

Sea Bright, New Jersey
Council Meeting Minutes
March 16, 2010
7:40 P.M.

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

Mayor Fernandes requested a moment of silence for the following Sea Bright residents who had died: Patricia Ann Keelen on March 5th and Carol Brew on March 12th.

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 8, 2010 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 arrived at 7:43 p.m.), Engineer Flor, Police Chief Sorrentino, Deputy Borough Clerk Branagan.

ABSENT: None

4. CERTIFICATE OF RECOGNITION - Mayor Fernandes awarded a certificate to Eleanor Barr, Branch Manager of Valley National Bank for outstanding support and professionalism to the Borough of Sea Bright and the best of luck for your retirement.

5. MAYOR'S PROCLAMATION No. 3-2010 - March - Women's History Month.

Whereas, New Jersey women of every race, class, and ethnic background have made historic contributions to the growth and strength of our State in countless recorded and unrecorded ways;

Whereas, New Jersey women have played and continue to play a critical economic, cultural, and social role in every sphere of the life of the State by constituting a significant portion of the labor force working inside and outside of the home;

Whereas, New Jersey women have played a unique role throughout the history of the State by providing the majority of the volunteer labor force of the State;

Whereas, New Jersey women were particularly important in the establishment of early charitable, philanthropic, and cultural institutions in our State;

Whereas, New Jersey women of every race, class, and ethnic background served as early leaders in the forefront of every major progressive social change movement;

Whereas, New Jersey women have been leaders, not only in securing their own rights of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, and

other movements, especially the peace movement, which create a more fair and just society for all; and

Whereas , despite these contributions, the role of women in history has been consistently overlooked and undervalued, in the literature, teaching and study of American history

Whereas, the Department of Community Affairs, specifically the Division on Women's goals are to remember and celebrate New Jersey women and to ensure that NJ women are offered equal opportunities in education, the workforce and healthcare regardless of age, sexual orientation, income, ethnicity, race or religion that identify, implement, measure and coordinate programs that address the needs of NJ women, engage in continuous study and research on issues affecting NJ women and their families, develop policy papers and legislative recommendations

Now, therefore, be it resolved, by the Governing Body in the BOROUGH OF SEA BRIGHT, State of New Jersey, that March 2010 is designated as "Women's History Month" under the National Women History Project's 2010 theme: Writing Women Back Into History.

6. Mayor Fernandes' Appointment of Unified Planning Boardmember:

**DELORES JANY 3/16/10 to 12/31/11 -
Class IV - Alternate III Member (2 year term)**

7. REMARKS FROM THE AUDIENCE: No one wished to be heard. Councilman Kelly introduced a motion to close the public portion. Second by Councilman Keeler and approved upon unanimous voice vote.

8. Attorney Oxley called for the Second Reading, by Title Only, of the following Ordinance, which was introduced and approved at the Council Meeting of March 2, 2010.

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

ORDINANCE NO. 5-2010
BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$340,000 FOR THE CONSTRUCTION AND RECONSTRUCTION OF ROADS, DRAINAGE IMPROVEMENTS, CURBING, AND SIMILAR INFRASTRUCTURE IMPROVEMENTS IN THE NORMANDIE PLACE AND BEACHWAY AREAS OF THE BOROUGH FOR AND BY THE BOROUGH OF SEA BRIGHT IN THE COUNTY OF MONMOUTH, NEW JERSEY AND, AUTHORIZING THE ISSUANCE OF \$118,750 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.

BE IT ORDAINED, BY THE BOROUGH COUNCIL OF THE BOROUGH OF SEA BRIGHT, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1:

The improvements described in Section 3 of this bond ordinance (the "Improvements") are hereby authorized to be undertaken by the Borough of Sea Bright, New Jersey (the "Borough") as general improvements. For the said Improvement there is hereby appropriated the amount of \$340,000, such sum includes the sum of (a) \$215,000 expected to be received from a grant from the New Jersey Department of Transportation and (b) \$6,250 as the down payment (the "Down Payment") required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the "Local Bond Law"). The Down Payment is now available by virtue of provisions in one or more previously adopted budgets for down payments for capital improvement purposes.

SECTION 2:

In order to finance the cost of the Improvements not covered by application of the Down Payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$118,750 pursuant to the provisions of the Local Bond Law (the "Bonds"). In anticipation of the issuance of the Bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes of the Borough are hereby authorized to be issued in the principal amount not exceeding \$118,750 pursuant to the provisions of the Local Bond Law (the "Bond Anticipation Notes" or "Notes").

SECTION 3:

(a) The Improvements authorized and the purpose for the financing of which said obligations are to be issued is for the construction and reconstruction of roads, drainage improvements, curbing, and similar infrastructure improvements in the Normandy Place and Beachway areas of the Borough, including all work and materials necessary therefor and incidental thereto, and as shown on and in accordance with the plans and specifications on file with the Borough Clerk.

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvements is \$118,750.

(c) The estimated cost of the Improvements is \$340,000 which amount represents the initial appropriation made by the Borough.

SECTION 4:

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Borough (the "Chief Financial Officer"); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of Section 8(a) of the Local Bond Law. The Chief

Financial Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the Borough Council of the Borough at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

SECTION 5:

The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Borough Clerk and is available for public inspection.

SECTION 6:

The following additional matters are hereby determined, declared, recited and stated:

(a) The Improvements described in Section 3 of this bond ordinance are not current expenses, and are capital improvements or properties that the Borough may lawfully make or acquire as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the Improvements, within the limitations of the Local Bond Law, and according to the reasonable life thereof computed from the date of the Bonds authorized by this bond ordinance, is 20 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Borough, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this bond ordinance by \$118,750 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$50,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

SECTION 7:

Any funds received from time to time by the Borough as contributions in aid of financing the purposes described in Section 3 of this Ordinance shall be used for financing said Improvements by application thereof either to direct payment of the cost of said Improvements or to the payment or reduction of the authorization of the obligations of the Borough authorized

therefore by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvements shall, be held and applied by the Borough as funds applicable only to the payment of obligations of the Borough authorized by this Bond Ordinance.

SECTION 8:

The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

SECTION 9:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Borough reasonably expects to pay expenditures with respect to the Improvements prior to the date that Borough incurs debt obligations under this Bond Ordinance. The Borough reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Borough under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$118,750.

This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

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

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

NAYS: None

ABSTAIN: None

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 Murphy. Second by Councilman Keeler and approved by the following voice vote:

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

NAYS: None

ABSTAIN: None

ABSENT: None

Councilman Murphy made a motion to approve Ordinance No. 5-2010 on its Third and Final Reading and advertise it according to law. Second by Councilman Keeler and approved upon the following roll call vote:

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

NAYS: None

ABSTAIN: None

ABSENT: None

9. Councilman Murphy introduced and approved for adoption the following Resolution:

**RESOLUTION NO. 70-2010
TRANSFER OF
APPROPRIATION RESERVES**

WHEREAS, N.J.S.A. 40A:4-59 permits the transfer of 2009 Budget appropriation reserves during the first three months of the fiscal year; and

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

<u>Appropriation</u>	<u>Amount From</u>	<u>Amount To</u>
Police Dispatch O/E	\$ 500.00	
Street Lighting	\$5,000.00	
EMG Mgt O/E	\$ 500.00	
Police O/E		\$ 500.00
Electric		\$5,000.00
Engineering		\$ 500.00
TOTAL	6,000 .00	\$6,000.00

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 appropriation reserves be transferred as stated herein; and

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Chief Financial Officer and Auditor. 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

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

Item E, Resolution No. 65-2010 was removed from the Consent Agenda.

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

**RESOLUTION NO. 62-2010
PAYMENT OF BILLS 03-16-2010**

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

NOW, THEREFORE, BE IT RESOLVED that these vouchers totaling \$ 75,139.54 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.

01578 AMERICAN MESSAGING

10-00263 02/25/10 DPW-MAR 2010 PAGER SERVICE Open

41.18

02036	BAHRLE, DAVID			
10-00268	03/01/10 DPW-TRAVEL REIMB:02/27/10	Open		46.70
01957	BENEMAX BENEFIT MANAGEMENT CO.			
10-00286	03/03/10 03/10 DENTAL PLAN MANAGEMENT	Open		300.00
01565	BOROUGH OF SEA BRIGHT			
10-00308	03/09/10 T/F ADMIN FEE:3/15/10 PAYROLL	Open		144.00
00063	CHESAPEAKE EXTERMINATING CO.			
10-00249	02/24/10 BLDGS/GRNDS-JAN/FEB'10 EXTERM	Open		60.00
00249	CLARK, DOUGLAS			
10-00271	03/01/10 DPW-TRAVEL:2/25,2/26,2/27/10	Open		65.00
00198	COMCAST			
10-00280	03/03/10 FIRE DEPT-INTERNET:MAR 2010	Open		95.18
0.00				
10-00307	03/09/10 A&E-INTERNET:MAR 2010	Open		95.18

				190.36
01493	COOPERATIVE INDUSTRIES, L.L.C.			
09-05209	11/05/09 DEC 2009 NATURAL GAS	Open		5,430.19
00419	DRAEGER SAFETY DIAGNOSTICS, INC			
10-00258	02/25/10 POLICE DEPT-ALCOTEST SOLUTION	Open		224.95
02008	E.J. SCHUSTER'S OFFICE SUPPLY			
10-00208	02/19/10 A&E/PLANNING BOARD-OFFICE SUPP	Open		357.38
01466	EAST COAST FLAG & BANNER, INC.			
10-00234	02/22/10 A&E-(12) 3'x 5' AMERICAN FLAGS	Open		177.60
01842	ELECTRONIC POLICE FORMS, LLC			
10-00281	03/03/10 POLICE-2010 MAINT/SUPPORT	Open		550.00
00563	ESKRIDGE, JOSEPH			
10-00299	03/08/10 DPW-SNOW REMOVAL:2/25-2/27/10	Open		384.00
00333	GARAVENTA, DEBORAH			
10-00261	02/25/10 A&E-2/17/10 IT SERVICES	Open		530.00
01194	GLENCO SUPPLY, INC.			
10-00119	01/26/10 DPW-"NO PARKING" SIGNS	Open		223.00
10-00138	01/29/10 DPW-"CAUTION" SIGNS	Open		208.50
01297	HATCH, MOTT & MACDONALD, LLC			
10-00275	03/02/10 MISC ENGINEERING-1/8,1/15/10	Open		1,050.00
10-00276	03/02/10 MISC ENGINEERING-1/8-1/29/10	Open		517.50

				1,567.50
01178	HUGHES, JUSTIN			
10-00301	03/08/10 DPW-SNOW REMOVAL:2/27/10	Open		84.00
01572	HUTCHINS, FARRELL, MEYER &			
10-00289	03/04/10 PREP:SUPP DEBT STMT/CAP BUDGET	Open		400.00
00543	ICHABOD'S			
10-00174	02/08/10 DPW-FOOD:02/06/10 SNOW STORM	Open		60.65
10-00201	02/16/10 DPW-FOOD:2/10,2/12 SNOW STORM	Open		141.28
10-00267	03/01/10 DPW-LUNCH:2/25,2/26,2/27/10	Open		269.70

				471.63
01363	IRON MOUNTAIN, INC.			
10-00170	02/08/10 A&E-VAULT:2010 SERVER BACKUPS	Open		146.16
01526	JCP & L			
10-00270	03/01/10 JAN 2010 ELECTRIC SERVICE	Open		10,708.60
00895	JOHNNY ON THE SPOT, INC.			
10-00291	03/04/10 PORTO-POTS - MAR 2010	Open		409.20
00202	KAY PRINTING & ENVELOPE CO, INC			
10-00285	03/03/10 BLDG DEPT-CONSTRUCTION PERMITS	Open		40.24
00443	KLINE, GEORGE t/a			
10-00162	02/04/10 FIRE DEPT-(1) TURNOUT GEAR	Open		1,666.34
00259	KUDOS ENTERPRISES, INC.			
10-00236	02/22/10 DPW-SNOW REMOVAL:2/12/10	Open		560.00
00971	LANG, STEVEN			
10-00300	03/08/10 DPW-SNOW REMOVAL:2/26/10	Open		90.00
00275	M & S WASTE SERVICES, INC.			
10-00153	02/02/10 2010 TRASH/RECYCLING PICKUP	Open		9,200.00
10-00277	03/03/10 02/10 LANDFILL TIPPING FEES	Open		4,799.02

				13,999.02
00343	MACK CAMERA & VIDEO SERVICE			
10-00156	02/02/10 POLICE-POLAROID PRINTER RIBBON	Open		126.00
01801	MASER CONSULTING, P.A.			
10-00278	03/03/10 ENGINEERING-SEWER RATE EVAL	Open		218.75
10-00279	03/03/10 ENGINEERING-COPIES OF FILES	Open		94.65

				313.40
00334	MASSAS, PETER			
	10-00254	02/25/10 REC-DJ FOR ST. PATRICK'S PARTY	Open	300.00
01985	MOBILE MINI, INC.			
	10-00274	03/01/10 POLICE-TRAILER 2010 PYMT 03/13	Open	278.00
00317	MONMOUTH BUILDING CENTER			
	10-00044	01/15/10 BLDGS/GRNDS-ATTIC STAIRS	Open	1,070.00
00378	MONMOUTH TRUCK EQUIPMENT			
	10-00225	02/22/10 DPW-BLANKET:SNOW PLOW R&M	Open	253.00
00189	MUNICIPAL CLERKS ASSN/MONMOUTH			
	10-00284	03/03/10 MUNICIPAL CLERK-2010 DUES	Open	150.00
02174	MUNICIPAL INFORMATION SYSTEMS			
	09-05238	11/16/09 BLDG DEPT-2009 SOFTWARE SUPP	Open	450.00
00019	NJ AMERICAN WATER			
	10-00290	03/04/10 FEB 2010 HYDRANTS	Open	2,143.96
00672	NJ DEPT OF COMMUNITY AFFAIRS			
	10-00294	03/08/10 BLDG DEPT-UCC SUBSCRIPTION	Open	50.00
00158	PITNEY BOWES CREDIT CORP.			
	10-00036	01/14/10 POLICE DEPT-2010 METER RENTAL	Open	48.00
00431	PMC ASSOCIATES, INC.			
	09-05212	11/09/09 FIRE DEPT-INSTALL RADIO #4375	Open	350.00
00234	ROY PRESS, INC.			
	10-00228	02/22/10 PRINTING:FEB'10 NEWSLETTER	Open	750.00
01554	SEA BRIGHT SERVICE CENTER			
	10-00073	01/20/10 DPW-BLANKET:VEHICLE MAINT	Open	304.90
00213	SEELY EQUIPMENT & SUPPLY			
	10-00118	01/25/10 DPW-SIGNS	Open	565.75
01240	SIRCHIE FINGER PRINT LABS, INC			
	10-00202	02/16/10 POLICE DEPT-BLOOD/URINE KIT	Open	80.80
00083	T & M ASSOCIATES			
	10-00302	03/08/10 PLANNING SERVICES	Open	1,437.50
	10-00320	03/10/10 ENGINEERING-1/19,2/16 MEETINGS	Open	593.75
	10-00321	03/10/10 ENGINEERING-JAN 2010 SERVICES	Open	1,000.00

				3,031.25
00331	TREASURER, STATE OF NJ			
	10-00266	03/01/10 SEWER-SAFE DRINKING WATER FEE	Open	200.00
02061	VERIZON WIRELESS			
	10-00322	03/11/10 BLDG/FIRE/COURT:MAR 2010 BILL	Open	79.92
02177	WALSH, JOAN			
	10-00283	03/03/10 LIBRARY-REIMB:3/2 BOOK/DVD	Open	51.67
	10-00309	03/10/10 LIBRARY-REIMB:3/9 DVD,BOOK,SUP	Open	226.74

				278.41
00058	WILLOW CLEANERS, INC.			
	10-00219	02/19/10 POLICE:MAY-DEC 2009 CLEANING	Open	336.30
	Asbury Park Press (Escrow)			52.28
	Asbury Park Press (Escrow)			57.14
	Asbury Park Press (Escrow)			54.98
	Asbury Park Press (Escrow)			55.52
	Desio, David (Escrow Refund)			75.00
	Maser Consulting (Escrow)			250.00
	NJSHBP (Feb 2010)			<u>24,359.38</u>
	Total			75,139.54

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

Ayes: Bills, Keeler, Kelly, LoBiondo, Long

Nays: None

Abstain: Murphy

B. MINUTES:

1. Councilwoman Long introduced a motion approving the March 2, 2010 Council Meeting Minutes. Second by Councilwoman Bills and adopted upon the following roll call vote:

Ayes: Bills, Keeler, Kelly, LoBiondo, Long

Nays: None

Abstain: Murphy

Absent: None

2. Councilwoman Long introduced a motion approving the March 2, 2010 Council Closed Session Minutes. Second by Councilwoman Bills and adopted upon the following roll call vote:
Ayes: Bills, Keeler, Kelly, LoBiondo, Long
Nays: None
Abstain: Murphy
Absent: None

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

RESOLUTION NO. 63-2010
BOROUGH OF SEA BRIGHT

WHEREAS, there exists a need for public works maintenance seasonal part-time employees whereby the hours are not to exceed 30 hours per week per employee.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Sea Bright, County of Monmouth that the following persons be appointed and receive the hourly rate of pay as specified below effective March 16, 2010 and the hours are not to exceed 30 hours per week per employee.:

<u>Public Works Maintenance Seasonal P/T</u>	<u>HOURLY RATE</u>
Joseph Eskridge 25 New Street, Sea Bright, NJ 07760	\$12.00
Kyle Dalton 1060 Ocean Avenue, Sea Bright, NJ 07760	\$12.00

CERTIFICATION OF FUNDS

I, Michael J. Bascom, Chief Financial Officer, of the Borough of Sea Bright, do hereby certify that funds are available in DPW 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. 64-2010
BOROUGH OF SEA BRIGHT

BE IT RESOLVED, by the Mayor and Council of Sea Bright. County of Monmouth, State of New Jersey that the proper officers, be hereby authorized to cancel a 2009 6% penalty charge on taxes due to hardship caused by the Highlands Bridge construction.

BLOCK	LOT	NAME	AMOUNT
34	5	Kathleen & Franks Brooks	\$817.52

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Sea Bright, County of Monmouth hereby approve to cancel the 6% penalty in the amount of \$817.52
Second by Councilwoman Bills and adopted upon the following roll call vote:
Ayes: Bills, Keeler, Kelly, LoBiondo, Long

Nays: None
Abstain: Murphy
Absent: None

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

**RESOLUTION NO. 67-2010
BOROUGH OF SEA BRIGHT**

WHEREAS, there exists a need for an **Acting Construction/Building Sub-Code Official and an Acting Electrical Sub-Code Official** within the building department from March 25, 2010 through April 18, 2010 due to the vacation schedule of Edward Wheeler.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Sea Bright, County of Monmouth that **ALBERT HOPPING** be appointed and receive the rate of pay as specified below effective March 25, 2010 through April 18, 2010.

Acting Construction/Building Sub-Code Official	\$1,160.00
Acting Electrical Sub-Code Official	\$ 574.00
Total Amount to be:	<u>\$1,734.00</u>

CERTIFICATION OF FUNDS

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

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

**RESOLUTION NO. 68-2010
BOROUGH OF SEA BRIGHT**

WHEREAS, the Sea Bright Fire Department will hold the first annual Firemen's Fair from Thursday, May 20 through Sunday May 23rd; and

WHEREAS, a request has been made for a waiver of the 10:00 pm requirement of Chapter 144 Noise, Section 144-3.1 to midnight during the duration of the Firemen's Fair.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Sea Bright, County of Monmouth authorizes a waiver of Chapter 144 Noise, Section 144-3.1 for this event. Second by Councilwoman Bills and adopted upon the following roll call vote:

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

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

**RESOLUTION NO. 65-2010
BOROUGH OF SEA BRIGHT**

WHEREAS, there exists a need for a seasonal beach cleaner for the 2010 beach season.

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 May 16, 2010 through September 15, 2010:

Seasonal Beach Cleaner Part Time	HOURLY RATE
Raymond Jackson 86 San Anita Drive, Tinton Falls, NJ	\$12.00

CERTIFICATION OF FUNDS

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

MICHAEL J. BASCOM, CFO

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

10. OLD BUSINESS:

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

**RESOLUTION NO. 59-2010
BOROUGH OF SEA BRIGHT**

WHEREAS, it is the policy of Borough of Sea Bright to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, (the New Jersey Civil Service Act,) (the New Jersey Attorney General's guidelines with respect to Police Department personnel matters,) the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meeting Act; and,

WHEREAS, the Borough of Sea Bright has amended the Personnel Policy and Procedures Manual in accordance with the recommendations made by the Monmouth County Municipal Joint Insurance Fund as well as additional amendments recommended by the Personnel Committee.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Sea Bright that the Personnel Policies and Procedures Manual attached hereto is hereby amended and adopted effective March 2, 2010.

BE IT FURTHER RESOLVED, that these personnel policies and procedures shall apply to all Borough officials, appointees,

employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

BE IT FURTHER RESOLVED, that this manual is intended to provide guidelines covering public service by Borough employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Borough of Sea Bright.

BE IT FURTHER RESOLVED, that to the maximum extent permitted by law, employment practices for the Borough of Sea Bright shall operate under the legal doctrine known as "employment at will."

BE IT FURTHER RESOLVED that the Chairperson of the Personnel Committee and all managerial/supervisory personnel are responsible for these employment practices. The Borough Administrator/Clerk and the Employment Attorney shall assist the Chairperson of Personnel in the implementation of the policies and procedures in this manual.

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

B. DISCUSSION: - Mayor Fernandes said that these matters will be discussed at the March 18th Smart Growth meeting.

- **Cell Tower**
- **Municipal Parking Lot**
- **Beach Pavilion**
- **Smart Growth**

C. DISCUSSION - Beach Event Fees - Councilwoman Long said that the Beach Committee decided not to have a fee schedule for beach events and they will approve by resolution at no charge.

11. NEW BUSINESS:

A. Councilwoman Long introduced a motion approving the request for permission from Roy McCurdy to host a free jazz concert at the gazebo on Saturday June 26, 7 p.m. 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

B. Resolution No. 66-2010 - authorizing auditor to review TRWRA sewer charge increase would be introduced after reconvening from Executive Session.

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

RESOLUTION NO. 69-2010 BOROUGH OF SEA BRIGHT

WHEREAS, the interest arbitration process was intended to fairly and adequately give all due consideration to the interest and welfare of the taxpaying public and support local government

aims by arriving at award decisions that are equitable to all involved parties, including municipalities and Police and Fire Department personnel; and

WHEREAS, the New Jersey Employer-Employee Relations Act, adopted in 1968, was amended in 1977 to provide for interest arbitration as the statutorily imposed terminal step in the collective bargaining process for police and fire personnel as defined by the Act; and

WHEREAS, the Police and Fire Interest Arbitration Reform Act (L.1995, c. 425) was signed into law by Governor Christine Todd Whitman and became effective on January 10, 1996; and

WHEREAS, in 2005, the League of Municipalities' Arbitration Reform Committee suggested a number of Legislative reforms to the Interest Arbitration Process among the changes proposed by the Reform Committee were that: (1) the Arbitrator may not award salary increases in excess of the expenditure cap (N.J.S.A. 40A:4-45 et seq.); (2) the Arbitrator's Award may provide for salary increases limited to the budget cap imposed by the State of New Jersey and/or any lawful adjustment adopted by the public employer; and (3) the Arbitrator's award may provide for salary increases limited to the percentage established by the State or the lawful adjustment adopted by the public employer, as may be appropriate, on a department line basis; and

WHEREAS, in 2007 the Police and Fire Interest Arbitration statute was amended to add a new ninth factor of the 4% Tax Levy Cap which resulted in 4 of the 9 statutory factors in Interest Arbitration addresses the employer's fiscal situation; and

WHEREAS, municipalities are bound by strict fiscal controls embodied in the expenditure limit and tax levy caps and it is the norm rather than the exception for state approved arbitrators to award raises for police salaries at rates that exceed the annual caps; and

WHEREAS, binding arbitration awards in excess of the caps forces municipalities to cut other critically needed municipal services, in order to fund salary increases, compounded by pension increases, to police and fire personnel, and cost for police and fire services continue to spiral at an unacceptable rate; and

WHEREAS, the state approved interest binding arbitration process is inconsistent with the State cap laws and is unfair to municipalities attempting to control property taxes through fiscal responsibility; and

WHEREAS, interest arbitration should be reform to provide that the cost of living and the employer's ability to pay should be given greater weight and the total costs of the arbitrator's award, including steps and cost of living (COLA) increases, should not exceed the cost of living; and

WHEREAS, arbitrators should be required to evaluate and analyze the total cost of the salaries and benefits, including step increases, and must provide a detailed line item analysis and explanation of the costs in the award; and

WHEREAS, arbitrators must also evaluate and analyze the overall compensation received by the bargaining unit, including

vacations, longevity, holidays, excused leave, medical and pension benefits; and

WHEREAS, arbitrators should be required to live in New Jersey and the process of selecting the arbitrators and the length of time the Arbitration process takes needs to be reviewed;

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Borough of Sea Bright) in the county of Monmouth, State of New Jersey hereby urges the New Jersey State Legislature to pass legislation containing substantial reforms to the binding arbitration process; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to Senator Sean T. Kean, Assemblywoman Mary Pat Angelini, Assemblywoman David R. Rible the New Jersey State League of Municipalities and Governor Chris Christie. 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

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

**RESOLUTION NO. 71-2010
BOROUGH OF SEA BRIGHT**

WHEREAS, there exists a need for additional Police officers.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Sea Bright, County of Monmouth that the following persons be appointed and receive the salary of pay as specified below effective April 1, 2010.

POLICE OFFICERS	SALARY
Daniel Joseph Chernavsky	\$31,802.12
Richard Allen Heugal	\$31,802.12

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 Long and adopted upon the following roll call vote:

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

D. Resolution No. 72-2010 - authorizing Engineer Jaclyn Flor, of T&M Associates to perform engineering services for improvements to Peninsula House and Municipal parking lots was not moved.

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

RESOLUTION NO. 74-2010
A RESOLUTION AUTHORIZING THE INCLUSION OF THE
CAT COMMITTEE DONATIONS AS A REVENUE
AND APPROPRIATION TO BE DEDICATED BY RIDER

WHEREAS, the Borough of Sea Bright anticipates the receipt of donation funds for the humane care of cats in Sea Bright; and

WHEREAS, regulations provide for the expenditure of such funds for the humane care of cats within the Borough of Sea Bright; and

WHEREAS, such charges are accounted for in the General Ledger of the Borough of Sea Bright and remain readily available for inspection.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, that such funds collected by the municipality be accounted for specifically and be considered a "Dedication by Rider" to the Budget of the local unit per NJSA40:4-39 for the sole purpose stated above; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Chief Financial Officer, the Director of Local Government Services, and Borough Auditor.
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

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

RESOLUTION NO. 75-2010
BOROUGH OF SEA BRIGHT

WHEREAS, a proposal dated March 11, 2010 by Jaclyn J. Flor, P.E. of T&M Associates was submitted for \$4,000 for engineering services to develop a large scale conceptual map for municipal facilities proposed along the beachfront.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Sea Bright hereby authorize Jaclyn J. Flor, P.E. of T&M Associates to perform engineering services as referenced above in an amount not to exceed \$4,000.

I, Michael J. Bascom, Chief Financial Officer, of the Borough of Sea Bright, do hereby certify that funds are available in Bond Ordinance 20-2005 Beach Replenishment for the purpose stated herein.

MICHAEL J. BASCOM, CFO

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

Ayes: Bills, Kelly, LoBiondo, Murphy

Nays: None

Abstain: Keeler, Long

Absent: None

12. CORRESPONDENCE AND COMMUNICATIONS:

- A. Library Director - February monthly report
- B. Police Chief - February monthly report. Mayor Fernandes recommended that Councilman Keeler work with Chief Sorrentino concerning the flooding issue in the jail cell.
- C. Construction Department - February monthly report

13. COMMITTEE REPORTS:

A. Beach/Education/Environment: Councilwoman Long said the sand and dunes were badly damaged due to the March 13th storm. Clean Ocean Action Beach sweep is Saturday, April 24th and there will be dune grass planting for the public beach Sunday, April 25th. The beach badge sales have done extremely well and the last day for the half price sale is March 31st.

The CAT committee is working very well together to help facilitate a program for rabies shots and neuter/spay for the town's cats.

Councilwoman Long said that we no longer have a Sea Bright Board of Education election, representatives, or a guaranteed seat on the Oceanport Board of Education.

B. Public Works/Building Department/Public Relations:

Councilman LoBiondo reported that DPW cleared roads during the storm. The Corrections Department will be sending prisoners to help DPW with clean up. He said that removing the chain link fence beginning from Donovan's to E. Church Street would allow people to enter the beach without paying beach fees.

Councilman LoBiondo said that they would be looking into the shape of the sewer lines before DOT repaves Ocean Avenue in North Beach.

Mayor Fernandes suggested that Councilman LoBiondo research the possibilities for bulkhead replacement for Center and Beach Streets because there is money available.

C. Public Safety/Insurance:

Councilman Keeler reported that all public safety personnel did an excellent job helping the town during the storm. They are waiting to hear from FEMA as to whether Sea Bright qualifies for aid.

D. Finance/Grants/Court:

Councilman Murphy said that Mr. Allison, RMA and CFO Bascom will review Two River Water Reclamation Authority's sewer rate increase. Budget workshop is March 23rd at 6pm. Court will resume April 8th, in Oceanport.

E. Personnel/Administration/Cultural Arts/Recreation:

Councilwoman Bills said the St. Patrick's party was well attended. The Easter Egg hunt is Saturday, April 3rd, 11 am.

Cameras will be installed in the library because of the recent thefts.

F. Smart Growth/Flood Mitigation/Beautification: Councilman Kelly said that the next Smart Growth meeting is this Thursday, March 18th at 7:30 pm.

The beautification committee will be receiving a \$3,000 grant to help fund its landscaping project

Councilman Keeler introduced a motion choosing skiff/fisherman design for the bridge sign. 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

13. MAYOR FERNANDES - REPORT AND COMMUNICATIONS.

Once again our Police, OEM, Fire, First Aid and Public Works did an extraordinary job during this most recent nor'easter. Due to the flooding, we have requested an extra garbage bulk pick up for Monday March 22. This is in addition to the regular weekly bulk pick-ups on Thursdays.

If you see a pothole on Ocean Avenue Highway 36 please report it to 1-800-POTHOLE.

Pat Mason, OEM Coordinator was advised today that the State is requesting the initial damage estimates by the end of the day today. His office was just advised and we realize this is not possible. He must have all estimates in his email by 11:00am Wednesday, There are no exceptions! Please call your Department Heads and advise them accordingly.

We had a meeting with NJDOT on March 9. We were advised that the paving of Ocean Avenue between the Highlands and Rumson Bridges will begin on September 16th. Ocean Avenue will be in good condition for Taste of Sea Bright.

2010 Census Questionnaires will be mailed this week to every household in the USA. We ask that everyone complete the 10 questions on the form and return it to the Census Dept. If you do not return the questionnaire, a census worker will be visiting you at your home to see to it that it is completed.

At the TRMC meeting, we were asked to appoint an individual to be part of a committee involved in the joint planning on an event in July that celebrates Fort Monmouth. I have asked Chris Doxey to do this for Sea Bright and she has accepted.

Our first Smart Growth Meeting for 2010 is Thursday, March 18, 7:30 PM.

Monmouth County freeholders will be conducting their meeting here in Sea Bright on Thursday, March 25, 7 PM. Everyone is welcome to attend.

Belated Happy Birthday to Brian Kelly (42) Feb. 5, Peggy Bills (54) Feb. 17 and Read Murphy (60) March 20.

14. REMARKS FROM THE AUDIENCE (limited to 3 minutes) Serina Smith of 1282 Ocean Avenue complained about the music coming from Ross's restaurant.

Suzie Markson of 1187 Ocean Avenue said that smart growth project has had too many facilities maps and another is a waste of money.

15. Councilman Murphy introduced and offered for adoption the following resolution at 8:45 p.m.:

RESOLUTION NO. 73-2010
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 matters to be discussed involves contracts and 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 issues 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 unanimous voice vote.

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

Nays: None

Abstain: None

Absent: None

Councilman Murphy made a motion at 10:04 p.m. to return to the regular order of business. Second by Councilman Keeler and approved upon unanimous voice vote.

Councilman Murphy introduced and offered for adoption the following resolution:

RESOLUTION NO. 66-2010
BOROUGH OF SEA BRIGHT

WHEREAS, a proposal dated March 5, 2010 by Robert W. Allison, RMA of Hutchins, Farrell, Meyer & Allison, PA was submitted for \$1,000 to perform a review of the Two Rivers Water Reclamation Authority's recent increase in sewer changes in the Borough of Sea Bright.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Sea Bright hereby authorize Robert W. Allison, RMA of Hutchins, Farrell, Meyer & Allison, PA to review the Two Rivers Water Reclamation Authority's information in an amount as not to exceed \$1,000.00

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

MICHAEL J. BASCOM, CFO

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

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

Nays: None

Abstain: None

Absent: None

Councilman Keeler introduced a motion accepting Campbell Supply terms and conditions concerning the LaFrance fire truck. Second by Councilwoman Bills and adopted upon the following roll call vote:

Ayes: Bills, Keeler, Kelly, LoBiondo, Long

Nays: None

Abstain: Murphy

Absent: None

Councilman Murphy introduced a motion authorizing Attorney Oxley to file a motion of protection concerning a Mt. Laurel issue. 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

16. ADJOURNMENT: There being no further business before the Governing Body. Councilman Murphy made a motion to adjourn the meeting at 10:08 P.M. Second by Councilwoman Bills and approved upon unanimous voice vote.

Respectfully Submitted,

Suzanne Branagan, RMC
Deputy Borough Clerk