

**AGENDA  
REGULAR MEETING  
BOROUGH OF SEA BRIGHT**

**JUNE 16, 2015**

**SEA BRIGHT, NEW JERSEY**

**CALL MEETING TO ORDER: 7:00pm**

**PLEDGE OF ALLEGIANCE**

**COMPLIANCE STATEMENT (N.J.S.A. 10:4-18)**

**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 Faxed to the Asbury Park Press and other local newspapers on November 24, 2014. In each instance, the Date, Time, And Location Of This Meeting Were Provided In The Notice. This Meeting Is Open To The Public."**

**ROLL CALL:**

**Councilmember (s)**      **BILLS**\_\_\_\_ **KEELER**\_\_\_\_ **KELLY**\_\_\_\_ **LAMIA**\_\_\_\_  
   **LECKSTEIN**\_\_\_\_ **ROONEY**\_\_\_\_  
**Mayor**                              **LONG** \_\_\_\_\_

**REMARKS FROM THE AUDIENCE: (limited to 3 minutes)**

The Public Comment portion of this meeting allows members of the audience to bring their concerns or comments to the Mayor and Council's attention. Pursuant to Borough Ordinance 3-2011, a member of the public who wishes to speak shall give his/her name and address for the record and may have up to three minutes to state his/her comments to the Mayor and Council as a Body. If additional time or information is requested, an appointment can be made with the Administrator's office during regular business hours.

**CONSENT AGENDA**

Councilmember \_\_\_\_\_ offered a motion to approve the items that are considered routine in nature under the consent agenda; seconded by Councilmember \_\_\_\_\_

**Minutes**

May 19, 2015              Regular Meeting  
June 3, 2015              Regular Meeting

**Resolutions:**

**No.106-2015**              Appointing Megan Bennett Clark as the Alternate Borough Prosecutor for the unexpired term ending December 31, 2015

**No.107-2015**              Authorizing Change Order #5 for the 2013 Road Program with Fiore Paving Co., Inc.

- No. 108-2015** Authorizing Participation by the Borough of Sea Bright in the Long Branch Commodity Resale System for Bulk Treated Rock Salt (April 25, 2015 – April 25, 2020)
- No.109-2015** Approving an Agreement between the Borough and Kristi Jacobs
- No.110-2015** Granting Donovan’s Reef Temporary Operation through October 31, 2015

**Roll Call:** Bills\_\_\_ Keeler\_\_\_ Kelly\_\_\_ Lamia\_\_\_ Leckstein \_\_\_ Rooney\_\_\_

**ORDINANCE(s):**

**Introduction:** Mayor Long to read the ordinance by title:

**ORDINANCE #09-2015**  
**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 201**  
**“VEHICLES AND TRAFFIC,” ARTICLE VI ENTITLED HANDICAPPED**  
**PARKING, OF THE CODE OF THE BOROUGH OF SEA BRIGHT, 1998**

Councilmember \_\_\_\_\_ offered a motion to introduce Ordinance #09-2015 for a public hearing to be held on July 7, 2015 and advertise according to law; seconded by Councilmember \_\_\_\_\_

**Roll Call:** Bills\_\_\_ Keeler\_\_\_ Kelly\_\_\_ Lamia\_\_\_ Leckstein \_\_\_ Rooney\_\_\_

**Introduction:** Mayor Long to read the ordinance by title:

**ORDINANCE #10-2015**  
**CHAPTER 146 ENTITLED**  
**“NUISANCES”**  
**OF THE CODE OF THE BOROUGH OF SEA BRIGHT, 1998**

Councilmember \_\_\_\_\_ offered a motion to introduce Ordinance #10-2015 for a public hearing to be held on July 7, 2015 and advertise according to law; seconded by Councilmember \_\_\_\_\_

**Roll Call:** Bills\_\_\_ Keeler\_\_\_ Kelly\_\_\_ Lamia\_\_\_ Leckstein \_\_\_ Rooney\_\_\_

**INDIVIDUAL ACTION/New Business:****Vouchers:    \$ 284,189.28**

Councilmember \_\_\_\_\_ offered a motion to approve the Voucher List dated June 16, 2015 as submitted by the Finance Manager, seconded by Councilmember \_\_\_\_\_

**Roll Call:**     Bills\_\_\_\_ Keeler\_\_\_\_ Kelly\_\_\_\_ Lamia\_\_\_\_ Leckstein \_\_\_\_Rooney\_\_\_\_

**FOR DISCUSSION:**

a)    **NJ American Water update**

**COUNCILCOMMITTEE REPORTS:****A.    BEACH / PUBLIC RELATIONS / GRANTS:**

- **JOHN LAMIA, CHAIR**
- Charles Rooney
- Brian Kelly

**B.    FINANCE / INSURANCE:**

- **WILLIAM KEELER, CHAIR**
- Peggy Bills
- John Lamia

**C.    PERSONNEL/ LIBRARY / RECREATION:**

- **PEGGY BILLS, CHAIR**
- Marc Leckstein
- Charles Rooney

**D.    PUBLIC SAFETY / EDUCATION:**

- **CHARLES ROONEY, CHAIR**
- William Keeler
- Peggy Bills

**E.    PUBLIC WORKS / BUILDING DEPARTMENT/ CODE ENFORCEMENT / SUSTAINABILITY / COURT / CULTURAL ARTS:**

- **MARC LECKSTEIN, CHAIR**
- Brian Kelly
- William Keeler

**F. SEA BRIGHT RECOVERY / MASTER PLAN / FLOOD CONTROL / BEAUTIFICATION:**

- **BRIAN KELLY, CHAIR**
- John Lamia
- Marc Leckstein

**MAYOR DINA LONG – Reports and Communications**

**REMARKS FROM THE AUDIENCE (limited to 3 minutes)**

The Public Comment portion of this meeting allows members of the audience to bring their concerns or comments to the Mayor and Council's attention. Pursuant to Borough Ordinance 3-2011, a member of the public who wishes to speak shall give his/her name and address for the record and may have up to three minutes to state his/her comments to the Mayor and Council as a Body. If additional time or information is requested, an appointment can be made with the Administrator's office during regular business hours.

**EXECUTIVE SESSION**

Councilmember \_\_\_\_\_ offered a motion to enter into Closed Session;  
seconded by Councilmember \_\_\_\_\_

**Resolution** Executive Session – Litigation

**Roll Call:** Bills\_\_\_ Keeler\_\_\_ Kelly\_\_\_ Lamia\_\_\_ Leckstein \_\_\_ Rooney\_\_\_

**ADJOURNMENT**

Councilmember \_\_\_\_\_ offered a motion to adjourn the meeting; seconded  
by Councilmember \_\_\_\_\_

**Roll Call:** Bills\_\_\_ Keeler\_\_\_ Kelly\_\_\_ Lamia\_\_\_ Leckstein \_\_\_ Rooney\_\_\_

**RESOLUTION NO.106-2015**  
**AWARD OF A FAIR AND OPEN CONTRACT**  
**ALTERNATE BOROUGH PROSECUTOR**  
**Meghan Bennett Clark**

Councilmember \_\_\_\_\_ introduced and offered the following Resolution for adoption; seconded by Councilmember \_\_\_\_\_ :

**WHEREAS**, request for proposals for professional services for an Alternate Borough Prosecutor in a fair and open contract were advertised and received on December 3, 2014; and,

**WHEREAS**, the term of this contract is for one year commencing January 1, 2015 through December 31, 2015; and

**WHEREAS**, in the event the Prosecutor is unable to attend a court session, the assistant prosecutor herein named shall substitute and shall be reimbursed by the prosecutor directly.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Sea Bright authorizes the Mayor to enter into a contract with **Meghan Bennett Clark, Esquire of Dilworth Paxcon, LLP** as described herein.

**BE IT FURTHER RESOLVED** that a notice of this action shall be printed one time in the "Asbury Park Press" newspaper.

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution be forwarded to the following:

1. **Meghan Bennett Clark**
2. **Court Administrator**

Roll Call: Bills, Keeler, Kelly, Lamia, Leckstein, Rooney

June 16, 2015

**CERTIFICATION**

I, Christine Pfeiffer, Borough Clerk do hereby certify that the foregoing is a Resolution adopted by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, at a Council meeting held on June 16, 2015.

\_\_\_\_\_  
Christine Pfeiffer, Borough Clerk

**RESOLUTION No.107-2015**  
**2013 Road Program**  
**Change Order No. 5, Decrease Contract amount by \$16.28**  
**Fiore Paving Co., Inc.**

Councilmember                    introduced and offered for adoption the following Resolution; seconded by Councilmember                    :

**WHEREAS**, on November 7, 2013, the Borough Council of the Borough of Sea Bright awarded a contract to Fiore Paving, Inc. of Oceanport, New Jersey for the 2013 Road Program in an amount not to exceed \$386,522.65, and

**WHEREAS**, Resolution No. 102-2014 for Change Order No. 1 dated January 7, 2014 was approved by the Mayor and Borough Council reflecting various revisions changing the scope of work that were necessary resulting in a decrease of \$0.52, and

**WHEREAS**, Resolution No. 102-2014 for Change Order No. 2 dated June 4, 2014 approved by the Mayor and Borough Council that various revisions changing the scope of work, extending the S-1 Contract Completion date from June 1, 2014 to July 11, 2014 based on ongoing condo reconstruction at Village Road and Sandpiper Lane, and

**WHEREAS**, Resolution No. 131-2014 for Change Order No. 3 dated August 5, 2014 approved by the Mayor and Borough Council, reducing item A-3 (Uniformed Police Traffic Directors) by 287 hours at \$59.50 per hour for a total reduction of \$17,076.50 and item S2 (Police Alleyway Reconstruction) was added for a total cost of \$17,000.00, resulting in a decreased amount of \$76.50, and

**WHEREAS**, Resolution No.186-2014 for Change Order No. 4 dated November 10, 2014 approved by Mayor and Council, for parking lot lights, sidewalk and sinkhole repair – Village SE Condo, Remobilization for Driveway Apron Village SE Condo and installation of the decorative lighting within the parking lot for a \$74,282.48 increase, contract completion date extended to February 20, 2015, and

**WHEREAS**, the Borough Engineer, Jaclyn Flor, submitted a Change Order No. 5 dated June 12, 2015, that subsequent to that award, the cost to purchase upgraded decorative light arms for the municipal parking lot lighting and the 10% markup on the parking lot light as identified in the Change Order (attached hereto) resulting in a net decrease to the current contract, and

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Sea Bright in the County of Monmouth, that it does hereby approve Change Order No.5 resulting in a net decrease in the contract of \$16.28; resulting in a total contract amount of \$460,711.83, for the 2013 Road Program that was awarded to Fiore Paving, Inc., and

**BE IT FURTHER RESOLVED**, that certified copies of this resolution be forwarded to the following:

1. Finance Manager
2. Borough Engineer
3. Fiore Paving, Inc.

Roll Call: Bills, Keeler, Kelly, Lamia, Leckstein, Rooney

June 16, 2015

**CERTIFICATION**

I, Christine Pfeiffer, Deputy Clerk do hereby certify that the foregoing is a Resolution adopted by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, at a Council Meeting held on June 16, 2015.

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Christine Pfeiffer, Deputy Clerk

**RESOLUTION NO.108-2015**  
**AUTHORIZING PARTICIPATION BY THE**  
**BOROUGH OF SEA BRIGHT IN THE**  
**LONG BRANCH COMMODITY RESALE SYSTEM**  
**(April 25, 2015 – April 25, 2020)**

Councilmember \_\_\_\_\_ introduced and offered for adoption the following resolution; seconded by Councilmember \_\_\_\_\_ :

**WHEREAS**, the City of Long Branch maintains a facility at its Public Works Yard for storage of bulk rock salt for use by its Public Works Department; and

**WHEREAS**, N.J.A.C. 5:34-7.15 et seq, authorizes contracting units to establish a Commodity Resale System for resale of certain commodities, and the City of Long Branch has applied for and received approval from New Jersey State Department of Community Affairs to operate the Long Branch City Commodity Resale System, ID #99026-LBCRS; and

**WHEREAS**, the Borough of Sea Bright, in the County of Monmouth, has determined that it would be a benefit to its taxpayers to continue membership in the Long Branch City Commodity Resale System for the purchase of rock salt for use on Borough roadways.

**NOW, THEREFORE, BE IT RESOLVED** that the Borough Council of the Borough of Sea Bright in the County of Monmouth, State of New Jersey, hereby authorize the Mayor to execute an agreement to participate in the Long Branch City Commodity Resale System for the purpose of purchasing rock salt for use by its Public Works Department, in accordance with the terms and conditions of said agreement, for a term through April 25, 2020.

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution be forwarded to the following:

1. Clerk, City of Long Branch
2. Finance Manager
3. Public Works Department

Roll Call: Bills, Keeler, Kelly, Lamia, Leckstein, Rooney

June 16, 2015

**CERTIFICATION**

I, Christine Pfeiffer, Borough Clerk, do hereby certify that the foregoing is a Resolution adopted by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, at a Council Meeting held on June 16, 2015.

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Christine Pfeiffer, Borough Clerk

**RESOLUTION No.109-2015  
APPROVING AN AGREEMENT BETWEEN THE  
BOROUGH AND KHRISTI JACOBS**

Councilmember \_\_\_\_\_ introduced and offered for adoption the following Resolution; seconded by Councilmember \_\_\_\_\_ :

**WHEREAS**, the Borough entered into a shared services agreement with the County of Monmouth for dispatching services which resulted in a reduction in work for the Police Clerk/Dispatcher; and

**WHEREAS**, the Borough and Khristi Jacobs, who was serving as Police Clerk/Dispatcher entered into negotiations for an agreement to continue her employment with the Borough; and

**WHEREAS**, the Borough and Jacobs reached mutually acceptable terms and executed an agreement on or about June 4, 2015;

**WHEREAS**, the governing body wishes to approve the terms of that agreement.

**NOW, THEREFORE, BE IT RESOLVED** that the governing body of the Borough of Sea Bright, County of Monmouth, State of New Jersey hereby approves the settlement agreement between the Borough and Khristi Jacobs and authorizes the Borough Administrator to execute the agreement, *nunc pro tunc*.

**BE IT FURTHER RESOLVED**, that certified copies of this resolution be forwarded to the following:

1. Khristi Jacobs
2. Raymond Gill, Attorney
3. Bruce Pudula, Attorney

Roll Call: Bills, Keeler, Kelly, Lamia, Leckstein, Rooney

June 16, 2015

**CERTIFICATION**

I, Christine Pfeiffer, Borough Clerk do hereby certify that the foregoing is a Resolution adopted by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, at a Council Meeting held on June 16, 2015.

\_\_\_\_\_  
Christine Pfeiffer, Borough Clerk

**RESOLUTION No.110-2015**  
**Donovan's Reef Temporary Operation**  
**July 1, 2015 – October 31, 2015**

Councilmember                    introduced and offered for adoption the following Resolution; seconded by Councilmember                    :

**WHEREAS**, Donovan's reef was a popular local business devastated by Hurricane Sandy, and

**WHEREAS**, the owners are requesting permission to begin temporary operations during this summer season while they move forward with permanent rebuilding plan, and

**WHEREAS**, Borough Council is desirous to facilitate this process and grants a temporary and limited use of the property while rebuilding takes place.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Sea Bright in the County of Monmouth, does hereby grant permission with a clear understanding that approval is obtained by all State, County and Local agencies prior to opening. These approvals include but are not limited to:

1. Alcoholic Beverage Control approval for all aspects of the liquor license
2. Signed and sealed Architectural and Construction Plans for Handicapped Access Ramp
3. Any Construction Permits required by the Construction Official
4. Monmouth County Health Department approval
5. Approval from the Local Fire Official
6. Approval by Mayor and Council of the Temporary Facility Plan dated April 9, 2015 from DW Smith Associates
7. Issuance of a Hold Harmless Agreement with the Borough of Sea Bright

This agreement will be effective through October 31<sup>st</sup>, 2015.

**BE IT FURTHER RESOLVED**, that certified copies of this resolution be forwarded to the following:

1. Division of Alcoholic Beverage Control
2. Monmouth County Health Department
3. Construction Department
4. John Sorrentino, Police Department
5. Tom Haege, Fire Official

Roll Call: Bills, Keeler, Kelly, Lamia, Leckstein, Rooney

June 16, 2015

**CERTIFICATION**

I, Christine Pfeiffer, Deputy Clerk do hereby certify that the foregoing is a Resolution adopted by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, at a Council Meeting held on June 16, 2015.

**ORDINANCE #09-2015**

**AN ORDINANCE AMENDING AND SUPPLEMENTING  
CHAPTER 201 "VEHICLES AND TRAFFIC", ARTICLE VI  
ENTITLED HANDICAPPED PARKING, OF THE CODE OF  
THE BOROUGH OF SEA BRIGHT, 1998**

**BE IT ORDAINED** by the Borough Council of the Borough of Sea Bright in the County of Monmouth, State of New Jersey that Chapter 201 entitled "Vehicles and Traffic", Article VI, Handicapped Parking, of the "Code of the Borough of Sea Bright, 1998", be and the same is hereby amended and supplemented in the following manner:

**SECTION I**

**CHAPTER 201 "Vehicles and Traffic"**

**Article VI**, Handicapped Parking is hereby amended to include the following to the schedule, with all other sections not listed to remain the same.

**Sub-Section 201-27.1 Restricted Parking Space (s)**

**Name of Street**

**Location**

North side

17 Church Street

**SECTION II**

All other ordinances or parts thereof enacted prior to the adoption of this ordinance are hereby repealed to the extent of such inconsistency.

**SECTION III**

If any section, paragraph, subparagraph, clause or provision of this Ordinance shall be adjusted invalid such subparagraph, clause or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

**SECTION IV**

This ordinance shall take effect as provided by law after its final passage.

INTRODUCED: June 16, 2015

PUBLIC HEARING: July 7, 2015

ADOPTION:

I hereby approve the adoption of this Ordinance this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
CHRISTINE PFEIFFER  
Borough Clerk

\_\_\_\_\_  
DINA LONG  
Mayor

**ORDINANCE #10-2015**  
**CHAPTER 146 ENTITLED**  
**"NUISANCES"**  
**CODE OF THE BOROUGH OF SEA BRIGHT, 1998**

**BE IT ORDAINED** by the Borough Council of the Borough of Sea Bright in the County of Monmouth, State of New Jersey that Chapter 146 entitled "Nuisances", of an Ordinance entitled "Code of the Borough of Sea Bright, 1998", be and the same is hereby amended in its entirety in the following manner:

**SECTION 1**

**Chapter 146.** entitled "**NUISANCES**" is hereby amended in its entirety to read as follows:

**ARTICLE I**  
**"Public Health Nuisance Code of New Jersey" (1953)**

**146.1. Regulations established.**

A code defining and prohibiting certain matters, things, conditions or acts, and each of them as a nuisance, prohibiting certain noises and sounds, requiring the proper heating of apartments, prohibiting lease or rental of certain buildings, prohibiting spitting in or upon public buildings, conveyances or sidewalks, authorizing the inspection of premises by an enforcing official, providing for the removal or abatement of certain nuisances and recovery of expenses incurred by the Board of Health in removing or abating such nuisances and prescribing penalties for violations with the exception of Section IV thereof, is hereby established pursuant to Chapter 188 of the Laws of 1950.1. A copy of said code is annexed hereto and made a part hereof without the inclusion of the text thereof herein.

**146-2. Title.**

The code established and adopted by this chapter is described and commonly known as " Public Health Nuisance Code of New Jersey (1953)."

**146.3. Copies of file.**

Three copies of said Public Health Nuisance Code of New Jersey (1953) have been placed on file in the office of the Secretary of this local Board of Health upon the introduction of this chapter and will remain in file there for the use and examination of the public.

**146-4. Violations and penalties. 2**

Any person who violates or neglects to comply with any provision of this chapter or code established herein or notice issued pursuant thereto shall, upon conviction thereof, be liable to a penalty of not less than \$50 nor more than \$1000 for each violation.

## **ARTICLE II "NUISANCES"**

### **146-5. Prohibited Nuisances.**

It shall be unlawful for any person to make, continue or cause to be made or permitted, any unnecessary and unreasonable loud disturbing noise which is plainly audible and either annoys, injures or endangers the comfort, repose, health or welfare of others within the limits of the borough.

### **146-6. Definition of Terms:**

- a. *Plainly audible* shall mean any sound that can be detected by a person using his or her unaided hearing faculties. As an example, if the sound source under investigation is a portable or personal vehicular sound amplification or reproduction device, the detection of the rhythmic bass component of the music is sufficient to verify plainly audible sound. The enforcement officer need not determine the title, specific words, or the artist performing the song. (see Section 146-4. Table 1 and Table II)
- b. *Sound source* shall mean any person, animal, device, operation, process, activity or phenomenon which emits or causes noise.
- c. *Noise* shall mean any sounds of such level and duration as to be or tend to be injurious to human health or welfare, or which would unreasonably interfere with the enjoyment of life or property.
- d. *Emergency* shall mean any work or action necessary to deliver essential public services including, but not limited to, repairing water, gas, electricity, telephone, sewer facilities, or public transportation facilities, removing fallen trees on public rights-of-way, dredging navigational waterways, or abating life-threatening conditions.
- e. *Person* shall mean any corporation, company, association, society, firm, partnership and joint stock company as well as individuals.

### **146-7. Definition of Noise Nuisances.**

The following acts are declared to be loud, disturbing and unnecessary noise nuisances in violation of this section but said enumeration shall not be deemed to be exclusive, namely:

- a. *Radio, Phonograph, Instrument, Singing, Talking.* The playing of any radio, phonograph or musical instrument, or singing and talking in such a manner or in such volume as to annoy or disturb the quiet, comfort or repose of persons within or outside of any dwelling, hotel or other type of residence, particularly during the hours between 10:00 p.m. and 8:00 a.m.
- b. *Animals and Birds.* The owning, harboring or keeping of any animal or bird which has been causing or causes frequent or long continued noise which disturbs the comfort and repose of any person within the vicinity. Frequent or long continued noise means continually for ten minutes or intermittently for 30 minutes unless provoked.

c. *Shouting.* The shouting of peddlers, hawkers, vendors, or others who disturb the peace and quiet of the neighborhood.

d. *Advertisement devices.* The operation of any form of a sound-creating device, vocal or instrumental, human or mechanical or otherwise on the sidewalks, streets and highways or other public places of the borough, for or without profit, for the purpose of attracting the attention of the public to and the advertisement of any business, sport, exhibition, entertainment, spectacle, undertaking, happening, occasion and any other event or the operation in any building or on any premises or on any public street of the borough, any radio device or mechanical musical instrument or device of any kind whereby the sound is cast directly or indirectly upon any public street or place and where such device is maintained and operated for advertising purposes or for the purpose of attracting the attention of the passing public or which is so placed and operated that the sounds coming there from can be heard to the annoyance or inconvenience of persons upon any street or public place or in neighboring premises, provided that the inhibition herein contained shall not be applicable to any parade or activity for which a permit consenting to the use of a sound-creating device has been issued.

e. *Horns and Signals.* The sounding of any horn or signal device on any automobile or other vehicle while not in motion for any unnecessary or unreasonable period of time, except as a danger signal.

f. *Muffler Exhaust.* The generation of loud sound as a result of the discharge into the open air of the exhaust of any steam engine, stationary jet or internal combustion engine or motor vehicle, except through a properly functioning muffler or other device which will effectively prevent loud or explosive noises there from.

g. *Construction.* The excavation, grading, paving, erection, demolition, alteration or repair of any premises, street, building or structure from 7:00 p.m. on Friday until 8:00 a.m. Saturday, from 7:00 p.m. Saturday until 7:00 a.m. on Monday and on Mondays through Fridays from 7:00 p.m. until 7:00 a.m. commercial construction shall not be allowed on Sundays at any time. Exceptions may be made if urgent necessity is in the interest of public health and safety and if the nature of the emergency will admit of the prior procurement of a permit, then only in accordance with a permit first obtained from the chief of police or their respective designees. These regulations shall also apply to the delivery, removal or emptying of construction dumpsters and roll-off containers. (See subsection 146-4d. and h. residential exception)

h. *Loading and Unloading.* the creation of loud and excessive noise in connection with the loading or unloading of any vehicle or the opening or destruction of bales, boxes, crates and containers.

i. *Interfering with Work in Institutions.* The creation of excessive noise in or on the grounds of any school, church, synagogue, hospital, institution of learning, court, public building or place of public assembly, or on any street adjacent to such grounds, places or buildings, while the same are in use and which unreasonably interferes with the working of the institution or place or unduly annoys persons therein.

j. *Attracting Attention Devices.* The use of any drum or other instrument or device for the purpose of attracting attention to any performance show or sale, except in connection with any school or governmentally authorized civic activity or where a parade permit has been issued.

k. *Tools and Equipment.* The operation or use of any power lawn mower, chain saw, fence post driller, saw, grinder, drill, garden equipment, snow blowers, leaf blowers or the like, between the hours of 8:00 p.m. and 8:00 a.m.

l. *Buses, Trucks or Tractors.* The unnecessary warming up or idling of buses, trucks or tractors and the unnecessary and repeated idling, acceleration and deceleration or starting and stopping of automobiles and motorcycles.

m. *Outdoor Concerts.* Outdoor concerts except in accordance with permits first obtained therefor from the borough council or their authorized designee.

n. *Vehicle Noises.* The use of an automobile, motorcycle or vehicle so out of repair or so loaded that it creates loud and unnecessary grating, grinding, rattling or other noise.

o. *Powered Model Vehicles.* The operating or permitting the operation of powered model vehicles between the hours of 8:00 p.m. and 8:00 a.m.

p. *Vehicle Repair.* The repairing, rebuilding, modifying or testing any motor vehicle or off-road vehicle in or near a residential district in such a manner as to cause the disturbance and repose of others.

#### **146-8. Maximum Permissible Sound Levels**

(A) No person shall cause, suffer, allow, or permit the operation of any source of sound on any source property listed in 146-3 above in such a manner as to create a sound level that equals or exceeds the sound level limits set forth in Tables I or II when measured at or within the real property line of any of the receiving properties listed in Tables I or II.

#### **(B) Impulsive Sound**

Between 7:00 a.m. and 10:00 p.m., impulsive sound shall not equal or exceed 80 decibels. Between 10:00 p.m. and 7:00 a.m., impulsive sound which occurs less than four times in any hour shall not equal or exceed 80 decibels. Impulsive sound which repeats four or more times in any hour shall be measured as continuous sound and shall meet the requirements as shown in Tables I and II.

**TABLE I  
 MAXIMUM PERMISSIBLE A-WEIGHTED SOUND LEVELS  
 WHEN MEASURED OUTDOORS**

RECEIVING PROPERTY CATEGORY	Residential property, or residential portion of a multi-use property		Commercial facility, public service facility, non-residential portion of a multi-use property, or community service facility
	TIME	TIME	
	7am - 10 pm	10pm - 7am	24 hours
Maximum A-Weighted sound level standard, dB	65	50	65

**TABLE II  
 MAXIMUM PERMISSIBLE A-WEIGHTED SOUND LEVELS  
 WHEN MEASURED INDOORS**

RECEIVING PROPERTY CATEGORY	Residential property, or residential portion of a multi-use property		Commercial facility, public service facility, non-residential portion of a multi-use property, or community service facility
	TIME	TIME	
	7am - 10 pm	10pm - 7am	24 hours
Maximum A-Weighted sound level standard, dB	55	40	55

**Note: Table II shall only apply when the source and the receptor are separated by a real property line and they also share a common or abutting wall, floor or ceiling, or are on the same parcel of property.**

**146-9. Penalty.**

Any person found guilty of violating any provision of this section shall be subject to one or more of the following: imprisonment for any term not exceeding 90 days; or by a fine not exceeding one thousand two hundred fifty (\$1,250.00) dollars; or by a period of community service not exceeding 90 days. Each day of violation shall constitute an additional, separate and distinct offense.

#### **146-10. Permits.**

a. The borough official, officer or employee charged with the responsibility of issuing permits for the activities requiring permits in accordance with this section 146 hereof shall issue permits for such activities if such officer shall find that the activities will not unduly or unnecessarily annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of others; that the activities will not violate any other ordinance or law or create a public nuisance; and that the public health and safety will not be endangered thereby.

b. Permits shall specify the dates and hours of the permitted activities.

c. The issuing agents are authorized to adopt and use such forms of application and permits as may be reasonably required in the performance of their duties. Each application for a permit shall be accompanied by the applicable fee or a fee of twenty (\$20.00) dollars if no other fee has been established, which shall be payable to the Borough of Sea Bright.

#### **146-11. Appeal of Denial of Permit.**

An applicant for a permit hereunder shall have the right to appeal to the township council from the denial of the permit by the applicable municipal official. Such appeal shall be taken by filing a written notice of appeal addressed to the borough council. Such notice shall be filed within three days after the issuing officer shall have notified the applicant of the denial of the permit. The borough council shall act upon the appeal at their next regularly scheduled meeting after receiving the notice thereof and shall give the applicant an opportunity to be heard before taking action. The borough council may affirm or reverse the issuing officer's denial of the permit or may grant the permit with modifications or conditions.

#### **146-12. Enforcement.**

a. It shall be the duty of the police department of the borough to enforce the provisions of this section. In addition to public law enforcement officers and others who by law are entitled to enforce or bring complaints under this section, the officers who are designated hereunder for the issuance of permits, as well as the borough license officer and health officer or their designees, shall have the power to enforce and bring complaints under this section.

b. A violation of this section shall be cause for summons and complaint to be issued forthwith, and failure to desist upon being warned by an enforcement officer shall constitute an additional separate offense, provided, however, that if the noise source is not a readily identifiable individual or a motor vehicle moving on a public right-of-way, in lieu of a summons and complaint, enforcement personnel may issue a twenty-four-hour notice, in writing, which may be served personally or by certified mail to the last known address of the person or persons in charge of or in control of the device, building or premises producing the noise, to abate said violation of this chapter. Failure to comply with this order so issued and served shall constitute an additional violation of this section.

**146-13. Proof of Violation.**

Proof of violation of any provision or provisions of this section which is alleged to constitute such violation shall be determined by plainly audible means.

**SECTION II**

All other ordinances or parts thereof enacted prior to the adoption of this ordinance are hereby repealed to the extent of such inconsistency.

**SECTION III**

If any section, paragraph, subparagraph, clause or provision of this Ordinance shall be adjusted invalid such subparagraph, clause or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

**SECTION IV**

This ordinance shall take effect as provided by law after its final passage.

INTRODUCED:                    June     , 2015  
PUBLIC HEARING:             July     , 2015  
ADOPTION:

I hereby approve the adoption of this Ordinance this            day of            , 2015.

\_\_\_\_\_  
CHRISTINE PFEIFFER  
Borough Clerk

\_\_\_\_\_  
DINA LONG  
Mayor

**VOUCHER LIST**  
**June 16, 2015**  
**BOROUGH OF SEA BRIGHT**

01489	A.M.G. MARINE CONTRACTING, INC	
15-00408	04/17/15 APPLY WEED PREVENT/MULCH BEDS	3,270.00
00218	ALICE'S KITCHEN	
15-00471	05/06/15 A&E-FOOD/MISC:MEMORIAL DAY	300.00
BCH007	Andrew Micalizzi	
15-00574	06/08/15 Refund Overpayment Beach Badge	50.00
01830	ASSOCIATION OF STATE	
15-00474	05/06/15 OEM-2015 MEMBERSHIP DUES	130.00
00384	AT & T MOBILITY	
15-00567	06/08/15 DPW-APR 2015 CELL BILL	236.87
00006	AVAYA, INC.	
15-00575	06/08/15 POLICE DEPT-2015 BOX/MOD MAINT	145.29
01241	BAIN'S HARDWARE, INC.	
15-00503	05/11/15 APR 2015 PURCHASES -	
	1 BEACH	444.41
	2 RECREATION	72.85
	3 BUILDINGS & GROUNDS	309.37
	4 DPW	53.32
	5 POLICE DEPARTMENT	33.45
	6 LIBRARY	17.49
		-----
	Vendor Total:	930.89
01551	BOB'S UNIFORM SHOP, INC.	
15-00467	05/06/15 BEACH-TSHIRTS & WINDBREAKER	
	1 BEACH-TSHIRTS & WINDBREAKER	527.00
01631	BOROUGH OF OCEANPORT	
15-00548	06/03/15 COURT SHARED SERVICES:JUN 2015	
	1 COURT SHARED SERVICES:JUN 2015	6,503.34
01565	BOROUGH OF SEA BRIGHT	
15-00532	05/14/15 T/F ADMIN FEE:05/15/15 PAYROLL	
	1 T/F ADMIN FEE:05/15/15 PAYROLL	8,677.50
02115	C & L SWEEPER SERVICE	
15-00528	05/14/15 DPW-STREET SWEEPING:4/30,5/1	
	1 DPW-STREET SWEEPING:4/30,5/1	760.00
01780	CDW GOVERNMENT, INC.	
15-00494	05/11/15 FIRE DEPT-MICROSOFT WINDOWS 7	
	1 FIRE DEPT-MICROSOFT WINDOWS 7	308.68
00230	CERTIFIED SPEEDOMETER	
15-00538	05/18/15 POLICE DEPT-CALIBRATE VEHICLES	
	1 POLICE DEPT-CALIBRATE VEHICLES	111.00

00198 COMCAST  
 15-00559 06/05/15 POLICE TRAILER-INTERNET:  
 1 POLICE TRAILER-INTERNET:MAY'15 238.12

02006 CONWAY, JOHN T.  
 15-00466 05/06/15 LIBRARY-BUILD DOOR  
 1 LIBRARY-BUILD DOOR 1,375.00

01493 COOPERATIVE INDUSTRIES, L.L.C.  
 15-00581 06/10/15 March 2015 NATURAL GAS  
 1 BOROUGH BUILDINGS 1,335.98

01493 COOPERATIVE INDUSTRIES, L.L.C.  
 15-00581 06/10/15 March 2015 NATURAL GAS  
 2 SEWER PUMP STATIONS 82.24

Vendor Total: 1,418.22

BCH006 Dawn Semliaschenko  
 15-00573 06/08/15 Refund Overpayment Beach Badge  
 1 Reimbursement Beach Badge 50.00

01904 DESCENZA, DAVID  
 15-00519 05/14/15 TAX OVERPAYMENT REFUND B30/L3  
 1 TAX OVERPAYMENT REFUND B30/L3 6,206.89  
 B TAX OVERPAYMENTS

BCH005 Dina M. Lucchese  
 15-00572 06/08/15 Refund Overpayment Beach Badge  
 1 Reimbursement Beach Badges 100.00

00419 DRAEGER SAFETY DIAGNOSTICS, INC  
 15-00545 05/22/15 POLICE DEPT-SIMULATOR RECERT  
 1 POLICE DEPT-SIMULATOR RECERT 169.00

01016 FIORE PAVING, INC.  
 13-01475 11/13/13 MUNICIPAL PARKING LOT IMPROV  
 13 MUNICIPAL PARKING LOT IMPROV 21,844.20  
 13-01476 11/13/13 2013 ROADWAY IMPROVEMENTS  
 8 2013 ROADWAY IMPROVEMENTS 21,844.20

Vendor Total: 43,688.40

01720 FIREFIGHTER ONE, LLC  
 15-00491 05/11/15 FIRE DEPT-FIRE BOOTS  
 1 FIRE DEPT-FIRE BOOTS 262.50  
 MATERIALS & SUPPLIES

00952 FIRST PRIORITY EMERGENCY  
 15-00322 03/25/15 FIRE DEPT-ANNUAL MAINT #4390  
 1 FIRE DEPT-ANNUAL MAINT #4390 2,500.00

MAINTENANCE OF VEHICLES

00952 FIRST PRIORITY EMERGENCY  
 15-00323 03/25/15 FIRE DEPT-ANNUAL MAINT #4375  
 1 FIRE DEPT-ANNUAL MAINT #4375 1,225.00  
 15-00324 03/25/15 FIRE DEPT-ANNUAL MAINT #4377  
 1 FIRE DEPT-ANNUAL MAINT #4377 1,225.00

Vendor Total: 4,950.00

00288	FIRST UNITED METHODIST CHURCH	
15-00143	02/12/15 TEMP LIBRARY-1 YEAR LEASE	
	6 TEMP LIBRARY-LEASE:JULY 2015	1,000.00
02101	GANNETT NJ	
15-00585	06/10/15 P/L BOARD-RFP AWARD	
	1 P/L BOARD-RFP AWARD	59.00
	LEGAL ADVERTISEMENT	
15-00586	06/10/15 JUNE 15 MEETING RESCHEDULED	
	2 JUNE 15 MEETING RESCHEDULED	14.25
	B LEGAL ADVERTISING	
	Vendor Total:	<u>73.25</u>
00310	GEORGE ELY ASSOCIATES, INC.	
15-00461	05/01/15 RECREATION-VOLLEYBALL NETS	
	1 RECREATION-VOLLEYBALL NETS	827.00
01194	GLENCO SUPPLY, INC.	
15-00542	05/18/15 DPW-PAINT, CLAMPS, BRACKETS	
	1 DPW-PAINT, CLAMPS, BRACKETS	436.00
00895	JOHNNY ON THE SPOT, INC.	
15-00481	05/06/15 BEACH-5/1-5/28/15 RENTAL	
	1 BEACH-5/1-5/28/15 RENTAL	322.00
BCH001	Kathleen Heiss	
15-00568	06/08/15 Refund-Overpayment Beach Badge	
	1 Reimbursement-beach badge	50.00
BCH003	Kelli Montana	
15-00570	06/08/15 Refund Overpayment Beach Badge	
	1 Reimbursement-Beach Badges	100.00
00275	M & S WASTE SERVICES, INC.	
15-00116	02/04/15 2015 TRASH/RECYCLING PICKUP	
	10 MAY 2015 RECYCLING PICKUP	2,666.63
	11 MAY 2015 TRASH PICKUP	6,875.00
		<u>9,541.63</u>
15-00561	06/05/15 MAY 2015 BRUSH COLLECTION	
	1 May 2015 BRUSH COLLECTION	358.00
15-00562	06/05/15 DUMPSTER+DISP FEE:MISC DEBRIS	
	1 DUMPSTERS	1,250.00
	B SOLID WASTE/RECY COLLECTION	
	2 DIPOSAL FEE	2,656.66
		<u>3,906.66</u>
15-00566	06/05/15 MAY 2015 LANDFILL TIPPING FEES	
	1 MAY 2015 LANDFILL TIPPING FEES	6,594.04
	2 MAY 2015 RECYCLING TAX	278.05
		<u>6,872.09</u>
	Vendor Total:	<b>20,678.38</b>
BCH004	Melissa McClain	
15-00571	06/08/15 Refund Overpayment Beach Badge	
	1 Reimbursement Beach Badge	50.00
01966	NAMLO INDUSTRIES	
15-00435	04/27/15 DPW-BOLTS & NUTS	
	1 DPW-BOLTS & NUTS	65.90

01694	NAVESINK MARINA	
15-00360	04/08/15 FIRE DEPT-BLANKET:BOAT REPAIRS	
2	FIRE DEPT-4/10/15 REPAIRS	304.35
3	FIRE DEPT-4/15/15 REPAIRS	112.47
		<hr/>
	Vendor Total:	416.82
00019	NJ AMERICAN WATER	
15-00558	06/05/15 APR-MAY 2015 WATER UTILITY	
1	MULTI LOCATIONS	180.57
2	SEWER PUMP STATIONS	194.69
3	BEACH	14.53
		<hr/>
	Vendor Total:	389.79
00012	NJ ASSOCIATION OF PLANNING &	
15-00529	05/14/15 PLANNING BOARD-2015 DUES	
1	PLANNING BOARD-2015 DUES	75.00
00113	NJ NATURAL GAS COMPANY	
15-00557	06/05/15 BEACH OFFICE-GAS JUNE 2015	
1	BEACH OFFICE-GAS JUNE 2015	1.53
00463	RUTGERS, THE STATE UNIVERSITY	
15-00530	05/14/15 P/L BOARD-6/12/15 CONFERENCE	
1	P/L BOARD-6/12/15 CONFERENCE	235.00
15-00534	05/18/15 P/L BOARD-6/12/15 CONFERENCE	
1	P/L BOARD-6/12/15 CONFERENCE	235.00
		<hr/>
	Vendor Total:	470.00
00027	SEABOARD WELDING SUPPLY, INC.	
15-00056	01/22/15 DPW - 2015 CYLINDER RENTAL	
5	DPW-04/15 CYLINDER RENTAL	13.50
01027	SHORE BUSINESS SOLUTIONS	
15-00501	MAINT:SHARP FAX MACH:BORO HALL	
1	MAINT:SHARP FAX-A&E	79.00
2	MAINT:SHARP FAX-FINANCE	79.00
3	MAINT:SHARP FAX-BLDG DEPT	79.00
4	MAINT:SHARP FAX-P/L BOARD	79.00
5	MAINT:SHARP FAX-TAX COLL	79.00
		<hr/>
	Vendor Total:	395.00
01933	SKYLANDS AREA FIRE EQUIPMENT	
14-01452	12/18/14 FIRE DEPT-PERSONAL PROTECT EQP	116,035.20
00125	SPAHR, PATRICIA	
15-00580	06/10/15 Tax Coll:Reim Conf Travel Mlg	
1	Tax Coll reim Conf Travel Mlg	86.00
00285	STAPLE'S ADVANTAGE	
15-00483	05/07/15 BOROUGH HALL-OFFICE SUPPLIES	
1	OFFICE SUPP-BLDG DEPT	47.54
2	OFFICE SUPP-MUNICIPAL CLERK	64.71
3	OFFICE SUPP-A&E	104.88
	POLICE DEPT-OFFICE SUPPLIES	109.01
		<hr/>
	Vendor Total:	326.14

00083	T & M ASSOCIATES	
14-00492	04/29/14 BEACH & CENTER-SEWER REHAB	
	16 BEACH & CENTER-SEWER REHAB	6,371.75
15-00517	05/12/15 SEAWALL REHAB-PHASE 1	
	6 SEAWALL REHAB-PHASE 1	22,458.25
15-00582	06/10/15 TIDELANDS LICENSE	
	1 TIDELANDS LICENSE	1,231.58
15-00583	06/10/15 MEETINGS:3/12,3/17,4/16,4/21	
	1 MEETINGS:3/12,3/17,4/16,4/21	1,860.80
15-00584	06/10/15 ENGINEERING-2/4-4/30	
	1 ENGINEERING-2/4-4/30	3,262.33
	Vendor Total:	<u>35,184.71</u>

BCH002	Tara Peyton-McGuire	
15-00569	06/08/15 Refund Overpayment Beach Badge	
	1 Reimbursement-Beach Badge	50.00

01779	TIMOTHY HILL ELECTRIC CO., INC	
15-00489	05/11/15 BEACH-CONNECT GENERATOR	
	1 BEACH-CONNECT GENERATOR	1,100.00

01045	USLA-U.S. LIFESAVING ASSOC	
15-00376	04/13/15 BEACH-3 YEAR NATIONAL CERTIF	
	1 BEACH-3 YEAR NATIONAL CERTIF	300.00

01020	VERIZON COMMUNICATIONS	
15-00537	05/18/15 DPW-FIOS:MAY 2015	
	1 DPW-FIOS:MAY 2015	145.42
15-00555	06/05/15 POLICE-FIOS STATIC IP:MAY 2015	
	1 POLICE-FIOS STATIC IP:MAY 2015	99.99
	Vendor Total:	<u>245.41</u>

02061	VERIZON WIRELESS	
15-00552	06/05/15 POLICE-May 2015 CELL & MDT	
	1 POLICE-MAY 2015 CELL PHONES	690.46
	2 POLICE-MAY 2015 MDT WIRELESS	199.95
TELECOMMUNICATION/AUTO RADIO		890.41
15-00554	06/05/15 FIRE DEPT-MDT:JUNE 2015	
	1 FIRE DEPT-MDT:JUNE 2015	160.04
	Vendor Total:	<u>1,050.45</u>

01150	W.W. GRAINGER, INC.	
15-00540	05/18/15 DPW-PERSONAL PROTECTIVE EQUIP	
	1 DPW-PERSONAL PROTECTIVE EQUIP	612.96
15-00541	05/18/15 SEWER-BATTERIES	
	1 SEWER-BATTERIES	80.16
	Vendor Total:	<u>693.12</u>

00519	WILLIAM E. ANTONIDES & CO.	
15-00445	04/28/15 2015 FISCAL OFFICER SERVICES	
7	2015 FISCAL OFFICER SERVICES	1,512.50
8	2015 FISCAL OFFICER SERVICES	756.25
9	2015 FISCAL OFFICER SERVICES	756.25
		-----
		3,025.00

**TOTAL: \$284,189.28**

**June 16, 2015**

**CERTIFICATION**

I, Christine Pfeiffer, Borough Clerk do hereby certify that the foregoing is a Resolution adopted by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, at a Council meeting held on June 16, 2015.

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Christine Pfeiffer, Borough Clerk