

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

Mayor Fernandes requested for a moment of silence for the passing away for the following residents:

- Virginia Boag - July 22, 2009
- Father John J. Higgins - July 29, 2009

Mayor Fernandes read the following statement:

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

**3. ROLL CALL:**

**PRESENT:** Keeler, Kelly, LoBiondo, Long, Murphy, Mayor Fernandes, Attorney Oxley, Chief Financial Officer Bascom, Borough Engineer Hoder, Borough Administrator Smeltzer, Captain Spahr arrived at 8:00 p.m.

**ABSENT:** Bills, Long, Police Chief Moore

**4. AWARD OF COMMENDATION TO WILLIAM KELLY.** Mr. Kelly was awarded a plaque from the Sea Bright's Governing Body and Fire Department for his heroic actions by saving a life on June 27, 2009.

**5.** Attorney Oxley called for the Second Reading, by Title Only, of the following Ordinance, which was introduced and approved at the Council Meeting of July 7, 2009.

**A.** Councilman Murphy moved to approve this Ordinance upon Second Reading.

**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**

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 2009 (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 \$425,000, of which the Municipality will guarantee 13.31% or not to exceed \$56,560.

(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 Councilman Keeler and approved by the following vote:

AYES: Keeler, Kelly, LoBiondo, Murphy

NAYS: None

ABSTAIN: None

ABSENT: Bills, Long

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

AYES: Keeler, Kelly, LoBiondo, Murphy

NAYS: None

ABSTAIN: None

ABSENT: Bills, Long

Councilman Murphy made a motion to approve Ordinance No. 15-2009 on its Third and Final Reading and advertise it according to law. Second by Councilman Keeler and approved upon the following roll call vote:

AYES: Keeler, Kelly, LoBiondo, Murphy

NAYS: None

ABSTAIN: None

ABSENT: Bills, Long

Attorney Oxley called for the Second Reading, by Title Only, of the following Ordinance, which was introduced and approved at the Council Meeting of July 7, 2009.

B. . Councilman Murphy moved to approve this Ordinance upon Second Reading.

**ORDINANCE NO. 17-2009**  
**AN ORDINANCE AMENDING NOISE ORDINANCE 10-2009**  
**OF THE CODE OF THE BOROUGH OF SEA BRIGHT**

**BE IT ORDAINED**, by the Mayor and Council of the Borough of Sea Bright that Ordinance No.10-2009 known as "Noise" shall be amended as follows:

Section VI - Restricted Uses and Activities

Paragraph (B)

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.

The sections in Ordinance 10-2009 which reference N.J.A.C. 7:29 shall be amended as follow:

Section II Applicability

Paragraph C shall be changed from N.J.A.C. 7:29-1.3 to N.J.A.C. 7:29-1.4 The rest of the paragraph will remain the same.

Section VI Restricted Uses and Activities

Paragraph (A) 1. shall be changed from N.J.A.C. 7:29-1.4 to N.J.A.C. 7:29-1.5. The rest of the paragraph will remain the same.

Section VII Enforcement

Paragraph A shall be changed from N.J.A.C. 7:29-1.6 to N.J.A.C. 7:29-1.7. The rest of the paragraph will remain the same.

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

AYES: Keeler, Kelly, LoBiondo, Murphy

NAYS: None

ABSTAIN: None

ABSENT: Bills, Long

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 Councilman LoBiondo and approved by the following voice vote:

AYES: Keeler, Kelly, LoBiondo, Murphy

NAYS: None

ABSTAIN: None

ABSENT: Bills, Long

Councilman Keeler made a motion to approve Ordinance No. 17-2009 on its Third and Final Reading and advertise it according to law. Second by Councilman Murphy and approved upon the following roll call vote:

AYES: Keeler, Kelly, LoBiondo, Murphy

NAYS: None

ABSTAIN: None

ABSENT: Bills, Long

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

**ORDINANCE NO. 18-2009**  
**AN ORDINANCE AMENDING CHAPTER 130 LAND USE**  
**ARTICLE XI SIGNS**  
**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 September 1, 2009. Second by Councilman Keeler and approved upon the following roll call vote:

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

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

**ORDINANCE NO.19-2009**  
**AN ORDINANCE REPLACING**  
**CHAPTER 115 FLOOD DAMAGE PREVENTION**  
**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 September 1, 2009.

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

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

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

**ORDINANCE NO. 20-2009**  
**AN ORDINANCE AMENDING**  
**CHAPTER 130 LAND USE**  
**SECTION 130-47 FLOOD DAMAGE PREVENTION**  
**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 September 1, 2009.

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

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

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

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

**RESOLUTION NO. 173-2009**  
**PAYMENT OF BILLS 08-04-2009**

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

NOW, THEREFORE, BE IT RESOLVED that these vouchers totaling \$1,167,028.75 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.

02182	A.M./P.M. SERVICES		
09-01350	01/29/09 MUNI CLERK-03/06/09 SEMINAR	Open	368.00
01578	AMERICAN MESSAGING		
09-04663	07/07/09 DPW-JUL 2009 PAGER SERVICE	Open	39.64
00847	ASAY BOATS & CONSTRUCTION		
09-04618	06/29/09 BEACH-SIDE BRACKET OAR LOCKS	Open	275.00
00003	ASBURY PARK PRESS		
09-00010	01/20/09 MUNI CLERK-BLANKET:NOTICES	Open	122.58
01408	AT & T		
09-04692	07/15/09 COURT-JUN 2009 VIDEO CONFER	Open	0.86
00384	AT & T MOBILITY		
09-04751	07/23/09 DPW-JUL 2009 CELL BILL	Open	167.45
01984	AVAYA, INC.		
09-04653	07/07/09 A&E-3/Q/2009 PHONE MAINT	Open	211.80
00006	AVAYA, INC.		
09-04706	07/15/09 POLICE-3/Q/2009 BOX/MOD MAINT	Open	50.31
02036	BAHRLE, DAVID		
09-04729	07/17/09 DPW-REIMB:NEW CELL PHONE	Open	99.99
09-04758	07/29/09 DPW-TRAVEL REIMB:7/27/09	Open	52.20
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			152.19
01241	BAIN'S HARDWARE, INC.		
09-04685	07/13/09 JUN 2009 PURCHASES	Open	1,245.67
01957	BENEMAX BENEFIT MANAGEMENT CO.		
09-04701	07/15/09 07/09 DENTAL PLAN MANAGEMENT	Open	312.00
01565	BOROUGH OF SEA BRIGHT		
09-04763	07/29/09 T/F ADMIN FEE:07/15/09 PAYROLL	Open	2,532.00
09-04767	07/30/09 T/F ADMIN FEE:07/15/09 PAYROLL	Open	107.00
			-----
			2,639.00
01974	BOROUGH OF SEA BRIGHT COURT		
09-04654	07/07/09 COURT-06/09 CREDIT CARD REIMB	Open	145.62
01927	BUDGET LIBRARY SUPPLIES		
09-04620	06/30/09 LIBRARY-TONER,INK CART,RECEIPT	Open	159.95
01546	C.I.T. c/o SHORE BUSINESS		
09-01950	02/12/09 POLICE DEPT-2009 FAX LEASE	Open	124.30
09-04349	04/27/09 POLICE DEPT-2009 COPIER LEASE	Open	295.44
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			419.74
00538	CBS OUTDOOR		
09-04597	06/25/09 BILLBOARD ADVERTISING	Open	2,200.00
01614	CENTRAL JERSEY REGISTRARS ASSN		
09-04605	06/26/09 MUNI CLERK-08/05/09 LUNCHEON	Open	60.00
00063	CHESAPEAKE EXTERMINATING CO.		
09-04704	07/15/09 BLDGS/GRNDS-MAY/JUN'09 EXTERM	Open	60.00
00886	CHESSMAN, SHARON		
09-04667	07/08/09 REC-YOGA CLASSES:05/30-07/04	Open	360.00
00198	COMCAST		
09-04646	07/06/09 FIRE DEPT-INTERNET:JUL 2009	Open	95.23
09-04662	07/07/09 A&E-INTERNET:JUL 2009	Open	95.00
09-04693	07/15/09 POLICE DEPT-INTERNET:JUL 2009	Open	95.00
09-04748	07/23/09 LIBRARY-INTERNET:JUL 2009	Open	100.19
09-04755	07/28/09 FIRE DEPT-INTERNET:AUG 2009	Open	95.23
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			480.65
01493	COOPERATIVE INDUSTRIES, L.L.C.		
09-04689	07/13/09 APR 2009 NATURAL GAS	Open	1,012.29
00088	CROWN TIRE MART		
09-04681	07/13/09 DPW-4 TIRES:2001 FORD F350	Open	640.00
01075	DESIGN IDEA GROUP ARCHITECTURE		
08-02910	03/05/08 BEACH-SCHEMATIC DESIGN	Open	2,297.76
00091	DIGIROLAMO, LOUIS		
09-04710	07/16/09 2009 PYMT 08/12 HEALTH REIMB	Open	1,769.93
00615	DMR LAWNS & LANDSCAPES, INC.		
09-04306	04/16/09 BLDGS/GRNDS-2009 WEED CONTROL	Open	740.00
02008	E.J. SCHUSTER'S OFFICE SUPPLY		
09-04641	07/06/09 COURT-OFFICE SUPPLIES	Open	93.46
01621	EMERGENCY COMMUN NETWORK, INC.		
09-04666	07/08/09 POLICE-CodeRED WARNING SYSTEM	Open	2,650.00
01721	ERRICKSON, KENNETH		
09-04678	07/13/09 POLICE-REIMB:PRISONER FOOD	Open	4.58
00377	FIDELITY NAT'L PROP & CASUALTY		
09-04705	07/15/09 2009 FLOOD INSURANCE RENEWAL	Open	9,062.00
00077	FLEET SERVICES		
09-04745	07/22/09 GASOLINE - JUL 2009	Open	3,461.77
02181	GATEWAY PRESS		

09-04656	07/07/09	TAX COLL-ENV/REMINDER NOTICES	Open	315.00
00858		GATTO, MARGARET		
09-04737	07/22/09	BEAUTIF-REIMB:WINDOW BOXES	Open	359.98
00305		GORCEY PLUMBING & HEATING, INC		
09-04382	05/01/09	BLDGS/GRNDS-REPAIRS POLICE HQ	Open	315.00
09-04383	05/01/09	BLDGS/GRNDS-BATHROOM REPAIRS	Open	194.00
09-04384	05/01/09	BLDGS/GRNDS-DIG UP CURB BOX	Open	493.00
09-04385	05/01/09	BLDGS/GRNDS-PARKING LOT PIPING	Open	870.00
09-04731	07/20/09	SEWER-REPAIR LEAK:NORTH PUMP	Open	90.00
09-04738	07/22/09	BLDGS/GRNDS-REPAIRS POLICE HQ	Open	265.00
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				2,227.00
01365		HARTER EQUIPMENT, INC.		
09-04587	06/22/09	DPW-REPAIRS TO KUBOTA	Open	1,238.60
01297		HATCH, MOTT & MACDONALD, LLC		
09-04644	07/06/09	MISC ENGINEERING	Open	1,654.30
01887		HEIM ELECTRONICS, INC.		
09-04722	07/16/09	LIBRARY-8/1-10/31/09 ALARM	Open	62.85
09-04723	07/16/09	BORO HALL-8/1-10/31/09 ALARM	Open	62.85
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				125.70
01667		HUDSON AWNING & SIGN CO., INC.		
09-04329	04/17/09	CANOPY FOR BEACH BANDSTAND	Open	13,130.00
00909		IN THE NEWS, INC.		
09-04698	07/15/09	LIBRARY-PLAQUE:APP ARTICLE	Open	187.00
01286		INDUSTRIAL MARINE		
09-04659	07/07/09	REIMB:05/11-06/11 GARAGE WATER	Open	4.92
01363		IRON MOUNTAIN, INC.		
09-01620	02/05/09	A&E-VAULT:SERVER BACKUPS	Open	120.00
01526		JCP & L		
09-04690	07/13/09	MAY 2009 ELECTRIC SERVICE	Open	8,341.93
09-04721	07/16/09	NEW PUMP STATIONS:6/9-7/9/09	Open	450.75
09-04759	07/29/09	JUN 2009 ELECTRIC SERVICE	Open	8,571.90
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				17,364.58
00297		JESSE A. HOWLAND & SONS, INC.		
09-04718	07/16/09	GARAGE RENT - AUG 2009	Open	1,737.00
09-04719	07/16/09	DPW-ADDT'L GARAGE RENT-AUG'09	Open	875.00
				-----
				2,612.00
00895		JOHNNY ON THE SPOT, INC.		
09-04665	07/07/09	PORTO-POTS - JUL 2009	Open	409.20
00270		JOHNSON, KENNETH		
09-04711	07/16/09	2009 PYMT 08/12 HEALTH REIMB	Open	948.13
01093		JONES, JOHN		
09-04739	07/22/09	DPW-REIMB:WORK BOOTS	Open	69.99
00202		KAY PRINTING & ENVELOPE CO, INC		
09-04612	06/29/09	BLDG DEPT-VARIOUS FORMS	Open	132.00
01073		KLINE, TRICIA		
09-04669	07/08/09	REC-SUMMER BEACH CAMP	Open	600.00
02071		LAB SAFETY SUPPLY, INC.		
09-04700	07/15/09	BEACH-TOILET TISSUE DISPENSERS	Open	338.78
01209		LANGUAGE SERVICES ASSOCIATES		
09-04676	07/13/09	COURT-JUN 2009 INTERPRETATION	Open	23.10
00779		LINE SYSTEMS, INC.		
09-04742	07/22/09	LOCAL/LONG DISTANCE:JUN 2009	Open	1,872.06
00161		LOU'S UNIFORMS, INC.		
09-04494	05/21/09	FIRE DEPT-18 SETS:UNIFORMS	Open	1,073.00
09-04640	07/06/09	POLICE DEPT-EXPLORER UNIFORMS	Open	205.98
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				1,278.98
00275		M & S WASTE SERVICES, INC.		
09-04563	06/15/09	06/12/09 EXTRA RECYCLING P-UP	Open	45.00
09-04564	06/15/09	DUMPSTER+DISP FEE:DRIFTWOOD	Open	802.64
09-04686	07/13/09	JUN 2009 LANDFILL TIPPING FEES	Open	9,169.68
09-04687	07/13/09	06/01/09 EXTRA RECYCLING P-UP	Open	45.00
09-04688	07/13/09	06/09 GARBAGE/RECYCLING PICKUP	Open	8,691.67
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				18,753.99
00695		MARINE GRILL		
09-04679	07/13/09	REC-LUNCH:BEACH CAMP	Open	186.84
01801		MASER CONSULTING, P.A.		
09-04674	07/13/09	ENGINEERING-HIGHLANDS BRIDGE	Open	95.00
09-04675	07/13/09	ENGINEERING-SMART GROWTH	Open	187.50
09-04720	07/16/09	ENGINEERING-RETAINER:AUG 2009	Open	250.00
09-04727	07/17/09	ENGINEERING-2010 DOT APPLIC	Open	457.50

			-----	990.00
00351	MASON, JR., PATRICK			
09-04583	06/22/09	POLICE DEPT-PORTABLE RADIO	Open	387.34
00106	MGL FORMS-SYSTEMS, LLC			
09-04655	07/07/09	TAX COLL-TAX PAYMENT STICKERS	Open	45.00
01985	MOBILE MINI, INC.			
09-04683	07/13/09	COURT-TRAILER 2009 PYMT 08/13	Open	268.00
09-04746	07/23/09	POLICE-TRAILER 2009 PYMT 08/13	Open	278.00
			-----	546.00
00110	MONM CNTY REGIONAL HEALTH			
09-04647	07/06/09	3/Q/2009 PUBLIC SERVICE HEALTH	Open	10,901.25
00688	MONMOUTH COUNTY POLICE ACADEMY			
09-04645	07/06/09	POLICE DEPT-TRAINING	Open	40.00
00441	MONMOUTH COUNTY SHERIFF'S			
09-04594	06/23/09	POLICE-2007 BAL:COMPUTER SERV	Open	1,326.49
00141	MUNICIPAL RECORD SERVICE			
09-04582	06/22/09	COURT-DD2 FORMS	Open	72.00
09-04634	07/02/09	COURT-TRAFFIC TICKETS/MAILERS	Open	526.00
			-----	598.00
00339	NAPA AUTO PARTS			
09-04376	04/30/09	DPW-BLANKET:VEHICLE MAINT	Open	38.24
00019	NJ AMERICAN WATER			
09-04664	07/07/09	JUN 2009 HYDRANTS	Open	2,143.96
09-04747	07/23/09	JUN 2009 WATER UTILITY	Open	1,750.04
			-----	3,894.00
01206	NJ ECONOMIC DEVELOPMENT AUTHOR			
09-04714	07/16/09	NJEDA LOAN - P & I PAYMENT	Open	2,334.38
00885	OCEAN TWP FIRE DISTRICT NO. 2			
09-04713	07/16/09	INSPEC/FIRE-VEHICLE-3/Q/2009	Open	225.00
00743	OFFICE MAX, INC.			
09-04607	06/26/09	SEWER-NEW COMPUTER	Open	549.99
01701	ONE CALL SYSTEMS, INC.			
09-04684	07/13/09	A&E - 2/Q/2009 BILLS	Open	57.80
00467	PALMISANO, ELSALYN			
09-04290	04/13/09	A&E-BLANKET:RECORDS MANAGEMENT	Open	128.10
00081	PERRY'S TROPHY CO., INC.			
09-04440	05/15/09	P/L BOARD-NAMEPLATE:R.LONG	Open	13.00
01648	PETRA OVERHEAD DOOR CO., INC.			
09-04577	06/19/09	REPAIR FIREHOUSE OVERHEAD DOOR	Open	325.00
01256	PICCIRILLO CELEBRATIONS			
09-04546	06/10/09	LIBRARY-SCIENCE PROGRAM	Open	265.00
01500	PILLARI BROS CONSTRUCTION CORP			
08-12320	09/24/08	DIIP STORMWATER PUMP STATIONS	Open	15,827.96
00164	RAIN, WILLIAM			
09-04712	07/16/09	2009 PYMT 08/12 HEALTH REIMB	Open	713.67
00788	SCARINCI & HOLLENBECK, LLC			
09-04632	07/01/09	LEGAL-AUG 2009 RETAINER	Open	1,666.67
09-04744	07/22/09	LEGAL SERVICES-JUN 2009	Open	12,000.16
			-----	13,666.83
00244	SEA BRIGHT FIRST AID, INC.			
09-04708	07/16/09	2009 FIRST AID CONTRIBUTION	Open	12,500.00
01554	SEA BRIGHT SERVICE CENTER			
09-04657	07/07/09	FIRE DEPT-BRAKES:4367	Open	389.95
00027	SEABOARD WELDING SUPPLY, INC.			
09-00910	01/21/09	DPW - 2009 CYLINDER RENTAL	Open	12.70
00213	SEELY EQUIPMENT & SUPPLY			
09-04576	06/18/09	DPW-SIGN POST/CAP/STROBE LIGHT	Open	172.00
00410	SEYR, STEPHANIE			
09-04749	07/23/09	COURT-REIMB:FAX MACHINE	Open	56.15
01027	SHORE BUSINESS SOLUTIONS			
09-04598	06/25/09	COPIER MAINT-(1) QTR-BORO HALL	Open	636.20
09-04638	07/06/09	COURT-2009 COPIER MAINT	Open	245.00
09-04648	07/06/09	POLICE-FAX ANNUAL MAINT FEE	Open	295.00
			-----	1,176.20
00053	SHORE REGIONAL HIGH SCHOOL			
09-04622	06/30/09	HIGH SCHOOL TAX - AUG 2009	Open	151,680.00
00975	SMACK, EDWARD			
09-04709	07/16/09	2009 PYMT 08/12 HEALTH REIMB	Open	713.67
00285	STAPLE'S, INC.			

09-04489	05/21/09	POLICE DEPT-SEAL & INK STAMP	Open	121.04
09-04503	05/27/09	FIRE DEPT-LASER PRINTER/CART	Open	396.18
09-04633	07/02/09	POLICE DEPT-OFFICE SUPPLIES	Open	686.75
09-04639	07/06/09	POLICE DEPT-OFFICE SUPPLIES	Open	473.20
				-----
				1,677.17
01742		STATE TREASURER		
09-04643	07/06/09	MUNI CLERK-CERTIFICATION FEE	Open	50.00
00214		STAVOLA COMPANIES		
09-04367	04/29/09	DPW-BLANKET:ASPHALT MATERIALS	Open	330.88
01591		STORR TRACTOR COMPANY		
09-04630	06/30/09	BEACH-PARTS:KAWASAKI MULE	Open	23.98
00427		STRATTON, FELECIA		
09-04677	07/13/09	REC-REIMB:SKIMBOARD LESSONS	Open	300.00
01400		THE ARNETTE LAW FIRM, LLC		
09-01570	02/04/09	2009 SPECIAL LITIGATION	Open	525.00
01285		THE HOME DEPOT		
09-02650	02/27/09	BLDGS/GRNDS-BLANKET:MISC SUPP	Open	83.83
00223		TREASURER, COUNTY OF MONMOUTH		
09-04715	07/16/09	3/Q/2009 COUNTY TAXES	Open	459,736.59
00439		TREASURER, COUNTY OF MONMOUTH		
09-04716	07/16/09	3/Q/2009 LIBRARY TAXES	Open	26,621.72
00523		TREASURER, COUNTY OF MONMOUTH		
09-04717	07/16/09	3/Q/2009 OPEN SPACE TAXES	Open	29,674.29
00178		UNITED STATES POSTAL SERVICE		
09-04766	07/30/09	POSTAGE FOR POSTAGE METER	Open	1,000.00
00675		USLA-NJ CERTIFICATION OFFICE		
09-04567	06/15/09	BEACH-LIFEGRD OPEN WATER CERT	Open	100.00
01960		VERIZON		
09-04740	07/22/09	DPW-DSL INTERNET:JUN 2009	Open	42.99
09-04741	07/22/09	BEACH-JUN 2009	Open	100.79
				-----
				143.78
02061		VERIZON WIRELESS		
09-04682	07/13/09	BLDG/FIRE/COURT:JUL 2009 BILL	Open	76.19
09-04754	07/28/09	POLICE-JUL 2009 CELL & MDT	Open	764.95
				-----
				841.14
01044		VINCENT PRINTING COMPANY, INC.		
09-04628	06/30/09	BEACH-SIGN FOR BILLBOARD	Open	290.00
00251		W.B. MASON COMPANY, INC.		
09-04511	05/28/09	5 CARTONS:LEGAL COPY PAPER	Open	203.20
09-04616	06/29/09	8 CARTONS:COPIER PAPER	Open	246.72
				-----
				449.92
01150		W.W. GRAINGER, INC.		
09-04508	05/27/09	FIRE DEPT-OIL ABSORBENT	Open	152.44
02177		WALSH, JOAN		
09-04695	07/15/09	LIBRARY-REIMB:7/10 BOOKS	Open	69.88
09-04736	07/22/09	LIBRARY-REIMB:7/16 KEYS/RINGS	Open	35.40
				-----
				105.28
01164		WATCHUNG SPRING WATER CO, INC.		
09-04762	07/29/09	JUL 2009 SPRING WATER	Open	167.91
01557		ZIMMERER ELECTRIC, LLC		
09-04580	06/19/09	BEACH-NEW HAND DRYER UNIT	Open	303.28
09-04629	06/30/09	LIGHTING @ BEACH BANDSTAND	Open	681.82
BALANCE CARRIED FORWARD				837,987.15
AOL				18.99
BORO OF SEA BRIGHT PAYROLL A/C (7/15/09 PAYROLL)				143,000.78
BORO OF SEA BRIGHT PAYROLL A/C (7/30/09 PAYROLL)				110,901.85
1488 OCEAN, INC. (ESCROW REFUND)				200.00
DEPOSITORY TRUST CO (BOND INTEREST PAYMENT)				47,265.00
DESIO, DAVID (ESCROW REFUND)				150.00
FAHRENHOLZ, RICHARD (ESCROW REFUND)				1,096.70
MASER CONSULTING (ESCROW)				787.50
MONMOUTH COUNTY SPCA (JUNE 2009 BOARDING)				1,200.00
MONMOUTH SPRINKLER CO (ESCROW REFUND)				1,500.00
NJ DEPT OF COMM AFFAIRS (BAL:2/Q STATE PERMIT FEES)				34.00
NJSHBP (JUNE 2009)				22,283.42
STATE OF NJ (2009 ANNUAL CIF ASSESSMENT)				603.36
GRAND TOTAL				<u>1,167,028.75</u>

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

Ayes: Keeler, Kelly, LoBiondo, Murphy

Nays: None

Abstain: None  
Absent: Bills, Long

**B.** Councilman Keeler made a motion approving the following Council Meeting Minutes:

1. June 2, 2009 Closed Session Meeting
2. June 16, 2009 Council Meeting
3. June 16, 2009 Closed Session Meeting
4. June 25, 2009 Smart Growth Workshop
5. July 7, 2009 Closed Session Meeting

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

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

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

**RESOLUTION 174-2009  
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	AMOUNT
1.18	24	252.01
30	18	86.90
24	29	<u>347.60</u>
Total		686.51

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 \$686.51.  
Second by Councilman Murphy and adopted upon the following roll call vote:  
Ayes: Keeler, Kelly, LoBiondo, Murphy  
Nays: None  
Abstain: None  
Absent: Bills, Long

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

**RESOLUTION 175-2009  
EXTENDING GRACE PERIOD  
FOR PAYMENT OF 3<sup>RD</sup> QUARTER 2009 TAXES**

**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 2009; and

**WHEREAS**, the present statute requires the imposition of a late charge if 3<sup>rd</sup> quarter 2009 taxes are not paid by the 10<sup>th</sup> 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 3<sup>rd</sup> quarter 2009 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.

**THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Sea Bright hereby authorize extending the grace period for payment of 3<sup>rd</sup> quarter 2009 taxes.

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

Ayes: Keeler, Kelly, LoBiondo, Murphy

Nays: None

Abstain: None

Absent: Bills, Long

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

**RESOLUTION NO. 176-2009  
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 July 24, 2009:

**Supervisory Staff Personnel**

Danielle Knoeppel	\$9.00
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**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 Murphy and adopted upon the following roll call vote:

Ayes: Keeler, Kelly, LoBiondo, Murphy

Nays: None

Abstain: None

Absent: Bills, Long

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

**RESOLUTION NO. 177-2009  
BOROUGH OF SEA BRIGHT**

**WHEREAS**, authorization is hereby given to the Library Committee to raise funds for the Jay W. Ross Cultural Arts Center & Library and that all funds raised will be deposited into the Library Trust Fund; and

**WHEREAS**, there are library materials owned by the Jay W. Ross Cultural Arts Center and Library which are no longer of use and the Library Director has recommended that they be sold during the week of September 19-24, 2009 at the following prices:

- Bag of library materials \$6.00
- Paperbacks 3/\$1.00
- Children's Books \$.25
- Videos 2/\$1.00
- Audios \$1.00
- Dvds \$2.00 - \$4.00
- Sea Bright Book Bag \$10.00 (\$1.00 fill bag)

**WHEREAS**, the annual bake sale will also take place with prices ranging from \$.50 to \$3.00.

**WHEREAS**, totes have been purchased for resale purposes for this annual sale and the price set for these totes will be \$10.00 and \$1.00 refill; and

**WHEREAS**, a fee of \$75.00 per person will be charged for the annual library dinner tickets and the event will be held on November 6, 2009 at the Quay Restaurant; and

**NOW THEREFORE BE IT RESOLVED**, that authorization is given by the Mayor and Council of the Borough of Sea Bright to the Library to conduct these events.

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

Ayes: Keeler, Kelly, LoBiondo, Murphy

Nays: None

Abstain: None

Absent: Bills, Long

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

**BOROUGH OF SEA BRIGHT  
RESOLUTION NO. 178-2009**

**WHEREAS**, the Finance Manager has indicated that the Plot Plan escrow monies shall be refunded to:

David DeSio BL 24 LOT 2.04 \$150.00  
822 Ocean Avenue  
Sea Bright, NJ 07760

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Sea Bright hereby authorize that the Plot Plan escrow monies shall be refunded.

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

Ayes: Keeler, Kelly, LoBiondo, Murphy

Nays: None

Abstain: None  
Absent: Bills, Long

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

**RESOLUTION NO. 180-2009**

WHEREAS, the Borough Council of the Borough of Sea Bright authorize the re-issuance of a beach badge to William Miller to replace Beach Badge No. 184.

NOW, THEREFORE, BE IT RESOLVED that the Sea Bright Beach Department re-issue one beach badge to William Miller for the replacement of Beach Badge No. 184.

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

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

Borough Administrator Smeltzer said that the revised July 7, 2009 minutes should read that under river dredging no discussion took place. Also, the word selfishly should replace selflessly where the minutes mention the Sea Bright Board of Education would selflessly served the community of Sea Bright.

**B5.** Councilman Murphy made a motion approving the revised July 7, 2009 Council Meeting Minutes. Second by Councilman Kelly and adopted upon the following roll call vote:

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

**7. OLD BUSINESS:**

Borough Administrator Smeltzer said Page one should read job related questions not job relatedness. Under the section for "scoring" there should be scoring for written examination and for the oral examination with those revisions.

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

**RESOLUTION NO. 184A-2009  
REVISING RESOLUTION NO. 130A-2009  
BOROUGH OF SEA BRIGHT**

BE IT RESOLVED by the Mayor and Council of the Borough of Sea Bright, County of Monmouth that the following revised Promotion Policy be adopted for the Sea Bright Police Department, Standard Operation Procedures, File Category 34.1.3. This revised Promotion Policy amends Resolution No. 103A-2009 adopted on June 2, 2009 by removing the Probationary Period:

**I. PURPOSE:**

The purpose of this Standard Operating Procedure (SOP) is to formally state the Sea Bright Police Departments Promotion Policy and Process.

## **II. POLICY:**

Promotion is the evaluation and selection of an officer for advancement from one rank classification to another within the hierarchy of the Sea Bright Police Department (SBPD)

In carrying out this responsibility, the SBPD will adhere to the procedures/processes presented below. These procedures/processes have been developed to help identify those officers who possess and display the ability for assuming greater responsibilities, combined with the necessary skills and knowledge to perform competently at a higher organizational level.

This policy is established for the positions of Corporal, Sergeant, Lieutenant, Captain, and Deputy Chief.

Candidates seeking promotion to the rank of Chief of Police must meet the eligibility requirements as set by the Mayor and Council when that promotion opportunity is announced. See Resolution No. 130B-2009 adopted June 2, 2009 and amended by Resolution No. 184 A-2009 adopted on August 4, 2009.

Note: The final decision on the promotion of all personnel will be made by the Mayor and Council based on general qualifications, the promotion criteria presented in this SOP, the recommendation of the Chief of Police and the results/conclusions drawn from the Mayor and Council's interviews with the candidates.

Note: Since promotions are not a regular/yearly event within a small department, prior to initiating a promotion process, the Chief of Police, Administrator, and the Police/Public Safety Committee will review this SOP to ensure that all provisions are in compliance with current rulings, policies, and practices especially with regard to non-discrimination and job related questions.

## **III. PROCEDURE/PROCESS**

### **1. Posting/Announcement:**

The Department will notify, in writing, all eligible officers of any promotion opportunity, and the deadline for submitting a letter of intent to participate in the selection process.

### **2. Eligibility Criteria:**

**A.** Candidates seeking promotion to the rank of **Corporal** must meet the following eligibility requirements:

1. Three (3) years of full time service with the Sea Bright Police by the effective date of the promotion.

2. Completion of one (1) year of college (32 credits). Note: All full time officers hired prior to January 1, 2009 are exempt from the educational requirement clause.

**B.** Candidates seeking promotion to the rank of **Sergeant** must meet the following eligibility requirements:

1. Five (5) years of full time service with the Sea Bright Police by the effective date of the promotion.

2. Attained at least an Associates Degree from an accredited college.

Note: All full time officers hired prior to January 1, 2009 are exempt from the educational requirement clause.

**C.** Candidates seeking promotion to the rank of **Lieutenant** must meet the following eligibility requirements:

1. Seven (7) years of full time service with the Sea Bright Police by the effective date of the promotion.

2. Attained the rank of Corporal or above and have been in that position for a minimum of one (1) year.

3. Attained at least a Bachelors Degree from an accredited college.

Note: All full time officers hired prior to January 1, 2009 are exempt from the educational requirement clause.

**D.** Candidates seeking promotion to the rank of **Captain** must meet the following eligibility requirements:

1. Nine (9) years of full time service with the Sea Bright Police by the effective date of the promotion.

2. Attained the rank of Sergeant or above and have been in that position for a minimum of two (2) years.

3. Attained at least a Bachelors Degree from an accredited college.

Note: All full time officers hired prior to January 1, 2009 are exempt from the educational requirement clause.

**E.** Candidates seeking promotion to the rank of **Deputy Chief of Police** must meet the following eligibility requirements:

1. Nine (9) years of full time service with the Sea Bright Police by the effective date of the promotion.

2. Attained the rank of Sergeant or above and have been in that position for a minimum of two (2) years.

3. Attained at least a Bachelors Degree from an accredited college.

Note: All full time officers hired prior to January 1, 2009 are exempt from the educational requirement clause.

**F.** Candidates seeking promotion to the rank of Chief of Police must meet the eligibility requirements as set by the Mayor and Council when that promotion opportunity is announced. See Resolution No. 130B-2009 adopted on June 2, 2009.

**G.** All promotions covered under this policy shall be made from within the membership of the Sea Bright Police Department.

**H.** To be considered for a given promotion, officers must notify the Chief of Police, in writing, of their intention to participate in the formal promotional process. This letter of intent must be submitted to the Police Chief prior to the posted deadline (usually at least thirty (30) days before the date of the written and/or oral examination.)

Note: Candidates who otherwise would be eligible to participate in the given promotion process, will lose their eligibility if they fail to submit the letter of intent prior to the posted deadline.

### **3. Promotion Criteria:**

Note: Each candidate being considered for promotion will go through the same testing/evaluation procedure.

In addition to the qualifications set forth in other sections of this policy, the following factors are to be considered in the evaluation and recommendation of candidates for promotion:

- a. Oral Examination  
And/Or
- b. Written Examination
- c. Job Performance
- d. Length of Service
- e. Medical and Psychological Examinations
- f. Chief of Police Recommendation
- g. Interview/Evaluation by Mayor and Council

#### **A. Oral Examination.**

- The examination board will consist of members from the New Jersey Association of the Chiefs of Police or the International Association of Chiefs of Police.
- The questions for the oral examination shall be kept confidential by the examination committee. No member of the Sea Bright Police Department shall be permitted access to the questions, including the Chief of Police.
- Contents of Examination. The questions will be prepared by the board conducting the examinations.

The questions will be relevant to the position being sought and shall cover relevant court cases, job knowledge, supervisory knowledge, and situational problems. All candidates for the same position/rank will be asked the same questions. All candidates will receive written notification of what topics will be covered on the examination in a reasonable amount of time prior to the examination. All candidates will receive the information on the same date in their department mailbox and will be notified via phone that the information has been distributed.

- Scoring. The members of the examination board will score the candidates using their scoring system. Any candidate that fails the oral examination or has a score equivalent to 69% or less will be disqualified from the promotional process. A perfect score will be 100% or the equivalent.
- Announcement of examination. Notice of the approximate or actual examination date will be posted a minimum of four weeks prior to the examination. Any eligible police personnel on leave or vacation at the time of the posting shall be notified by phone or/and mail.

**B. Written Examination.**

- A written examination administered by the New Jersey Association of Chiefs of Police or the International Association of Chiefs of Police may be in lieu of the oral examination.
- The questions for the written examination shall be kept confidential by the examination committee. No member of the Sea Bright Police Department shall be permitted access to the questions, including the Chief of Police.
- Contents of Examination. The questions will be prepared by the board conducting the examinations. The questions will be relevant to the position being sought and shall cover relevant court cases, job knowledge, supervisory knowledge, and situational problems. All candidates for the same position/rank will be asked the same questions. All candidates will receive written notification of what topics will be covered on the examination in a reasonable amount of time prior to the examination. All candidates will receive the information on the same date in their department mailbox and will be notified via phone that the information has been distributed.
- Scoring. The members of the examination board will score the candidates using their scoring system. Any candidate that fails the written examination or has a score equivalent to 69% or less will be disqualified from the promotional

process. A perfect score will be 100% or the equivalent.

- Announcement of examination. Notice of the approximate or actual examination date will be posted a minimum of four weeks prior to the examination. Any eligible police personnel on leave or vacation at the time of the posting shall be notified by phone or/and mail.

#### **C. Job Performance.**

- Using the Department's employee evaluation process, and the Department's personnel files, the Chief of Police will evaluate and grade the job performance of each candidate for promotion.
- The maximum score a candidate can attain for Job Performance is one hundred thirty eight (138) points.
- Specific performance factors to be considered in the evaluation include, but are not limited to: Communication Skills (verbal/written), Commendations and Awards, Disciplinary Infractions, Absenteeism, Adherence to Established Policy (Sea Bright Personnel Manual, Department Standard Operating Procedures, PBA Local #48 Contract), Professional Schooling, Attitude, Initiative Appearance.

Note: The higher an officer's rank, the more responsibility the officer will have for the overall performance of the entire Department. Hence, a candidate's contribution to the creation and/or implementation of improved policies/procedures within the Department will be of particular interest and value in making a promotion recommendation.

#### **D. Length of Service.**

- One half ( $\frac{1}{2}$ ) point shall be awarded to a candidate for each full year of service with the Sea Bright Police Department as a full time sworn law enforcement officer. No credit shall be given for years of service in any prior task or job.
- The maximum points/score a candidate can attain for Length of Service is twenty (20) points.

#### **E. Medical and Psychological Examinations.**

- All candidates for promotion must pass a complete medical examination performed by the Borough Physician.
- All candidates for promotion must pass a psychological examination conducted by a psychiatrist or psychologist or by a

professional psychological service organization appointed by the Mayor and Council of the Borough of Sea Bright. The purpose of this examination is to evaluate a candidate's intellectual and psychological status; ability to supervise and relate to others; ability to make prudent decisions in a timely manner especially in high stress situations; overall level of maturity.

**F. Recommendation of Chief of Police:**

- The Chief of Police will submit a letter of recommendation to the Borough Administrator who will then forward to the Police/Public Safety Committee and then to the Mayor and Council.
- The letter of recommendation from the Chief of Police will be based on the results of promotion criteria and on the Chief's own evaluation.

Note: When a promotion to a senior rank (Lieutenant, Captain, Deputy Chief) is under consideration, the Police Chief's recommendation will make specific reference to:

1) Examples of a candidate's display of leadership within the Department and/or Community.

2) The candidate's potential for providing effective leadership of the entire Department.

**G. Evaluation by Mayor and Council:**

- The Mayor and Council, or a designated committee thereof, will interview all candidates for promotion.

Note: When deciding on a promotion to a senior rank (Lieutenant, Captain, Deputy Chief), the Mayor and Council will make a specific inquiry into, and an evaluation of:

1) Examples of the candidate's display of leadership within the Department and/or Community.

2) The candidate's potential for providing effective leadership of the entire Department

- The final decision on the promotion(s) of personnel will be made by the Mayor and Council based on qualifications, the promotion process/criteria in this standard operating procedure, the recommendation from the Chief of Police and the results/conclusion drawn from their interviews with the candidates.

#### **H. Additional Information on Scoring:**

- The Chief of Police will create a ranked list of all the candidates for a given promotion by tabulating each candidate's score from the oral and/or written examination; the performance evaluation; and the length of service calculation. The Chief's ranked list will be forwarded to the Borough Administrator and the Police/Public Safety Committee for review prior to being forwarded to the Mayor and Council.
- In the event that the Mayor and Council conclude that two candidates are equal in all respects, Statute 40A:14-122.6 shall be used to determine the relative ranking of the two candidates. Should both candidates also be residents, the candidate with the highest seniority will be placed first on the recommended list forwarded to the Appropriate Authority.

Note: Seniority will be determined by either the current official Department rank of each candidate (Sergeant, Lieutenant, Captain, Deputy Chief), or, if both candidates hold the same Department rank by relative length of service with the Department.

- Scores on any promotional examinations will be valid for one (1) year from the date on which they are received by the Department.
- In the event that a vacancy occurs within one (1) year that the scores are valid, the Chief of Police will create a new ranked list of all candidates using the scoring data already on file, plus the scoring data of any candidate who did not participate in the previous promotion process. A copy of which shall be supplied by the Chief of Police to the Borough Administrator.
- All promotional materials and scores will be maintained in a secured file in the office of the Chief of Police.
- After review by the Borough Administrator and Police/Public Safety Committee, the results of the testing/evaluation process will be forwarded to the Mayor and Council.
- All officers who participate in the promotion process will be allowed to review their test scores and evaluations within fourteen (14) days following the posting of the official results.
- In carrying out this responsibility for the selection of officers for promotion, the Mayor and Council shall among other things consider

and evaluate each eligible candidate in the following areas:

1. oral and/or written test results
2. longevity
3. education and certifications
4. awards and commendations
5. annual/semi-annual performance evaluation results
6. recommendations from Police Chief
7. communication skills
8. community involvement activities
9. administrative abilities
10. leadership abilities
11. Mayor and Council interview/evaluation results

#### **4. Decision By Mayor and Council.**

The Mayor and Council will select the candidate for each promotion.

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

Ayes: Keeler, Kelly, LoBiondo

Nays: None

Abstain: Murphy

Absent: Bills, Long

Borough Administrator Smeltzer said Page one should read job related questions not job relatedness. Under the section for "scoring" there should be scoring for written examination and for the oral examination.

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

**RESOLUTION NO. 184B- 2009  
REVISING RESOLUTION NO. 130B-2009  
STANDARD OPERATING PROCEDURE  
POLICE CHIEF PROMOTION POLICY**

BE IT RESOLVED by the Mayor and Council of the Borough of Sea Bright, County of Monmouth that the following Promotion Policy be adopted for the Sea Bright Police Department, Standard Operation Procedures. This revised Police Chief Promotion Policy amends Resolution No. 130B-2009 by eliminating the probationary period.

This promotional opportunity shall be posted, in a prominent place within the Police Department.

#### **I. PURPOSE:**

The purpose of this Standard Operating Procedure (SOP) is to formally state the Sea Bright Police Department's Promotion Policy and Process.

## **II. POLICY:**

Promotion is the evaluation and selection of an officer for advancement from one rank classification to another within the hierarchy of the Sea Bright Police Department (SBPD)

In carrying out this responsibility, the SBPD will adhere to the procedures/processes presented below. These procedures/processes have been developed to help identify those officers who possess and display the ability for assuming greater responsibilities, combined with the necessary skills and knowledge to perform competently at a higher organizational level.

This policy is established for the position of Chief of Police.

Note: The final decision on the promotion of all personnel will be made by the Mayor and Council based on general qualifications, the promotion criteria presented in this SOP, the recommendation of the Chief of Police and the results/conclusions drawn from the Mayor and Council's interviews with the candidates.

Note: Since promotions are not a regular/yearly event within a small department, prior to initiating a promotion process, the Chief of Police, Administrator, and the Police/Public Safety Committee will review this SOP to ensure that all provisions are in compliance with current rulings, policies, and practices especially with regard to non-discrimination and job related questions

## **III. PROCEDURE/PROCESS**

### **1. Posting/Announcement:**

Pursuant to the authority of the Mayor and Council of the Borough of Sea Bright to establish the position of the Police Chief for the Sea Bright Police Department, once the Mayor and Council of the Borough of Sea Bright have certified by resolution that the position of Chief of Police is or will be vacant and is to be filled, a notice shall be posted in a prominent place on the bulletin board in Police Headquarters and the Mayor and Council shall implement the procedures contained herein below for the selection of a successor Chief of Police.

### **2. Eligibility Criteria:**

**A.** Candidates seeking promotion to the rank of Police Chief must meet the following eligibility requirements:

1. Nine (9) years of full time service with the Sea Bright Police by the effective date of the promotion.
2. Attained the rank of Sergeant or above for at least two (2) years.
3. Attained at least a Bachelors Degree from an accredited college or university.

Note: All full time officers hired prior to January 1, 2009 are exempt from the education requirement clause.

**B.** All promotions covered under this policy shall be made from the membership of the Sea Bright Police Department.

**C.** To be considered for a given promotion, officers must notify the Chief of Police, in writing, of their intention to participate in the formal promotional process. This letter of intent must be submitted to the Police Chief prior to the posted deadline (usually at least thirty (30) days before the date of the written and/or oral examination.)

Note: Candidates who otherwise would be eligible to participate in the given promotion process, will lose their eligibility if they fail to submit the letter of intent prior to the posted deadline.

### **3. Promotion Criteria:**

Note: Each candidate being considered for promotion will go through the same testing/evaluation procedure.

In addition to the qualifications set forth in other sections of this policy, the following factors are to be considered in the evaluation and recommendation of candidates for promotion:

- a. Oral Examination  
And/Or
- b. Written Examination
- c. Job Performance
- d. Length of Service
- e. Medical and Psychological Examinations
- f. Chief of Police Recommendation
- g. Interview/Evaluation by Mayor and Council

#### **A. Oral Examination.**

- The examination board will consist of members from the New Jersey Association of the Chiefs of Police or the International Association of Chiefs of Police.
- The questions for the oral examination shall be kept confidential by the examination committee. No member of the Sea Bright Police Department shall be permitted access to the questions, including the Chief of Police.
- Contents of Examination. The questions will be prepared by the board conducting the examinations. The questions will be relevant to the position being sought and shall cover relevant court cases, job knowledge, supervisory knowledge, and situational problems. All candidates for the same position/rank will be asked the same questions. All candidates will receive written notification of what topics will be covered on the examination in a reasonable amount of time prior to the examination. All candidates will receive the information on the same

date in their department mailbox and will be notified via phone that the information has been distributed.

- Scoring. The members of the examination board will score the candidates using their scoring system. Any candidate that fails the oral examination or has a score equivalent to 69% or less will be disqualified from the promotional process. A perfect score will be 100% or the equivalent.
- Announcement of examination. Notice of the approximate or actual examination date will be posted a minimum of four weeks prior to the examination. Any eligible police personnel on leave or vacation at the time of the posting shall be notified by phone or/and mail.

**B. Written Examination.**

- A written examination administered by the New Jersey Association of Chiefs of Police or the International Association of Chiefs of Police may be in lieu of the oral examination.
- The questions for the written examination shall be kept confidential by the examination committee. No member of the Sea Bright Police Department shall be permitted access to the questions, including the Chief of Police.
- Contents of Examination. The questions will be prepared by the board conducting the examinations. The questions will be relevant to the position being sought and shall cover relevant court cases, job knowledge, supervisory knowledge, and situational problems. All candidates for the same position/rank will be asked the same questions. All candidates will receive written notification of what topics will be covered on the examination in a reasonable amount of time prior to the examination. All candidates will receive the information on the same date in their department mailbox and will be notified via phone that the information has been distributed.
- Scoring. The members of the examination board will score the candidates using their scoring system. Any candidate that fails the written examination or has a score equivalent to 69% or less will be disqualified from the promotional process. A perfect score will be 100% or the equivalent.
- Announcement of examination. Notice of the approximate or actual examination date will be posted a minimum of four weeks prior to the examination. Any eligible police personnel on leave or vacation at the time of the posting shall be notified by phone or/and mail.

**C. Job Performance.**

- Using the Department's employee evaluation process, and the Department's personnel files, the Chief of Police will evaluate and grade the job performance of each candidate for promotion.
- The maximum score a candidate can attain for Job Performance is one hundred thirty eight (138) points.
- Specific performance factors to be considered in the evaluation include, but are not limited to: Communication Skills (verbal/written), Commendations and Awards, Disciplinary Infractions, Absenteeism, Adherence to Established Policy (Sea Bright Personnel Manual, Department Standard Operating Procedures, PBA Local #48 Contract), Professional Schooling, Attitude, Initiative Appearance.

Note: The higher an officer's rank, the more responsibility the officer will have for the overall performance of the entire Department. Hence, a candidate's contribution to the creation and/or implementation of improved policies/procedures within the Department will be of particular interest and value in making a promotion recommendation.

**D. Length of Service.**

- One half ( $\frac{1}{2}$ ) point shall be awarded to a candidate for each full year of service with the Sea Bright Police Department as a full time sworn law enforcement officer. No credit shall be given for years of service in any prior task or job.
- The maximum points/score a candidate can attain for Length of Service is twenty (20) points.

**E. Medical and Psychological Examinations.**

- All candidates for promotion to the rank of Police Chief must pass a complete medical examination performed by the Borough Physician.
- All candidates for promotion to the rank of Police Chief must successfully complete a psychological examination conducted by a psychiatrist or psychologist or by a professional psychological service organization appointed by the Mayor and Council of the Borough of Sea Bright.

Psychological testing will be conducted for objective suitability traits and attributions. Testing shall relate to motivation, intelligence, team compatibility, endurance, social judgment, stress tolerance, self control and emotional

stability. Candidates shall be evaluated for supervisory potential, ability to analyze the management role, as well as leadership and attitudes towards directing and disciplining former peers.

The test shall be scored on a pass/fail basis as to suitability and the examiner shall provide the Borough Administrator with an evaluation report concerning the candidates. The Borough Administrator will forward same to the Police/Public Safety Committee for review and recommendation to the Mayor and Council.

**F. Recommendation of Chief of Police:**

- The Chief of Police will submit a letter of recommendation to the Borough Administrator who will then forward to the Police/Public Safety Committee and then to the Mayor and Council.
- The letter of recommendation from the Chief of Police will be based on the results of promotion criteria and on the Chief's own evaluation.

Note: The chief's recommendation will make particular reference to:

1) Examples of a candidate's display of leadership within the Department and/or Community.

2) The candidate's potential for providing effective leadership of the entire Department.

**G. Evaluation by Mayor and Council:**

- The Mayor and Council will interview all candidates for promotion.

Note: When deciding on a promotion to the rank of Chief of Police, the Mayor and Council will make a specific inquiry into, and an evaluation of:

1) Examples of the candidate's display of leadership within the Department and/or Community.

2) The candidate's potential for providing effective leadership of the entire Department

- The final decision on the promotion of personnel will be made by the Mayor and Council based on qualifications, the promotion process/criteria in this standard operating procedure, the recommendation from the Chief of Police and the results/conclusion drawn from their interviews with the candidates.

#### **H. Additional Information on Scoring:**

- The Chief of Police will create a ranked list of all the candidates for the position of Police Chief by tabulating each candidate's score from the oral and/or written examination; the performance evaluation; and the length of service calculation. The Chief's ranked list will be forwarded to the Borough Administrator and the Police/Public Safety Committee for review prior to being forwarded to the Mayor and Council.
- In the event that the Mayor and Council conclude that two candidates are equal in all respects, Statute 40A:14-122.6 shall be used to determine the relative ranking of the two candidates. Should both candidates also be residents, the candidate with the highest seniority will be placed first on the recommended list forwarded to the Appropriate Authority.

Note: Seniority will be determined by either the current official Department rank of each candidate (Sergeant, Lieutenant, Captain, Deputy Chief), or, if both candidates hold the same Department rank by relative length of service with the Department.

- Scores on any promotional examinations will be valid for one (1) year from the date on which they are received by the Department.
- In the event that a vacancy occurs within one (1) year that the scores are valid, the Chief of Police will create a new ranked list of all candidates using the scoring data already on file, plus the scoring data of any candidate who did not participate in the previous promotion process. A copy of which shall be supplied by the Chief of Police to the Borough Administrator.
- All promotional materials and scores will be maintained in a secured file in the office of the Chief of Police or the Appropriate Authority.
- After review by the Borough Administrator and Police/Public Safety Committee, the results of the testing/evaluation process will be forwarded to the Mayor and Council.
- All officers who participate in the promotion process will be allowed to review their test scores and evaluations within fourteen (14) days following the posting of the official results.
- In carrying out this responsibility for the selection of Police Chief, the Mayor and

Council shall consider and evaluate among other things each eligible candidate in the following areas:

1. oral and/or written test results
2. longevity
3. education and certifications
4. awards and commendations
5. annual/semi-annual performance evaluation results
6. recommendations from Police Chief
7. communication skills
8. community involvement activities
9. administrative abilities
10. leadership abilities
11. Mayor and Council interview/evaluation results

#### **4. Decision by Mayor and Council.**

The Mayor and Council will select the candidate to the rank of Police Chief from among all eligible candidates.

The selection will be made by secret ballot of the Governing Body. A majority vote will prevail. There will be no veto power.

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

Ayes: Keeler, Kelly, LoBiondo

Nays: None

Abstain: Murphy

Absent: Bills, Long

**C. DISCUSSION** - Mayor Fernandes - River Dredging Project. Mayor Fernandes said that the Army Corp of Engineers would require a NJDEP permit and an area large enough to hold the dredged material.

**D. DISCUSSION** - Mayor Fernandes - Proposed Bulkhead Project. Mayor Fernandes said a non-structured measure with a combination of the new submersible pumps and a bulkhead lower than 7 feet would be cost effective and a solution to the flooding problem. Because of this, they should revisit. Councilman Keeler said that the Army Corp's original plan was to eliminate monthly flooding. He said that he agrees with the Mayor and that the bulkhead should be no higher than 3-4 feet. He further said that we have data on repetitive loss properties. Some of the residents have gotten letters from FEMA stating that they have only one more coverage on their property. Councilman Kelly said that he was in favor of the bulkhead but not the height that the Army Corp of Engineers is proposing.

#### **8. NEW BUSINESS**

**A.** Councilman Murphy made a motion approving the request from Brahma Yoga to conduct yoga classes on Municipal Beach. Second by Councilman LoBiondo and adopted upon the following roll call vote:

Ayes: Keeler, Kelly, LoBiondo, Murphy

Nays: None

Abstain: None

Absent: Bills, Long

**B.** Councilman Murphy made a motion approving the request from Felecia Stratton to conduct skim boarding lessons on Municipal Beach. Second by Councilman LoBiondo and adopted upon the following roll call vote:

Ayes: Keeler, Kelly, LoBiondo, Murphy

Nays: None

Abstain: None

Absent: Bills, Long

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

**RESOLUTION NO. 179-2009  
BOROUGH OF SEA BRIGHT**

**WHEREAS**, request for proposals for a qualified Grant Consultant to secure grants from federal, state and/or other funding sources were received and found in accordance with the specifications prepared by the appropriate Borough officials and subject to the approval of the Governing Body of the Borough of Sea Bright, New Jersey.

**NOW THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Sea Bright hereby award the contract for Grant Consultant to:

**Birdsall Services group  
611 Industrial Way  
Eatontown, NJ 07724**

At an hourly rate not to exceed \$130.00 per hour not to exceed \$30,000.00 for the one year period of time August 1, 2009 through July 31, 2010.

**CERTIFICATION OF FUNDS**

**WHEREAS**, Michael J. Bascom, Chief Financial Officer of the Borough of Sea Bright has certified that funds will be available in A & E other professional services for the purpose stated herein.

\_\_\_\_\_  
MICHAEL J. BASCOM, CFO

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

Ayes: Keeler, Kelly, LoBiondo, Murphy

Nays: None

Abstain: None

Absent: Bills, Long

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

**RESOLUTION NO. 182-2009  
BOROUGH OF SEA BRIGHT**

**WHEREAS**, the Sea Bright Governing Body recognize the important function of signs and the need to safeguard and enhance the economic and aesthetic values in the Borough of Sea Bright; and

WHEREAS, the Sea Bright Governing Body wish to assist businesses by temporarily allowing Portable Business Signs from August 4, 2009 through September 30, 2009 until an amendment to the current Sign Ordinance can be adopted into the Code of Sea Bright; and

WHEREAS, the following is a guide intended to assist businesses in understanding the allowances and restrictions that apply for the temporary Portable Business Signs.

A. Portable Sandwich Boards, Wind/Spring Signs and Pedestal Signs:

(1) Once an Ordinance is adopted for Portable Business Signs, a permit will be required for the installation of any portable sign.

(2) The portable sign shall not obstruct pedestrian movement.

(3) The portable sandwich board, wind/spring signs shall be less than three feet tall, and pedestal signs shall be less than four feet tall.

(4) The portable sign is brought indoors when the business is closed.

(5) The portable sign shall be maintained in a safe condition and in good repair.

B. Portable Business Signs

(1) Number of Signs:

One (1) portable business sign, limited to sandwich boards, pedestal sign, 'A' frame sign, and/or wind/spring sign, shall be allowed for each business.

(2) Area.

Signs shall not exceed an area of six (6) square feet per face including any border or trim, and there shall be no more than two (2) faces.

(3) Height.

Sandwich board signs and 'A' frame signs shall not extend more than three (3) feet above the ground on which it is placed.

Pedestal signs shall not extend more than four (4) feet above the ground on which it is placed. A freestanding wind/spring sign shall not extend more than five (5) feet above the ground on which it is placed.

(4) Placement.

No portable business sign shall be constructed and placed so as to interfere with pedestrian ingress and egress.

(5) General Limitations

Signs shall be anchored, supported, or designed so as to prevent tipping over or becoming air born in gusty winds, which reasonably prevents the possibility of signs becoming hazards to public health and safety. Signs shall not be illuminated or contain any electrical component. No objects shall be attached to a portable sign such as but not limited to balloons, banners, merchandise, and electrical devices. Portable business signs shall be removed at the daily close of business. These signs are prohibited while the business is closed.

NOW, THEREFORE, BE IT RESOLVED that Portable Business Signs are hereby temporarily authorized by the Sea Bright Governing

Body from August 4, 2009 through September 30, 2009 or until an amendment to the Sign Ordinance is adopted allowing Portable Business Signs;

BE IT FURTHER RESOLVED that businesses shall follow the within guide for any Portable Sign and shall indemnify and hold harmless the Borough of Sea Bright, its officers, agents and employees from any claim arising out of the presence of a portable business sign. Evidence of insurance for property damage and personal liability shall be required naming the Borough of Sea Bright as an additional insured when a portable business sign is located on borough property.

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

Ayes: Keeler, Kelly, LoBiondo, Murphy

Nays: None

Abstain: None

Absent: Bills, Long

**E.** Councilman Murphy made a motion approving the request from Carrie Marxen to conduct her fitness program on the Municipal Beach. Second by Councilman LoBiondo and adopted upon the following roll call vote:

Ayes: Keeler, Kelly, LoBiondo, Murphy

Nays: None

Abstain: None

Absent: Bills, Long

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

**RESOLUTION NO. 181-2009  
BOROUGH OF SEA BRIGHT**

**WHEREAS**, the Borough Council previously accepted the 2008 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 2008 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: Keeler, Kelly, LoBiondo, Murphy

Nays: None

Abstain: None

Absent: Bills, Long

**9. CORRESPONDENCE AND COMMUNICATIONS:**

**A.** Library Director June 2009 report.

**B.** Chief of Police June 2009 report.

**C.** Acting Court Administrator May 2009 report.

**D.** Acting Court Administrator June 2009 report.

**E.** Board of Public Utilities cable television renewal.

- F. Construction Department June 2009 Monthly report.
- G. Design Ideas Group July 9, 2009 letter regarding Beachfront architectural designs. Councilman Kelly said that he will respond.
- H. DOT July 21, 2009 letter concerning Drawbridge Operations.

**10. COMMITTEE REPORTS:**

**A. Beach/Education/Environment:** On behalf of Councilwoman Long who was absent, Councilman LoBiondo said that the Sea Bright Board of Education was eliminated without prior notice effective July 1, 2009. Marianne McKenzie, President of the Sea Bright Board of Education said in her memorandum to Councilwoman Long there are immediate financial and legal issues as well as future concerns for both Sea Bright and Oceanport.

**B. Public Works/Building Department/Public Relations:**

Councilman LoBiondo said that DPW experienced problems with the new auto dial for the pump stations at Beach and Center Streets Engineer Mainberger was notified and this will be rectified. Beach, Center and Surf streets were paved and the no parking zones painted. Engineer Hoder said that the speed humps would cost \$4,200, which includes painted approaches and two signs. Councilman LoBiondo made a motion approving one speed hump for Center, Beach, New, Surf and Front streets. Second by Councilman Murphy and adopted upon the following roll call vote:

Ayes: Keeler, Kelly, LoBiondo, Murphy

Nays: None

Abstain: None

Absent: Bills, Long

Councilman Kelly left at 8:05 p.m.

**C. Police/Emergency Management/Insurance/Court:**

Councilman Keeler reported that the police report shows an incorrect number of 12 criminal arrests; the right amount is two criminal arrests. Cpl. Lovgren had officers trained in their yearly use of force and mutual aid. His training was completed with no overtime costs. Lt. Sorrentino attended an FBI leadership training session called LEEDA in June.

Sea Bright's Police Department received a certificate of appreciation for mentoring a student in an internship.

The National Park Service reduced the number of cars permitted into Sandy Hook from 5,000 to 3,000 and exiting the park still has a delay of 1.5 to 2 hours because of the Highland bridge construction.

The DOT is in charge of the traffic control for that area and the Sea Bright Police are under the direct order of the DOT traffic expert and the blame should be directed to them not our police.

Councilman Keeler said that in order to receive employee health insurance quotes; there is a two thousand dollars fee paid to the state for a claims history of Sea Bright employees. This is needed in order to negotiate with other health insurance companies to attain quotes. Councilman Keeler made a motion for a request of claims history of Sea Bright employees for the amount of two thousand dollars. Second by Councilman LoBiondo and adopted upon the following roll call vote:

Ayes: Keeler, LoBiondo, Murphy

Nays: None

Abstain: None

Absent: Bills, Kelly, Long

Councilman Keeler said that they need to make a decision to repair or purchase a OEM truck.

The next safety and loss meeting is in September and they will be looking into implementing an employee driver policy.

**D. Finance/Grants/Fire:**

Councilman Murphy reported that they had an audit exit conference and there were just a few minor changes.

American LaFrance has informed them that the new fire truck should arrive by mid September.

**E. Personnel/Administration/Cultural Arts/Recreation:**

Councilwoman Bills was absent. Councilman Murphy stated progress.

**F. Smart Growth/Flood Mitigation/Beautification:**

Councilman Kelly was absent. Councilman Murphy stated progress.

**11. MAYOR FERNANDES - REPORT AND COMMUNICATIONS. MAYOR'S REPORT**

Mayor Fernandes reported that Sea Bright Post Office's new hours effective September 2009 would be for the retail sector 9 AM-12, Monday-Saturday and the lobby's hours would be 8:45 AM-4:15 PM

Mayor Fernandes said that Parking has always been an issue and this summer is no different, especially in downtown Sea Bright. In 2007 Dina Long who was the Public Safety chair, researched permit parking ordinances along with Councilmembers Bills, Kelly and Chief Moore to create a resident permit parking law and program. Unfortunately, the ordinance could not be enacted due to the state's beach access lawsuit against Sea Bright. The lawyers told us not to place any limits on the total amount of parking in town, since available parking is one of the key issues in the suit. While the suit is still ongoing, we hope for a resolution soon. In the meantime, I encourage the Police committee to review this ordinance and make any changes needed so that we can put permit parking in place as soon as the suit is finalized.

A fire hydrant was moved by New Jersey American Water from the north side to the south side of Surf Street because a new water main was installed on the south side. In checking with Engineer Hoder, no one from Sea Bright authorized this location for the hydrant. NJAW routinely locates hydrants as close as possible to the water main.

Engineer Hoder filed a Pre-application package for the Local Government Greenhouse Gas Reduction Program.

Feral cats continue to be a problem and I have asked Council President Keeler and the Public Safety committee to initiate a Trap Neuter Release (TNR) program in Sea Bright. This is a humane way to control the cat population. This program has been successful in other municipalities.

Mayor Fernandes said that she sent a letter to State Education Commissioner Davy petitioning her to determine in accordance with A-4141 the apportionment methodology that will remain in

effect for the duration of Sea Bright's consolidation with Oceanport District.

Sea Bright's next council meeting will be Tuesday, September 1, 2009.

**12. REMARKS FROM THE AUDIENCE:** Re Van Holt of 678 Ocean Avenue said that he planted marsh grass several times at his waterfront property for soil stabilization so that they would not lose the beach. He asked for support to stop the wakes from boaters not obeying no wake signs. He wants marine police to enforce the law.

Jack Kearns reporter for "The Link" said that there is a lot of property damage and personal injury from the boaters ignoring the wake.

**13.** Councilman Keeler introduced and offered for adoption the following resolution at 8:42 p.m.:

**RESOLUTION NO. 183-2009  
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 contract negotiations 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 Murphy and adopted upon the following roll call vote:

Ayes: Keeler, LoBiondo, Murphy

Nays: None

Abstain: None

Absent: Bills, Kelly, Long

The Council returned to their regular order of business at 8:40 p.m.

Councilman Murphy made a motion extending the solid waste/recycling contract with M&S for two years. Second by Councilman LoBiondo and adopted upon the following roll call vote:

Ayes: Keeler, LoBiondo, Murphy, Mayor Fernandes

Nays: None

Abstain: None

Absent: Bills, Kelly, Long

**14. ADJOURNMENT:**

There being no further business before the Governing Body. Councilman Murphy made a motion to adjourn the meeting at 8:42 P.M. Second by Councilman LoBiondo and approved upon unanimous voice vote.

Respectfully Submitted,

Maryann M. Smeltzer  
Municipal Clerk