 MATRON	Open	64.00
01634	GRAMCO BUSINESS COMMUNICATIONS		
09-04312	04/17/09 MUNI CLERK-REPAIR RECORDER	Open	35.00
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01297	HATCH, MOTT & MACDONALD, LLC		
07-12080	08/29/07 DIIP#2-ENGINEERING	Open	3,152.80
01887	HEIM ELECTRONICS, INC.		
09-04309	04/17/09 LIBRARY-5/1-7/31/09 ALARM	Open	62.85
09-04310	04/17/09 BORO HALL-5/1-7/31/09 ALARM	Open	62.85
09-04387	05/01/09 LIBRARY-ALARM FULL SYSTEM TEST	Open	73.00
09-04398	05/04/09 BORO HALL-PANIC BATTERIES	Open	145.00
09-04399	05/04/09 COURT-REPLACE PANIC BUTTON	Open	149.30

			493.00
00435	IMPACT TECHNOLOGY		
09-04330	04/20/09 COURT-SERV CONTRACT:VIDEO CONF	Open	1,140.00
01286	INDUSTRIAL MARINE		
09-04390	05/04/09 SEWER-REPAIRS:WET WELL BASKET	Open	200.00
01363	IRON MOUNTAIN, INC.		
09-01620	02/05/09 A&E-VAULT:SERVER BACKUPS	Open	120.00
02023	JEWISH COMMUNITY CENTER		
09-02440	02/23/09 BEACH-USE OF SWIMMING POOL	Open	160.00
01762	JOHN GUIRE COMPANY		
09-04389	05/04/09 DPW-26 TONS STONE	Open	597.40
00895	JOHNNY ON THE SPOT, INC.		
09-04411	05/07/09 PORTO-POTS - MAY 2009	Open	520.80
00275	M & S WASTE SERVICES, INC.		
09-04287	04/13/09 DUMPSTER+DISP FEE:DRIFTWOOD	Open	300.00
09-04395	05/04/09 04/09 GARBAGE/RECYCLING PICKUP	Open	8,691.67
09-04397	05/04/09 APR 2009 LANDFILL TIPPING FEES	Open	6,665.27

			15,656.94
01985	MOBILE MINI, INC.		

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 rate of pay as specified below:

Kent Jones

Salary \$12.00 (HOURLY) Effective 5-15-2009 thru 10-15-09

CERTIFICATION OF FUNDS

I, Michael J. Bascom, Chief Financial Officer of the Borough of Sea Bright do hereby certify that funds are available in Beach - Salary and Wages appropriation for the purpose stated herein.

MICHAEL J. BASCOM, CFO

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

Ayes: Bills, Keeler, LoBiondo, Long, Murphy

Nays: None

Absent: Kelly

Abstain: None

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

**RESOLUTION NO. 123-2009
BOROUGH OF SEA BRIGHT**

WHEREAS, there exists a need in the Department of Public Works for a full 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

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person be appointed and receive the hourly rate of pay as specified below effective May 15, 2009:

<u>MAINTENANCE PERSON FULL TIME</u>	<u>SALARY</u>
John B. Jones	\$31,200.

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 Councilman LoBiondo and adopted upon the following roll call vote:

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

Ayes: Bills, Keeler, LoBiondo, Long, Murphy

Nays: None

Absent: Kelly

Abstain: None

9. NEW BUSINESS:

A. Additional proposal from Engineer Hoder regarding Waterfront Development Permit was carried to June 2, 2009 Council Meeting.

B1. Councilman Keeler made a motion approving a request to block off west end of Center Street for August 8, 2009 wedding by 50 feet east from the bulkhead. Second by Councilwoman Long and adopted upon the following roll call vote:

Ayes: Bills, Keeler, LoBiondo, Long, Murphy

Nays: None

Absent: Kelly

Abstain: None

B2. Chief Moore's response

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

RESOLUTION NO. 124-2009
BOROUGH OF SEA BRIGHT
AMENDING RESOLUTION NO. 74-2007
BY EXTENDING THE DATES
OF THE 35 MPH SEASONAL SPEED LIMIT.

WHEREAS, the Mayor and Council of the Borough of Sea Bright have requested from the State of New Jersey, Department of Transportation, a speed reduction along Route NJ 36/Ocean Avenue in Sea Bright due to their safety concerns for pedestrians and motorists; and

WHEREAS, NJDOT share the Sea Bright Officials' concerns for safety and have agreed to establish a seasonal speed reduction of 35 MPH along Route NJ 36/Ocean Avenue in Sea Bright in accordance with a letter from Peter A. Riscica, Supervising Highway Engineer, Traffic Engineering & Investigations dated May 7, 2009 as follows:

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SPEED LIMITS:

The rate of speed designated for state highway Route NJ 36/Ocean Avenue in Sea Bright Borough shall be established and adopted as the maximum legal rate of speed:

(1) For both directions of traffic from September 30th to May 1st annually;

(A) Zone 1: 40 miles per hour between the Monmouth Beach Borough-Sea Bright Borough corporate line and Marius Lane (approximate mileposts 8.00 to 8.82).

(B) Zone 2: 30 miles per hour between Marius Lane and 500 feet forth of Rumson Road (County Road 520) (approximate mileposts 8.82 to 9.38).

(C) Zone 3: 40 miles per hour between Rumson Road (County Road 520) and the Sea Bright Borough-Highlands Borough corporate line (approximate mileposts 9.38 to 11.68).

(2) For both directions of traffic from May 1st to September 30th annually:

(A) Zone 1: 35 miles per hour between the Monmouth Beach Borough-Sea Bright corporate line and Marius Lane (approximate mileposts 8.00 to 8.82).

(B) Zone 2: 30 miles per hour between Marius Lane and 500 feet forth of Rumson Road (County Road 520) (approximate mileposts 8.82 to 9.38).

(C) Zone 3: 35 miles per hour between Rumson Road (County Road 520) and the Sea Bright Borough-Highlands Borough corporate line (approximate mileposts 9.38 to 11.68).

WHEREAS, the Borough of Sea Bright will also be responsible for the biannual installation of the speed limit signs on the specified dates; and

WHEREAS, the signs will be provided to the Borough by NJDOT.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Sea Bright hereby concur with the NJDOT recommended speed limits for Route 36/Ocean Avenue as referenced above and agree to be responsible for the biannual installation of the speed limit signs on the specific dates mentioned herein.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to NJDOT, who will upon receipt of the certified adopted resolution, promulgate a traffic regulation order.

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

Ayes: Bills, Keeler, LoBiondo, Long, Murphy

Nays: None

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Abstain: None

Absent: Kelly

D. DISCUSSION: Councilwoman Long made a motion amending Resolution No. 27-2009 Beach Badges to include Disabled Veterans. Second by Councilman Murphy and approved upon the following roll call vote:

Ayes: Bills, Keeler, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: Kelly

10. MONTHLY REPORTS FOR MARCH 2009:

A. Library Director

B. Police Chief

11. CORRESPONDENCE AND COMMUNICATIONS:

A. Request from Engineer Mainberger to increase engineering contract for administration and construction observations from \$28,000 to \$43,600. Street End Stormwater Pump Stations project.

Councilman LoBiondo said that he would contact Engineer Mainberger regarding the engineering costs.

- B. Acting Court Administrator - Correction of March 2009 report
- C. McDonough & Rea Associates, Inc letter - Parking regulation without NJDOT approval.
- D. Sea Bright First Aid Lease resolution
- E. NJDOT Municipal Aid Grant

12. COMMITTEE REPORTS:

A. Beach/Education/Environment: Councilwoman Long reported that the Beach office is open on weekends to pick up beach badges. A canvas canopy was purchased for the bandstand and will be installed soon. DPW removed the snow fencing and replaced it with fencing in the playground. The piping plovers have four nests containing eggs across from Grand Point, Shrewsbury Way, Islandview Way and Beachway.

Professor Hugh Roarty of Rutgers' Coastal Observation Laboratory installed two antennas on the beach. They requested to install permanent antennae to measure the speed and direction of the oceans' surface and currents. This keeps track of beach erosion and the forecasting of rip currents. Also, this involves installing a shed for a receiver and other equipment. The shed will be located in the southeast corner of the recycling center. The shed would be moved if we decided to redevelop the site.

Sea Bright Board of Education and Shore Regional are researching shared services for a School Administrator/Board Secretary. There will be a meeting on May 28th at 7 pm at Shore Regional. Our own Molly Arnette and Tory Descenza have reached LaCrosse state semi-finals, good luck to them.

B. Public Works/Building Department/Public Relations:

Councilman LoBiondo said that the Peninsula parking lot was filled in with fifty tons of stone for the Firemen's Fair. DPW removed the 40 mph signs replacing them with 35 mph signs. Pedestrian crosswalks are in place on Ocean Avenue.

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The Construction Department is very busy with the pool permits, grease traps and plumbing inspections due this time of the year.

Sea Breeze was distributed and the next issue may be late July or early August.

The Public Relations committee sold hoodies and T-shirts at the Firemen's Fair. The committee is distributing welcome packets to new residents.

C. Police/Emergency Management/Insurance/Court:

Councilman Keeler said that the Highlands Bridge route will prove to be difficult for motorists this summer.

The committee received three quotes the OEM truck's brakes.

Sea Bright Police Department is doing an excellent job issuing tickets to motorists who exceed the speed limit along Ocean Avenue.

D. Finance/Grants/Fire:

Councilman Murphy reported Progress.

E. Personnel/Administration/Cultural Arts/Recreation:

Councilwoman Bills reported that Administrative Assistant Suzanne Branagan passed the Municipal Clerk's exam.

The Recreation Department's gift auction at the Firemen's Fair was very successful. Councilwoman Bills thanked all the volunteers and businesses who helped and supported the fair. The dedication for the Von Ziegasar wing to the library is May 31st at 1pm..

F. Smart Growth/Flood Mitigation/Beautification: Councilman Kelly was absent. Councilman Keeler said that the committee met with the architect to discuss designs for the Beach plans.

13. MAYOR FERNANDES - REPORT AND COMMUNICATIONS. Mayor Fernandes wished Councilwoman Long a Happy Birthday.

14. REMARKS FROM THE AUDIENCE: Brian George owner of Northshore said that he had concerns about not be able to advertise his fundraiser through his business on the SBBA signs.

Mayor Fernandes said that the Sea Bright Business Alliance needs to contact Mr. George regarding this fundraiser.

15. Councilwoman Long introduced and offered for adoption the following resolution at 9:25 p.m.:

**RESOLUTION NO. 127-2009
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,

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

WHEREAS, the matter to be discussed involves personnel issues and,

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 Keeler and adopted upon the following roll call vote:

Ayes: Bills, Keeler, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: Kelly

Councilwoman Bills made a motion to return back to Regular Session at 9:45 p.m.. Second by Councilman Murphy and approved by unanimous voice vote.

16. ADJOURNMENT:

There being no further business before the Governing Body. Councilwoman Long made a motion to adjourn the meeting at 10:00 P.M. Second by Councilman Keeler and approved upon unanimous voice vote.

Respectfully Submitted,

Maryann M. Smeltzer
Municipal Clerk