

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

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: Keeler, LoBiondo, Long, Murphy, Mayor Fernandes
Police Chief Sorrentino, Attorney Oxley, Administrator/Clerk Smeltzer
ABSENT: Bills, Kelly, Chief Financial Officer Bascom

4. REMARKS FROM THE AUDIENCE (limited to 3 minutes per person)

Ray Dunsman owner of XCamp spoke about his surf camp company listed on the agenda and he assured the Governing Body that he was flexible to any demands that they may impose.

Steve Gardella of 1110 Ocean Avenue said that business owners who were not residents would have difficulties parking after the resident parking permit ordinance went into effect.

5. PRESENTATION - U.S. Census Bureau - Betty Rod, Partnership Specialist said that the purpose of the census to count the population so that federal funding can be distributed to local schools, roads, hospitals and other resources the town needs. She said that she is working closely with Borough officials informing residents of the importance of the census.

6. PROCLAMATION NO 2-2010 - ARC AWARENESS WHEREAS, intellectual and developmental disabilities are conditions which affect more than 7 million Americans and their families AND;

WHEREAS, public awareness and education enhance a community's understanding of the issues affecting people with intellectual and developmental disabilities AND;

WHEREAS, people with intellectual and developmental disabilities can be vital and vibrant members of our communities, improving the quality of life for all of us AND;

WHEREAS, the month of March has been designated Arc Awareness Month by the state of New Jersey with 20 chapters of The Arc undertaking public awareness, educational and fundraising initiatives AND;

WHEREAS, The Arc of Monmouth serves over 1200 individuals with cognitive disabilities throughout Monmouth County and advocates for and with people with intellectual and developmental disabilities and their families AND;

WHEREAS, The Arc of Monmouth is celebrating 60 years of service to families and individuals throughout Monmouth County and;

THEREFORE, Honorable Maria D. Fernandes, Mayor of Sea Bright does hereby Proclaim March, 2010 as ARC AWARENESS MONTH In the borough of Sea Bright, New Jersey and urges that the

citizens of Sea bright, New Jersey give full support of efforts towards enabling people with intellectual and developmental disabilities to live full and productive lives of inclusion in our communities.

7.

A1. Unified Planning Board letter dated February 23, 2010 with no objections to Ordinance 1-2010.

Attorney Oxley called for the Second Reading, by Title Only, of the following Ordinance, which was introduced and approved at the Council Meeting of January 19, 2010.

A2. Councilman Murphy moved to approve this Ordinance upon Second Reading.

ORDINANCE 1-2010
**AMENDING LAND USE CHAPTER 130-8 A OF THE REVISED GENERAL
ORDINANCES OF THE BOROUGH OF SEA BRIGHT,
COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

WHEREAS, the current Borough ordinance allows for the appointment of two alternate members to the Planning Board; and

WHEREAS, at times, it is difficult to seat a full board for applications, making it difficult for applicants for a D variance to get a full and fair hearing; and

WHEREAS, the statute permits up to four alternate members; and

WHEREAS, the Mayor and Council believe that the addition of two alternate members will make it more likely that there will be a full board for each application.

NOW THEREFORE BE IT ORDAINED as follows:

SECTION I

LAND USE CHAPTER 130-8 A is hereby amended and supplemented as follows:

130.6. Creation and Establishment

A. Establishment. There is hereby established, pursuant to Chapter 219, P.L.1975 (N.J.S.A. 40:55D-23 et. seq.), in the Borough of Sea Bright, a Municipal Planning Board of nine members consisting of the following four classes:

(1) Class I: The Mayor or the Mayor's designee in the absence of the Mayor.

(2) Class II: One of the officials of the municipality other than a member of the governing body to be appointed by the Mayor.

(3) Class III: A member of the governing body to be appointed by the Borough Council.

(4) Class IV: Six citizens of the Borough to be appointed by the Mayor.

B. Pursuant to N.J.S.A. 40:55D-25c and being that the Borough of Sea Bright is a municipality having a population of 2,500 or less, the nine-member planning board shall exercise, to the same extent and subject to the same restrictions, all the powers of a board of adjustment; but the Class I and Class III members shall not participate in the consideration of applications for development which involve relief pursuant of subsection D of section 57 of P.L. 1975, c. 291 (N.J.S.A. 40:55D-70).

C. Alternate members.

a. The Mayor may appoint four alternate members who shall meet the qualifications of Class IV members of the nine-member planning board. Alternate members shall be designated at the time of appointment by the Mayor as "Alternate No. 1," "Alternate No. 2," "Alternate No. 3" and "Alternate No. 4." The terms of the alternate members shall be for two years, except that the terms of the alternate members shall be such that the term of not more than two alternates shall expire in any one year; provided, however, that in no instance shall the terms of the alternate members first appointed exceed two years. A vacancy occurring otherwise than by expiration of term shall be filled by the appointing authority for the unexpired term only.

b. No alternate member shall be permitted to act on any matter in which the member has either directly or indirectly any personal or financial interest. An alternate member may, after public hearing if he requests one, be removed by the governing body for cause.

c. Alternate members may participate in discussions of the proceedings but may not vote, except in the absence or disqualification of a regular member of any class, except that an alternate member may not vote in the place of a Class I or Class II member if that member is disqualified due to the application involving relief pursuant to subsection D of Section 57 P.L. 1975, c. 291 (N.J.S.A. 40:55D-70). A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternates shall vote in the order of their number.

SECTION II

If any part of this Ordinance shall be deemed invalid such part shall be deemed severable and the invalidity

thereof shall not affect the remaining part of this Ordinance.

SECTION III

Any Ordinance or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed and superseded.

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

AYES: Keeler, Long, LoBiondo, Murphy
NAYS: None
ABSTAIN: None
ABSENT: Bills, Kelly

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: Keeler, Long, LoBiondo, Murphy
NAYS: None
ABSTAIN: None
ABSENT: Bills, Kelly

Councilman Murphy made a motion to approve Ordinance No. 1-2010 on its Third and Final Reading and advertise it according to law. Second by Councilwoman Long and approved upon the following roll call vote:

AYES: Keeler, Long, LoBiondo, Murphy
NAYS: None
ABSTAIN: None
ABSENT: Bills, Kelly

Attorney Oxley called for the Second Reading, by Title Only, of the following Ordinance, which was introduced and approved at the Council Meeting of February 16, 2010.

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

ORDINANCE NO. 2-2010
AN ORDINANCE AUTHORIZING
THE BOROUGH OF SEA BRIGHT TO EXCEED
THE 2.5% COLA RATE APPROPRIATION LIMIT
FOR PURPOSES OF INTRODUCING THE 2010
MUNICIPAL BUDGET

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation

and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Borough Council of the Borough of Sea Bright in the County of Monmouth finds it advisable and necessary to increase its CY 2010 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough Council hereby determines that a 3.5 % increase in the budget for said year, amounting to \$37,948.10 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Borough Council of the Borough of Sea Bright hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years,

THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Sea Bright, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2010 budget year, the final appropriations of the Borough of Sea Bright shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$132,818.34, and that the CY 2010 municipal budget for the Borough of Sea Bright be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

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

AYES: Keeler, Long, LoBiondo, Murphy

NAYS: None

ABSTAIN: None

ABSENT: Bills, Kelly

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 Councilwoman Long and approved by the following voice vote:

AYES: Keeler, Long, LoBiondo, Murphy

NAYS: None

ABSTAIN: None

ABSENT: Bills, Kelly

Councilman Murphy made a motion to approve Ordinance No. 2-2010 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: Keeler, Long, LoBiondo, Murphy
NAYS: None
ABSTAIN: None
ABSENT: Bills, Kelly

Attorney Oxley called for the Second Reading, by Title Only, of the following Ordinance, which was introduced and approved at the Council Meeting of February 16, 2010.

C.. Councilwoman Long moved to approve this Ordinance upon Second Reading.

ORDINANCE NO. 3-2010
ORDINANCE OF THE BOROUGH OF SEA BRIGHT
ESTABLISHING A RESIDENTIAL PERMIT PARKING PROGRAM

BE IT ORDANINED by the Mayor and Council of the Borough of Sea Bright as follows:

WHEREAS, the Borough of Sea Bright is desirous of establishing a residential permit parking program so as to better ensure the adequacy of local parking for Borough residents while addressing the needs to properly manage public safety and traffic, while also maintaining the balance necessary to provide adequate public parking for those who wish to patronize local businesses and/or our beachfront; and

WHEREAS, the Borough wishes to initiate such a program by means of an annual permit to be issued to Borough residents who need to utilize on-street parking for their vehicles in the Borough.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Sea Bright as follows:

SECTION ONE

Residential Permit Parking Program

A. Rules and regulations.

(1) Resident parking permit restrictions shall be established on streets where there has been demonstrated an ongoing, excessive and daily problem which creates a hardship and public safety issues for residents of a municipal street. The purpose of the residential permit parking program is: a) to establish a residential parking program in those areas of the Borough in order to facilitate and make more convenient parking within the Borough for persons who reside in those residential areas; b) to protect residential areas from excessive traffic and parking demand caused by the entry of vehicles from outside that residential neighborhood; c) to protect residents from unreasonable burdens in gaining access to their residences; and d) to identify the areas of the Borough where residential parking is preserved so as to not interfere with the provision of parking for the general public. The streets and portions of streets identified in Section H are hereby designated as "Residential Permit Parking Only" parking zones.

(2) A residential parking permit of a design specified by the Borough will be issued to residents of Sea Bright who own or lease a motor vehicle.

- (3) Application for residential parking permits shall be made on a form by the Borough. Proof of residency of the owner or lessee of a vehicle must be presented when applying for a permit. The following is proof of residency: a copy of a valid New Jersey Driver's License reflecting an address on a street upon which the permit parking restrictions are imposed in the Borough of Sea Bright, and a copy of a valid New Jersey motor vehicle registration for which the permit is sought, showing an address on a street upon which the permit parking restrictions are imposed. In the case of a vehicle claimed to be leased and used by a Sea Bright resident, a copy of the automobile lease shall be presented to the Borough in lieu of the New Jersey motor vehicle registration. Completed applications shall be submitted to the Sea Bright Borough Police Department. Applications submitted without a copy of a driver's license and vehicle registration or lease shall not be processed.
 - (4) Permit applications shall be available at the Sea Bright Police Department at any time during the current year. Renewals may be completed beginning the first Monday of March of each year.
 - (5) The resident's sticker is to be placed on the rear window on the driver's side in the lower left corner of the vehicle it is issued to.
 - (6) There shall be no visitor permits issued.
 - (7) The sale or transfer of a permit is prohibited by anyone other than the Sea Bright Police Department. Permits are only valid for the vehicle they are issued to by the Borough Police Department.
 - (8) There shall be a maximum of two (2) parking permits issued for each residential dwelling unit.
 - (9) The issuance of a resident parking permit does not guarantee parking.
- B. Abuse of permit. Residential parking permits are subject to revocation for the following:
- (1) If any such permit is used on any vehicle that it is not registered to under this section.
 - (2) Willfully providing any false or inaccurate information for the purpose of obtaining a permit hereunder.
- C. Reproduction of residential parking permits prohibited.
- (1) No person, unless authorized by virtue of his or her employment, shall:
 - (a) Copy, reproduce or otherwise create a resident parking permit authorized by Section A. above.
 - (b) Create a facsimile or counterfeit resident parking permit.

- (c) Display or use a residential parking permit knowing the same to have been copied, reproduced or otherwise created in violation of subsections (1) or (2) of this section.
 - (2) No person shall furnish false information or fraudulent documents in connection with an application for a residential parking permit.
 - (3) Any person violating the provisions of subsections (1) and (2) of this Section is subject to a fine not to exceed three hundred dollars (\$300.00) and forfeits the right to receive or use a residential parking permit under this chapter for a period of three (3) years.
 - (4) No residential parking permit shall be issued to a person with three or more outstanding summonses for violations of this chapter.
- D. Term of permits. Residential parking permits shall expire annually on May 30. Any vehicle bearing an expired residential parking permit and parking on a street posted as "Residential Permit Parking Only" shall be subject to the same penalty as a vehicle parked on the street without a resident permit as set forth in Subsection F.(1) below.
- E. Exemptions. The prohibition set forth in Subsection H. below shall not apply to the following:
- (1) Contractor/service and delivery vehicles. Contractor, service and deliver vehicles bearing the name and address of a commercial business may park adjacent to the residential premises where they are working without a permit during the times they are rendering service.
 - (2) Emergency and utility vehicles. Emergency vehicles, municipal vehicles, gas, electric, telecommunications and other similar vehicles may park within the Borough during times they are rendering service or repairs within the Borough.
 - (3) Health care providers. Health care providers may park their vehicles within the Borough during the times they are rendering assistance or health care service to residents of the Borough. "Health care provider" is defined as a nurse, home health aide, physical therapist or any other medical professional. A health care provider can obtain a badge to display on their windshield from the Sea Bright Police Department. Such a badge is not transferrable to another health care provider. Such badges may be issued on a daily or monthly basis by the Sea Bright Police Department.
 - (4) Handicapped parking. Any motor vehicle identified and registered for a handicapped driver by the New Jersey Motor Vehicle Commission and displaying the required handicapped plates or placards.

F. Violations and penalties.

- (1) Any vehicle parked on a street posted "Residential Permit Parking Only" without a valid residential parking permit shall be subject to a parking fine up to \$100.00.
- (2) Any violation of Subsection B above shall result in the offending person being subject to a fine in the amount of \$150.00 for a first offense and \$300.00 for each subsequent offense thereafter.
- (3) The possession of a residential parking permit does not exempt the resident from obeying all traffic rules, regulations and ordinance, including but not limited to, parking too close to stop signs or intersections.
- (4) The Sea Bright Police Department may remove and impound any vehicles which are parked in violation of this article. The cost of said removal shall be borne by the vehicle owner or lessee.

G. Enforcement.

- (1) The Sea Bright Police Department shall have the authority to issue summonses for violations of this section.
- (2) Enforcement of this section shall be under the jurisdiction of either the Sea Bright Police Department and/or Chief of Police of the Sea Bright Police Department.

H. No person shall park or cause to be parked any vehicle on streets or parts of streets as described within the following sections unless an appropriate and current parking permit issued by the Borough of Sea Bright is displayed on said vehicle for those streets or parts of streets as described or listed with the following sections.

<u>Name of Street</u>	<u>Location</u>
Front Street	East side
Peninsula Avenue	South side
River Street	South side
Church Street	South side
East Church Street	South side
New Street	North side
East New Street	North side
Beach Street	North side
Center Street	North side
Surf Street	South side
South Street	North Side

Effective twenty-four (24) hours a day, seven (7) days a week, one (1) side of every designated street will be designated resident permit parking only. These zones are valid only for vehicles displaying a valid resident parking permit and are indicated by signage.

SECTION TWO

If any section or provision of this ordinance shall be held invalid in any court, the same shall not affect the other sections or provisions of this ordinance except so far as the section or provision so declared invalid and shall be inseparable from the remainder or any portion thereof.

SECTION THREE

All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

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

AYES: Keeler, Long, LoBiondo, Murphy

NAYS: None

ABSTAIN: None

ABSENT: Bills, Kelly

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

AYES: Keeler, Long, LoBiondo, Murphy

NAYS: None

ABSTAIN: None

ABSENT: Bills, Kelly

Councilman Murphy made a motion to approve Ordinance No. 3-2010 on its Third and Final Reading and advertise it according to law. Second by Councilwoman Long and approved upon the following roll call vote:

AYES: Keeler, Long, LoBiondo, Murphy

NAYS: None

ABSTAIN: None

ABSENT: Bills, Kelly

Attorney Oxley called for the Second Reading, by Title Only, of the following Ordinance, which was introduced and approved at the Council Meeting of February 16, 2010.

D. Councilwoman Long moved to approve this Ordinance upon Second Reading.

ORDINANCE NO. 4-2010
ORDINANCE REGULATING THE PLACEMENT AND
USE OF CHARITABLE CLOTHING BINS

BE IT ORDANINED by the Mayor and Council of the Borough of Sea Bright as follows:

WHEREAS, the Borough of Sea Bright wishes to prevent an increase of clothing donation bins of questionable origin and purpose within the Borough of Sea Bright.

WHEREAS, clothing donation bins may not be placed on private and municipally owned properties without authorization of the respective property owners;

WHEREAS, many clothing donation bins may not be regularly collected, overflow and become depositories for discarded items or other uncollected refuse; and

WHEREAS, this ordinance establishes rules and regulations governing the placement and use of clothing donation bins in the Borough of Sea Bright pursuant to P.L. 2007, c.209 signed into law on December 20, 2007, becoming effective January 1, 2009.

NOW THEREFORE BE IT ORDAINED, by the Borough Committee of the Borough of Sea Bright, County of Monmouth, State of New Jersey, that the Code of the Borough of Sea Bright (1996) be amended to include the following:

CLOTHING DONATION BINS

Section 1. Definitions.

CLOTHING DONATION BIN - Any receptacle or container made of metal, steel, or any other material designed or intended for the collection and temporary storage of donated clothing or other materials.

Section 2. Permit Required.

Notwithstanding any other provision of law to the contrary, no person shall place, use or employ a clothing donation bin, within the Borough of Sea Bright, for solicitation purposes, unless:

The clothing donation bin is owned by a charitable organization registered with the Attorney General of the State of New Jersey pursuant to P.L. 1994, c.16 (N.J.S.A. 45:17A-18 et seq.); and

The registered charitable organization has obtained a permit for a period of one year issued by the Borough Clerk

Section 3. Annual Permit Fee.

The annual permit fee is \$25 per bin and will be used to offset the costs involved in enforcing this ordinance. Domestic registered charitable organizations, however, located within the Borough of Sea Bright are exempt from paying this annual permit fee, but must still apply for and secure a permit.

Section 4. Application Requirements.

The application for obtaining a permit shall include:

a. The location where the bin would be situated, as precisely as possible;

b. The manner in which the person anticipates any clothing or other donations collected via the bin would be used, sold, or dispersed, and the method by which the proceeds of collected donations would be allocated or spent;

c. The name and telephone number of the bona fide office of any person or entity which may share or profit from any clothing or other donations collected via the bin, at which such person can be reached during normal business hours. For the purposes of this ordinance, an answering machine or service

unrelated to the person does not constitute a bona fide office;
and

d. Written consent from the property owner to place the bin on their property.

e. Review of the application shall be made by the Zoning Officer and the Sea Bright Police Chief prior to any approvals granted.

Section 5. Renewal Application Requirements.

In addition to the above application requirements, renewal applications must include:

a. A statement of the manner in which the person has used, sold, or dispersed any clothing or other donations have been allocated or spent, and any changes the person anticipate it may make in these process during the period covered by the renewal;

b. The name and telephone of the bona fide office of any entity which shared or profited from any clothing or other donations collected via the bin, and of any entities which may do so during the period by the renewal; and

c. If the location of the bin is to be moved, the new location where the bin is to be situated, as precisely as possible and written consent from the property owner of the new location. Review of new application shall be required in accordance with Section 4 Paragraph e.

Section 6. Placement of Bins.

The Borough of Sea Bright shall not grant an application for a permit to place, use, or employ a donation clothing bin if it determines that the placement of the bin could constitute a safety hazard. Such hazards shall include, but not be limited to, the placement of a clothing donation bin within 100 yards of any place which stores large amounts of, or sells, fuel or other flammable liquids or gases; or the placement of a bin where it interferes with vehicular or pedestrian circulation. The person placing, using or employing a clothing donation bin shall maintain the bin and the area surrounding the bin such that there shall be no accumulation of clothing or other donations outside the bin.

Section 7. Display of Permit.

The following information shall be clearly and conspicuously displayed on the exterior of the clothing donation bin:

a. The permit number and its date of expiration stating that a copy of the permit application is on file with the Borough clerk;

b. The name and address of the registered person who owns the bin, and of any other entity which may share or profit from any clothing or other donations collected via the bin; and

c. The telephone number of the owner's bona fide office, and, if applicable, the telephone number of the bona fide office of any other entity which may share or profit from any clothing or other donations collected

via the bin. For the purposes of this subsection, an answering machine or service unrelated to the person does not constitute a bona fide office.

Section 8. Receipt, investigation of complaints relative to donation clothing bin.

a. The Zoning Officer shall receive and investigate, within 30 days, any complaints from the public about the bin. Whenever it appears to the Zoning Officer that a person has engaged in, or is engaging in any act or practice in violation of this ordinance, the person who placed the bin shall be issued a warning, stating that if the violation is not rectified or a hearing with the appropriate municipal agency is not requested within 45 days, the bin will be seized or removed at the expense of the person who placed the bin, and any clothing or other donations collected via the bin will be sold at public auction or otherwise disposed of. In addition to any other means used to notify the person who placed the bin, such warning shall be affixed to the exterior of the bin itself.

b. In the event that the person who placed the bin does not rectify the violation or request a hearing within 45 days of the posting of the warning, the Borough of Sea Bright may seize the bin, remove it, or have it removed, at the expense of the person who placed the bin, and sell at public auction or otherwise dispose of any clothing or other donations collected via the bin. Any proceeds from the sale of the donation collected via the bin shall be paid to the chief financial officer of the Borough.

Section 9. Additional penalties, remedies.

In addition to any other penalties or remedies authorized by the laws of this State, any person who violates any provision of this ordinance or the provisions of P.L. 2007, c.209 (N.J.S.A. 40:48-2.60, et seq.) which results in seizure of the clothing donation bin shall be:

a. Subject to a penalty of up to \$20,000 for each violation. The Borough may bring this action in the Borough of Sea Bright Municipal Court or the Superior Court of New Jersey as a summary proceeding under the Penalty Enforcement Law of 1999, P.L. 1999, c.274 (N.J.S.A. 2A:58-10 et seq), and any penalty monies collected shall be paid to the chief financial officer of the Borough; and

b. Deemed ineligible to place, use, or employ a donation clothing bin for solicitation purposes pursuant to this Section and P.L. 2007, c209 (N.J.S.A. 40:48-2.61). A person disqualified from placing, using, or employing a clothing donation bin by violating the provisions of P.L. 2007, c. 209 (N.J.S.A. 40:48-2.60 et seq) may apply to the Borough Council to have that person's eligibility restored. The Borough Council may restore the eligibility of a person who:

- (1) Acts within the public interest; and

(2) Demonstrates that they have made a good faith effort to comply with the provisions of this ordinance and P.L. 2007, c.209 (N.J.S.A. 40:48-2.60 et seq), and all other application laws and regulations, or had no fraudulent intentions.

Section 10. Severability Clause.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reasons held to be unconstitutional, invalid, or unenforceable by a court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

Section 11. Repealer.

All other ordinances in conflict or inconsistent with this ordinance are hereby repealed, to the extent of such conflict or inconsistency. In the event of any inconsistencies between the provisions of this ordinance and any prior ordinance of the Borough of Sea Bright, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Code of the Borough of Sea Bright are hereby ratified and confirmed, except where inconsistent with the terms hereof.

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

AYES: Keeler, Long, LoBiondo, Murphy

NAYS: None

ABSTAIN: None

ABSENT: Bills, Kelly

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: Keeler, Long, LoBiondo, Murphy

NAYS: None

ABSTAIN: None

ABSENT: Bills, Kelly

Councilwoman Long made a motion to approve Ordinance No. 4-2010 on its Third and Final Reading and advertise it according to law. Second by Councilman Murphy and approved upon the following roll call vote:

AYES: Keeler, Long, LoBiondo, Murphy

NAYS: None

ABSTAIN: None

ABSENT: Bills, Kelly

Councilman Murphy introduced and offered for adoption the following resolution:

**RESOLUTION NO. 61-2010
TEMPORARY CAPITAL BUDGET
BOROUGH OF SEA BRIGHT**

Whereas, it is desired to adopt a temporary capital budget,

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Sea Bright, County of Monmouth that the following temporary capital budget be adopted;

**CAPITAL BUDGET (Current Year Action)
2010**

Project	Project Number	Estimated Total Cost	Amounts Reserved in Prior Years	Planned Funding Services for Current Year 2010					To Be Funded in Future Years
				2010 Budget Appropriations	Capital Improvement Fund	Capital Surplus	Grants in Aid and Other Funds	Debt Authorized	
Road and Drainage Improvements		\$340,000			6,250		215,000	118,750	
Totals All Projects		340,000			6250		215,000	118,750	

**3 YEAR CAPITAL PROGRAM 2010 - 2012
ANTICIPATED PROJECT SCHEDULE AND FUNDING REQUIREMENT**

Project	Project Number	Estimated Total Cost	Estimated Completion Time	Funding Amounts Per Year					
				Budget Year 2010	20__	20__	20__	20__	
Road and Drainage Improvements		\$340,000	2010						
				340,000					
Totals All Projects		340,000		340,000					

Project	Estimated Total Cost	Budget Appropriations		Capital Imp. Fund	Capital Surplus	Grants in Aid and Other Funds	Bonds and Notes			
		Current Year 2010	Future Years				General	Self-Liquidating	Assessment	School
Road and Drainage Imps.	340,000			6,250		215,000	118,750			
Totals All Projects	340,000			6,250		215,000	118,750			

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services.

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

Ayes: Keeler, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: Bills, Kelly

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

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 NORMANDY 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.

and moved the same be approved upon first Reading, held over for Second Reading and Public Hearing to be held on March 16, 2010. Second by Councilman Keeler and approved upon the following roll call vote:

Ayes: Keeler, Kelly, LoBiondo, Murphy

Nays: None

Abstain: None

Absent: Bills, Long

Item E was pulled from the Consent Agenda.

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

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

**RESOLUTION NO. 55-2010
PAYMENT OF BILLS 03-02-2010**

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

NOW, THEREFORE, BE IT RESOLVED that these vouchers totaling \$480,414.06 are to be paid; and

BE IT FURTHER RESOLVED, that proper Officers are hereby authorized to execute and issue warrants for payments of said vouchers, but only if and when conditions of the Borough Treasury shall permit, and the said vouchers be approved by the proper Committees.

02182	A.M./P.M. SERVICES		
10-00180	02/09/10 MUNI CLERK-3/12/10 SEMINAR	Open	368.00
00513	A.R. COMMUNICATIONS		
10-00196	02/12/10 DPW-REPAIR MOTOROLA RADIO	Open	65.00
00757	ARIAS, JOHN		
10-00172	02/08/10 POLICE DEPT-TRAVEL:1/27,1/28	Open	86.50
00003	ASBURY PARK PRESS		
10-00016	01/14/10 MUNI CLERK-BLANKET:NOTICES	Open	449.18
10-00108	01/22/10 SEWER-CLASSIFIED:JOB POSTING	Open	425.16

			874.34
00384	AT & T MOBILITY		
10-00245	02/23/10 DPW-FEB 2010 CELL BILL	Open	163.61
00006	AVAYA, INC.		
10-00220	02/19/10 POLICE DEPT-2010 PHONE MAINT	Open	60.45
02036	BAHRLE, DAVID		
10-00203	02/16/10 DPW-TRAVEL REIMB:02/09/10	Open	24.35
00843	BIRDSALL ENGINEERING, INC.		
10-00111	01/22/10 A&E-GRANT CONSULTANT	Open	442.50
01565	BOROUGH OF SEA BRIGHT		
10-00197	02/16/10 T/F ADMIN FEE:02/12/10 PAYROLL	Open	48.00
10-00198	02/16/10 T/F ADMIN FEE:2/12/10 PAYROLL	Open	48.00

			96.00
01974	BOROUGH OF SEA BRIGHT COURT		
10-00192	02/12/10 COURT-01/10 CREDIT CARD REIMB	Open	131.78
01249	BRANAGAN, SUZANNE		
10-00194	02/12/10 MUNI CLERK-2/9/10 TRAVEL	Open	58.00
01546	C.I.T. TECHNOLOGY FIN SERV, INC		
10-00012	01/14/10 POLICE DEPT-2010 FAX LEASE	Open	62.15
10-00013	01/14/10 POLICE DEPT-2010 COPIER LEASE	Open	147.72

			209.87
01358	CAMPBELL SUPPLY CO., L.L.C.		
09-04331	04/20/09 FIRE DEPT-REPAIR/TEST #4374	Open	1,949.75
00982	CITY OF LONG BRANCH		

10-00071	01/19/10	DPW-BLANKET:ROCK SALT	Open	592.25
00249		CLARK, DOUGLAS		
10-00217	02/19/10	DPW-TRAVEL REIMB:02/09/10	Open	26.00
00198		COMCAST		
10-00216	02/19/10	POLICE DEPT-INTERNET:FEB 2010	Open	95.18
10-00246	02/23/10	LIBRARY-INTERNET:FEB 2010	Open	100.14

				195.32
01320		DEMAIO, R.N.		
10-00161	02/03/10	BLDGS/GRNDS-TOWELS,T/TISSUE	Open	339.56
00091		DIGIROLAMO, LOUIS		
10-00142	01/29/10	2010 PYMT 03/12 HEALTH REIMB	Open	1,890.29
02008		E.J. SCHUSTER'S OFFICE SUPPLY		
10-00195	02/12/10	COURT-SECURITY CHEST	Open	75.92
00126		EASTERN SURPLUS & EQUIPMENT CO		
10-00157	02/02/10	POLICE DEPT-REPLACEMENT SEAT	Open	250.00
00563		ESKRIDGE, JOSEPH		
10-00230	02/22/10	DPW-SNOW REMOVAL:2/10-2/12/10	Open	342.00
00077		FLEET SERVICES		
10-00204	02/16/10	GASOLINE - FEB 2010	Open	2,984.60
00211		FULL SERVICE WEB SITES, LLC		
10-00169	02/08/10	A&E-S/BREEZE SUBSCRIPTION FEE	Open	313.20
01657		GOWAN, KERRY		
10-00229	02/22/10	POLICE DEPT-2/17/10 MATRON	Open	24.00
01297		HATCH, MOTT & MACDONALD, LLC		
09-04592	06/22/09	PREPARE COASTAL GENERAL PERMIT	Open	950.00
09-05100	10/15/09	NJOEM & FEMA GRANTS APPLIC	Open	100.00
10-00193	02/12/10	MISC ENGINEERING-12/11-1/1/10	Open	318.70

				1,368.70
01178		HUGHES, JUSTIN		
10-00232	02/22/10	DPW-SNOW REMOVAL:2/10-2/11/10	Open	108.00
01286		INDUSTRIAL MARINE		
10-00211	02/19/10	REIMB:JAN'10 WATER & ELECTRIC	Open	354.32
00297		JESSE A. HOWLAND & SONS, INC.		
10-00147	01/29/10	GARAGE RENT - MAR 2010	Open	1,737.00
10-00148	01/29/10	DPW-ADDT'L GARAGE RENT-MAR'10	Open	875.00

				2,612.00
00270		JOHNSON, KENNETH		
10-00140	01/29/10	2010 PYMT 03/12 HEALTH REIMB	Open	992.69
00971		LANG, STEVEN		
10-00231	02/22/10	DPW-SNOW REMOVAL:2/11-2/12/10	Open	114.00
00779		LINE SYSTEMS, INC.		
10-00238	02/23/10	LOCAL/LONG DISTANCE:JAN 2010	Open	1,451.05
01985		MOBILE MINI, INC.		
10-00205	02/18/10	COURT-TRAILER 2010 PYMT 03/13	Open	268.00
00688		MONMOUTH COUNTY POLICE ACADEMY		
10-00187	02/12/10	POLICE DEPT-AMMO:BASIC COURSE	Open	792.06
00109		MONMOUTH COUNTY POLICE CHIEF'S		
10-00155	02/02/10	POLICE DEPT-2010 DUES	Open	150.00
00378		MONMOUTH TRUCK EQUIPMENT		
10-00173	02/08/10	DPW-SNOW PLOW REPAIRS	Open	119.00
10-00212	02/19/10	DPW-REBUILD HYDRAULIC PUMP	Open	628.00
10-00214	02/19/10	DPW-INSTALL REBUILT HYDR PUMP	Open	1,175.00

				1,922.00
00140		MOORE, WILLIAM		
10-00141	01/29/10	2010 PYMT 03/12 HEALTH REIMB	Open	1,890.29
00315		MORGANO, PAUL		
10-00182	02/09/10	DPW-2/6/10 SNOW PLOWING	Open	3,450.00
10-00215	02/19/10	DPW-2/10/10 SNOW PLOWING	Open	1,500.00

				4,950.00
00137		MUNICIPAL CAPITAL CORPORATION		
10-00011	01/14/10	A&E-2010 COPIER LEASE	Open	225.20
00339		NAPA AUTO PARTS		
10-00072	01/19/10	DPW-BLANKET:VEHICLE MAINT	Open	207.08
00019		NJ AMERICAN WATER		
10-00221	02/19/10	JAN 2010 WATER UTILITY	Open	230.24
01309		OCEANPORT BOARD OF EDUCATION		
10-00146	01/29/10	GRADE SCHOOL TAX - MAR 2010	Open	74,912.67
00164		RAIN, WILLIAM		
10-00144	01/29/10	2010 PYMT 03/12 HEALTH REIMB	Open	762.20
00788		SCARINCI & HOLLENBECK, LLC		
10-00190	02/12/10	LEGAL SERVICES:JAN 2010	Open	6,361.46

10-00242	02/23/10	LEGAL-2010 RETAINER	Open	5,000.01

				11,361.47
00408		SCHWAAB, INC.		
10-00137	01/29/10	MUNI CLERK-STAMP/INK PADS	Open	55.73
01554		SEA BRIGHT SERVICE CENTER		
10-00150	02/02/10	POLICE-1/22,1/25 VEHICLE MAINT	Open	1,088.80
00027		SEABOARD WELDING SUPPLY, INC.		
10-00075	01/20/10	DPW- 2010 CYLINDER RENTAL	Open	12.70
00053		SHORE REGIONAL HIGH SCHOOL		
10-00145	01/29/10	HIGH SCHOOL TAX - MAR 2010	Open	151,680.00
00975		SMACK, EDWARD		
10-00143	01/29/10	2010 PYMT 03/12 HEALTH REIMB	Open	762.20
00255		SMELTZER, MARYANN		
10-00226	02/22/10	MUNI CLERK-REIMB:HOTEL/PARKING	Open	217.92
01577		STATE OF NEW JERSEY		
10-00241	02/23/10	A&E-MICROFILM STORAGE FEE	Open	17.50
00427		STRATTON, FELECIA		
10-00200	02/16/10	A&E-EDIT/DESIGN:FEB'10 SEA BRZ	Open	700.00
01285		THE HOME DEPOT		
10-00074	01/20/10	BLDGS/GRNDS-BLANKET:MISC SUPP	Open	161.70
00316		TREASURER, COUNTY OF MONMOUTH		
10-00149	02/02/10	POLICE-2010 MOCERT ASSESSMENT	Open	1,050.00
02114		TWO RIVERS WATER RECLAMATION		
10-00181	02/09/10	2010 PYMT 1/4 SEWER CHARGE	Open	127,688.50
00178		UNITED STATES POSTAL SERVICE		
10-00233	02/22/10	POSTAGE FOR POSTAGE METER	Open	800.00
00016		VAL'S TAVERN		
10-00189	02/12/10	OEM-FOOD:2/10/10 SNOW STORM	Open	132.95
01960		VERIZON		
10-00206	02/18/10	BEACH-JAN 2010	Open	64.26
01020		VERIZON ONLINE		
10-00207	02/18/10	DPW-DSL INTERNET:JAN 2010	Open	42.99
02061		VERIZON WIRELESS		
10-00188	02/12/10	BLDG/FIRE/COURT:FEB 2010 BILL	Open	79.92
10-00247	02/23/10	POLICE-FEB 2010 CELL & MDT	Open	766.33

				846.25
02177		WALSH, JOAN		
10-00199	02/16/10	LIBRARY-REIMB:2/14 DVDS	Open	35.98
01164		WATCHUNG SPRING WATER CO, INC.		
10-00235	02/22/10	FEB 2010 SPRING WATER	Open	227.36
AOL				18.99
Boro of Sea Bright Payroll A/C (2/26/10 Payroll)				77,871.78
Descenza, David (Escrow Refund)				340.13
Monmouth county SPCA (Jan 2010 Boarding)				10.00
Red Bank Veterinary Hospital (Bird & Raccoon)				153.73
US Postal Service (Postage:Newsletter)				<u>199.33</u>
TOTAL				\$480,414.06

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

Ayes: Keeler, Long, LoBiondo, Murphy

Nays: None

Abstain: None

Absent: Bills, Kelly

B. Councilman Murphy introduced a motion approving the February 16, 2010 Council Meeting Minutes. Second by Councilman LoBiondo and adopted upon the following roll call vote:

Ayes: Keeler, Long, LoBiondo, Murphy

Nays: None

Abstain: None

Absent: Bills, Kelly

C. Councilman Murphy introduced a motion approving the February 16, 2010 Council Executive Session Minutes. . Second by Councilman LoBiondo and adopted upon the following roll call vote:

Ayes: Keeler, Long, LoBiondo, Murphy

Nays: None
Abstain: None
Absent: Bills, Kelly

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

**RESOLUTION NO. 56-2010
CHANGE FUND FOR RECREATION COMMITTEE
SPECIAL EVENT - FIREMENS' FAIR
BOROUGH OF SEA BRIGHT**

WHEREAS, the Recreation Director has requested that a special **change fund** be authorized for the 2010 Firemens' Fair event which will be maintained in the Borough of Sea Bright; and

WHEREAS, the Chief Financial Officer has agreed to allow a \$2,000 change fund for the Recreation Committee for the Firemens' Fair event scheduled for May 20, 21, 22 and 23, 2010; and

WHEREAS, this special change fund shall be cancelled no later than May 30, 2010.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Sea Bright authorizes the Recreation Committee to maintain change fund of \$2,000.00 to be cancelled no later than May 30, 2010.

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

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

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

**RESOLUTION NO. 57-2010
BOROUGH OF SEA BRIGHT**

WHEREAS, the Mayor and Council of the Borough of Sea Bright authorized Planning Services for the Master Plan Housing Element and Fair Share Plan at their meeting of February 16, 2010; and

WHEREAS, John D. Maczuga, P.P. of T & M Associates has submitted a proposal dated February 24, 2010 in the amount of \$2,000.00 for Task A Preparation of Planning documents/certifications; and in the amount of \$7,500.00 for Task B Housing Element and Fair Share Plan, if required; and

WHEREAS, this proposal does not include planning services that will be required in support of future discussions and negotiations of any re-zoning.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute the proposal with T & M Associates.

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

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

Ayes: Keeler, Long, LoBiondo, Murphy

Nays: None

Abstain: None

Absent: Bills, Kelly

9. OLD BUSINESS:

The following matters were carried to the March 16th Council Meeting:

A. DISCUSSION: - Mayor Fernandes

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

Councilwoman Long introduced a motion authorizing that Administrator Smelter to prepare requests for proposal for upgrades to the municipal parking lot.

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

Ayes: Keeler, Long, LoBiondo, Murphy

Nays: None

Abstain: None

Absent: Bills, Kelly

Councilman Murphy said that the Sewer Authority's rates have gone up because of a retired debt that was placed on us and Rumson for repairs of these pipes and the charge is from the Sea Bright border all the way to the plant. He said that the Borough Auditor and Engineer should investigate to see if anywhere this would be tied into multiple use. He would contact the auditor to receive a proposal.

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

**RESOLUTION NO. 52-2010
BOROUGH OF SEA BRIGHT**

BE IT RESOLVED, by the Governing Body of the Borough of Sea Bright that the rates and charges of the municipal public utility for sewerage for the first, second, third and fourth quarter of 2010.

BE IT FURTHER RESOLVED, that any previous schedule of charges adopted by the Mayor and Council of the Borough of Sea Bright which are inconsistent herewith are hereby rescinded.

BE IT FURTHER RESOLVED, that the rates and charges for the utilities are as follows:

The first, second, third and fourth quarter sewerage rate will be at the rate of \$10.90 for every 1,000 gallons of water consumed by the customer.

The charges shall be due and payable in 2010, 10 days after the due date of the municipal sewer utilities bill. If the bill is not timely paid, the outstanding bill shall be considered a municipal charge and shall be subject to the same rate of

interest accruing on delinquent taxes. The first quarter billing in 2010 shall be mailed during March of 2010. The second quarter billing in 2010 shall be mailed during June of 2010. The second half 2010 sewerage charges shall be billed in September for the third quarter of 2010 and in December for the fourth quarter of 2010.

Consumption shall be based upon the information provided to the Borough of Sea Bright Municipal Sewer Utility by the New Jersey American Water Company. The customers that are billed by the New Jersey American Water Company on a quarterly basis shall have their sewer charge based upon the quarterly water charges from New Jersey American Water Company. Those customers that are billed on a monthly basis by New Jersey American Water Company shall have their bills based upon their water consumption from December of 2009 through November of 2010.

All customers of the municipal sewer utility shall be billed for at least 10,000 gallons quarterly. This minimum charge shall be \$109.00 for the first, second, third and fourth quarters of 2010.

The consumption charges shall be billed to the metered townhouse or condominium association or corporation for payment.

If any section, subsection, clause or provision of this Schedule of Charges shall be adjudged unconstitutional or to be ineffective in whole or in part, to the extent that it is not adjudged unconstitutional or is not effective, it shall be valid and effective; and no other section, subsection, clause or provision of this Schedule of Charges shall on account thereof be deemed invalid or ineffective and the inapplicability or invalidity of any section, subsection, clause or provision of this Schedule of Rates and Charges in any one or more instances or under any one or more circumstances shall not be taken to affect or prejudice in any way its applicability or validity in any other instances or under other circumstances.

A copy of same shall at all times be kept on file at the office of the Tax/Sewer Utility Collector at 1167 Ocean Avenue, Sea Bright, New Jersey and shall at all reasonable times be open to public inspection.

BE IT FURTHER RESOLVED, by the Borough Council of the Borough of Sea Bright that the utility is hereby authorized to publish a notice of final adoption of said Resolution of Rates and Charges.

BE IT FURTHER RESOLVED, by the Borough Council of the Borough of Sea Bright that they hereby authorize the utility to forward a copy of said Resolution of Rates and Charges to the customers of the utility at the utility's discretion.

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

Ayes: Keeler, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: Bills, Kelly

C. REVISED 2010 COMMITTEE APPOINTMENTS:

The following Committee Appointments are revised by the Council President for the year 2010:

A. BEACH, EDUCATION, ENVIRONMENT:

1. DINA LONG, CHAIR
2. JAMES LOBIONDO, III
3. PEGGY BILLS

B. PUBLIC WORKS, BUILDING DEPARTMENT, PUBLIC RELATIONS:

1. JAMES LOBIONDO, III CHAIR
2. BRIAN KELLY
3. C. READ MURPHY

C. PUBLIC SAFETY, INSURANCE

1. WILLIAM J. KEELER, CHAIR
2. DINA LONG
3. JAMES LOBIONDO, III

D. FINANCE, GRANT COURT:

1. C. READ MURPHY, CHAIR
2. PEGGY BILLS
3. BRIAN KELLY

E. PERSONNEL, ADMINISTRATION, CULTURAL ARTS, RECREATION:

1. PEGGY BILLS, CHAIR
2. C. READ MURPHY
3. WILLIAM J. KEELER

10. NEW BUSINESS:

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

**RESOLUTION NO. 58-2010
BOROUGH OF SEA BRIGHT**

WHEREAS, the Mayor and Council of the Borough of Sea Bright are in need of Professional Engineering Services for the Beachway/Normandie Place Roadway Improvement Project in accordance with the engineering proposal prepared by Jaclyn J. Flor, P.E. of T & M Associates dated February 11, 2010; and

WHEREAS, the Mayor and Council of the Borough of Sea Bright hereby authorize Jaclyn J. Flor, P.E. of T & M Associates to provide the services as outlined in the proposal/letter dated February 11, 2010 in an amount not to exceed \$24,900.00.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, that Jaclyn J. Flor, P.E. of T & M Associates is hereby authorized to perform the above services as stated herein.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute the proposal with T & M Associates.

I, Michael J. Bascom, Chief Financial Officer of the Borough of Sea Bright do hereby certify that funds are available in Engineer O/E budget line item for the purpose stated in the above resolution.

MICHAEL J. BASCOM, C.F.O.

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

Ayes: Keeler, Long, LoBiondo, Murphy

Nays: None

Abstain: None

Absent: Bills, Kelly

B. Resolution No. 59-2010 adopting revised Personnel Policy and Manual was carried to the March 16, 2010 meeting.

C. DISCUSSION: Authorizing Auditor to review Sewer Rate. - Councilman Murphy - was discussed earlier in the meeting.

D. Councilman Murphy introduced a motion approving the request from Kathleen Brooks for a waiver of late penalty fee on Taxes. Second by Councilwoman Long and adopted upon the following roll call vote:

Ayes: Keeler, Long, LoBiondo, Murphy

Nays: None

Abstain: None

Absent: Bills, Kelly

E. Councilman Murphy introduced a motion approving the request from Rutgers Coastal Ocean Observation Laboratory for permission to keep oceanographic research equipment on borough land for the next **THREE** years ending December 31, 2012. The condition for this approval is with the understanding that the equipment may need to be relocated to another area, at their expense, due to future plans of the Borough developing the municipal lot. Second by Councilwoman Long and adopted upon the following roll call vote:

Ayes: Keeler, Long, LoBiondo, Murphy

Nays: None

Abstain: None

Absent: Bills, Kelly

F. Request from Jersey Shore Skim Camp for permission to use the Municipal Beach from July 1 through August 5 to provide skim boarding lessons to Seashore Day Campers was carried to March 16, 2010.

G. Councilwoman Long made a motion approving the request from Jersey Shore Skim Camp for permission to use the Municipal Beach on September 11 through 12, 2010 for the Skim Bash event, to erect a tent and to be the main sponsor. Second by Councilman Murphy and adopted upon the following roll call vote:

Ayes: Keeler, Long, LoBiondo, Murphy

Nays: None

Abstain: None

Absent: Bills, Kelly

H. Request from Extreme Camp, Inc. for permission to operate a daily surf camp Monday through Friday for children ages 8 to 15 on the Municipal Beach was carried to March 16, 2010.

11. CORRESPONDENCE AND COMMUNICATIONS:

A. Police Chief January 2010 Monthly Report.

B. Recreation Report February 2010.

C. Annual Tax Collector's Report for 2009.

12. MAYOR FERNANDES - REPORT AND COMMUNICATIONS.

Mayor Fernandes thanked Sea Bright's Police, Fire, First Aid, OEM and Public Works Departments for their hard work in keeping our town safe during the last snow storm.

She said that according to a report in the Asbury Park Press on Friday, February 26, 2010 "Property taxes averaged \$7,281, up \$236 from 2008, according to the state Department of Community Affairs. Local and county governments and school districts raised a total of \$24 billion from property taxes last year. In Monmouth and Ocean counties, property taxes grew by less than half the statewide rate, on average. But, of the 86 municipalities, just 12 towns saw a cut or no increase in

property taxes. The biggest hit in the state came to the village of Loch Arbour, a town of about 300 residents. The average tax there rose \$4,791 in one year to \$13,595. The jump was caused by a three-fold increase in its school taxes. Sea Bright saw the largest decrease at the Shore, \$212. Its taxes dropped to an average of \$6,547 per household."

"In Monmouth County, average property taxes increased from \$7,564 in 2008 to \$7,670 last year, or 1.4 percent."

Sea Bright's court operations was relocated to Oceanport on March 1, 2010.

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

13. REMARKS FROM THE AUDIENCE (limited to 3 minutes per person)

Janet Henshel of East Church Street asked if the town could remove an old rusty fence located between the sea wall and E. Church Street.

Steve Gardella, owner of Sea Bright Laundromat asked about the rising sewer rates.

14. ADJOURNMENT: There being no further business before the Governing Body. Councilman LoBiondo made a motion to adjourn the meeting at 8:30 P.M. Second by Councilwoman Long and approved upon unanimous voice vote.

Respectfully Submitted,

Maryann M. Smeltzer
Municipal Clerk