

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

Attorney Arnette read the following statement:

"GOOD EVENING LADIES AND GENTLEMEN. THIS MEETING IS NOW CALLED TO ORDER. IN LINE WITH THE BOROUGH OF SEA BRIGHT'S LONGSTANDING POLICY OF OPEN GOVERNMENT, AND IN COMPLIANCE WITH THE "OPEN PUBLIC MEETINGS ACT", I WISH TO ADVISE YOU THAT ADEQUATE NOTICE OF THIS REGULARLY SCHEDULED MEETING HAS BEEN ADVERTISED IN THE COURIER ON JANUARY 11, 2007 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: Councilmembers, Bills, Fernandes, Keeler, Kelly, Long, Scriven, Attorney Arnette, Chief Financial Officer Bascom, Borough Engineer Hoder, Police Chief Moore, Borough Clerk Smeltzer.

ABSENT: None

4.

A. Attorney Arnette called for the Second Reading, by Title Only, of the following Ordinance, which was introduced and approved at the Council Meeting of July 3, 2007. Councilwoman Long moved to approve this Ordinance upon Second Reading.

ORDINANCE NO. 13-2007
AN ORDINANCE AUTHORIZING THE GUARANTY BY
THE BOROUGH OF SEA BRIGHT OF PAYMENT OF
PRINCIPAL AND INTEREST ON THE CAPITAL EQUIPMENT
LEASE REVENUE BONDS, SERIES 2007 SHORE REGIONAL SCHOOL DISTRICT
OF THE MCIA

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF SEA BRIGHT, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. Pursuant to Section 80 of the County Improvement Authorities Law, N.J.S.A. 40:37A-44 et seq., the Borough of Sea Bright, New Jersey (the "Municipality") is hereby authorized to unconditionally and irrevocably guaranty the punctual payment of the principal of and the interest on the Capital Equipment Lease Revenue Bonds, Series 2007 (Shore Regional School District Project) (the "Bonds") of The Monmouth County Improvement Authority (the "Authority") Outstanding (as that term is defined in the following described resolution) under the resolution of the Authority entitled, "Capital Equipment Lease Revenue Bond Resolution (Shore Regional School District Project)" (the "Bond Resolution") to be adopted in a form approved by counsel to the Municipality. The Authority plans to issue the Bonds to finance the acquisition and subsequent leasing of certain capital equipment to the Board of Education of the Shore Regional School District (the "Board") pursuant to a lease and agreement to be entered into by the Authority and the Board (the "Lease"). Such guaranty shall be given in accordance with the guaranty agreement (the "Guaranty Agreement") between the Municipality and the Authority in substantially the form submitted to this Board, a copy of which is on file in the office of the Clerk of the Municipality, with such changes as may be approved by counsel to the Municipality. The Mayor is hereby authorized to execute the Guaranty Agreement

on behalf of the Municipality in substantially such form as submitted hereto and with such changes as may be approved by the Mayor, and the Clerk of the Municipality is hereby authorized to attest such signature affixing the seal of the Municipality. All representatives, officials and employees of the Municipality are hereby authorized to enforce and to implement the Guaranty Agreement.

Section 2. The following additional matters are hereby determined, declared, recited and stated:

(1) The maximum principal amount of the Bonds of the Authority hereby and hereunder to be guaranteed as to payment of principal and interest shall not exceed the sum of the amount necessary to acquire the Board's equipment which will be subject to the Lease and to pay the Board's share of the costs of issuance, but in no event shall such principal amount exceed \$430,000, of which the Municipality will guarantee 14.43% or not to exceed \$62,049.

(2) The Bonds shall mature within eleven years of the date of issue.

(3) The Bonds shall remain Outstanding to their respective stated maturity dates and the guaranty authorized herein shall remain effective until all Bonds shall have been paid in full in accordance with their terms notwithstanding the occurrence of any other event.

(4) The guaranty authorized herein may be made and this ordinance may be adopted notwithstanding any statutory debt or other limitations, including particularly any limitation or requirement under or pursuant to the Local Bond Law, N.J.S.A. 40A:2-1 et seq., but the principal amount of any Outstanding Bonds shall be included after their issuance in the gross debt of the Municipality for the purpose of determining the indebtedness of the Municipality under or pursuant to the Local Bond Law. The principal amount of the Bonds included in the gross debt of the Municipality shall be deducted from the gross debt of the Municipality under and for all the purposes of the Local Bond Law (a) from and after the time of issuance of the Bonds until the end of the fiscal year beginning next after the acquisition of the equipment to be financed from the proceeds of the Bonds and (b) in any Annual Debt Statement filed pursuant to the Local Bond Law as of the end of such fiscal year or any subsequent fiscal year if the revenues or other receipts or moneys of the Authority in such year are sufficient to pay its expenses of operation and maintenance in such year and all amounts payable in such year on account of the principal of and the interest on all such Bonds, all bonds of the Municipality issued as provided under N.J.S.A. 40:37A-79 and all bonds of the Authority issued under the County Improvement Authorities Law.

Section 3. Upon payment of the principal of and the interest due on the Bonds by the Authority or the defeasance of the Bonds pursuant to the Bond Resolution, the guaranty authorized herein will cease to exist and the gross debt of the Municipality shall be reduced to the extent that such Bonds cease to be Outstanding under the Bond Resolution.

Section 4. This ordinance shall take effect 20 days after the first publication thereof after final adoption in accordance with the County Improvement Authorities Law and the Local Bond Law.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon its adoption, passage and publication according to law and

moved the Public Hearing to be held. Second by Councilwoman Fernandes and approved by the following vote:

AYES: Bills, Fernandes, Keeler, Kelly, Long, Scriven

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 Councilwoman Fernandes. Second by Councilwoman Long and approved by the following voice vote:

AYES: Bills, Fernandes, Keeler, Kelly, Long, Scriven

NAYS: None

ABSTAIN: None

ABSENT: None

Councilwoman Long made a motion to approve Ordinance No. 13-2007 on its Third and Final Reading and advertise it according to law. Second by Councilman Keeler and approved upon the following vote:

AYES: Bills, Fernandes, Keeler, Kelly, Long, Scriven

NAYS: None

ABSTAIN: None

ABSENT: None

B. Attorney Arnette called for the Second Reading, by Title Only, of the following Ordinance, which was introduced and approved at the Council Meeting of July 3, 2007. Councilman Scriven moved to approve this Ordinance upon Second Reading.

ORDINANCE NO. 14-2007

**AN ORDINANCE AMENDING CHAPTER 61 ANIMALS ARTICLE I DOGS
SECTION 7 LICENSING AND REGISTRATION FEES AND
ARTICLE II CATS SECTION 13 LICENSING REQUIREMENTS
PARAGRAPH G IN THE BOROUGH OF SEA BRIGHT**

BE IT ORDAINED by the Mayor and Council of the Borough of Sea Bright as follows:

Section 1. The New Jersey Legislature amended N.J.S.A. 4:19-15.2 in late January 2007, the effect of which was to increase the fees which municipalities may charge for dog licenses;

Section 2. The borough has been charging \$8.20 per year for the licensing of spayed/neutered dogs and \$11.20 per year for non-spayed/non-neutered dogs; and the amended state law now permits municipalities to charge up to \$21.00 per year;

Section 3. The Governing Body has received a recommendation from the Borough Clerk/Registrar to increase the fees which are charged by the Borough for the licensing of dogs and cats to \$12.00 for spayed/neutered and \$15.00 for non-spayed/non-neutered dogs and cats along with a late fee of \$5.00 for any licenses issued after January 31st.

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

ARTICLE I DOGS, SECTION 7 LICENSING AND REGISTRATION FEES shall be amended to increase the annual fee for licensing dogs to \$12.00 for spayed/neutered and \$15.00 for non-spayed/non-neutered. There will also be imposed late fee of \$5.00 for any licenses issued after January 31st.

ARTICLE II CATS, SECTION 13 LICENSING REQUIREMENTS, PARAGRAPH G shall be amended to increase the annual fee for licensing cats

to \$12.00 for spayed/neutered and \$15.00 for non-spayed/non-neutered. There will also be imposed a late fee of \$5.00 for any licenses issued after January 31st.

These fees include the fees charged for dogs only by the New Jersey Pilot Clinic Fund (\$.20), the New Jersey Registration Fee (\$1.00), fee to the New Jersey Pet Population Control (\$3.00), the later of which is for Non-Spayed/Non-Neutered dogs.

BE IT FURTHER ORDAINED that the fee increase for dog and cat licensing will take effect on January 1, 2008 and be applicable to all dog and cat licenses for the calendar year 2008 and thereafter.

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 Fernandes and approved by the following vote:

AYES: Bills, Fernandes, Keeler, Kelly Long, Scriven

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 Scriven. Second by Councilwoman Fernandes and approved by the following voice vote:

AYES: Bills, Fernandes, Keeler, Kelly, Long, Scriven

NAYS: None

ABSTAIN: None

ABSENT: None

Councilman Scriven made a motion to approve Ordinance No. 14-2007 on its Third and Final Reading and advertise it according to law. Second by Councilman Keeler and approved upon the following vote:

AYES: Bills, Fernandes, Keeler, Kelly, Long, Scriven

NAYS: None

ABSTAIN: None

ABSENT: None

Regarding Ordinance 15-2007 Councilwoman Fernandes said that on Page One insert "the" and on Page Five Section B change "Department" to "Department's" and Page Fifteen under Sections B 1(d) and B 2(c) should be changed to read sq. ft.

C. Attorney Arnette read by title only and Councilwoman Fernandes introduced an Ordinance entitled.

ORDINANCE NO. 15-2007
AN ORDINANCE AMENDING ORDINANCE NO. 16-2005
STORMWATER CONTROL CHAPTER 130 LAND USE
ARTICLE XVI SURFACE WATER RUN OFF
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 August 21, 2007. Second by Councilman Scriven and approved upon the following vote:

AYES: Bills, Fernandes, Keeler, Kelly, Long, Scriven

NAYS: None

ABSTAIN: None

ABSENT: None

D. Attorney Arnette read by title only and Councilwoman Fernandes introduced an Ordinance entitled.

ORDINANCE NO. 16-2007
BOND ORDINANCE AMENDING
BOND ORDINANCE NO. 20-2005

and moved the same be approved upon first Reading, held over for Second Reading and Public Hearing to be held on August 7, 2007. Second by Councilwoman Bills and approved upon the following vote:

AYES: Bills, Fernandes, Keeler, Kelly, Long, Scriven
NAYS: None
ABSTAIN: None
ABSENT: None

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

Councilwoman Fernandes requested Item B be removed from the Consent Agenda.

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

RESOLUTION NO. 143-2007
PAYMENT OF BILLS 7-17-2007

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

NOW, THEREFORE, BE IT RESOLVED that these vouchers totaling \$75,699.46 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.

00006	AVAYA, INC.				
	07-0054	01/24/07	POLICE-3/Q/2007 BOX/MOD MAINT	OPEN	50.31
00008	TOWNSHIP OF OCEAN				
	07-0915	07/10/07	HOUSING INSP-3/Q/2007 VEHICLE	OPEN	150.00
00019	NJ AMERICAN WATER				
	07-0938	07/12/07	MAY 2007 WATER UTILITY	OPEN	3,285.48
00023	V. E. RALPH AND SON, INC.				
	07-0724	05/29/07	BEACH-FIRST AID SUPPLIES	OPEN	251.38
00027	SEABOARD WELDING SUPPLY, INC.				
	07-0013	01/23/07	DPW - 2007 CYLINDER RENTAL	OPEN	11.50
00124	SPAHR, STEVEN				
	07-0851	06/25/07	POLICE-REIMB:POWER CORD	OPEN	74.89
00161	LOU'S UNIFORMS, INC.				
	07-0612	05/08/07	DPW-SWEATSHIRTS:CLARK,YINGLING	OPEN	80.00
00198	COMCAST				
	07-0937	07/12/07	A&E-INTERNET:7/8-8/7/07	OPEN	95.00
00258	THUL, JR., CARL				
	07-0821	06/15/07	MUNI CLERK-6/19/07 SERVICES	OPEN	390.00
00275	M & S WASTE SERVICES, INC.				
	07-0545	04/30/07	06/07 GARBAGE/RECYCLING PICKUP	OPEN	7,900.00
	07-0694	05/24/07	DUMPSTER+DISP FEE:STREET SWEEP	OPEN	1,556.10
	07-0903	07/03/07	JUN 2007 LANDFILL TIPPING FEES	OPEN	8,495.33

					17,951.43

00322	GLORIA'S GARDENS, INC.			
07-0453	04/13/07	BEAUTIF-PLANTERS FOR LIBRARY	OPEN	99.90
07-0530	04/27/07	BEAUTIF-JUNIPERS & PRIMROSE	OPEN	270.00
07-0610	05/08/07	BEAUTIF-JUNIPERS & PRIMROSE	OPEN	75.00
07-0746	06/01/07	BEAUTIF-PLANTER:BORO HALL	OPEN	69.00
07-0747	06/01/07	BEAUTIF-KNOCK OUT ROSES	OPEN	273.00

				786.90
00328	EASYLINK SERVICES CORPORATION			
07-0928	07/11/07	POLICE DEPT-AMBER ALERTS	OPEN	4.55
00337	MARINE RESCUE PRODUCTS, INC.			
07-0573	05/03/07	BEACH-VARIOUS ITEMS	OPEN	930.05
00339	NAPA AUTO PARTS			
07-0040	01/23/07	DPW-BLANKET:VEHICLE MAINT	OPEN	16.49
00341	SCHWARZ, CHARLES			
07-0891	07/03/07	B&G-REPAIRS:LIBRARY RAILINGS	OPEN	398.00
00350	ABSOLUTE FIRE PROTECTION, INC.			
07-0827	06/18/07	FIRE DEPT-MOUNT EQUIP #4375	OPEN	2,555.41
07-0874	06/28/07	FIRE DEPT-INSTALL EQUIP #4375	OPEN	609.66

				3,165.07
00351	MASON, JR., PATRICK			
07-0895	07/03/07	POLICE DEPT-RADIO REPAIRS	OPEN	149.80
00456	SEA BRIGHT SENIOR CITIZENS			
07-0860	06/26/07	WEDDINGS:KRISTJ,RIPLEY,MUTAVDZ	OPEN	1,175.00
00529	NJ DIVISION OF FIRE SAFETY			
07-0884	07/02/07	2007 ANNUAL LIFE HAZ USE REG	OPEN	148.00
00615	DMR LAWNS & LANDSCAPES, INC.			
07-0437	04/10/07	BLDGS/GRNDS-2007 MOWING SERV	OPEN	1,200.00
00671	NJ DEPT OF COMMUNITY AFFAIRS			
07-0932	07/12/07	2/Q/2007 STATE PERMIT FEES	OPEN	699.00
00677	GULF OIL, LTD.			
07-0878	06/28/07	GASOLINE - JUNE 2007	OPEN	3,914.56
00699	OCEAN FIRE CO. OF SEA BRIGHT			
07-0645	05/15/07	MATCHING FUNDS FOR GRANT AWARD	OPEN	3,570.00
00895	JOHNNY ON THE SPOT, INC.			
07-0782	06/08/07	PORTO-POTS - JUL 2007	OPEN	540.33
01143	ATLANTIC OFFICE SYSTEMS, INC.			
07-0855	06/25/07	LIBRARY-PRINTWHEEL & TAPE	OPEN	49.90
01186	GARDEN STATE SWEEPERS, INC.			
07-0346	03/19/07	DPW-R&M:RAVO STREET SWEEPER	OPEN	4,624.89
01285	THE HOME DEPOT			
07-0741	05/31/07	BLDGS/GRNDS-BLANKET:MISC SUPP	OPEN	70.18
07-0871	06/27/07	A&E-VACUUM FOR BORO OFFICE	OPEN	218.99

				289.17
01286	INDUSTRIAL MARINE			
07-0866	06/26/07	REIMB:5/5-6/7/07 GARAGE ELECTR	OPEN	111.66
01365	HARTER EQUIPMENT, INC.			
07-0907	07/05/07	DPW-KUBOTA UTILITY VEHICLE	OPEN	11,715.00
01403	TREASURER, STATE OF NEW JERSEY			
07-0879	06/28/07	2/Q/2007 MARRIAGE LICENSE FEES	OPEN	225.00
01493	COOPERATIVE INDUSTRIES, L.L.C.			
07-0930	07/12/07	APR 2007 NATURAL GAS	OPEN	1,408.30
01578	AMERICAN MESSAGING			
07-0882	06/29/07	DPW-JUL 2007 PAGER SERVICE	OPEN	35.84
01591	STORR TRACTOR COMPANY			
07-0579	05/03/07	BEACH-2007 KAWASAKI MULE 3010	OPEN	9,235.00
01614	CENTRAL JERSEY REGISTRARS ASSN			
07-0912	07/09/07	MUNI CLERK-8/1/07 LUNCHEON	OPEN	45.00
01643	THE LINK NEWS			
07-0764	06/05/07	RECREATION-2 ADS RE:BEACH BASH	OPEN	100.00
01701	ONE CALL SYSTEMS, INC.			
07-0916	07/10/07	A&E - 2/Q/2007 BILLS	OPEN	86.24
01736	TRENTON HARLEY DAVIDSON			
07-0820	06/15/07	POLICE DEPT-SOCKET METRIC	OPEN	10.40
01801	MASER CONSULTING, P.A.			
07-0424	04/04/07	PRJ#96 PREP SEWER O&M MANUAL	OPEN	317.62
07-0607	05/08/07	PRJ#56 POLICE DEPT GENERATOR	OPEN	942.50
07-0657	05/16/07	PRJ#99 CENTER/BEACH BULKHEAD	OPEN	3,817.50
07-0658	05/16/07	PRJ#97 ROAD IMPROVEMENTS	OPEN	250.00
07-0890	07/02/07	ENGINEERING-SHALLY LITIGATION	OPEN	750.00
07-0898	07/03/07	ENGINEERING-HIGHLANDS BRIDGE	OPEN	500.00
07-0899	07/03/07	TAX ASSESSOR-TAX MAP REVISIONS	OPEN	95.00

				6,672.62
01887	HEIM ELECTRONICS, INC.			
07-0885	07/02/07	BLDGS/GRNDS-6/26 SERVICE ALARM	OPEN	63.00
07-0887	07/02/07	BLDGS/GRNDS-FIRE ALARM INSPEC	OPEN	155.00

				218.00

01957	BENEMAX BENEFIT MANAGEMENT CO.				
	07-0925	07/11/07	07/07	INSUR/EE' HEALTH MGMT	OPEN 324.00
01974	BOROUGH OF SEA BRIGHT COURT				
	07-0914	07/09/07	COURT-06/07	CREDIT CARD REIMB	OPEN 103.89
01984	AVAYA, INC.				
	07-0069	01/24/07	A&E-3/Q/2007	PHONE MAINT	OPEN 211.80
01985	THE MOBILE STORAGE GROUP, INC.				
	07-0883	06/29/07	POLICE-6/20-7/18/07	TRAILER	OPEN 265.00
02008	E.J. SCHUSTER'S OFFICE SUPPLY				
	07-0852	06/25/07	MUNI CLERK/REC-OFFICE	SUPPLIES	OPEN 195.78
02118	ELECTRONIC MEASUREMENT LAB INC				
	07-0768	06/06/07	SEWER-CALIBRATE	GAS DETECTOR	OPEN 133.78
	07-0832	06/19/07	SEWER-HYDROGEN	SULFIDE SENSOR	OPEN 225.00

					358.78
02177	WALSH, JOAN				
	07-0924	07/11/07	LIBRARY-REIMB:7/10	DVDS & MISC	OPEN 93.33
02189	SHARP ELECTRONICS CORPORATION				
	07-0150	02/05/07	POLICE-2007	COPY MACHINE LEASE	OPEN 148.19
MASER CONSULTING (ESCROW)					
125.00					
THE COURIER (ESCROW)					8.93
GRAND TOTAL					\$75,699.46

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

AYES: Bills, Fernandes, Keeler, Kelly, Long, Scriven

NAYS: None

ABSTAIN: None

ABSENT: None

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

**RESOLUTION NO. 145-2007
BOROUGH OF SEA BRIGHT**

WHEREAS, there exists a need for BEACH PERSONNEL for the 2007 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:

<u>LIFEGUARD STAFF:</u>	<u>HOURLY RATE:</u>
Thomas Gerard O'Mealia	\$ 8.00
Andrew Sargeant	\$ 8.00
Keith Weinkofsky	\$ 8.00

CERTIFICATION OF FUNDS

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

Michael J. Bascom, CFO

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

AYES: Bills, Fernandes, Keeler, Kelly, Long, Scriven

NAYS: None

ABSTAIN: None

ABSENT: None

D. Councilman Scriven made a motion to approve the Request of Sea Bright Partnership Raffle Application No. 11-2007 for a 50/50 off premise on September 8, 2007. Second by Councilman Kelly and adopted upon the following roll call vote:
 AYES: Bills, Fernandes, Keeler, Kelly, Long, Scriven
 NAYS: None
 ABSTAIN: None
 ABSENT: None

E. Councilman Scriven made a motion to approve the Request of Sea Bright Partnership Raffle Application No. 12-2007 for a silent auction on September 8, 2007. Second by Councilman Kelly and adopted upon the following roll call vote:
 AYES: Bills, Fernandes, Keeler, Kelly, Long, Scriven
 NAYS: None
 ABSTAIN: None
 ABSENT: None

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

**RESOLUTION 147-2007
 BOROUGH OF SEA BRIGHT**

BE IT RESOLVED , by the Mayor and Council of Borough of Sea Bright, County of Monmouth, State of New Jersey that the proper officers, be and are hereby authorized to approved sewer adjustments on the following sewer accounts.

BLOCK	LOT	YEAR	AMOUNT
17	2 sub5	2006	\$110.60
30	2	2007	\$102.70
13	8	2007	\$142.20
2	10	2007	\$ 86.90

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Sea Bright hereby approve the following sewer adjustments in the amount of \$442.40.

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

AYES: Bills, Fernandes, Keeler, Kelly, Long, Scriven
 NAYS: None
 ABSTAIN: None
 ABSENT: None

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

**RESOLUTION NO. 148-2007
 BOROUGH OF SEA BRIGHT**

WHEREAS, the Tax Collector has informed the Mayor and Council that the Monmouth County Board of Taxation was delayed in forwarding necessary information for the preparation and mailing of final tax bills to the real estate taxpayers of the Borough of Sea Bright for the year 2007; and;

WHEREAS, the present statute requires the imposition of a late charge if 3rd quarter 2007 taxes are not paid by the 10th of August; and

WHEREAS, it would be unfair and unreasonable to impose a penalty for a delinquent payment when the amount of the payment is unknown.

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector of the Borough of Sea Bright is hereby ordered and directed, according to Public Law 1994, Chapter 72, signed July 14, 1994, that if tax bills are not delivered or mailed at least 25 (twenty-five) calendar days prior to the standard due date, then the delinquency date for 3rd quarter 2007 taxes shall be established as the twenty-fifth (25) calendar day after the date the tax bill was delivered or mailed. The tax bills will contain the date on which interest shall start accruing.

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

AYES: Bills, Fernandes, Keeler, Kelly, Long, Scriven

NAYS: None

ABSTAIN: None

ABSENT: None

B. Councilwoman Fernandes said that regarding the Council Meeting Minutes of July 3, 2007 under Correspondence and Communication the last sentence of the paragraph for the discussion about the Two Rivers Water Reclamation Authority letter should read " Why should towns that are below the maximum flow have to pay for an upgrade".

Councilwoman Fernandes made a motion to adopt the Council Meeting Minutes of July 3, 2007. Second by Councilman Scriven and adopted upon the following roll call vote:

AYES: Bills, Fernandes, Keeler, Kelly, Long, Scriven

NAYS: None

ABSTAIN: None

ABSENT: None

7. OLD BUSINESS:

Councilwoman Long said that an issue regarding the Personnel Manual's suspension policy has not been addressed as requested by Councilwoman Fernandes.

Councilman Kelly said that the Personnel Policy manual had a deadline to submit to the insurance company so that the Borough of Sea Bright could receive a discount. Borough Clerk Smeltzer said that the Personal Policy manual must be submitted by August 1. Attorney Arnette said that the Personnel Policy manual could be adopted today and amended by resolution later.

Councilwoman Fernandes said that the current Personnel Policy is fair because if an employee's actions merits more than ten days the employee would receive a termination and then the department would be free to hire someone else. The new policy proposes something like sixty days off with out pay for a suspension and then the department becomes paralyzed.

A. Councilman Kelly introduced and offered for adoption the following resolution:

RESOLUTION NO. 144-2007 BOROUGH OF SEA BRIGHT

WHEREAS, it is the policy of Borough of Sea Bright to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family

and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, (the New Jersey Civil Service Act,) (the New Jersey Attorney General's guidelines with respect to Police Department personnel matters,) the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meeting Act; and,

WHEREAS, the Borough of Sea Bright has determined that there is a need for personnel policies and procedures to ensure that employees and prospective employees are treated in a manner consistent with these laws and regulations.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Sea Bright that the Personnel Policies and Procedures Manual attached hereto is hereby adopted.

BE IT FURTHER RESOLVED, that these personnel policies and procedures shall apply to all Borough officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

BE IT FURTHER RESOLVED, that this manual is intended to provide guidelines covering public service by Borough employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Borough of Sea Bright.

BE IT FURTHER RESOLVED, that to the maximum extent permitted by law, employment practices for the Borough of Sea Bright shall operate under the legal doctrine known as "employment at will."

BE IT FURTHER RESOLVED, that Matthew J. Giacobbe, Esq. of the law firm of Scarinici & Hollenbeck, LLC has been appointed as Employment Attorney to advise the Borough of Sea Bright in personnel matters.

BE IT FURTHER RESOLVED that the Chairperson of the Personnel Committee and all managerial/supervisory personnel are responsible for these employment practices. The Borough Clerk and the Employment Attorney shall assist the Chairperson of Personnel in the implementation of the policies and procedures in this manual.

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

AYES: Bills, Keeler, Kelly, Long, Scriven

NAYS: Fernandes

ABSTAIN: None

ABSENT: None

Councilman Keeler said that the Borough of Sea Bright needs a temporary cell tower because of safety issues and it would be a source of revenue. Councilman Keeler said that Attorney Arnette could work on the documents necessary to begin the re-bidding process for a temporary cell tower.

Councilwoman Fernandes said she wished that there had been a Smart Growth meeting where discussion regarding the permanent cell tower's location.

Mayor Kalaka-Adams said that the cell tower could be housed in the lifeguard station along the beachfront and it would not be offensive because of it being out of sight.

Councilwoman Long said back in 2005 Church members asked to move forward with putting a cell tower in the Church steeple. Mayor Kalaka-Adams said that was a church and state issue. If the cell tower was housed in the Church then those revenues would go to the Church and not to the Borough.

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

**RESOLUTION NO. 139-2007
AUTHORIZING RE-BIDDING PROCESS FOR
THE LAND LEASE FOR A TEMPORARY CELL TOWER**

BE IT RESOLVED that authorization is hereby given to the Borough Attorney to re-bid, with modifications, a temporary Cell Tower.

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

AYES: Bills, Keeler, Kelly, Mayor Kalaka-Adams

NAYS: Fernandes, Long, Scriven

ABSTAIN: None

ABSENT: None

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

**RESOLUTION NO. 141-2007
BOROUGH OF SEA BRIGHT**

WHEREAS, the Mayor and Council of the Borough of Sea Bright has consistently supported, protected and preserved the historic sites and environmental distinctiveness of the Borough's community and surroundings; and,

WHEREAS, all proposals to develop and/or change the use of lands and structures should respect the procedures and ordinances of the municipality that they are located within; and,

WHEREAS, the New Jersey Department of Transportation has virtually ignored the concerns of and has been unresponsive to requests by the citizens and governing body of Sea Bright to consider alternatives to the DOT's plan to demolish the historic route 36 drawbridge that connects the Borough of Sea Bright to the Borough of Highlands; and,

WHEREAS, the Borough of Sea Bright will suffer undue hardship and irreparable injury to public and personal property located within the Borough if the proposed new fixed span bridge is approved for construction by jurisdictional state agencies and authorities:

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of Borough of Sea Bright hereby petitions New Jersey State Governor Jon Corzine to issue an executive / administrative order to stay all decisions to build a new Route 36 fixed span bridge over the Shrewsbury River, to re-open the public hearing and to provide an extended public comment period to review, explore and discuss many issues regarding the bridge, including but not limited to:

- The NDOT plan does not minimally comply with NEPA rules and regulations for "categorical exclusion" because the \$14 million in design fees for the new bridge was inappropriate and premature.
- "Agencies shall not commit resources prejudicing selection of alternatives before making a final decision (Sec. 1506.1)."
- Environmental impact statements in the coastal area and in endangered species nesting areas were not conducted in violation of the Endangered Species and the Coastal Zone Management Acts. Environmental Impact Statements shall serve as the means of assessing the environmental impact of proposed agency actions, rather than justifying decisions already made (Sec. 1502.2 Implementation (g)).
- An environmental impact statement is to serve as an action-forcing device to insure that the policies and goals defined in the Act are infused into the ongoing programs and actions..... It **shall** provide full and fair discussion of significant environmental impacts and **shall** inform decision makers and the **public** of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment. Agencies **shall** focus on significant environmental issues and alternatives.... **shall** be supported by evidence that the agency has made the necessary environmental analyses. An environmental impact statement is more than a disclosure document. It shall be used in conjunction with other relevant material to plan actions and make decisions. (Sec. 1502.1 Purpose). The public has been unfairly denied the opportunity to review and comment on an Environmental Impact Statements that **"shall** state how alternatives considered in an EIS and decisions based on it will or will not achieve the requirements of sections 101 and 102(1) of the Act and other environmental laws and policies (Sec. 1502.2 Implementation(d))
- The NDOT categorical exclusion for an EIS on the Route 36 drawbridge does not minimally comply with the conditions defined in 44 CFR 10.8(d). "Categorical exclusion" means a category of actions which **do not** individually or cumulatively have a significant effect on the human environment and which have been found to have no such effect in procedures (Sec. 1507.3) and for which, therefore, neither an environmental assessment nor an environmental impact statement is required ... 40CFR 1508.4. Categorical exclusions include **minor** improvements or minor hazard mitigation measures at **existing facilities**, such as placing riprap at a culvert outlet to control erosion. The **unresolved extraordinary circumstances** are the presence of protected natural or cultural resources, the proposed action **cannot be categorically excluded, and an Environmental Assessment would be required.**
- The Endangered Species Act states that if a project involves the known habitat of a threatened or endangered species, the USFWS or the National Marine Fisheries Service (NMFS), or both shall be consulted. A comprehensive EIS is requisite in complying with the Endangered Species Act. Topographicals, to scale maps, areas of disturbance and encroachment in environmentally sensitive and endangered/threatened nesting and breeding areas have not been addressed, reviewed and commented on by the public in the absence of an EIS.
- The September 30, October 1, and October 2, 2002 informal public information meetings did not provide comprehensive documentation on any of the aforementioned requisite data and issues.

BE IT FURTHER RESOLVED, that in the interest of fairness, to best serve the public interest, to preserve the rights of municipalities and it's citizens, to be consulted and participate in public hearing process, the Mayor and Council of the Borough of Sea Bright petition New Jersey's Governor Jon Corzine to issue an executive /administrative order to stay all proceedings and approvals until complete information including an EIS be made available for public review and a new public hearing with an extended comment period be provided for and noticed to all interested parties.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be sent to the Office of Administrative Law, The New Jersey State Attorney General and the Office of the New Jersey State Public Advocate

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

AYES: Bills, Fernandes, Keeler, Kelly, Long, Scriven

NAYS: None

ABSTAIN: None

ABSENT: None

8. NEW BUSINESS:

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

**RESOLUTION NO. 146-2007
BOROUGH OF SEA BRIGHT**

WHEREAS, the Sea Bright Fire Department is requesting authorization from the Mayor and Council of the Borough of Sea Bright to donate six self contained breathing apparatus to the Rumson Fire Department and four self contained breathing apparatus to the Sandy Hook Fire Department and;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Sea Bright, County of Monmouth the donation of the self contained breathing apparatus as aforementioned.

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

AYES: Bills, Fernandes, Keeler, Kelly, Long, Scriven

NAYS: None

ABSTAIN: None

ABSENT: None

B. Councilwoman Fernandes introduced and offered for adoption the following Resolution:

**RESOLUTION NO. 149-2007
BOROUGH OF SEA BRIGHT**

WHEREAS, the Borough Council previously accepted the 2006 Borough of Sea Bright audit by resolution; and

WHEREAS, the various Departments within the Borough have reviewed the recommendations portion of said audit and submitted a Corrective Action Plan to the Chief Financial Officer and Borough Council.

NOW, THEREFORE, BE IT RESOLVED, that the Corrective Action Plan of the 2006 Borough of Sea Bright Audit be and is hereby accepted and is authorized for submission to the Division of Local Government Services.

BE IT FURTHER RESOLVED, that two certified copies of this resolution be forwarded to the Division of Local Government Service and the Chief Financial Officer.

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

AYES: Bills, Fernandes, Keeler, Kelly, Long, Scriven

NAYS: None

ABSTAIN: None

ABSENT: None

C. Councilwoman Fernandes made a motion to approve the request of Pastor Long of the United Methodist Church for the Borough of Sea Bright to waive fees building permit fees for the restoration of the Church steeple. Second by Councilman Scriven and adopted upon the following roll call vote:

AYES: Bills, Fernandes, Keeler, Kelly, Scriven

NAYS: None

ABSTAIN: Long

ABSENT: None

9. MONTHLY REPORTS FOR MAY 2007:

A. Municipal Clerk

B. Chief of Police

C. Director of Library

D. Court Administrator

E. Sewerage System Operation & Maintenance Report

F. Chief Financial Officer

10. CORRESPONDENCE AND COMMUNICATIONS:

A. Monmouth County Regional Health Commission - 2007 Flu Clinics Schedule.

B. Two Rivers Water Reclamation Authority - Annual Review of Significant Industrial Users. Councilwoman Fernandes asked Engineer Hoder to handle this.

C. Sea Bright First Aid - 2007 2nd Quarter Report

11. COMMITTEE REPORTS:

A. Beach/Environment/Cultural Arts: Councilman Scriven reported that the Beach Revenue was \$ 158,676.00 which is an increase of \$25,669.00 from last year.

Councilman Scriven said that the Library would be having SAT Reviews during July for students for a \$ 25.00 donation fee.

Councilman Scriven attended a Meeting of the Environmental Partners Group on Monday July 2, 2007 at the West Long Branch Borough Hall along with Representatives of Eatontown, Fair Haven, Rumson, Little Silver, Monmouth Beach, Oceanport, Shrewsbury, Spring Lake and West Long Branch. The Group's focus is to develop a database of issues that all the Town's Legislation that others might draw upon. The next scheduled meeting will be August 6, 2007 in West Long Branch.

Councilman Scriven said that he and Mary Beth Lederman will ask the Environmental Partners Group to support a letter addressed to the Department of Transportation and Governor Corzine seeking a delay for the Highland Bridge Project until all environmental issues are re-examined.

B. Public Works/Building Maintenance/Beautification:

Councilwoman Fernandes said she spoke with Engineer Bob Mainberger regarding proposals for the DIP pump station, and the Flood Hazard Mitigation Plan.

Councilwoman Fernandes reported that Engineer Hoder needs three more permits for the DIIP before the bidding process can begin.

Councilwoman Fernandes said that Engineer Hoder and Borough Clerk Smeltzer would coordinate the application process for the 2008 NJDOT Municipal Aid Program. This is for the drainage and repaving of Normandie Place and Beach Way and the deadline is August 24, 2007 and its resolution would be on the August 7 agenda.

Street sweeping resumed in July since the sweeper was repaired and returned to the Borough.

The Borough received a new Kubota RTV 900 on July 11 for beach cleaning. Councilwoman Fernandes thanked the Governing Body for unanimously supporting this purchase.

The Public Works Department worked over time for the Fourth of July celebration and added nine additional trash receptacles on the beach.

Public Works will install signs and paint fire zones only at the direction of the Police Chief and Fire Official. Please contact the police and/or fire official first instead of the Public Works Department.

At the direction of the Police Chief, new doors would be installed at the Cecile F. Norton Community Center/ Court and a new entrance which will be located to the right of Borough Hall. The doors which are now used to enter Cecile F. Norton Community Center/ Court will be replaced with fire exit doors.

Councilwoman Fernandes said that the two new Godwin pumps purchased for Center and Beach Streets would arrive tomorrow morning. The pumps should improve the quality of life in the downtown area, because they include a silencer package that eliminates the noise from the diesel engine.

The Beautification Committee and Brian Buck of the Public Works Department completed the summer plantings with hot pink Vinca flowers throughout the downtown business district.

The Planning Board would continue with upgrades of many properties. There is a proposed art studio scheduled for the next agenda.

C. Personnel/Office Administration/Court/Public Relations:

Councilman Kelly said that Borough Clerk Smeltzer has reported that NIMS National Incident of Management System training will be held in Sea Bright for interested Borough officials on August 2, 2007 at 7PM in the Council Meeting Room. This would benefit towns looking to obtain Federal Preparedness Assistance Grants. Terri Turner, the Court Administrator reported that you can now pay tickers on line. The court revenue for June 2007 has increased slightly from last year and the traffic and criminal volume has increased also.

The Sea Breeze is being worked on now so if anyone has anything they would like put into the next issue contact him to see if they could work it in.

D. Finance/Insurance/Flood Control/Capital Projects:

Councilman Keeler reported that many of the departments are ahead of budget for the year and CFO Bascom would be distributing a memo to all department heads to review their current budget status and encumber all known and necessary expenditures for the balance of the year.

Keeler directed Borough Clerk Smeltzer to add to the next meeting's agenda public discussion regarding a possible Donovan property purchase.

E. Fire & First Aid/Emergency Management/Code Enforcement/Recreation:

Councilwoman Bills reported that the Recreation Committee had a concert Saturday July 7, which was a very hot day so there was not much of a turn out. There was a 50/50 with the winner receiving one hundred dollars and the remainder money was given to the band.

First Aid responded to 144 calls and 88 of those calls required treatment and transportation to local emergency rooms. They sponsored a blood drive that was successful. There are three line officers and its President and Vice-President and they are trained and certified to the 300 level of the instant command system. The First Aid Squad along with the Fire Department is constantly looking for new members.

Councilwoman Bills made a motion to authorize the Borough Attorney to prepare appropriate documents for a long-term land lease to dedicate a piece of property sixty feet by one hundred feet on the North side of the Firehouse to the First Aid department. This property would be dedicated for a First Aid Building and possibly an Emergency Management Office. The First Aid Department would pay for the costs of the attorney to prepare the documents.

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

AYES: Bills, Fernandes, Keeler, Kelly, Long, Scriven

NAYS: None

ABSTAIN: None

ABSENT: None

Councilwoman Bills extended an apology to any members of the Governing Body if there was any miscommunication regarding this request.

F. Police/Education/Grants: Councilwoman Long said that the Police Committee would meet next week regarding an Ordinance for residential parking program. The residential stickers are available from the Police Department. The Committee has made a recommendation to better mark the two hour parking locations in town and reconfigure the two hour parking in the Municipal Parking Lot.

Councilwoman Long said that the enforcement of traffic safety continued in June with 471 motor vehicle stops which is doubled from last year. Out of those stops 298 received tickets. About 75% of the tickets were for speeding at 45-49 miles per hour. A number of tickets were to drivers who did not yield to pedestrians. The Police Department's ongoing Accreditation Program involves research and refining the standard operation procedure.

Education: Progress.

Councilwoman Long said that they are working with the Recreation Committee to apply for the Monmouth County Open Space Grant program.

12. REMARKS FROM THE AUDIENCE:

Susie Markson 1187 Ocean Avenue said that the temporary cell tower resolution should include a timeline.

Nick De Paolo of 14 New Street said he wanted to know about the progress regarding the noise coming from the Madhatter.

13. ADJOURNMENT: There being no further business before the Governing Body. Councilman Scriven made a motion to adjourn the meeting at 8:03 P.M. Second by Councilwoman Fernandes and approved upon unanimous voice vote.

Respectfully Submitted,

Maryann M. Smeltzer
Municipal Clerk