

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

Mayor Fernandes read the following statement:

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

3. ROLL CALL:

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

ABSENT: Chief Moore

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

**RESOLUTION NO. 166-2009
BOROUGH OF SEA BRIGHT**

WHEREAS, the Personnel Committee has recommended that Suzanne Branagan is to be appointed to the position of Deputy Borough Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Sea Bright, County of Monmouth that Suzanne Branagan receive the title of Deputy Borough Clerk with a salary increase of \$3,000 effective July 1, 2009:

CERTIFICATION OF FUNDS

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

MICHAEL J. BASCOM, CFO

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

5. **OATH OF OFFICE - Deputy Borough Clerk** Suzanne Branagan was sworn in by Borough Administrator Smeltzer while her son Matthew held the Bible.

6. **PRESENTATION:** Representative of the NJ Chief of Police Association was not able to attend.

7.

A. Attorney Oxley read by title only and Councilman Keeler introduced an Ordinance entitled:

ORDINANCE NO.15-2009

ORDINANCE AUTHORIZING THE GUARANTY BY THE BOROUGH OF SEA BRIGHT, NEW JERSEY OF PAYMENT OF PRINCIPAL AND INTEREST ON THE CAPITAL EQUIPMENT LEASE REVENUE BONDS, SERIES 2009 (SHORE REGIONAL SCHOOL DISTRICT PROJECT), OF THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY

and moved the same be approved upon first Reading, held over for Second Reading and Public Hearing to be held on August 4, 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

***Supplemental Debt Statement received by Municipal Clerk**

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

ORDINANCE NO.17-2009

**ORDINANCE AMENDING NOISE ORDINANCE 10-2009
BY THE BOROUGH OF SEA BRIGHT, NEW JERSEY**

and moved the same be approved upon first Reading, held over for Second Reading and Public Hearing to be held on August 4, 2009. Second by Councilwoman Long and approved upon the following roll call vote:

Ayes: Bills, Keeler, Kelly, Long, Murphy

Nays: None

Abstain: LoBiondo

Absent: None

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

Item B was removed from the Consent Agenda.

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

**RESOLUTION NO.158-2009
PAYMENT OF BILLS 07-07-2009**

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

NOW, THEREFORE, BE IT RESOLVED, that these vouchers totaling \$ 562,362.75 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.

00757	ARIAS, JOHN			
	09-04601	06/25/09	POLICE DEPT-TRAVEL REIMB:6/17	Open 45.10
00384	AT & T MOBILITY			
	09-04604	06/25/09	DPW-JUN 2009 CELL BILL	Open 150.48
01241	BAIN'S HARDWARE, INC.			
	09-04530	06/04/09	MAY 2009 PURCHASES	Open 981.59
01565	BOROUGH OF SEA BRIGHT			
	09-04626	06/30/09	T/F ADMIN FEE:06/15/09 PAYROLL	Open 2,778.00
0.00				
	09-04627	06/30/09	T/F ADMIN FEE:06/15/09 PAYROLL	Open 1,602.00
0.00				

				4,380.00
01974	BOROUGH OF SEA BRIGHT COURT			
	09-04568	06/15/09	COURT-05/09 CREDIT CARD REIMB	Open 97.16
01183	BULK'S NURSERIES, INC.			
	09-04474	05/19/09	BEAUTIF-VINCAS & HYDRANGEAS	Open 744.50
01546	C.I.T. c/o SHORE BUSINESS			
	09-04349	04/27/09	POLICE DEPT-2009 COPIER LEASE	Open 147.72
00198	COMCAST			
	09-04572	06/18/09	POLICE DEPT-INTERNET:JUN 2009	Open 95.00
0.00				
	09-04599	06/25/09	LIBRARY-INTERNET:JUN 2009	Open 100.19

				195.19
00088	CROWN TIRE MART			
	09-04408	05/05/09	DPW-NEW TIRES/RIMS:TRAILER	Open 219.80
00089	DE LISA DEMOLITION, INC.			
	09-02930	03/04/09	DPW-2009 BRANCH/LEAF PICKUP	Open 1,000.00
01320	DEMAIO, R.N.			
	09-04483	05/20/09	BLDGS/GRNDS-PAPER TOWELS	Open 173.25
00091	DIGIROLAMO, LOUIS			
	09-04560	06/11/09	2009 PYMT 07/12 HEALTH REIMB	Open 1,769.93
02118	ELECTRONIC MEASUREMENT LAB INC			
	09-04374	04/30/09	FIRE DEPT-REPAIR/CALIBRATE	Open 417.00
00077	FLEET SERVICES			
	09-04585	06/22/09	GASOLINE - JUN 2009	Open 2,726.67
00575	GALLS, INC.			
	09-02200	02/18/09	POLICE DEPT-METAL DETECTORS	Open 1,274.94
01260	GASS, ALBAN			
	09-04513	05/28/09	LIBRARY-INTERNET CLASSES	Open 320.00
01549	GENERAL CODE PUBLISHERS CORP.			
	09-04609	06/26/09	A&E-ECODE360 ANNUAL MAINT FEE	Open 1,195.00
00305	GORCEY PLUMBING & HEATING, INC			
	09-04502	05/27/09	BLDGS/GRNDS-REPAIR LEAK	Open 276.80
	09-04575	06/18/09	BLDGS/GRNDS-BROKEN WATER PIPE	Open 195.00
01887	HEIM ELECTRONICS, INC.			
	09-04581	06/19/09	BLDGS/GRNDS-FIRE ALARM INSPEC	Open 124.00
01286	INDUSTRIAL MARINE			
	09-04552	06/11/09	REIMB:05/07-06/08 GARAGE ELECT	Open 170.19
01526	JCP & L			
	09-04625	06/30/09	NEW PUMP STATIONS:5/26-6/8	Open 2,101.12
00297	JESSE A. HOWLAND & SONS, INC.			
	09-04554	06/11/09	GARAGE RENT - JUL 2009	Open 1,737.00
	09-04555	06/11/09	DPW-ADDT'L GARAGE RENT-JUL'09	Open 875.00

				2,612.00
00270	JOHNSON, KENNETH			
	09-04561	06/11/09	2009 PYMT 07/12 HEALTH REIMB	Open 948.13
00572	KALDOR LIGHTING			
	09-04570	06/16/09	POLICE DEPT-REPAIR LIGHTS	Open 495.00
02071	LAB SAFETY SUPPLY, INC.			
	09-04509	05/27/09	FIRE DEPT-SAFETY VESTS	Open 440.45
00779	LINE SYSTEMS, INC.			
	09-04590	06/22/09	LOCAL/LONG DISTANCE:MAY 2009	Open 1,588.73
00337	MARINE RESCUE PRODUCTS, INC.			
	09-04504	05/27/09	BEACH-VARIOUS ITEMS	Open 192.25
01801	MASER CONSULTING, P.A.			

09-04467	05/18/09	ENGINEERING-ZONING MAP REV	Open	1,100.00
09-04557	06/11/09	ENGINEERING-RETAINER:JUL 2009	Open	250.00

				1,350.00
01145		MCCUE, JAMES		
09-04565	06/15/09	POLICE DEPT-REIMB:TRAINING	Open	216.75
01404		MCI		
09-04621	06/30/09	COURT-MAY 2009 VIDEO CONFER	Open	15.47
00106		MGL FORMS-SYSTEMS, LLC		
09-04460	05/18/09	SEWER-BLANK SEWER BILLS	Open	1,028.50
01985		MOBILE MINI, INC.		
09-04551	06/11/09	COURT-TRAILER 2009 PYMT 07/13	Open	268.00
09-04573	06/18/09	POLICE-TRAILER 2009 PYMT 07/13	Open	278.00

				546.00
00317		MONMOUTH BUILDING CENTER		
09-04571	06/16/09	BLDGS/GRNDS-BLANKET:LUMBER	Open	46.40
01323		MONMOUTH COUNTY TREASURER		
09-04529	06/04/09	ELECTION-POSTAGE:SAMPLE BALLOT	Open	79.24
00471		MONMOUTH GLASS CO., INC.		
09-04550	06/11/09	LIBRARY-GLASS:CONFERENCE TABLE	Open	495.00
01499		MONMOUTH SPRINKLER CO., INC.		
09-04441	05/15/09	BLDGS/GRNDS-REPAIR SPRINKLER	Open	80.00
09-04506	05/27/09	BLDGS/GRNDS-SERVICE CALL	Open	85.00

				165.00
00019		NJ AMERICAN WATER		
09-04586	06/22/09	MAY 2009 WATER UTILITY	Open	1,525.53
00671		NJ DEPT OF COMMUNITY AFFAIRS		
09-04631	07/01/09	2/Q/2009 STATE PERMIT FEES	Open	718.00
01648		PETRA OVERHEAD DOOR CO., INC.		
09-04475	05/19/09	REPAIR FIREHOUSE OVERHEAD DOOR	Open	510.00
00158		PITNEY BOWES CREDIT CORP.		
09-04549	06/10/09	POLICE-3/Q/2009 METER RENTAL	Open	48.00
09-04569	06/15/09	A&E-2/Q/09 METER RENTAL+MAINT	Open	384.00

				432.00
00164		RAIN, WILLIAM		
09-04562	06/11/09	2009 PYMT 07/12 HEALTH REIMB	Open	713.67
02141		RELIANCE GRAPHICS, INC.		
09-04528	06/04/09	SAMPLE BALLOTS-2009 PRIMARY	Open	560.00
00289		ROBERT A. HULSART & COMPANY		
09-04538	06/05/09	2008 AUDIT	Open	25,000.00
01527		RUTGERS, ENVIRONMENTAL SCIENCE		
09-04412	05/07/09	POLICE DEPT-TRAINING	Open	810.00
00533		RUTGERS, THE STATE UNIVERSITY		
09-03070	03/06/09	SEWER-MOTOR CONTROL COURSE	Open	242.50
00788		SCARINCI & HOLLENBECK, LLC		
09-04493	05/21/09	LEGAL-JUL 2009 RETAINER	Open	1,666.67
09-04603	06/25/09	LEGAL SERVICES-APR 2009	Open	11,950.95
09-04617	06/29/09	LEGAL SERVICES-MAY 2009	Open	12,161.62

				25,779.24
00985		SEABOARD FIRE/SAFETY EQUIP CO.		
09-04574	06/18/09	BLDGS/GRNDS-INSPEC:FIRE EXT	Open	125.25
00027		SEABOARD WELDING SUPPLY, INC.		
09-00910	01/21/09	DPW - 2009 CYLINDER RENTAL	Open	12.70
01724		SEASIDE MATERIALS, INC.		
09-04366	04/29/09	BEAUTIF-(4) BENCH SECTIONS	Open	346.56
00053		SHORE REGIONAL HIGH SCHOOL		
09-04556	06/11/09	HIGH SCHOOL TAX - JUL 2009	Open	151,686.24
00975		SMACK, EDWARD		
09-04559	06/11/09	2009 PYMT 07/12 HEALTH REIMB	Open	713.67
00031		SORRENTINO, JOHN		
09-04540	06/08/09	POLICE-REIMB:HEADLIGHT & BULB	Open	67.40
01285		THE HOME DEPOT		
09-02650	02/27/09	BLDGS/GRNDS-BLANKET:MISC SUPP	Open	89.94
01403		TREASURER, STATE OF NEW JERSEY		
09-04624	06/30/09	2/Q/2009 MARRIAGE LICENSE FEES	Open	275.00
00363		TRICO EQUIPMENT, INC.		
09-04480	05/20/09	DPW-SERVICE CASE LOADER	Open	167.88

02114	TWO RIVERS WATER RECLAMATION		
09-04558	06/11/09 2009 PYMT 3/4 SEWER CHARGE	Open	103,449.75
01960	VERIZON		
09-04588	06/22/09 BEACH-APR & MAY 2009	Open	129.57
09-04589	06/22/09 DPW-DSL INTERNET:MAY 2009	Open	42.99
02061	VERIZON WIRELESS		
09-04553	06/11/09 BLDG/FIRE/COURT:JUN 2009 CELL	Open	74.69
09-04610	06/26/09 POLICE-JUN 2009 CELL & MDT	Open	747.81

			822.50
01150	W.W. GRAINGER, INC.		
09-04501	05/27/09 BLDGS/GRNDS-TRASH LINERS	Open	339.60
09-04516	05/28/09 BLDGS/GRNDS-HARD HATS, GLASSES	Open	163.83
09-04579	06/19/09 BLDGS/GRNDS-VARIOUS PARTS	Open	33.93

			537.36
02177	WALSH, JOAN		
09-04584	06/22/09 LIBRARY-REIMB:6/17 MISC ITEMS	Open	112.74
09-04600	06/25/09 LIBRARY-REIMB:6/23 MISC ITEMS	Open	174.94
09-04614	06/29/09 LIBRARY-REIMB:6/28 BOOKS	Open	48.57

			336.25
01164	WATCHUNG SPRING WATER CO, INC.		
09-04566	06/15/09 JUN 2009 SPRING WATER	Open	514.14
00058	WILLOW CLEANERS, INC.		
09-04548	06/10/09 POLICE:JAN-MAY 2009 CLEANING	Open	93.50
AOL			18.99
BORO OF SEA BRIGHT	PAYROLL A/C (6/15/09 PAYROLL)		120,504.10
BORO OF SEA BRIGHT	PAYROLL A/C (6/30/09 PAYROLL)		97,021.69
U.S. POSTAL SERVICE	(SEWER BILLING)		191.97
TOTAL			<u>562,362.75</u>

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

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

**RESOLUTION NO. 159-2009
BOROUGH OF SEA BRIGHT**

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and,

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and,

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Sea Bright in the County of Monmouth hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2009 in the sum of **\$719.35** which is now available as a revenue from **FY 2009 Monitoring Surveillance Enforcement Clean Shores**; and

BE IT FURTHER RESOLVED, that a like sum of **\$719.35** is hereby appropriated under the caption **FY 2009 Monitoring Surveillance Enforcement Clean Shores**; and

BE IT FURTHER RESOLVED, that the Borough Clerk forward two copies of this resolution to 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

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

**RESOLUTION NO. 160-2009
BOROUGH OF SEA BRIGHT**

WHEREAS, certain items have been purchased for resale purposes and authorization is requested by the Public Relations Committee to raise funds through the sale of merchandise and that all funds raised will be deposited into the Public Relations Trust Fund; and,

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

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

NOW, THEREFORE, BE IT RESOLVED that the above mentioned items are hereby authorized to be sold throughout the year and deposited into the Public Relations Trust Fund.
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

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

**BOROUGH OF SEA BRIGHT
RESOLUTION NO. 161-2009**

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

Ralph Clauer 32 Waterview Way Sea Bright, NJ 07760	BL 32 LOT 7	\$446.64
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Richard Farenholz 402 Ocean Avenue Sea Bright, NJ 07760	BL 30 Lot 33 & 33.02	\$1,096.70
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NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Sea Bright hereby authorize the unused Planning Board escrow monies be refunded.

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

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

Nays: None

Abstain: None

Absent: None

F. Councilwoman Bills made a motion for a request for permission to host COAST campaign on Municipal beach/boardwalk from July 11 to July 12. 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

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

**RESOLUTION NO. 162-2009
BOROUGH OF SEA BRIGHT**

WHEREAS, there exists a need for additional 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 persons shall be hired for the Beach and will receive the hourly rate of pay as specified after each name effective June 13, 2009:

GATE ATTENDANT

Nicole Burbelo

\$7.25

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

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

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

**RESOLUTION NO. 163-2009
BOROUGH OF SEA BRIGHT**

WHEREAS authorization is requested by the Recreation Committee to raise funds through the sale of merchandise, registration fee of \$25.00 during the Skim Bash on September 12

& September 13 and that all funds raised will be deposited into the Recreation Committee Trust Fund; and,

WHEREAS, the Recreation Committee wish to sell the following items at the prices listed below:

ITEM	AMOUNT
Skim Bash T-Shirts	\$25.00
Water	\$1.00
Pizza Slice	\$2.00
Bagels	\$1.00

NOW, THEREFORE, BE IT RESOLVED that the above mentioned items and \$25.00 registration fee are hereby authorized to be sold during the 2009 Skim Bash and deposited into the Recreation Committee Trust Fund.

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

B. Councilman Murphy made a motion adopting the revised June 2, 2009 Council Meeting Minutes. Second by Councilwoman Bills and approved upon the following roll call vote:

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

Nays: None

Abstain: None

Absent: None

9. OLD BUSINESS:

A. DISCUSSION - River dredging project proposed Ordinance for temporary easement. No discussion.

10. NEW BUSINESS

A. DISCUSSION - DRIVING POLICY - Councilman Keeler asked the Council to review the driving policy document that was distributed and an Ordinance for a Municipal Driving policy will be listed on the August 4, 2009 Council Meeting.

B. Councilman Murphy made a motion approving the Request from Monmouth Cancer Coalition for a free skin cancer screening on the Municipal Beach/Boardwalk on July 25th from 10:00 a.m. to 2:00 p.m. Second by Councilman LoBiondo and approved upon the following roll call vote:

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

Nays: None

Abstain: None

Absent: None

C. Councilman Murphy made a motion approving the request from Jennifer Scotto to have her wedding on Municipal Beach/Boardwalk on July 17, 2010. Second by Councilman LoBiondo and approved upon the following roll call vote:

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

Nays: None

Abstain: None

Absent: None

D. Councilman Murphy introduced the following resolution and moved its adoption:

**RESOLUTION NO. 164-2009
BOROUGH OF SEA BRIGHT
REVIEW OF GENERAL COMMENTS AND RECOMMENDATIONS
OF 2008 REPORT OF AUDIT**

WHEREAS, N.J.S. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2008 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, at a minimum, the sections of the annual audit entitled:

GENERAL COMMENTS

RECOMMENDATIONS

AUDITORS' OPINIONS

and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

GENERAL COMMENTS

RECOMMENDATIONS

AUDITORS' OPINIONS

as evidenced by the group affidavit form of the governing body; and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with promulgations of the Local Finance Board of the State of New Jersey may subject the members of the governing body to the penalty provisions of R.S. 52:27BB-52 to wit:

R.S 52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW, THEREFORE BE IT RESOLVED, that the Governing Body of the Borough of Sea Bright, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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

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

NAYS: None

ABSENT : None

ABSTAIN: None

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

**BOROUGH OF SEA BRIGHT
RESOLUTION NO. 165-2009**

WHEREAS, the Governing Body of the Borough of Sea Bright hereby authorize approval for a grant application and execute a grant agreement with the New Jersey Department of Transportation for the Beach Way/Normandie Place Improvement project.

WHEREAS, the FY 2009 New Jersey Transportation Fund Authority Act has provided funds for various municipal improvements; and

WHEREAS, upon recommendation by the Borough Engineer, the Governing Body of the Borough of Sea Bright, County of Monmouth, State of New Jersey, desires to submit applications to the New Jersey Department of Transportation in an effort to obtain grant funding for needed projects.

NOW, THEREFORE, BE IT RESOLVED that Council of the Borough of Sea Bright, formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Honorable Maria D. Fernandes and Clerk are hereby authorized to submit an electronic grant application identified as MA-2010-Sea Bright Borough-00502 to the New Jersey Department of Transportation on behalf of the Borough of Sea Bright.

BE IT FURTHER RESOLVED that the Honorable Maria D. Fernandes and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Sea Bright and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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

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

tax court appeals from the Monmouth Tax Board judgments are anticipated; and

WHEREAS, the Borough of Sea Bright has identified the need for professional services to analyze the market conditions and to defend the current property assessments; and

WHEREAS, Steven Rubenstein, MAI, SCGREA of Realty Appraisal Company located at 4612 Bergenline Avenue, West New York, NJ 07093 has experience in real estate appraisal and in analyzing trends which effect the market value of real estate; and

WHEREAS, the Borough of Sea Bright has received a proposal from Realty Appraisal Company dated May 29, 2009 for the following costs and tax appeal litigation services:

- Residential Properties \$100 per hour, not to exceed \$2,500 for any single property.

- Commercial/Industrial
 Multi-Family \$100 per hour, not to exceed \$5,000 for any single property.

WHEREAS, the Borough Tax Assessor, Timothy Anfuso, has recommended that the Borough of Sea Bright retain Steven Rubenstein, MAI, SCGREA of Realty Appraisal Company for professional appraisal services in defending this year's new State Tax Court appeals, and

WHEREAS, the Local Public Contracts Law N.J.S.A. 40A:11-5(1) authorizes the retention of such professional service without competitive bidding.

NOW, THEREFORE, BE IT RESOLVED, that Steven Rubenstein, MAI, SCGREA of Realty Appraisal Company is hereby retained to assist in defending the 2009 new State Tax Court appeals and that this appointment is awarded without competitive bidding as a professional service in accordance with N.J.S.A. 40A:11-5(1) of the Local Public Contracts Law as a service rendered or performed by a person authorized by law to practice in a recognized profession.

CERTIFICATION OF FUNDS

I, Michael J. Bascom, Chief Financial Officer, of the Borough of Sea Bright do hereby certify that funds are available in 9-01-20-150-228 for the purpose stated in the above resolution.

MICHAEL J. BASCOM, C.F.O.

BE IT FURTHER RESOLVED, by the Governing Body of the Borough of Sea Bright that Mayor Maria D. Fernandes is hereby authorized to sign said agreement on behalf of the Borough of Sea Bright.

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

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

Nays: None

Abstain: None

Absent: None

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

**RESOLUTION NO. 170-2009
BOROUGH OF SEA BRIGHT**

WHEREAS, the Mayor and Council of the Borough of Sea Bright is in need of Professional Engineering Services and observation services for handicapped ramps at the following locations:

- Handicapped Ramp over the Sea Wall to be located on the Peninsula house property.
- Handicapped Ramp over the Sea Wall to be located near Borough Hall.

WHEREAS, David Hoder, PE of Maser Consulting has submitted a proposal to prepare and complete this project for the amount not to exceed \$14,300; and,

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute the proposal with Maser Consulting.

I, Michael J. Bascom, Chief Financial Officer of the Borough of Sea Bright do hereby certify that funds are available in Community Development Block Grant 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, Kelly, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: None

K. Councilman Murphy introduced and approved for adoption the following:

**RESOLUTION NO.172-2009
BOROUGH OF SEA BRIGHT**

WHEREAS, the Governing Body of the Township of Marlboro as Lead Municipality and the Township of Aberdeen, City of Asbury Park, Borough of Atlantic Highlands, Borough of Bradley Beach, Township of Colts Neck, Borough of Eatontown, Borough of Englishtown, Borough of Freehold, Township of Freehold, Township of Hazlet, Borough of Highlands, Township of Holmdel, Borough of Keyport, Borough of Lake Como, Borough of Little Silver, City of Long Branch, Township of Manalapan, Borough of Matawan, Township of Middletown, Borough of Monmouth Beach, Borough of Neptune City, Township of Ocean, Borough of Oceanport, Borough of Roosevelt, Borough of Sea Girt, Borough of Shrewsbury, Township of Shrewsbury, Borough of Spring Lake Heights, Borough of Tinton Falls, Borough of Union Beach, and the Township of Wall, have agreed to apply for a *SHARE* (Sharing Available Resources Efficiently) Regional Feasibility Grant through the State of New Jersey Local *SHARE* Program in the amount of \$417,831.00; and,

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

WHEREAS, the Governing Body of the Township of Marlboro is acknowledging and accepting the responsibility of acting as applicant for this grant on behalf of the Township of Aberdeen, City of Asbury Park, Borough of Atlantic Highlands, Borough of Bradley Beach, Township of Colts Neck, Borough of Eatontown, Borough of Englishtown, Borough of Freehold, Township of Freehold, Township of Hazlet, Borough of Highlands, Township of Holmdel, Borough of Keyport, Borough of Lake Como, Borough of Little Silver, City of Long Branch, Township of Manalapan, Borough of Matawan, Township of Middletown, Borough of Monmouth Beach, Borough of Neptune City, Township of Ocean, Borough of Oceanport, Borough of Roosevelt, Borough of Sea Bright, Borough of Sea Girt, Borough of Shrewsbury, Township of Shrewsbury, Borough of Spring Lake Heights, Borough of Tinton Falls, Borough of Union Beach, and the Township of Wall, and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Sea Bright, that the Borough of Sea Bright does hereby join with the Township of Aberdeen, City of Asbury Park, Borough of Atlantic Highlands, Borough of Bradley Beach, Township of Colts Neck, Borough of Eatontown, Borough of Englishtown, Borough of Freehold, Township of Freehold, Township of Hazlet, Borough of Highlands, Township of Holmdel, Borough of Keyport, Borough of Lake Como, Borough of Little Silver, City of Long Branch, Township of Manalapan, Township of Marlboro as Lead Municipality, Borough of Matawan, Township of Middletown, Borough of Monmouth Beach, Borough of Neptune City, Township of Ocean, Borough of Oceanport, Borough of Roosevelt, Borough of Sea Girt, Borough of Shrewsbury, Township of Shrewsbury, Borough of Spring Lake Heights, Borough of Tinton Falls, Borough of Union Beach, and the Township of Wall, in applying for a grant for the purpose of a feasibility study.

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

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

Nays: None

Abstain: None

Absent: None

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

**BOROUGH OF SEA BRIGHT
RESOLUTION NO. 168-2009**

WHEREAS, the Borough of Sea Bright wishes to lease a Savin C2020 Copier for the Municipal Clerk's office from Municipal Capital Corporation; and

WHEREAS, the cost for leasing the SavinC2020 Copier would be monthly payments of \$225.20 for 60 months commencing August 30, 2009 and ending July 30, 2014 and

NOW, THEREFORE, BE IT RESOLVED by the Borough of Sea Bright, the lease of a Savin C2020 Copier from Municipal Capital Corporation.

CERTIFICATION OF FUNDS

I, Michael J. Bascom, Chief Financial Officer, of the Borough of Sea Bright do hereby certify that funds are available in A&E OE for the purpose stated in the above resolution.

MICHAEL J. BASCOM, C.F.O.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Sea Bright that Mayor Maria D. Fernandes or in her absence Acting Mayor William J. Keeler is hereby authorized to sign said lease agreement on behalf of the Borough of Sea Bright.

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

12. CORRESPONDENCE AND COMMUNICATIONS:

- A. Recreation Director - June 2009 report
- B. Monmouth County Regional Health Commission April 15, 2009 Meeting Minutes.
- C. Construction Department - May 2009 report
- D. EPA: Climate Showcase Communities grant
- E. Memo on Local Government Greenhouse Gas Reduction Grant
- F. Memo on extension of application deadline for Energy Efficiency and Conservation Block Grants
- G. Memo concerning alternate method for submitting applications for Energy Efficiency and Conservation Block Grants
- H. Memo regarding the availability of a Climate Protection Toolkit for Small Communities
- I. Chief Financial Officer - April/May 2009 report
- J. Verizon FIOS TV Information
- K. Tax/Sewer - May 2009 report.
- L. Letter dated June 25, 2009 from Hatch, Mott, MacDonald regarding JCP&L invoice on the DIIP project.
- M. FEMA letter dated June 26, 2009 regarding Floodplain Management.
- N. Letter from Commissioner Lucille Davy regarding the elimination of the Sea Bright Board of Education.

12. COMMITTEE REPORTS:

- A. **Beach/Education/Environment:** Councilwoman Long reported the beach revenue is down 7.2 % from last year, 2,763 during the July 4th weekend. The bandstand has a new canopy thanks to Borough Administrator Smeltzer's great work and exceptional taste. The Beach Committee is working closely with SBBA to promote Sea Bright's beach by pursuing Wednesday ½ price Beach badges and purchasing space on billboards.

The piping plover and the least terns' nesting season should be done by August.

The Sea Bright Board of Education for K-8 ceases to exist as of July 1 we have been combined with the Oceanport School District this is a combination of enrollment and land value. About 98% of enrollment and 2% of land value and the tax levy will remain about the same. The members of the school board have served selflessly and are commended for their devotion to Sea Bright's children.

Mayor Fernandes said that Serafina Banich will be representing Sea Bright and we will not be guaranteed a seat in the future because it will be a general vote.

B. Public Works/Building Department/Public Relations:

Councilman LoBiondo said that Normandie Place and Beach Way was hot patched to fill in the potholes. The Welcome to Sea Bright sign was installed at the Municipal Parking Lot. The center of Imbrie Place has received a new flower bed and mulching. DPW staff helped with the preparation for the new awning installation. The new fire zone painting was done on Beach and Center streets. New sections of boardwalk was laid down on the Municipal beach. Councilman LoBiondo would be meeting with his committee to review the garbage contract.

C. Police/Emergency Management/Insurance/Court:

Councilman Keeler commended the Police Department for a great job during the July 4th weekend. We will receive an estimate for body work for the OEM truck from a local business. This is the last year for the contract with Monmouth JIF.

Mayor Fernandes said that they should research the possibilities for a Code Enforcement official. Attorney Oxley will review a building ordinance.

D. Finance/Grants/Fire:

Councilman Murphy said that all departments involved in the July 4th fireworks display should be commended for smooth operations.

Mayor Fernandes asked Councilman Murphy to read the grant correspondence listed on this Agenda.

E. Personnel/Administration/Cultural Arts/Recreation:

Councilwoman Bills reported progress.

F. Smart Growth/Flood Mitigation/Beautification:

Councilman Kelly said that the Smart Growth committee has requested that the architect revise the beach front plans.

The Beautification Committee finished planting the flowers for the summer. They have not received all the proposals for a landscaper.

13. MAYOR FERNANDES - REPORT AND COMMUNICATIONS.

Mayor Fernandes said that CFO Bascom's report details energy saving implementation program which the Council should read. Administrator Smeltzer was working on the energy audit which was just approved.

This is the only meeting in July and the next Council meeting is August 4th. Mayor Fernandes said that visitseabright.com or

seabrightnj.org for the events happening in Sea Bright. She wished Attorney Oxley a belated birthday wish for his June 30th birthday.

14. REMARKS FROM THE AUDIENCE: Marianne McKenzie, former President of the Sea Bright school board said all members of the now disbanded school board are saddened that Sea Bright's school district ceases to exist.

15. Councilman Murphy introduced and offered for adoption the following resolution at 8:30 p.m.:

**RESOLUTION NO. 171-2009
EXECUTIVE SESSION
BOROUGH OF SEA BRIGHT**

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

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

WHEREAS, the matter to be discussed involves collective bargaining 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 was recused from the Closed Executive Session.

Councilwoman Bills made a motion to return to Regular Session at 9:12 p.m. 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

Councilman LoBiondo introduced a motion to remove the probationary time element in the Chief Promotion and for other promotions.

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

Ayes: Bills, Kelly, LoBiondo, Long

Nays: Keeler,

Abstain: None

Absent: None

Councilwoman Long introduced a motion to replace William Miller's beach badge No. 184. Second by Councilman Kelly and adopted upon the following roll call vote:

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

Nays: None

Abstain: None

Absent: None

16. ADJOURNMENT:

There being no further business before the Governing Body. Councilwoman Bills made a motion to adjourn the meeting at 9:12 P.M. Second by Councilman LoBiondo and approved upon unanimous voice vote.

Respectfully Submitted,

Maryann M. Smeltzer
Municipal Clerk