

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

Mayor Fernandes requested a moment of silence for James F. Walton who died on September 11, 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: Bills, Keeler, Kelly, LoBiondo, Long, Murphy, Mayor Fernandes, Attorney Oxley, Chief Financial Officer Bascom, Borough Engineer Hoder, Chief Moore, Borough Administrator Smeltzer

ABSENT: None

4. PLAQUE PRESENTATION TO RETIRING CHIEF WILLIAM S. MOORE, IV

Mayor Fernandes presented a plaque to Chief William S. Moore, IV in recognition and appreciation of his 25 years of outstanding service and dedication to the Borough of Sea Bright while his wife Carol and their daughter Samantha looked on.

Patrolman Fisler. Sandy Hook PBA representative presented a plaque for 25 years of dedicated service to the Sea Bright Police Department and Sandy Hook PBA Local 48 to Chief Moore.

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 September 1, 2009.

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

ORDINANCE NO. 21-2009
AN ORDINANCE REVISING CHAPTER 39 POLICE DEPARTMENT
OF THE CODE OF SEA BRIGHT

BE IT ORDAINED that the Sea Bright Governing Body hereby authorize the revision of Chapter 39 Police Department in its entirety as follows:

ARTICLE I
Establishment

39-1. Department Established; Line of Authority.

A. A Police Department of the Borough of Sea Bright is hereby established.

B. The Borough Administrator is hereby designated the Appropriate Authority as defined by the laws of the State of New Jersey and the Ordinances of the Borough of Sea Bright. The power vested in the Borough Administrator shall include all responsibilities of the Appropriate Authority in governing the efficient work of the police force and all other powers under law.

C. Pursuant to N.J.S.A. 40A:14-118, the Chief of Police shall be the head of the Police Department and shall be directly responsible to the Appropriate Authority who shall be the Borough Administrator of the Borough of Sea Bright for its efficiency and day-to-day operations.

39.2. Membership.

The Police Department shall consist of a Chief of Police, Deputy Chief of Police, Captain, Lieutenant, Sergeants, Corporal and such patrolmen as the Mayor and Council may from time to time designate. All of the above ranks need not be occupied and appointments are to be made by the Mayor and Council.

39.3. Qualifications of Members.

A. No person shall be appointed as regular officer of the Police Department unless he/she has met all qualifications as prescribed by the statutes of New Jersey in such case made and provided.

B. Is a citizen of the United States and a resident of New Jersey and at least 18 years of age.

C. Is sound in body and of good health sufficient to satisfy the board of trustees of the police and firemen's retirement system of New Jersey as to his/her eligibility for membership in the retirement system. All applicants shall submit to an examination by the Borough Physician.

D. Is able to read, write, and speak the English language well and intelligently.

E. Is of good moral character and has not been convicted of any criminal offense involving moral turpitude.

F. Applicants shall be required to take an examination prepared and held under the auspices of the Monmouth County Association of Chiefs of Police.

G. Applicants shall be required to have their fingerprints taken and complete background investigation.

H. Appointment of a patrol officer to the Police Department is for a probationary period of one year after he/she has completed an approved police training class for a recruit. Continuation in the service is dependent upon the conduct of the appointee and his/her fitness to perform his/her duties. At the termination of the probationary period, if the conduct or capacity of the probationer has not been satisfactory, he/she shall be notified in writing that he/she will not receive absolute appointment, and his/her services shall be terminated by the Mayor and Council upon recommendation of the Chief of Police without a trial. The probationary period may be extended

upon to one year in order to comply with the mandatory training required under N.J.S.A. 52:17B-69, or for other reasons deemed appropriate by the Chief of Police.

I. In addition to the qualifications set forth in this section, the borough may require other qualifications that will be set forth in the Department hiring policy.

39.4 Supervision, Control and Jurisdiction.

The Sea Bright Police Department shall come under the jurisdiction of the Appropriate Authority, which, is hereby created pursuant to N.J.S.A. 40A:14-118. The Borough Administrator is designated as the Appropriate Authority pursuant to Section 39-1 B of the Code of Sea Bright and by Ordinance No. 2-2009. The Chief of Police shall be directly responsible to the Appropriate Authority for reporting upon the operations of the Police Department. The Appropriate Authority is hereby vested with the duty of and shall be responsible for the promulgations, adoption, updating, and/or ratification of Rules and Regulations for police personnel that shall be known as the Rules and Regulations for the Sea Bright Police Department.

39-5 Superior Officers.

A. Chief of Police

1. The Chief of Police shall be directly responsible for the conduct of the Police Department and, in his absence or disability; the next ranking officer of the Department will assume this responsibility. He/She shall see that all of the laws of the state and ordinances of this Borough are enforced and at all time shall be held responsible for the proper conduct of the Department and the efficient and effective operation thereof.

2. The Chief of Police shall have the power to relieve from duty any member of the Police Department for violation of any rule governing the Department until the complaint and charge against such member shall be disposed of by the Appropriate Authority by established disciplinary process.

3. Limitations on disciplinary actions:

(a) Whenever it shall appear to the satisfaction of the Chief of Police that any member has committed a minor infraction against this article or any other rule, regulation or lawful order governing the members of the Department and that, in his/her opinion, it is not worthy of suspension or the filing of formal written charges outlined above, the Chief may then proceed with disciplinary action as he/she deems necessary under the circumstances, provided that said action does not exceed the following limitations and, further, that same does not conflict with any existing statutes of this State.

(1) The loss up to, but not exceeding, five days off, including vacation, personal days, or holiday pay, any hour units of any accrued overtime.

(2) If an accused member of the Department disputes the charges the Mayor and Council shall appoint a hearing officer to fix a time and place of hearing.

(3) The Chief of Police shall have the power to assign any and all members of the police force to his/her or their respective duties and to require any member or members to perform any such assigned duty or duties.

(4) The Chief of Police is empowered to issue to the police force any order not inconsistent with state law, Borough Ordinance, Rules and Regulations that will expedite the work, aid discipline or add to the usefulness or efficiency of the Department.

(5) The Chief of Police shall furnish to the Appropriate Authority monthly and yearly reports of the Department.

(6) The Chief of Police shall have under his/her control all reports, records and property of the Police Department. He/She may designate any member of the Department to prepare these reports and keep and maintain the records in such manner as he/she may prescribe, as well as to take charge of such property coming into the custody of the Department. He/She shall also be in charge of keeping up-to-date service records of all personnel in the Police Department.

(7) The Chief of Police shall see that all persons connected with the Department are properly instructed in their duties and shall give particular attention to the training and instruction of new members thereof. He/She shall be authorized to select any member to attend any recognized police school to learn modern methods of police work.

(8) The Chief of Police shall certify to the correctness of all its bills for work done for the Police Department for merchandise, supplies and goods furnished to the Department and of all bills of every kind and description, which may be submitted.

(9) The Chief of Police shall, without waiting for specific instructions, establish any required details or assignments for the preservation of peace, the protection of life or property or the guarding of prisoners at any place. He/She is expressly required to see to it that all complaints are properly investigated, arrests made where possible and necessary, and to take appropriate action in order to suppress crime, vice and gambling.

(10) The Chief of Police shall be held responsible for the preservation of the public peace, the protection of the life and property and the prevention and detection of crime within the Borough. He/She shall be vigilant in enforcing all the laws and ordinances of the Borough of which the Police Department takes cognizance, paying special attention to the suppression of crime against persons or property, gambling, prostitution and vice of any kind.

(11) The Chief of Police, in the exercise of his/her duties, shall have the power to prescribe, promulgate and enforce such orders, rules and regulations which shall be written or printed, and all members of the Department shall observe and obey them. He/She shall keep a record of all orders issued by him/her.

(12) The Chief of Police is also empowered to enter into any necessary agreements with other townships and municipalities within the State of New Jersey to effectuate the intent and purpose of police aid in times of emergency, as provided under the New Jersey Revised Statutes, N.J.S.A. 40A:14-26 and 40A:14-156.

B. Deputy Chief of Police.

(1) At such time, for such term and in such event as the Police Committee shall determine advisable, and upon approval of the Council, the position of Deputy Chief may be filled by an individual approved by the Mayor and Council.

(2) The position of Deputy Chief shall be superior to all other positions within the Police Department, except for the position of Chief.

(3) When filled, the position of Deputy Chief shall be directly and solely responsible for duties as directed by the Chief of Police.

(4) In the absence or incapacity of the Chief, the Deputy Chief shall assume all of the duties and responsibilities of Chief as set forth in Subsection A hereof.

(5) Such individuals as shall be appointed to Deputy Chief shall receive salary compensation as approved by ordinance of the Mayor and Council.

C. Captain.

(1) At such time, for such term and in such event as the Police Committee shall determine advisable, and upon approval of the Council, the position of Captain may be filled by an individual approved by the Mayor and Council.

(2) It shall be the duty of the Captain to assist the Chief of Police in the performance of his/her duties, and he/she shall have such hours of active duties, as may be prescribed by the Chief of Police.

(3) In the absence of the Chief of Police and Deputy Chief, the Captain shall assume immediate command of the Police Department and shall serve in the capacity of acting Chief of Police until the Chief shall return to duty or until otherwise directed by the Appropriate Authority. During such services as acting Chief of Police, the Captain shall have all the responsibilities, duties, powers and authority of the Chief of Police unless otherwise prohibited or in conflict with the Statutes of the State of New Jersey.

(4) He/She shall at all times keep himself/herself well informed on all matters within the Department or coming to the attention of the Police Department and shall bring all matters of importance to the direct attention of the Chief of Police.

(5) It shall be the duty of the Captain to supervise the establishment and maintenance of all necessary records and filing systems to adequately provide for the proper needs of all branches and members of the Department.

D. Superior Officers generally.

(1) All superior officers shall set an example to all subordinates in sobriety, dignity, courtesy, discretion, skill and diligence and the observance of proper discipline, and at all times appear neatly attired, clean in person and equipment.

(2) Superior officers shall not borrow or accept money or gifts of any description from a member of the Department subordinate in rank or permit a subordinate to engage in work of a personal nature for him/her without compensation.

(3) Superior officers shall control and command. Should there be failure or neglect in the execution of any responsibility by a subordinate, it is incumbent upon the superior officer to recommend the disciplining of such subordinate in writing.

(4) They shall exercise authority in the Department with firmness, kindness and justice; sustain their subordinates when they can do so consistently; and avoid, as far as circumstances may permit, disciplining them in presence of others.

(5) They shall frequently check to see that all subordinates are properly informed of all orders, directives and any other information necessary to the proper performance of their duties. They shall assist all other members in every way possible.

(6) Superior officers shall act as shift supervisors and are immediately responsible to the Chief for the proper supervision and control of all subordinate members assigned to their shift.

(7) Superior officers, while performing the duties as shift supervisors, shall:

(a) Supervise, assign, inspect, check, direct and assist all subordinates in the performance of their assigned activities and functions.

(b) Enforce rules, regulations, orders and instructions.

(c) Report to the Chief or, in his/her absence, to the ranking officer designated by the Chief, any major crime, any grave, unusual or important development, any procedural or operational delinquency and any member who is unfit for duty or who is not ready, able willing to perform his/her duty.

(d) Require and ensure the submission of reports by members under their supervision.

(e) Assign and inspect patrol cars.

(f) Personally and immediately notify the Chief of serious injury to officers on duty.

(g) Personally investigate motor vehicle accidents involving patrol vehicles and, in the absence of investigation unit personnel, investigate serious crimes.

(h) Check members assigned to their shift for personal appearance, uniform and fitness for duty.

(i) Provide for the supervision and direction of school crossing guards.

(j) Evaluate all departmental delinquencies coming to their attention and inform the Chief of such delinquencies, with their recommendations in writing as to the training to be given, the instructions to be issued and the procedures to be followed to ensure efficiency in operations.

(k) Every supervisor will provide for the proper training and instruction of all members in the procedures, operations and business of the Department. Members of the patrol unit shall be trained to replace each other without loss of efficiency.

E. Detective.

It shall be the primary duty of the Detective to take charge of all local investigations and multi-jurisdiction investigations involving the Borough of Sea Bright, reporting directly to the Chief of Police. The Detective shall have such hours of active duty as may be prescribed by the Chief of Police and as dictated by casework requirements and shall be exempt from the right to decline shift changes due to casework needs.

F. Patrol Officers.

(1) Police Officers are responsible for performing a variety of duties related to the protection of life and property, enforcement of criminal and traffic laws, prevention of crime, preservation of the public peace and the apprehension of criminals. They will perform these duties as prescribed in Department orders and as directed by their supervisors.

39-6 Special Law Enforcement Officers.

A. The Mayor and Council shall appoint special law enforcement officers in accordance with N.J.S.A. 40A:14-146.8 et seq.

B. Special Law Enforcement Officers shall act in compliance with N.J.S.A. 40A:14-146.8 et seq. the ordinances of the Borough of Sea Bright and the orders of the Chief of Police or other duly constituted authority.

C. The number of Class I members shall not exceed 10. The number of Class II members shall not exceed 10.

D. Class I and Class II members shall be empowered to issue summonses for those offenses specified in N.J.S.A. 40:A 14-146.11

E. All issued police property shall be immediately returned to the Chief of Police upon termination or other cessation of employment.

F. The Borough is hereby designated a "resort Municipality."

39-7 Employment.

A. The hours of work, rates of pay, benefits, etc., of the members of the police force shall be determined by the statutes of New Jersey, the ordinances of the Borough of Sea Bright and the contract agreed upon by the Mayor and Council and representatives of the members of the police force.

B. No member of the Police Department shall be promoted to or hold any superior rank until he/she shall have served at least three years in the Department as a regular member.

C. Every regular member shall submit to a thorough physical examination annually. In addition each member of the Department is hereby charged with the duty of notifying the Chief of Police or in the case of the Chief, notifying the Appropriate Authority of any accident resulting in the injury to him/her or any other illness suffered by him/her and the nature and extend of the same, and if ordered by the Chief of Police or Appropriate Authority, such member shall submit to a physical examination by a physician designated by the Chief of Police or Appropriate Authority for determination as to his/her fitness for service.

D. Members shall not engage in any other employment outside the Department without first obtaining permission from the Chief of Police. However, any member while under suspension from the Department without pay, if so authorized by the Chief of Police or Appropriate Authority, may engage temporarily in another employment.

39-8 Rules and Regulations.

The Police Department Rules and Regulations and the Standard Operating Procedures are on file with the Chief of Police and in the office of the Borough Administrator/Borough Clerk and available to Department members.

39.9 Disciplinary Procedures.

A. Any member of the Police Department who shall fail to observe and carry out such standards required to promote efficiency and discipline in the Department shall be guilty of violation of this section and shall be subject to punishment in the following manner:

(1) Upon receipt of any charge or complaint against any member of the Police Department for violation of the terms of this section and the rules and regulations as set forth herein or of conduct to the prejudice of good order, efficiency or discipline the investigation of such department member will be conducted in accordance with New Jersey State Attorney General's guidelines.

(2) The Mayor and Council will designate a hearing officer who shall fix a time and place for the hearing on said charges and give due notice thereof through the Appropriate Authority to the accused officer and the complainant. At the time and place set, the hearing officer shall proceed to hold an open and fair hearing or trial, examine witnesses under oath and keep a record of the evidence employing a competent stenographer if deemed necessary. Both complainant and defendant may be represented by council.

(3) The hearing may be adjourned from time to time if necessary, but not so as to unduly delay decision. At the close of the hearing, the hearing officer shall review the evidence and determine the guilt or innocence of the defendant. If the defendant shall be found guilty, then a majority vote of the Mayor and Council present shall fix the penalty. The penalty may be, according to the nature

and flagrancy of the offense, dismissal from the force, and suspension without pay for a period of not more than 90 days, a fine of not more than thirty days' pay, demotion or reprimand.

(4) Notice given of said hearing and the conduct of the same shall conform to all the regulations laid down by the laws of the State of New Jersey.

B. Upon being suspended from duty, a member of the Department shall promptly surrender, if directed by the Chief of Police all property of the Department which may be in his/her possession, which articles shall be retained by the Police Chief and returned to such member upon his/her relief from suspension or his/her restoration to duty. During the period of such relief from duty, the relieved member shall not wear a police uniform.

ARTICLE II MUTUAL AID

39-10 Reciprocal Agreement Established.

The Borough of Sea Bright hereby establishes a reciprocal agreement with each and every municipality within the County of Monmouth for inter-municipal police assistance at times of any and all emergencies. This article shall become effective to each and every other municipality within the County of Monmouth at such times that said municipalities has in the past or may in the future adopt an ordinance providing for the same terms and conditions as set forth herein and pursuant to N.J.S.A.40A: 14-156.1.

39-11 Municipal Expenses.

The Borough of Sea Bright hereby agrees to maintain all expenses incurred by members of its Borough Police Department for emergency assistance rendered within or without the boundaries of this community. The Borough of Sea Bright shall make no claim for reimbursement from any municipality for damages, injuries, wages and the like for aid rendered by members of its Police Department through any other community adopting an ordinance with the same terms of this article pursuant to N.J.S.A.40A:14-156.1.a

39-12 Inter-municipal Police Authority.

In accordance with N.J.S.A. 40A:14-156.1 et seq. the members of the Police Department of the Borough of Sea Bright and any other municipality adopting an ordinance with the same terms and conditions as this article, while on duty rendering assistance to any other municipality, shall have same powers, authority and immunities as have the members of the police force of the municipality in which such assistance is being rendered

39-13 Senior Ranking Officer.

At such times that an emergency may occur and inter-municipal police aid is requested, the Chief of Police or head of the Department of the municipality wherein said emergency exists shall be the senior ranking officer of any Police Department which may be rendering assistance within the confines of said municipality.

ARTICLE III
SPECIAL DUTY ASSIGNMENTS

39-14 Assignment: Use of Patrol Vehicle; Venue.

A. Any and all special duty assignments for police personnel shall be approved by the Chief of police or his/her designee. No Police officer shall perform special duty assignments for private parties for compensation other than through procedure set forth in this article.

B. The Chief of Police or his/her designee may assign a patrol vehicle for use in performing special duty assignments if it is determined that the use of a patrol vehicle is necessary to safely perform the contracted duty or for other reasons that the Chief of Police deems adequate and sufficient.

C. The Chief of Police or his/her designee may deny the assignment of the use of police officers or vehicles and/or impose any condition or requirement as in his/her sole discretion and determination is in the best interest of the Borough and/or the police officer or public safety. The Chief or his/her designee shall be guided by the nature of the assignment and should avoid those with conflicts of interest of high-risk injury.

D. When necessary, the Chief of Police may contact adjoining municipal Police Departments to see if they are willing to perform such special assignments in Sea Bright if no Sea Bright officer has requested the special duty assignment available.

39-15 Scope of Work; Payments for Services.

A. The work to be performed shall be considered special assignment from independent contractors and will not be considered a direct assignment. The taking of any and all extra duty assignment shall be on a voluntary basis in accordance with a fair and reasonable system established and administered by the Chief of Police

B. Officers engaged in special duty assignments shall be deemed on-duty and shall conform to all Police Department rules, regulations and Standard Operation Procedures. All such agreements for special duty assignments shall be contracted for in writing by completion of a form available from the Police Department, which contracts shall be kept on record as other such public documents. Contractors wishing to hire off-duty officers in accordance with this article must deposit with the Borough a sum equal to the cost of the entire assignment, prior to the assignment of any officer for such duty. In cases where the length of the assignment is unknown, the contractor shall deposit an amount equal to the amount sufficient to cover the estimated length of the assignment, plus an additional eight hours. In the event that an assignment exceeds the original estimated length, the contractor must increase the escrow to an amount equal to the estimated additional length of the assignment plus an additional four hours, unless the original escrow amount will be enough to cover the entire assignment.

C. All payments made to the police officers for special duty assignments shall be subject to the required deductions and administrative and insurance fees to be retained by the

municipality which shall be set forth annually in a resolution adopted by the Governing Body. The insurance fee shall be used for the purposes of contribution to the Borough's Workers' Compensation Fund.

39-16 Contracts for Special Duty Request.

All such agreements for special duty assignments shall be contracted for in writing by the completion of a form available from the chief of Police. The contracts shall be kept on record as other such public documents.

39-17 Payments for Services.

All payments for special duty assignments shall be deposited into the "Trust Other" fund. Thereafter payments shall be made, out of the payroll account, to the individual police officers performing such service. All payments shall be made to the police officers subject to required deductions, administrative, insurance and patrol car fees to be retained by the municipality. The charges for such service shall be set forth annually in a resolution adopted by the Governing Body. All funds in excess of the amount due the Borough will be returned to the depositor within 30 days of written request to refund same. Any dispute between the contractor and the police officer on assignment as to services rendered or compensation due shall be determined by the Police Chief. His/her decision shall be final and binding.

39-18 Cancelled Assignments.

Any assignment which is cancelled on less than four hours notice shall be charged against the Contractor.

39-19 Emergency; Termination of Assignment.

A. Should an officer working an extra duty job discover that: conditions are unsafe to the working law enforcement personnel, the job is not legal, or the job is not consistent with the professional police image or law enforcement purpose, he shall immediately cease work and notify the Commander of Schedule/Shift supervisor (depending on the time of day) so that an immediate review can be conducted to determine if the officer is correct in his/her assessment.

B. If the extra duty employment is found to be detrimental to the police image or non consistent with a law enforcement purpose, the job will be terminated. If the job jeopardizes officer safety (i.e., insufficient manpower for the size of the function, etc.) the appropriate revisions will be required to ensure officer safety before an officer will be permitted to return to this particular job site. Any and all revisions recommended will then be discussed with the employing agency. If the revisions are accepted, or a compromise is reached that is acceptable to both the Police Department and the employing agency, the revisions will be made and the extra duty employment continued. If the revisions are rejected and/or no satisfactory compromise can be reached, the extra duty employment will be terminated.

C. The contractor shall not be responsible for any compensation for the time that the police officer is away from the special duty assignments.

D. The contract shall have no claim for any costs or damages against the municipality, the chief or the police officer arising from the termination of special duty assignment other than the prorated return of any costs prepaid to the municipality.

39-20 Insurance and Indemnification.

A. Each private person or entity who shall employ special duty police officers pursuant to this article shall be responsible for maintaining their own insurance coverage in an amount acceptable and in accordance with the Borough's Insurance Requirements.

B. The insurance coverage shall include but is not limited to, general liability, workers' compensation insurance and automobile insurance.

C. The Borough of Sea Bright must be a named insured on said policy. The private person or entity shall provide the aforementioned for any and all Sea Bright Borough Officers, Sea Bright Vehicles and/or Equipment that is utilized in the special duty assignment.

D. Proof of said insurance coverage shall be provided to the Borough of Sea Bright prior to the assignment of any off-duty police officers to the private person or entity.

E. Any private person or entity requesting the services of special duty police officers shall indemnify and defend the Borough of Sea Bright from suit and shall hold the Borough of Sea Bright harmless for any and all damages which may arise from the special duty police officer's employment by the private person or entity during the special duty assignment.

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

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

NAYS: None

ABSTAIN: Murphy

ABSENT: None

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

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

NAYS: None

ABSTAIN: Murphy

ABSENT: None

Councilman Keeler made a motion to approve Ordinance No. 21-2009 on its Third and Final Reading and advertise it according to law. Second by Councilman Kelly and approved upon the following roll call vote:

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

NAYS: None

ABSTAIN: Murphy

ABSENT: None

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

Items A and D were removed from the Consent Agenda.

B. Councilman Murphy introduced a motion approving the September 1, 2009 Council Meeting Minutes. Second by Councilman Kelly and approved upon the following roll call vote:

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

NAYS: None

ABSTAIN: None

ABSENT: None

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

**RESOLUTION NO. 200-2009
BOROUGH OF SEA BRIGHT**

WHEREAS, a request has been received from the Lt. Sorrentino for a Halloween Curfew in the Borough of Sea Bright.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Sea Bright, New Jersey that a curfew be imposed between the hours of 9:00 P.M. and 6:00 A.M. for those under the age of eighteen, except those accompanied by an adult or on their way to or from work for the dates of October, 30 and 31, 2009.

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

E. Councilman Murphy introduced a motion approving the NJ State Firemen's Association Membership Application - Walter Olenhaus. 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

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

**RESOLUTION NO. 204-2009
PRE-SEASON 2010 BEACH BADGE SALE**

WHEREAS, the Borough Council of the Borough of Sea Bright have recommended PRE-SEASON 2010 BEACH BADGE SALE effective October 1, 2009 through December 31, 2009 at a price of \$50.00.

NOW, THEREFORE, BE IT RESOLVED that the pre-season 2010 beach badge sale be authorized as indicated above. 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

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

**RESOLUTION NO.199-2009
PAYMENT OF BILLS 09-15-2009**

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

NOW, THEREFORE, BE IT RESOLVED, that these vouchers totaling \$ 387,816.04 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.

00120	7-ELEVEN OF SEA BRIGHT		
09-04495	05/26/09 POLICE-05/14/09 PRISONER FOOD	Open	3.99
09-04812	08/11/09 POLICE-08/06/09 PRISONER FOOD	Open	5.48
09-04902	08/24/09 POLICE-08/11/09 PRISONER FOOD	Open	5.28

			14.75
02182	A.M./P.M. SERVICES		
09-04908	08/31/09 MUNI CLERK-09/11/09 SEMINAR	Open	368.00
01199	ACE MANZO, INC.		
08-12240	09/23/08 DIIP ROAD IMPROVEMENTS	Open	189,585.24
00532	ADVENTURE AQUARIUM		
09-04858	08/17/09 REC-8/27 POLICE EXPLORER TRIP	Open	747.00
01578	AMERICAN MESSAGING		
09-04928	09/01/09 DPW-SEP 2009 PAGER SERVICE	Open	41.14
02113	AMERICAN WATER CAPITAL CORP.		
09-04818	08/11/09 2008 SEWER BILLING DATA	Open	161.94
00003	ASBURY PARK PRESS		
09-00010	01/20/09 MUNI CLERK-BLANKET:NOTICES	Open	212.76
00384	AT & T MOBILITY		
09-04896	08/24/09 DPW-AUG 2009 CELL BILL	Open	159.13
00006	AVAYA, INC.		
09-04898	08/24/09 POLICE-3/Q/2009 PHONE MAINT	Open	54.96
01925	BORO OF SEA BRIGHT/EE' HEALTH		
09-04979	09/10/09 REPLENISH HEALTH INS FUND	Open	5,000.00
01113	BOROUGH OF BRADLEY BEACH		
09-04781	08/03/09 REC-8/25 MINIATURE GOLF	Open	102.00
01731	CAESARS ATLANTIC CITY		
09-04602	06/25/09 DPW-ROOM RESERV:CONFERENCE	Open	318.00
09-04671	07/13/09 TAX COLL-ROOM RESERVATION	Open	318.00

			636.00
01491	CANCELLIERI, MD, FRANCIS		
09-04884	08/21/09 A&E-PSYCH EXAM:J.SORRENTINO	Open	1,000.00
00230	CERTIFIED SPEEDOMETER		
09-04789	08/03/09 POLICE DEPT-CALIBRATE VEHICLES	Open	144.00
01723	CERTIFIED TRANSPORTATION		
09-04953	09/03/09 DPW-DIESEL EMISSIONS TESTING	Open	95.00
00198	COMCAST		
09-04921	08/31/09 FIRE DEPT-INTERNET:SEP 2009	Open	95.23
09-04944	09/01/09 LIBRARY-INTERNET:AUG 2009	Open	100.19
09-04980	09/10/09 A&E-INTERNET:SEP 2009	Open	95.00

			290.42
01745	CONTE'S CAR WASH		
09-04915	08/31/09 POLICE DEPT-20 CAR WASHES	Open	140.00
01493	COOPERATIVE INDUSTRIES, L.L.C.		
09-04961	09/08/09 JUN 2009 NATURAL GAS	Open	781.26
00333	D.G. COMPUTER SOLUTIONS, LLC		
09-04343	04/27/09 POLICE DEPT-BLANKET:IT SERV	Open	185.00
09-04873	08/20/09 A&E-8/18/09 IT SERVICES	Open	265.00

			450.00

01593	DEROSA, ISABEL			
09-04878	08/20/09	COURT - 08/13/09	INTERPRETER	Open 140.00
09-04960	09/08/09	COURT - 8/28,9/3	INTERPRETER	Open 260.00

				400.00
01387	DMH LAWN CARE, LLC			
09-04305	04/16/09	BLDGS/GRNDS-2009	MOWING SERV	Open 2,800.00
09-04476	05/19/09	BLDGS/GRNDS-2009	BRUSH CONTROL	Open 400.00

				3,200.00
01288	FISLER, CHRISTOPHER			
09-04811	08/11/09	POLICE DEPT-TRAVEL	REIMB	Open 176.00
01260	GASS, ALBAN			
09-04903	08/24/09	LIBRARY-PHOTOSHOP	CLASSES	Open 300.00
02181	GATEWAY PRESS			
09-04880	08/21/09	LIBRARY-RAFFLE	TICKETS	Open 68.00
01457	GEMINI AUTOMOTIVE CARE			
09-04920	08/31/09	POLICE DEPT-20	TIRES	Open 1,940.00
01549	GENERAL CODE PUBLISHERS CORP.			
09-04924	08/31/09	A&E-SUPPLEMENT	#53	Open 3,493.18
01194	GLENCO SUPPLY, INC.			
09-04699	07/15/09	DPW-WHITE & YELLOW	PAINT	Open 664.65
01286	INDUSTRIAL MARINE			
09-04855	08/17/09	REIMB:07/10-08/10	GARAGE ELECT	Open 164.69
00554	INSECTROPOLIS			
09-04864	08/18/09	REC-8/26	POLICE EXPLORER TRIP	Open 281.00
01363	IRON MOUNTAIN, INC.			
09-01620	02/05/09	A&E-VAULT:SERVER	BACKUPS	Open 120.00
01526	JCP & L			
09-04932	09/01/09	JUL 2009	ELECTRIC SERVICE	Open 9,491.24
00895	JOHNNY ON THE SPOT, INC.			
09-04814	08/11/09	PORTO-POTS - SEP	2009	Open 396.00
02071	LAB SAFETY SUPPLY, INC.			
09-04869	08/19/09	SEWER-GLOVES		Open 203.10
01209	LANGUAGE SERVICES ASSOCIATES			
09-04841	08/13/09	COURT-JUL 2009	INTERPRETATION	Open 16.80
00275	M & S WASTE SERVICES, INC.			
09-04946	09/03/09	08/09	GARBAGE/RECYCLING PICKUP	Open 8,691.67
09-04947	09/03/09	AUG 2009	LANDFILL TIPPING FEES	Open 9,303.44

				17,995.11
00620	MAD HATTER			
09-04780	08/03/09	REC-8/28	LUNCH-POLICE EXPLORER	Open 241.80
01801	MASER CONSULTING, P.A.			
09-04892	08/21/09	ENGINEERING-SMART	GROWTH/FIRE	Open 1,437.50
09-04893	08/21/09	ENGINEERING-ENERGY	GRANT	Open 500.00

				1,937.50
01985	MOBILE MINI, INC.			
09-04799	08/07/09	MOVE	POLICE TRAILER	Open 680.00
09-04945	09/03/09	COURT-TRAILER 2009	PYMT 10/13	Open 268.00

				948.00
02065	MONMOUTH COUNTY VOCATIONAL			
09-04872	08/19/09	DPW-WATER/WASTEWATER	COURSE	Open 550.00
00378	MONMOUTH TRUCK EQUIPMENT			
09-04870	08/19/09	DPW-REPLACEMENT	SIDE STEPS	Open 379.00
00340	MORRIS, KATHLEEN			
09-04922	08/31/09	REC-REIMB:CALENDARS+FUNTIME		Open 460.61
09-04962	09/08/09	REC-REIMB:SKIM BASH	ITEMS	Open 229.13
09-04967	09/08/09	A&E-REIMB:TRAVEL	REIMB 9/4/09	Open 12.22

				701.96
01110	NFPA			
09-04868	08/19/09	FIRE MARSHALL-FIRE	MATERIAL	Open 143.95
00019	NJ AMERICAN WATER			
09-04931	09/01/09	AUG 2009	HYDRANTS	Open 2,143.96
00502	NJ STATE LEAGUE/MUNICIPALITIES			
09-04948	09/03/09	A&E-11/19	BREAKFAST:D.LONG	Open 45.00
00266	OSGOODBY, JOAN			
09-03340	03/11/09	REC-REIMB:10/17/08	XMAS BANNER	Open 69.00

09-04971	09/08/09	REC-REIMB:SIGN HOLDERS	Open	181.37

				250.37
00401		PAK RAT EQUIPMENT, INC.		
08-15700	12/29/08	FIRE DEPT-ICE RESCUE SUITS	Open	848.00
01500		PILLARI BROS CONSTRUCTION CORP		
08-12320	09/24/08	DIIP STORMWATER PUMP STATIONS	Open	3,806.12
00463		RUTGERS, THE STATE UNIVERSITY		
09-04879	08/21/09	P/L BOARD-P/Z ADMIN COURSE	Open	567.00
01554		SEA BRIGHT SERVICE CENTER		
09-04787	08/03/09	POLICE-VEHICLE MAINT-5/18-7/14	Open	1,049.70
00985		SEABOARD FIRE/SAFETY EQUIP CO.		
09-03620	03/17/09	POLICE-(3) NEW FIRE EXTINGUISH	Open	291.00
00213		SEELY EQUIPMENT & SUPPLY		
09-04794	08/06/09	DPW-HEADLIGHTS:SNOW PLOW	Open	299.00
00410		SEYR, STEPHANIE		
09-04951	09/03/09	COURT-TRAVEL REIMB:08/26/09	Open	61.60
01603		SIGNS BY TOMORROW		
09-04426	05/11/09	BEACH-WELCOME/PARKING SIGN	Open	438.00
09-04470	05/19/09	BEACH-SIGNS	Open	467.00

				905.00
00427		STRATTON, FELECIA		
09-04911	08/31/09	A&E-EDIT/DESIGN:SEP'09 SEA BRZ	Open	700.00
01321		STUMPY'S SALES & SERVICE, INC.		
09-04801	08/07/09	BEACH-REPAIR:YAMAHA IGNITION	Open	493.33
01285		THE HOME DEPOT		
09-04859	08/17/09	BLDGS/GRNDS-BLANKET:MISC SUPP	Open	390.10
01692		TROPICANA CASINO & RESORT		
09-04769	07/30/09	MUNI CLERK-ROOM RESERV:CONFER	Open	111.00
00204		TRUMP PLAZA HOTEL & CASINO		
09-04848	08/14/09	A&E-ROOM RESERV:CONFERENCE	Open	300.00
02128		U.S. FILTER WASTEWATER		
09-04792	08/06/09	SEWER-PUMP REPAIR KITS	Open	290.24
09-04871	08/19/09	SEWER-REPAIR:CHEMICAL FEED SYS	Open	1,140.26

				1,430.50
01281		UNIQUE PHOTO, INC.		
09-04802	08/07/09	POLICE-MUG SHOT FILM	Open	94.90
02061		VERIZON WIRELESS		
01150		W.W. GRAINGER, INC.		
09-04874	08/20/09	DPW-GATORADE	Open	132.68
02177		WALSH, JOAN		
09-04897	08/24/09	LIBRARY-REIMB:8/21 DVDS,BOOKS	Open	73.85
09-04923	08/31/09	LIBRARY-REIMB:DVD,BOOK,SUPP	Open	49.96

				123.81
01557		ZIMMERER ELECTRIC, LLC		
09-04732	07/22/09	BLDGS/GRNDS-REPAIRS:POLICE HQ	Open	680.00
ABSOLUTE FIRE PROTECTION, INC. (2007 MCIA)				19,691.93
BORO OF SEA BRIGHT PAYROLL A/C (8/28/09 PAYROLL)				106,630.66
MASER CONSULTING (ESCROW)				1,035.00
QUALITY COMMUNICATIONS (2005 MCIA)				900.00
U.S. POSTAL SERVICE (POSTAGE:NEWSLETTER)				199.32
TOTAL				387,816.04

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

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

Nays: None

Abstain: Long

Absent: None

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

**RESOLUTION NO. 201-2009
BOROUGH OF SEA BRIGHT**

WHEREAS, there exists a need for additional Police personnel pursuant to an email received from Chief William S. Moore.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Sea Bright, County of Monmouth that the following person be appointed and receive the hourly rate of pay as specified below effective September 15, 2009:

DISPATCHER	HOURLY RATE
Ryan Chippendale 57 Elm Place, Red Bank, NJ	\$8.00

CERTIFICATION OF FUNDS

I, Michael J. Bascom, Chief Financial Officer, of the Borough of Sea Bright, do hereby certify that funds are available in Dispatcher/Police 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

Nays: None

Abstain: Murphy

Absent: None

7. OLD BUSINESS:

A. DISCUSSION: Municipal Driving Policy - Councilman Keeler said that Dominic Cinelli, Risk Control Manager and Administrator Smeltzer will work on the municipal driving policy which will define the operation of borough vehicles by regular, seasonal and volunteer workers.

B. DISCUSSION: Cell Tower - Councilman Keeler said they will be accepting bids for a cell tower and the Council discussed temporary and permanent cell towers and its location. Councilman Murphy introduced a motion authorizing Attorney Oxley to prepare bid specifications for a cell tower and to re-list this on the October 1 Agenda. 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

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

**RESOLUTION NO. 205-2009
BOROUGH OF SEA BRIGHT**

WHEREAS, the Borough of Sea Bright intends to file an application with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust for the Downtown Infrastructure Improvement Project - Phase II for Sanitary and Storm Sewer Improvements.

WHEREAS, the Governing Body of the Borough of Se Bright authorizes David Hoder, P.E. of Maser Consulting to file the aforementioned grant not to exceed \$1,000, and;

CERTIFICATION OF FUNDS

I, Michael J. Bascom, Chief Financial Officer, of the Borough of Sea Bright, do hereby certify that funds are available in Ordinance 8-2007 for the purpose stated herein.

MICHAEL J. BASCOM, CFO

NOW, THEREFORE BE IT RESOLVED that Maryann Smeltzer, Borough Administrator be authorized to act as the Authorized Representative to represent the Borough of Sea Bright in all matters relating to the project undertaken pursuant to the above referenced New Jersey Environmental Infrastructure Loan to be executed with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust. The Authorized Representative may be contacted at Sea Bright Municipal Building, 1167 Ocean Avenue, Sea Bright, NJ 07760; (732) 842-0099.

Second by Councilman Murphy and adopted up 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. 206-2009
BOROUGH OF SEA BRIGHT**

WHEREAS, the Mayor and Council of the Borough of Sea Bright are interested in providing Borough Employees with the mandatory insurance for Temporary Disability Benefits through a private plan underwritten by Zurich American Insurance Company to take effect January 1, 2010; and

WHEREAS, the Mayor and Council of the Borough of Sea Bright hereby authorize James R. Nelligan, President of James R. Nelligan & Associates, LLC to collect the required signatures of consent from Borough Employees and process the Application for Approval of the Insured Private Plan.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, that authorization is hereby granted to perform the above services as stated herein and that the Mayor is authorized to sign the Application in this process.

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

Ayes: Bills, Keeler, Kelly, LoBiondo, Long

Nays: None

Abstain: Murphy

Absent: None

8. NEW BUSINESS:

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

**RESOLUTION NO. 209-2009
BOROUGH OF SEA BRIGHT**

WHEREAS, the Sea Bright Governing Body wishes to authorize Hatch, Mott and MacDonald, Inc. to apply for the NJOEM and FEMA grant applications for elevating structures; and

WHEREAS, pursuant to the attached e-mail from Robert Mainberger, P.E. dated August 28, 2009 a quote has been received to apply for the NJOEM and FEMA Grant Applications as follows:

1. to complete the basic grant application in the sum of \$1,500.00; and

2. an additional \$2,000 for each selected structure to be listed in the grant application.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Governing Body hereby authorizes Hatch Mott and MacDonald, Inc. to apply for the NJOEM and FEMA grants at a cost not to exceed \$10,000.00.

CERTIFICATION OF FUNDS

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

MICHAEL J. BASCOM, CFO

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

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

Nays: None

Abstain: None

Absent: None

B. Councilman Murphy introduced a motion approving a request from Pastor Long to hold annual Blessing of the Animals on the public beach September 19, 2009. Second by Councilwoman Bills and adopted upon the following roll call vote:

Ayes: Bills, Keeler, Kelly, LoBiondo, Murphy

Nays: None

Abstain: Long

Absent: None

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

RESOLUTION NO. 202-2009 BOROUGH OF SEA BRIGHT

WHEREAS, the Governing Body has recommended that John Sorrentino is to be appointed to the position of Chief of Police.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Sea Bright, County of Monmouth that John Sorrentino receive the title of Chief of Police effective October 1, 2009 at a salary of \$100,000.00 provided Chief William S. Moore has retired as of September 30, 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 Police 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

Nays: None

Abstain: Murphy

Absent: None

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

**RESOLUTION NO. 203-2009
BOROUGH OF SEA BRIGHT**

WHEREAS, the Borough of Sea Bright has received funds from the former Sea Bright Board of Education which was a non-operating board of education which was eliminated by the State; and

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received; and

NOW THEREFORE, BE IT RESOLVED, pursuant to Chapter 78, Public Laws of 2009 that such funds for the former Sea Bright Board of Education received by the Borough be placed in a special trust fund and such trust fund shall be considered a "Dedication by Rider" to the budget of the Borough of Sea Bright for the purpose stated above.

BE IT FURTHER RESOLVED, that the Borough Clerk forward to copies of this resolution to the Director of Local Government Services for approval.

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

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

Nays: None

Abstain: None

Absent: None

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

**RESOLUTION NO. 207-2009
BOROUGH OF SEA BRIGHT
AMENDING RESOLUTION NO. 174-2008
CHANGE ORDER AND SUPPLEMENTAL AGREEMENT NO. 4
DOWNTOWN STORMWATER IMPROVEMENT PROJECT
AND THE RECONSTRUCTION OF VARIOUS ROADS**

WHEREAS, a change order is required to the original project cost. The description for this change order shall be pursuant to the supplemental Agreement No. 4 dated September 8, 2009 prepared by David Hoder, P.E. of Maser Consulting and signed

by a principal of Ace Manzo, Inc. **decreasing** the contract amount in the amount of **\$4,991.10**.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Sea Bright that the contract for the Downtown Stormwater Improvement Project and which was previously awarded to:

**Ace Manzo, Inc.
436 Charles Street
Aberdeen, NJ 07747**

on September 8, 2009 be amended and a change order be allowed for a **decrease** in the amount of **\$4,991.10**. The adjusted contract amount is \$807,723.90 based on prior change orders.

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

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

Nays: None

Abstain: None

Absent: None

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

**RESOLUTION NO. 208-2009
BOROUGH OF SEA BRIGHT**

BE IT RESOLVED, by the Mayor and Council of the Borough of Sea Bright, New Jersey that the following Application for Liquor License was received, the license granted to sell alcoholic beverage, and the Clerk of the Borough is authorized to issue and deliver such licenses:

RETAIL CONSUMPTION LICENSES: FEE FOR RENEWAL: \$2,400.00

1343-33-019-011 Quay Caterers, LLC
280 Ocean Avenue

Alcoholic Beverage Licensee Retail Tax Clearance Certificate pursuant to Chapter 161, Laws of NJ 1995 has been granted by the Division of Taxation to the within named.

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

9. CORRESPONDENCE AND COMMUNICATIONS:

- A.** Construction Department - July 2009 Report
- B.** Two Rivers Water Reclamation Authority August report.
- C.** DOT letter notifying that grant application for Transportation Enhancement was not approved.
- D.** Library Director August 2009 report.
- E.** Chief of Police August 2009 report.

10. COMMITTEE REPORTS:

A. Beach/Education/Environment: Councilwoman Long reported that beach revenue was down \$11,112 for the 2009 season because of bad weather. The pre-season beach badge sale was successful. October 1st will begin the 2010 pre-season badge sale until December 31. A meeting was held with Carole Morris, Executive County Superintendent concerning finance issues and the school funding formula as it pertains to Sea Bright consolidation with Oceanport.

B. Public Works/Building Department/Public Relations:

Councilman LoBiondo reported that the curbs have been painted and speed humps were installed on New, Surf, Beach and Center Streets. Church Street will also have a speed hump. The new pump stations are working great. DPW have been making repairs to dune fencing due to the recent storm.

C. Police/Emergency Management/Insurance/Court:

Councilman Keeler reported that Kristie Jacobs will be commended at the next council meeting because of her actions in Rumson at the scene of a accident. Administrator Smeltzer will send a letter to Dave Wallis, DOT project manager for them not to paint Highlands bridge. The Borough will be purchasing two pick-up trucks for OEM purposes.

D. Finance/Grants/Fire: Councilman Murphy reported that all departments will be working on their 2010 budget. James Forsman is going to Georgia to check on the LaFrance fire truck. We met with Mr. McGinty, grant consultant to pursue a new municipal complex and it looks very promising.

E. Personnel/Administration/Cultural Arts/Recreation:

Councilwoman Bills reported that the Flea Market and PT Cruisers is this weekend. She thanked everyone for their help during the Skimboard Contest.

F. Smart Growth/Flood Mitigation/Beautification:

Councilman Kelly reported that revisions will be sent to a local architect who has volunteered his services for a beach facility. The next Smart Growth meeting is scheduled for September 24 at 7:30 p.m. Three landscaping companies will be submitting bids to the Borough soon

11. MAYOR FERNANDES - REPORT AND COMMUNICATIONS.

Mayor Fernandes said that Attorney Arnette will be meeting with Council at a closed executive session regarding State of NJ v. Sea Bright on October 1, 2009.

Mayor Fernandes advised she received a call from the owner/manager of Adrenaline who said that Carrie Marxen's Boot Camp on the beach was in direct competition with Adrenaline. He asked why the Council is allowing this outside vendor to have a boot camp business on the beach. He requested that the Council rescind their approval. If that was not possible he asked Council to put more thought into allowing outside entities to conduct business in Sea Bright when it takes business away from local merchants. They don't pay taxes and the town doesn't receive any revenue. After discussing these issues, the Council agreed they would not rescind their approval but will carefully consider the local businesses in the future regarding any decisions they make for requests from those entities located outside of Sea Bright.

Senator Sean Kean hosted a meeting on Sept. 3 here in Sea Bright with NJDOT Assistant Commissioner, Government & Community Relations, Sharon Shinkle Gardner, who happened to witness a bicycle accident in north beach on that day. I asked Assistant Commissioner Shinkle-Gardner if she would consider a 35 MPH speed limit on Ocean Avenue year round.

Mayor Fernandes congratulated DPW employee John Jones for being selected as literacy student of the year by the Literacy Volunteers of Monmouth County and she will send a congratulatory letter to him.

September 27 is the annual Firemen's Field Day and October 3 is Taste of Sea Bright beginning at 11:30 a.m. to 5:30 p.m. and you can go to their website www.vistseabright.com for more details.

The next Council meeting is scheduled for Thursday, October 1st. John Sorrentino will be sworn in as Chief of Police

12. REMARKS FROM THE AUDIENCE: No one wished to be heard.

13. EXECUTIVE SESSION:

Councilman Murphy introduced and offered for adoption the following resolution at 9:00 p.m.:

**RESOLUTION NO. 210-2009
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 potential litigation.

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

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

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

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

Nays: None

Abstain: None

Absent: None

The Council returned to regular order of business at 9:15 p.m.

14. ADJOURNMENT: There being no further business before the Governing Body. Councilman Murphy made a motion to adjourn the meeting at 9:16 P.M. Second by Councilman LoBiondo and approved upon unanimous voice vote.

Respectfully Submitted,

Maryann M. Smeltzer
Municipal Clerk