

Sea Bright, New Jersey
Council Meeting Minutes
December 15, 2009
7:30 P.M.

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 the deceased:

Allton Brown
Fred Hetzman

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, LoBiondo, Long, Mayor Fernandes, Attorney Oxley, Engineer Hoder, Captain Spahr, Administrator Smeltzer,

ABSENT: Murphy, Chief Sorrentino

4 Councilman Kelly introduced and offered for adoption the following at 7:35 p.m.:

**RESOLUTION NO. 271-2009
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 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 Councilwoman Long and adopted upon the following roll call vote:

Ayes: Bills, Keeler, Kelly, LoBiondo, Long

Nays: None

Abstain: None

Absent: Murphy

The Governing Body returned to the Regular Order of Business at 8:04 p.m.

5. Councilman Keeler introduced and approved for adoption the following Resolution:

**RESOLUTION NO. 259-2009
AUTHORIZE TRANSFER OF FUNDS**

WHEREAS, N.J.S.A. 40A:4-58 permits the transfer of current year appropriations during the last two months of the fiscal year; and

WHEREAS, the Chief Financial Officer has recommended that the following appropriations transfer be authorized:

GENERAL

Appropriation	Amount From	Amount To
Clerk O/E	\$ 1,000.00	
Employee Health Ins	\$15,500.00	
Emergency Mgt. O/E	\$ 2,000.00	
Tax Collector O/E	\$ 1,000.00	
Planning Board O/E	\$ 3,000.00	
Gasoline	\$16,300.00	
Landfill	\$ 2,000.00	
A&E O/E		\$ 1,000.00
Engineering		\$12,000.00
Legal		\$25,000.00
Fire O/E		\$ 1,300.00
Bldg & Grounds		\$ 1,500.00
TOTALS	<u>\$40,800.00</u>	<u>\$40,800.00</u>

BEACH UTILITY

Beach S&W	\$ 5,000.00	
Beach O/E		\$ 5,000.00
TOTAL	<u>\$ 5,000.00</u>	<u>\$ 5,000.00</u>

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, that the 2009 Budget appropriations be transferred as stated herein; and

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Chief Financial Officer.
Second by Councilwoman Long and adopted upon the following roll call vote:

Ayes: Bills, Keeler, Kelly, LoBiondo, Long

Nays: None

Abstain: None

Absent: Murphy

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

**RESOLUTION NO. 260-2009
BOROUGH OF SEA BRIGHT**

WHEREAS, the Mayor and Council of the Borough of Sea Bright hereby authorize an increase not to exceed \$4,000.00 of the original contract to Scott Arnette, Esq. for special project legal services; and

CERTIFICATION OF FUNDS

WHEREAS, Michael J. Bascom, Chief Financial Officer of the Borough of Sea Bright has certified that funds will be available in Legal O/E.

MICHAEL J. BASCOM, CFO

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

Ayes: Bills, Keeler, Kelly, Long,

Nays: None

Abstain: None

Absent: Murphy

7. 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. 258-2009
PAYMENT OF BILLS 12/15/2009**

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

NOW, THEREFORE, BE IT RESOLVED that these vouchers totaling \$122,778.57 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.

00513	A.R. COMMUNICATIONS		
09-05214	11/09/09 FIRE DEPT-RADIO REPAIR	Open	139.97
09-05241	11/16/09 FIRE DEPT-MOTOROLA PAGERS	Open	838.00

			977.97
00350	ABSOLUTE FIRE PROTECTION, INC.		
09-05268	11/19/09 FIRE DEPT-4375 ACCIDENT DAMAGE	Open	1,214.00
01199	ACE MANZO, INC.		
08-12240	09/23/08 DIIP ROAD IMPROVEMENTS	Open	28,065.80
01062	ALL HANDS FIRE EQUIPMENT, LLC		
09-05159	10/30/09 FIRE DEPT-RESCUE EQUIPMENT	Open	841.21
01578	AMERICAN MESSAGING		
09-05289	11/30/09 DPW-DEC 2009 PAGER SERVICE	Open	41.12
00003	ASBURY PARK PRESS		
09-00010	01/20/09 MUNI CLERK-BLANKET:NOTICES	Open	16.74
09-05309	12/08/09 TAX COLL-11/24 TAX SALE NOTICE	Open	501.56

			518.30

00384	AT & T MOBILITY		
09-05285	11/30/09 DPW-NOV 2009 CELL BILL	Open	162.98
01241	BAIN'S HARDWARE, INC.		
09-05230	11/13/09 OCT 2009 PURCHASES	Open	398.09
01957	BENEMAX BENEFIT MANAGEMENT CO.		
09-05184	11/04/09 12/09 DENTAL PLAN MANAGEMENT	Open	288.00
01249	BRANAGAN, SUZANNE		
09-05308	12/08/09 MUNI CLERK-REIMB:A/CITY	Open	136.45
00438	CIAGLIA, ANGELO		
09-05255	11/17/09 FIRE DEPT-2009 DRIVER	Open	110.00
00198	COMCAST		
09-05286	11/30/09 FIRE DEPT-INTERNET:DEC 2009	Open	95.18
09-05311	12/08/09 A&E-INTERNET:DEC 2009	Open	95.18

			190.36
01745	CONTE'S CAR WASH		
09-05297	12/02/09 POLICE DEPT-10 CAR WASHES	Open	70.00
01493	COOPERATIVE INDUSTRIES, L.L.C.		
09-05206	11/05/09 SEP 2009 NATURAL GAS	Open	531.19
00615	DMR LAWNS & LANDSCAPES, INC.		
09-04306	04/16/09 BLDGS/GRNDS-2009 WEED CONTROL	Open	925.00
02008	E.J. SCHUSTER'S OFFICE SUPPLY		
09-05281	11/23/09 TAX COLL-H/P INK CARTRIDGE	Open	226.64
00657	ESTELLE, DAVID		
09-05243	11/16/09 FIRE DEPT-2009 DRIVER	Open	110.00
00422	FORSMAN, JAMES		
09-05242	11/16/09 FIRE DEPT-2009 DRIVER	Open	110.00
01574	FRESH STEP CLEANING, INC.		
09-05220	11/09/09 BLDGS/GRNDS-CARPET CLEANING	Open	350.00
02181	GATEWAY PRESS		
09-05221	11/09/09 REC-SIGN:HOLIDAY LIGHTING	Open	35.00
09-05278	11/23/09 REC-POSTERS:TREE LIGHTING	Open	55.00

			90.00
01297	HATCH, MOTT & MACDONALD, LLC		
09-04592	06/22/09 PREPARE COASTAL GENERAL PERMIT	Open	1,200.00
09-05100	10/15/09 NJOEM & FEMA GRANTS APPLIC	Open	700.00
09-05310	12/08/09 MISC ENGINEERING-10/16/09	Open	245.61

			2,145.61
01363	IRON MOUNTAIN, INC.		
09-01620	02/05/09 A&E-VAULT:SERVER BACKUPS	Open	142.08
01526	JCP & L		
09-05291	11/30/09 OCT 2009 ELECTRIC SERVICE	Open	9,709.70
00895	JOHNNY ON THE SPOT, INC.		
09-04817	08/11/09 PORTO-POTS - DEC 2009	Open	409.20
00443	KLINE, GEORGE t/a		
09-05211	11/09/09 FIRE DEPT-ESCAPE HARNESS	Open	1,155.00
01997	LANG IV, PETER		
09-05254	11/17/09 FIRE DEPT-2009 DRIVER	Open	110.00
00070	LANG, III, PETER		
09-05252	11/17/09 FIRE DEPT-2009 DRIVER	Open	110.00
00161	LOU'S UNIFORMS, INC.		
09-05094	10/14/09 DPW-SWEATSHIRTS, TOP, PANTS	Open	91.00
00275	M & S WASTE SERVICES, INC.		
09-05247	11/16/09 DUMPSTER+DISP FEE:BEACH DEBRIS	Open	1,427.96
09-05298	12/02/09 NOV 2009 LANDFILL TIPPING FEES	Open	6,521.25
09-05299	12/02/09 11/09 GARBAGE/RECYCLING PICKUP	Open	8,691.67

			16,640.88
01801	MASER CONSULTING, P.A.		
06-03250	03/23/06 PRJ#82 DIIP	Open	6,788.75
00203	MASON, PAT		
09-05250	11/17/09 FIRE DEPT-2009 DRIVER	Open	110.00
01900	MCKENNA, DUPONT, HIGGINS &		
09-05322	12/10/09 P/L BOARD-4/28-10/13/09	Open	1,340.00
00106	MGL FORMS-SYSTEMS, LLC		
09-05267	11/19/09 FINANCE-1000 PURCHASE ORDERS	Open	467.00
00531	MIDDLESEX COUNTY FIRE ACADEMY		
09-05244	11/16/09 FIRE DEPT-11/15/09 TRAINING	Open	525.00
01985	MOBILE MINI, INC.		
09-05112	10/16/09 POLICE-TRAILER 2009 PYMT 13/13	Open	278.00
00109	MONMOUTH COUNTY POLICE CHIEF'S		
09-05072	10/13/09 POLICE DEPT-2009 DUES	Open	300.00
00137	MUNICIPAL CAPITAL CORPORATION		
09-04611	06/29/09 A&E-2009 COPIER LEASE	Open	225.20

00080	MURPHY FIRE & SAFETY, INC.		
09-04965	09/08/09 FIRE DEPT-BATTERY & FIRE HOSE	Open	559.00
01397	MURPHY, CHARLES		
09-04726	07/16/09 FIRE DEPT-2009 DRIVER	Open	110.00
00339	NAPA AUTO PARTS		
09-05087	10/14/09 DPW-BLANKET:VEHICLE MAINT	Open	50.86
00019	NJ AMERICAN WATER		
09-05176	11/04/09 NOV 2009 HYDRANTS	Open	2,143.96
00467	PALMISANO, ELSALYN		
09-04929	09/01/09 MUNI CLERK-BLANKET:RECORDS MGT	Open	90.00
00701	PERRINE, SR., PETER		
09-05253	11/17/09 FIRE DEPT-2009 DRIVER	Open	110.00
00309	PRECISION LANDSCAPING &		
09-05292	12/01/09 BEAUTIFICATION-TREE LIGHTING	Open	700.00
01665	ROCK, AARON		
09-05248	11/17/09 FIRE DEPT-2009 DRIVER	Open	110.00
00991	SANDERS, JOHN		
09-05251	11/17/09 FIRE DEPT-2009 DRIVER	Open	110.00
00788	SCARINCI & HOLLENBECK, LLC		
09-05317	12/10/09 LEGAL SERVICES:NOV 2009	Open	8,065.77
00408	SCHWAAB, INC.		
09-04957	09/04/09 STAMPER, PADS:TAX, A&E, P/L BRD	Open	102.58
01845	SEA BRIGHT FIRE DEPARTMENT		
09-05315	12/09/09 2009 DONATION	Open	500.00
00244	SEA BRIGHT FIRST AID, INC.		
09-05314	12/09/09 2009 DONATION	Open	500.00
01554	SEA BRIGHT SERVICE CENTER		
09-05162	10/30/09 POLICE-BLANKET:VEHICLE MAINT	Open	112.90
09-05280	11/23/09 POLICE-REPAIR EXHAUST:#4301	Open	1,296.60

			1,409.50
00213	SEELY EQUIPMENT & SUPPLY		
09-05215	11/09/09 DPW-"STREET CLEANING" SIGNS	Open	204.57
00897	SICKELS, PATRICIA		
09-05306	12/07/09 COURT-12/03/09 COVERAGE	Open	80.00
00975	SMACK, EDWARD		
09-05249	11/17/09 FIRE DEPT-2009 DRIVER	Open	110.00
00124	SPAHR, STEVEN		
09-05256	11/17/09 FIRE DEPT-2009 DRIVER	Open	110.00
01400	THE ARNETTE LAW FIRM, LLC		
09-01570	02/04/09 2009 SPECIAL LITIGATION	Open	8,162.50
01285	THE HOME DEPOT		
09-05293	12/01/09 BLDGS/GRNDS-BLANKET:MISC SUPP	Open	194.60
02061	VERIZON WIRELESS		
09-05321	12/10/09 BLDG/FIRE/COURT:DEC 2009 BILL	Open	76.83
01150	W.W. GRAINGER, INC.		
09-05229	11/12/09 BLDGS/GRNDS-TRASH LINERS	Open	339.60
02177	WALSH, JOAN		
09-05284	11/30/09 LIBRARY-REIMB:11/29 REMOTE	Open	21.36
01164	WATCHUNG SPRING WATER CO, INC.		
09-05290	11/30/09 NOV 2009 SPRING WATER	Open	192.39
01627	WILBANKS, CLAY		
09-05257	11/17/09 FIRE DEPT-2009 DRIVER	Open	110.00
	KALAKA-ADAMS (ESCROW REFUND)		1,787.50
	NJSHBP (NOVEMBER 2009)		<u>20,923.02</u>
	TOTAL		122,778.57

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

Ayes: Bills, Keeler, Kelly, LoBiondo, Long

Nays: None

Abstain: None

Absent: Murphy

B. MINUTES

1. Councilman Keeler made a motion adopting the December 1, 2009 Council Meeting Minutes. Second by Councilman Kelly and adopted upon the following roll call vote:

Ayes: Bills, Keeler, Kelly, LoBiondo, Long

Nays: None

Abstain: None

Absent: Murphy

2. Councilman Keeler made a motion adopting the December 1, 2009 Closed Session Minutes. Second by Councilman Kelly and adopted upon the following roll call vote:
Ayes: Bills, Keeler, Kelly, LoBiondo, Long
Nays: None
Abstain: None
Absent: Murphy

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

**RESOLUTION NO. 261-2009
BOROUGH OF SEA BRIGHT**

WHEREAS, the following Sewer Utility Fund budget appropriation balance remains unexpended:

Sewer PERS \$5,000.00

WHEREAS, it is necessary to formally cancel said balance so that the unexpended balance may be credited to surplus.

NOW, THEREFORE, BE IT RESOLVED by the Sea Bright Mayor and Council that the above listed unexpended balance of the Sewer Utility Fund be canceled.

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

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

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

**RESOLUTION NO. 262-2009
BOROUGH OF SEA BRIGHT**

WHEREAS, the following Beach Utility Fund budget appropriation balances remains unexpended:

Beach Capital Outlay	\$ 5,000.
Beach O/E	\$ 8,000.
Beach S&W	<u>\$12,000</u>
Total	\$25,000

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be credited to surplus.

NOW, THEREFORE, BE IT RESOLVED by the Sea Bright Mayor and Council that the above listed unexpended balances of the Beach Utility fund be canceled.

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

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

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

**BOROUGH OF SEA BRIGHT
RESOLUTION NO. 263-2009**

WHEREAS, the Borough Administrator has indicated that a check for \$150.00 was deposited into Sea Bright's bank account and should have been sent directly to Dvorak & Associates, LLC, 390 George Street, 8th Floor, New Brunswick, NJ 08901 in accordance with a court order.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Sea Bright hereby authorize a check for \$150.00 be sent to the above named.

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

Ayes: Bills, Keeler, Kelly, LoBiondo, Long

Nays: None

Abstain: None

Absent: Murphy

F. Councilman Keeler made a motion approving the request from US Census Bureau to have information desk at the Library from March 19 to April 19, 2010. Second by Councilman Kelly and adopted upon the following roll call vote:

Ayes: Bills, Keeler, Kelly, LoBiondo, Long

Nays: None

Abstain: None

Absent: Murphy

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

**RESOLUTION NO. 264-2009
BOROUGH OF SEA BRIGHT
AMENDING RESOLUTION NO. 174-2008
CHANGE ORDER AND SUPPLEMENTAL AGREEMENT NO. 5
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. 5 dated December 8, 2009 prepared by David Hoder, P.E. of Maser Consulting and signed by a principal of Ace Manzo, Inc. **increasing** the contract amount by **\$2,310.00**.

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 December 8, 2009 be amended and a change order be allowed for a **increase** in the amount of **\$2,310.00**. The adjusted contract amount is \$810,033.90 based on prior change orders.

CERTIFICATION OF FUNDS

WHEREAS, Michael J. Bascom, Chief Financial Officer of the Borough of Sea Bright has certified that funds will be available in Ord. 8-2007(DIIP #2 - Improvement).

MICHAEL J. BASCOM, CFO

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

Ayes: Bills, Keeler, Kelly, LoBiondo, Long

Nays: None

Abstain: None

Absent: Murphy

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

**RESOLUTION NO. 266-2009
BOROUGH OF SEA BRIGHT**

WHEREAS, the Fire Official for the Township of Ocean Fire District No. 2 is also the Housing Inspector for the Borough of Sea Bright; and

WHEREAS, the entities have an arrangement whereby, the Borough of Sea Bright will pay to the Township of Ocean Fire District No. 2, an annual rental fee for the use of the fire official vehicle in the sum of \$600.00 and for the use as Housing Inspection the sum of \$300.00 for an annual total of \$900.00; and

WHEREAS, the Borough of Sea Bright and Township of Ocean Fire District No. 2 wish to enter into a shared service agreement for the term of January 1, 2010 through December 31, 2010; and

WHEREAS, under the terms of the Agreement, the Borough of Sea Bright will pay to the Township of Ocean Fire District No. 2 \$900.00 annually; and

WHEREAS, it has been determined by the Borough of Sea Bright and Township of Ocean Fire District No. 2 that it is in the best interest of both entities to share the expenses for a vehicle by eliminating unnecessary cost.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body that the shared service agreement be authorized as above mentioned and that the Mayor or Acting Mayor and Borough Clerk are hereby authorized to sign the agreement for 2010.

CERTIFICATION OF FUNDS

I, Michael J. Bascom, Chief Financial Officer of the Borough of Sea Bright do hereby certify that funds will be available in the 2010 temporary budget.

MICHAEL J. BASCOM, CFO

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

Ayes: Bills, Keeler, Kelly, LoBiondo, Long

Nays: None

Abstain: None

Absent: Murphy

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

**RESOLUTION NO. 268-2009
BOROUGH OF SEA BRIGHT**

WHEREAS, a renewal agreement has been proposed for January 1, 2010 through December 31, 2010 between the Borough of Sea Bright and Jesse A. Howland & Sons, Inc., P.O. Box 419, Kingston, NJ 08528 for the bay garages at the property known as 15 South Street, Sea Bright, NJ; and

WHEREAS, the rental amount for this period will be \$10,500.00 per annum (\$875.00 per month); and

WHEREAS, the Mayor and Council of the Borough of Sea Bright wish to enter into such a renewal agreement for said period of time, as mentioned above for the storage of DPW equipment and vehicles.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Sea Bright that the Mayor is hereby authorized to execute the renewal agreement between the Borough of Sea Bright and Jesse A. Howland & Sons, Inc.

CERTIFICATION OF FUNDS

I, Michael J. Bascom, Chief Financial Officer of the Borough of Sea Bright do hereby certify that funds are available in the 2010 Temporary Budget for Streets and Roads.

MICHAEL J. BASCOM, CFO

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

Ayes: Bills, Keeler, Kelly, LoBiondo, Long

Nays: None

Abstain: None

Absent: Murphy

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

**RESOLUTION NO. 269-2009
BOROUGH OF SEA BRIGHT**

WHEREAS, a renewal agreement has been proposed for January 1, 2010 through December 31, 2010 between the Borough of Sea Bright and Jesse A. Howland & Sons, Inc., P.O. Box 419, Kingston, NJ 08528 for the bay garages at the property known as 15 South Street, Sea Bright, NJ; and

WHEREAS, the rental amount for this period will be \$20,844. per annum (\$1,737.00 per month); and

WHEREAS, the Mayor and Council of the Borough of Sea Bright wish to enter into such a renewal agreement for said period of time, as mentioned above for the storage of DPW and OEM equipment and vehicles.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Sea Bright that the Mayor is hereby authorized to execute the renewal agreement between the Borough of Sea Bright and Jesse A. Howland & Sons, Inc.

CERTIFICATION OF FUNDS

I, Michael J. Bascom, Chief Financial Officer of the Borough of Sea Bright do hereby certify that funds are available in the 2010 Temporary Budget for Streets and Roads and OEM.

MICHAEL J. BASCOM, CFO

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

Ayes: Bills, Keeler, Kelly, LoBiondo, Long

Nays: None

Abstain: None

Absent: Murphy

8. OLD BUSINESS:

A. DISCUSSION: Cell Tower - Councilman Keeler said that the cell tower project discussion would be rescheduled to January 16th Council Meeting.

9. NEW BUSINESS:

A. DISCUSSION: Mayor Fernandes - Dad Vail Regata - Rumson 2010 Mayor Fernandes said that the largest collegiate rowing event in the nation, Dad Vail Regatta formerly held on the Schuylkill River in Philadelphia is coming this May to Rumson/Sea Bright.

Councilwoman Bills made a motion to appoint C. Read Murphy as Sea Bright's Liaison for the Dad Vail Regata. Second by Councilman Kelly and adopted upon the following roll call vote:

Ayes: Bills, Keeler, Kelly, LoBiondo, Long

Nays: None

Abstain: None

Absent: Murphy

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

**RESOLUTION NO. 265-2009
BOROUGH OF SEA BRIGHT**

BE IT RESOLVED, the Mayor and Council hereby authorize the following personnel be appointed as Deputy Court Administrator effective January 1, 2010 and that they be transferred to Oceanport Borough under the Sea Bright/Oceanport Shared Services Agreement and receive the following rate of pay:

DEPUTY COURT ADMINISTRATOR	RATE OF PAY
Patti Aurilio	\$20.00 per hour
Stephanie Seyr	\$15,000 (2 days a week)

CERTIFICATION OF FUNDS

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

MICHAEL J. BASCOM, CFO

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

Ayes: Bills, Keeler, Kelly, LoBiondo, Long

Nays: None

Abstain: None

Absent: Murphy

C. DISCUSSION: Mayor Fernandes - Beach CAFRA permit recommended that Sea Bright's entire beach with the exception of private property be added to the permit allowing more leeway for any beach damage resulting from severe storms. Councilman LoBiondo made a motion authorizing Engineer Mainberger to add the entire beach to the CAFRA permit at a cost not to exceed \$1,000. Second by Councilwoman Long and adopted upon the following roll call vote:

Ayes: Bills, Keeler, Kelly, LoBiondo, Long

Nays: None

Abstain: None

Absent: Murphy

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

**RESOLUTION No. 267-2009
BOROUGH OF SEA BRIGHT**

WHEREAS, the Borough of Sea Bright is a member of the Monmouth Municipal Joint Insurance Fund; and

WHEREAS, said membership terminates as of December 31, 2009 unless renewed by agreement between the Municipality and the Fund; and

WHEREAS, the Municipality desires to renew said membership an additional 3 years commencing January 1, 2010 thru December 31, 2012;

NOW THEREFORE, be it resolved that the Borough of Sea Bright agrees to renew its membership in the Monmouth Municipal Joint Insurance Fund and to be subject to the Bylaws, Rules and Regulations, coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the Fund.

BE IT FURTHER RESOLVED, The Mayor and Clerk shall be and hereby are authorized to execute the agreement to renew membership annexed hereto and made a part hereof and to deliver same to the Monmouth Municipal Joint Insurance Fund evidencing the Municipality's intention to renew its membership.

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

Ayes: Bills, Keeler, Kelly, LoBiondo, Long

Nays: None

Abstain: None

Absent: Murphy

E. Councilwoman Long introduced and offered for adoption the following resolution:

**RESOLUTION NO. 270-2009
BOROUGH OF SEA BRIGHT**

WHEREAS, the Sea Bright Governing Body have had an opportunity to review the terms of the Stipulation of Settlement in the matter of Anne Milgram, Attorney General of New Jersey, et al vs. the Borough of Sea Bright, et al, Docket No. C-296-06; and

WHEREAS, the Stipulation of Settlement have been found to be acceptable by the Borough of Sea Bright.

NOW, THEREFORE, BE IT RESOLVED that the Stipulation of Settlement be accepted and that the Mayor is authorized to execute the agreement and the three party agreements amongst the Borough, State and Beach Clubs on behalf of the Borough of Sea Bright.

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

Ayes: Bills, Keeler, Kelly, LoBiondo, Long

Nays: None

Abstain: None

Absent: Murphy

10. CORRESPONDENCE AND COMMUNICATIONS:

- A. Library Director - November report.
- B. Chief of Police - November report.
- C. Tax Collector - November report
- D. Construction Department - November report
- E. Recreation Director - November report
- F. **Planning Board Meeting Minutes:**
 - 1. October 13, 2009
 - 2. October 27, 2009
 - 3. November 10, 2009

11. COMMITTEE REPORTS:

A. Beach/Education/Environment: Councilwoman Long reported that sand has been scraped back on the public beach from Chapel Beach to Donovan's. Anchorage and South beaches would be next. DPW is repairing the public access points and dune fencing damaged after the storms. Beach badges are on sale at half price now. The Council would re-authorize the sale at the Reorganization meeting to continue from January 1st to March 31st.

B. Public Works/Building Department/Public Relations:

Councilman LoBiondo reported that one of the two pumps at the end of Beach Street has been down for a couple weeks. The sub-contractor, Pillari Brothers hired by Hatch, Mott, McDonald said that the inoperable pump was due to the pump's design and not their installation. If the Borough still receives resistance from Pillari Brothers to rectify this problem then they have no recourse other than tap into the Performance Bond to hire another company to repair the pump.

C. Police/Emergency Management/Insurance/Court:

Councilman Keeler said that the State's program Operation Medicine Cabinet received 9,500 pounds of prescription drugs. The Police Department has been enforcing the garbage ordinance.

The Joint Insurance Fund runs seminars for public officials, which gives the town \$250 off our premium for each official who attends.

D. Finance/Grants/Fire:

Councilman Murphy was absent. Councilwoman Bills reported progress.

E. Personnel/Administration/Cultural Arts/Recreation:

Councilwoman Bills thanked the DPW, Fire Ladies Auxiliary and SBBA for helping the Recreation Committee with the town's tree lighting ceremony held on December 4th. The Recreation Committee would be hosting Family Fun nights held monthly on Fridays at the gym. The first event is scheduled for January 22nd and the theme is a Winter Beach Bash.

The Library's book return box will be removed and replaced by a slot at the Library allowing for direct return of books into the building.

F. Smart Growth/Flood Mitigation/Beautification: Councilman Kelly reported that the next Smart Growth is December 17th.

12. MAYOR FERNANDES - REPORT AND COMMUNICATIONS. Mayor Fernandes said that on January 2, 2010 at noon is Sea Bright's Reorganization Meeting held at the gym. Councilman Keeler's birthday is December 28th. She wished everyone a wonderful holiday season.

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

14. ADJOURNMENT: There being no further business before the Governing Body. Councilwoman Long made a motion to adjourn the meeting at 8:35 P.M. Second by Councilwoman Bills and approved upon unanimous voice vote.

Respectfully Submitted,

Suzanne Branagan
Deputy Borough Clerk