

Council President Keeler called the meeting to order and requested those present to join him in the Pledge of Allegiance to the Flag.

Administrator Smeltzer 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, Attorney McNamara, Police Chief Sorrentino, Chief Financial Officer Bascom, Administrator Smeltzer

**ABSENT:** Bills, Kelly, Mayor Fernandes, Attorney Oxley

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

Councilman Murphy introduced a motion to open the meeting to the public. Second by Councilwoman Long and approved by unanimous voice vote.

Marianne McKenzie of 612 Ocean Avenue said that Sea Bright's ordinance permits political signs on private property with the owner's permission. Political signs are not permitted on public property.

Jo-Ann Kalaka-Adams of 1184 Ocean Avenue commented that residential permit parking should include Osborne, Peninsula and North Beach.

Councilman Murphy introduced a motion to close the meeting to the public. Second by Councilwoman Long and approved by unanimous voice vote.

**5.  
A.**

**ORDINANCE NO. 15-2010  
AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF  
SEA BRIGHT, SPECIFICALLY CHAPTER 130, TO CREATE A NEW  
HOUSING DISTRICT ENTITLED "R - 4 MULTI FAMILY HOUSING"  
FOR DEVELOPMENT AT BLOCK 34,  
LOT 4 ON OCEAN AVENUE**

Introduced and approved on June 15, 2010.

Councilwoman Long introduced a motion to table Ordinance 15-2010 to the December 21, 2010 Council Meeting. Second by Councilman Murphy and approved upon the following roll call vote:

Ayes: Keeler, Long, Murphy

Nays: None

Abstain: LoBiondo

Absent: Bills, Kelly

B.

**ORDINANCE NO. 23-2010**  
**AN ORDINANCE OF THE BOROUGH OF SEA BRIGHT**  
**PERMITTING THE MANAGED CARE OF FERAL CATS**

Introduced and approved on September 21, 2010.

Councilwoman Long introduced a motion withdrawing Ordinance 23-2010. Second by Councilman Murphy and approved upon the following roll call vote:

Ayes: Keeler, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: Bills, Kelly

C. . Administrator Smeltzer read by title only and Councilwoman Long introduced an Ordinance entitled.

**ORDINANCE NO. 27-2010**  
**AN ORDINANCE OF THE BOROUGH OF SEA BRIGHT**  
**PERMITTING THE MANAGED CARE OF FERAL CATS**

and moved the same be approved upon first Reading, held over for Second Reading and Public Hearing to be held on November 15, 2010. Second by Councilman Murphy and approved upon the following vote:

AYES: Keeler, Long, LoBiondo, Murphy

NAYS: None

ABSTAIN: None

ABSENT: Bills, Kelly

D. Administrator Smeltzer called for the Second Reading, by Title Only, of the following Ordinance, which was introduced and approved at the Council Meeting of October 5, 2010. Councilman Murphy moved to approve this Ordinance upon Second Reading.

**ORDINANCE No. 24-2010**  
**ORDINANCE OF THE BOROUGH OF SEA BRIGHT,**  
**AMENDING CHAPTER III, ADMINISTRATIVE CODE**  
**TO ESTABLISH AN ABSENTEE POLICY FOR THOSE ELECTED**  
**OFFICIALS AND THOSE APPOINTED TO VARIOUS BOARDS, COMMITTEES OR**  
**AUTHORITY ESTABLISHED WITHIN THE BOROUGH**

**BE IT ORDAINED** by the Borough Council of the Borough of Sea Bright, County of Monmouth, and State of New Jersey, as follows:

Chapter III of the Code of the Borough of Sea Bright is hereby supplemented by the inclusion of the following:

Absentee Policy Established For Elected Officials and Members of Any Board, Committee or Authority Established within the Borough of Sea Bright.

**1. Purpose.** The purpose of the within Ordinance is to adopt a policy establishing a lower absentee threshold than that established in N.J.S.A. 40A:9-12.1. The Governing Body believes that the hereinafter-established absentee policy will help the Council, Boards, Committees, and Authorities to better function and perform their duties.

**2. Absentee Policy Established.** In the event, that an Elected Official or Member of a Board, Committee, or Authority established within the Borough of Sea Bright fails to attend and participate at meetings of such Body for a period of six (6)

consecutive weeks, or three (3) consecutive meetings, whichever shall be of a longer duration, without being excused for just cause, the Municipal Clerk or Secretary of said Body shall notify the Governing Body in writing of that determination. Said Council, Board, Committee or Authority may refuse to excuse said absences only with respect to those failures to attend or participate which are not due to just cause.

3. The Governing Body upon being presented with the above determination shall deem said position vacant and proceed to fill said appointment for the unexpired term in accordance with the appropriate Statute.

This ordinance shall take effect upon final passage and publication as provided by 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 Councilwoman Long and approved by the following vote:

AYES: Keeler, LoBiondo, Long, 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 vote:

AYES: Keeler, LoBiondo, Long, Murphy

NAYS: None

ABSTAIN: None

ABSENT: Bills, Kelly

Councilman Murphy made a motion to approve Ordinance No. 24-2010 on its Third and Final Reading and advertise it according to law. Second by Councilwoman Long and approved upon the following vote:

AYES: Keeler, LoBiondo, Long, Murphy

NAYS: None

ABSTAIN: None

ABSENT: Bills, Kelly

E. Administrator Smeltzer called for the Second Reading, by Title Only, of the following Ordinance, which was introduced and approved at the Council Meeting of October 5, 2010. Councilman Murphy moved to approve this Ordinance upon Second Reading.

**ORDINANCE No. 25-2010**  
**ORDINANCE OF THE BOROUGH OF SEA BRIGHT,**  
**AMENDING CHAPTER III, ADMINISTRATIVE CODE**  
**TO ESTABLISH A POLICY REQUIRING ELECTED**  
**OFFICIALS TO ATTEND COURSES IN**  
**REGARDS TO THEIR RESPONSIBILITIES**  
**AND DUTIES IN LOCAL GOVERNMENT**

WHEREAS, the Borough of Sea Bright desires to establish and ratify certain best management practices that exist in the operation of municipal government; and,

WHEREAS, the Borough of Sea Bright has always encouraged its elected officials to attend seminars pertinent to the role of an elected official in municipal government in order to serve their constituents to the best of their abilities; and,

WHEREAS, the Borough of Sea Bright desires to establish a policy of requiring elected officials to attend continuing education seminars and courses,

THEREFORE, BE IT ORDAINED, that the Borough of Sea Bright hereby establishes a policy whereby elected officials shall be required to attend courses and seminars in regard to their responsibilities and duties in local governments; and,

BE IT FURTHER ORDAINED, such courses and seminars are those that are offered by agencies and organizations with an interest in furthering education in municipal government including, but not limited to, the New Jersey League of Municipalities, Rutgers University, and the New Jersey Mayors Association

This ordinance shall take effect upon final passage and publication as provided by 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 Councilwoman Long and approved by the following vote:

AYES: Keeler, LoBiondo, Long, Murphy

NAYS: None

ABSTAIN: None

ABSENT: Bills, Kelly

Marianne McKenzie of 612 Ocean Avenue commented that elected officials should attend classes because of its importance and benefits to the town.

There being no other 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 vote:

AYES: Keeler, LoBiondo, Long, Murphy

NAYS: None

ABSTAIN: None

ABSENT: Bills, Kelly

Councilwoman Long made a motion to approve Ordinance No. 25-2010 on its Third and Final Reading and advertise it according to law. Second by Councilman Murphy and approved upon the following vote:

AYES: Keeler, LoBiondo, Long, Murphy

NAYS: None

ABSTAIN: None

ABSENT: Bills, Kelly

**F.** Administrator Smeltzer called for the Second Reading, by Title Only, of the following Ordinance, which was introduced and approved at the Council Meeting of October 5, 2010. Councilman Murphy moved to approve this Ordinance upon Second Reading.

**ORDINANCE NO. 26-2010**

**BOROUGH OF SEA BRIGHT**

**ORDINANCE AUTHORIZING THE ACQUISITION OF  
EASEMENTS IN CONJUNCTION WITH THE ROUTE 36  
RESURFACING PROJECT BY THE STATE OF NEW JERSEY**

**WHEREAS**, pursuant to N.J.S.A. 40A:12-4 of the Local Land and Buildings Law, in relevant part, any municipality may acquire (a) Any real property, capital improvement, personal property or any interest or estate therein, including easements within the municipality; and

**WHEREAS**, by application of N.J.S.A. 40A:12-5 (a), Any municipality, by ordinance may provide for the acquisition of any real property (1) By purchase, gift, devise, lease, exchange, condemnation or installment purchase agreement; and

**WHEREAS**, pursuant to N.J.S.A. 40A:12-2(g) the definition of "real property" includes the acquisition of easement rights in any property; and

**WHEREAS**, the State of New Jersey, Department of Transportation, in its plans for the Resurfacing of Route 36 in the Borough of Sea Bright, has requested that the Borough acquire an easement on three (3) properties in the Borough of Sea Bright known and described as Block 23, Lot 13, Block 23, Lot 14 and Block 23, Lot 121 on the Tax Map of the Borough of Sea Bright for the purpose of the construction of a pedestrian ramp by the DOT at the locations shown on the Easement Maps and Easement Descriptions attached to this Ordinance; and

**WHEREAS**, in addition to the acquisition of an access easement referenced above, DOT requires that the Borough acquire a permanent easement for the purpose of maintaining the pedestrian ramp on said properties; and

**WHEREAS**, the Borough Council finds that there is an overriding public purpose in the acquisition of these easements for a public purpose and for public use; and

**WHEREAS**, pursuant to N.J.S.A. 40:48-2, a municipality may make such ordinances as it deems necessary and proper for the good government, order and protection of persons and property, and the preservation of the public health, safety and welfare of the municipality and its inhabitants.

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

**SECTION ONE:**

The Borough of Sea Bright hereby authorizes the acquisition and acceptance of an Easement from the Owner of Block 23, Lot 13, as shown on the Tax Map of the Borough of Sea Bright and described on the Easement Map and Description attached hereto and made a part hereof by gift and dedication of the Easement by said Owner for no fee, cost, or payment of any consideration for the same.

**SECTION TWO:**

The Borough of Sea Bright hereby authorizes the acquisition and the acceptance of an easement from the Owner of Block 23, Lot 14, as shown on the Tax Map of the Borough of Sea Bright and described on the Easement Map and Description attached hereto and made a part hereof by gift and dedication of the Easement by said Owner for no fee, cost, or payment of any consideration for the same.

**SECTION THREE:**

The Borough of Sea Bright hereby authorizes the acquisition and the acceptance of an easement from the Owner of Block 23, Lot 121, as shown on the Tax Map of the Borough of Sea Bright and described on the Easement Map and Description attached hereto and made a part hereof by gift and dedication of the Easement by said Owner for no fee, cost, or payment of any consideration for the same.

**SECTION FOUR:**

The Mayor and Borough Clerk are authorized to execute and attest to said grants of easements duly entered and executed by the Owners of Block 23, Lot 13, Block 23, Lot 14 and Block 23, Lot 121 as shown on Tax Map of the Borough of Sea Bright subject to the approval of the Borough Attorney as to form.

**SECTION FIVE:**

All ordinances, codes and parts of same inconsistent with any of the provisions of this Ordinance, are hereby replaced to the extent of such inconsistency.

**SECTION SIX:**

If any section, paragraph provision of this Ordinance shall be adjudged invalid, such adjudication shall not affect the validity

of the remaining sections, paragraphs or provisions of this Ordinance, which shall otherwise remain in full force and effect.

**SECTION SEVEN:**

This Ordinance shall take effect upon final passage and publication as required by 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 Councilwoman Long and approved by the following vote:

AYES: Keeler, LoBiondo, Long, Murphy

NAYS: None

ABSTAIN: None

ABSENT: Bills, Kelly

There being no other 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 vote:

AYES: Keeler, LoBiondo, Long, Murphy

NAYS: None

ABSTAIN: None

ABSENT: Bills, Kelly

Councilwoman Long made a motion to approve Ordinance No. 26-2010 on its Third and Final Reading and advertise it according to law. Second by Councilman Keeler and approved upon the following vote:

AYES: Keeler, LoBiondo, Long, Murphy

NAYS: None

ABSTAIN: None

ABSENT: Bills, Kelly

**G.** Administrator Smeltzer read by title only and Councilwoman Long introduced an Ordinance entitled.

**ORDINANCE NO.28-2010**

**AN ORDINANCE AMENDING A TYPOGRAPHICAL ERROR WHICH OCCURRED IN ORDINANCE 20-2010 REGARDING SCHEDULE B LONGEVITY OF CERTAIN OFFICERS/EMPLOYEES OF THE BOROUGH OF SEA BRIGHT POLICE DEPARTMENT**

and moved the same be approved upon first Reading, held over for Second Reading and Public Hearing to be held on November 15, 2010. Second by Councilman Keeler and approved upon the following vote:

AYES: Keeler, LoBiondo, Long

NAYS: None

ABSTAIN: Murphy

ABSENT: Bills, Kelly

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

**A.** Councilwoman Long introduced and approved for adoption the following:

**RESOLUTION NO. 212-2010**  
**PAYMENT OF BILLS 10/19/2010**

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

NOW, THEREFORE, BE IT RESOLVED that these vouchers totaling \$834,963.81 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		
10-01187	09/30/10 DPW-OCT 2010 PAGER SERVICE	Open	46.05
00003	ASBURY PARK PRESS		
10-00016	01/14/10 MUNI CLERK-BLANKET:NOTICES	Open	237.60
00006	AVAYA, INC.		
10-00041	01/15/10 POLICE DEPT-2010 BOX/MOD MAINT	Open	50.31
01984	AVAYA, INC.		
10-00042	01/15/10 A&E-2010 PHONE MAINTENANCE	Open	211.80
01241	BAIN'S HARDWARE, INC.		
10-01198	10/05/10 SEP 2010 PURCHASES	Open	377.29
01631	BOROUGH OF OCEANPORT		
10-01154	09/22/10 COURT SHARED SERVICES:NOV 2010	Open	6,503.34
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
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			209.87
00198	COMCAST		
10-01178	09/30/10 FIRE DEPT-INTERNET:OCT 2010	Open	95.18
10-01213	10/12/10 A&E-INTERNET:OCT 2010	Open	95.18
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			190.36
01493	COOPERATIVE INDUSTRIES, L.L.C.		
10-01195	10/05/10 JUL 2010 NATURAL GAS	Open	558.30
00088	CROWN TIRE MART		
10-01163	09/28/10 DPW-2 TIRES:KUBOTA	Open	239.90
01320	DEMAIO, R.N.		
10-01138	09/21/10 BLDGS/GRNDS-TRASH BAGS	Open	59.50
00091	DIGIROLAMO, LOUIS		
10-01156	09/22/10 2010 PYMT 11/12 HEALTH REIMB	Open	1,890.29
00313	GAGLIANO APPRAISAL, LLC		
09-05237	11/16/09 TAX ASSESSOR-DEFEND APPEALS	Open	800.00
02181	GATEWAY PRESS		
10-01167	09/28/10 LIBRARY-HARVEST DINNER INVITES	Open	860.00
01989	IRWIN STRAUSS & THOMAS MURPHY		
10-01202	10/07/10 TAX APPEAL REFUND B4/L7.21	Open	2,941.27
00297	JESSE A. HOWLAND & SONS, INC.		
10-01152	09/22/10 GARAGE RENT - NOV 2010	Open	1,737.00
10-01153	09/22/10 DPW-ADDT'L GARAGE RENT-NOV'10	Open	875.00
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			2,612.00
00895	JOHNNY ON THE SPOT, INC.		
10-00825	07/06/10 PORTO-POTS - OCT 2010	Open	409.20
00270	JOHNSON, KENNETH		
10-01159	09/22/10 2010 PYMT 11/12 HEALTH REIMB	Open	992.69
00104	LORAY, ROBERT		
10-01177	09/28/10 2010 PYMT 03/04 HEALTH REIMB	Open	1,182.08
00275	M & S WASTE SERVICES, INC.		
10-00153	02/02/10 2010 TRASH/RECYCLING PICKUP	Open	9,200.00
10-01075	09/02/10 DUMPSTER+DISP FEE:MISC DEBRIS	Open	532.10
10-01196	10/05/10 09/10 LANDFILL TIPPING FEES	Open	7,163.09
10-01197	10/05/10 SEP 2010 EXTRA RECYCLING P-UP	Open	180.00
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			17,075.19
01985	MOBILE MINI, INC.		
10-01209	10/12/10 POLICE-TRAILER 2010 PYMT 11/13	Open	278.00
01532	MONMOUTH MEDICAL CENTER		
10-00889	07/20/10 POLICE DEPT-HEALTH SCREENING	Open	500.00
00140	MOORE, WILLIAM		
10-01157	09/22/10 2010 PYMT 11/12 HEALTH REIMB	Open	1,890.29
00137	MUNICIPAL CAPITAL CORPORATION		

10-00011	01/14/10	A&E-2010 COPIER LEASE	Open	225.20
00141		MUNICIPAL RECORD SERVICE		
10-01181	09/30/10	COURT-TRAFFIC TICKETS	Open	303.50
00339		NAPA AUTO PARTS		
10-00607	05/14/10	DPW-BLANKET:VEHICLE MAINT	Open	133.99
00019		NJ AMERICAN WATER		
10-01194	10/05/10	SEP 2010 HYDRANTS	Open	2,102.73
01309		OCEANPORT BOARD OF EDUCATION		
10-01148	09/22/10	GRADE SCHOOL TAX - NOV 2010	Open	77,253.65
00164		RAIN, WILLIAM		
10-01158	09/22/10	2010 PYMT 11/12 HEALTH REIMB	Open	762.20
00212		RHEE, WILLIAM		
10-01134	09/20/10	TAX REFUND B3.10/L7	Open	4,851.46
01554		SEA BRIGHT SERVICE CENTER		
10-00395	03/31/10	FIRE DEPT-OIL CHANGE #4366	Open	38.95
10-01066	09/01/10	FIRE DEPT-SERVICE #4367	Open	150.00
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				188.95
01120		SEA BRIGHT TAX COLLECTOR		
10-01200	10/07/10	2009 TAXES B18/L1	Open	421.33
00027		SEABOARD WELDING SUPPLY, INC.		
10-00075	01/20/10	DPW - 2010 CYLINDER RENTAL	Open	12.70
00053		SHORE REGIONAL HIGH SCHOOL		
10-01147	09/22/10	HIGH SCHOOL TAX - NOV 2010	Open	164,304.00
00975		SMACK, EDWARD		
10-01160	09/22/10	2010 PYMT 11/12 HEALTH REIMB	Open	762.20
00124		SPAHR, STEVEN		
10-01155	09/22/10	2010 PYMT 05/06 HEALTH REIMB	Open	1,890.29
01591		STORR TRACTOR COMPANY		
10-01048	08/27/10	BEACH-MULE:END OF SEASON MAINT	Open	1,272.74
00083		T & M ASSOCIATES		
10-00592	05/13/10	EASEMENTS FOR ADA SIDEWALK	Open	3,012.44
10-00624	05/18/10	IMPROV:NORMANDIE PL/BEACH WAY	Open	3,941.76
10-01199	10/05/10	FEE:FREEHOLD SOIL CONSERVATION	Open	975.00
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				7,929.20
00365		TOMASETTA, MARCELA		
10-01204	10/07/10	TAX APPEAL REFUND B4/L7.08	Open	6,066.77
00223		TREASURER, COUNTY OF MONMOUTH		
10-01149	09/22/10	4/Q/2010 COUNTY TAXES	Open	453,207.58
00439		TREASURER, COUNTY OF MONMOUTH		
10-01150	09/22/10	4/Q/2010 LIBRARY TAXES	Open	25,104.23
00523		TREASURER, COUNTY OF MONMOUTH		
10-01151	09/22/10	4/Q/2010 OPEN SPACE TAXES	Open	26,695.82
01403		TREASURER, STATE OF NEW JERSEY		
10-01190	10/05/10	3/Q/2010 MARRIAGE LICENSE FEES	Open	350.00
02061		VERIZON WIRELESS		
10-01214	10/12/10	BLDG/FIRE/COURT:OCT 2010 BILL	Open	80.04
01150		W.W. GRAINGER, INC.		
10-01137	09/21/10	DPW-LIGHTBAR STROB	Open	441.00
01164		WATCHUNG SPRING WATER CO, INC.		
10-01211	10/12/10	SEP 2010 SPRING WATER	Open	234.03
		Jesuits Of St. Peters College (Escrow Refund)		19,495.54
		Monmouth County Clerk (Cafra Permit Fee)		60.00
		Monmouth County Spca (Sept 2010 Boarding)		500.00
		U.S. Postal Service (Library Harvest Mailing)		<u>199.33</u>
				834,963.81

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

Ayes: Keeler, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: Bills, Kelly

**B.** Councilwoman Long introduced a motion adopting the September 30, 2010 Smart Growth Meeting Minutes. Second by Councilman Murphy and adopted upon the following roll call vote:

Ayes: Keeler, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: Bills, Kelly



C. Councilwoman Long introduced a motion adopting the October 5, 2010 Council Meeting Minutes. Second by Councilman Murphy and adopted upon the following roll call vote:

Ayes: Keeler, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: Bills, Kelly

D. Councilwoman Long introduced a motion adopting the request from KDM to hold the St. Patrick's Day 3 Mile fun run/walk on March 12, 2011. Second by Councilman Murphy and adopted upon the following roll call vote:

Ayes: Keeler, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: Bills, Kelly

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

**RESOLUTION NO.213-2010  
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 and are hereby authorized to refund 2009 tax appeals

<b>BLOCK</b>	<b>LOT</b>	<b>NAME</b>	<b>AMOUNT</b>
4	7.08	Marcela Tomasetta	\$6,066.77
4	7.21	Irwin Strauss. c/o Thomas Murphy, Esq	2,941.27

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Sea Bright hereby approve the following refund of \$9,008.04.

Second by Councilman Murphy and adopted upon unanimous voice vote.

Ayes: Keeler, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: Bills, Kelly

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

**RESOLUTION 214-2010  
AMENDING RESOLUTION NO. 175-2010  
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 and are hereby authorized to refund 2009 tax appeals

<b>BLOCK</b>	<b>LOT</b>	<b>NAME</b>	<b>AMENDED AMOUNT</b>
4.03	47	Scott & Nancy Zarriello	\$1,456.22

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Sea Bright hereby approve the following refund of \$\$1,456.22.

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

Ayes: Keeler, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: Bills, Kelly

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

**RESOLUTION NO. 216-2010  
BOROUGH OF SEA BRIGHT**

**WHEREAS**, the Borough of Sea Bright wishes to maintain a software and hardware support agreement for the Sea Bright Administrative Offices from Edmunds & Associates, Inc. for CY 2011 as follows:

**SOFTWARE SUPPORT**

**TAX**

**FINANCE**

**UTILITY**

**TOTAL SOFTWARE SUPPORT** \$7,579.00

**HARDWARE SUPPORT**

**Pervasive SQL I** \$180.00

**TOTAL DUE FOR CY 2011** \$7,759.00

**WHEREAS**, the purchase of goods and services by local contracting units is authorized by Local Public Contracts Laws, N.J.S.40A:11-12; and

**WHEREAS**, the actual cost for the computer support agreements listed herein shall be \$7,759.00 for calendar year 2011.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Sea Bright that the support agreements for computer software and hardware are authorized as described for the calendar year 2011.

**CERTIFICATION OF FUNDS**

I, Michael J. Bascom, Chief Financial Officer of the Borough of Sea Bright do hereby certify that funds will be available in the 2011 Temporary Budget for Tax Other Expense; Finance Other Expense; and Sewer Other Expense appropriations for the purpose stated in the this resolution.

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**Michael J. Bascom, CFO**

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

Ayes: Keeler, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: Bills, Kelly

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

**RESOLUTION NO. 217-2010  
BOROUGH OF SEA BRIGHT**

**WHEREAS**, the Monmouth County Board of Chosen Freeholders has established the Special Citizens Area Transportation System (SCAT); and

**WHEREAS**, the Borough of Sea Bright has requested that the County provide service to eligible residents; and

**WHEREAS**, the Borough of Sea Bright is desirous of entering into a Municipal Shopping Contract agreement for the calendar year January 1, 2011 through December 31, 2011; and

**WHEREAS**, under the terms of said Agreement, the Borough of Sea Bright will pay the Treasurer, County of Monmouth quarterly, the half day rate of \$78.00 per day on a per use basis for services.

**NOW, THEREFORE, BE IT RESOLVED**, by the governing body of the Borough Sea Bright, Monmouth County, New Jersey, that the Mayor and Borough Clerk are hereby authorized to execute an Agreement for Special Citizens Area Transportation (SCAT) between the

Borough of Sea Bright and the Monmouth County Board of Chosen Freeholders.

**CERTIFICATION OF FUNDS**

I, Michael J. Bascom, Chief Financial Officer of the Borough of Sea Bright do hereby certify that funds are available in the 2011 Temporary Budget for Parks & Playground O/E appropriation 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, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: Bills, Kelly

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

**BOROUGH OF SEA BRIGHT  
RESOLUTION NO. 218-2010**

**WHEREAS**, the Planning Board Secretary has indicated that the unused Planning Board escrow monies shall be refunded to:

**APPLICANT**

Dr. Kevin Collier  
Dr. Michele Brucker  
Bl 3 Lot 1  
1480 Ocean Avenue  
Sea Bright, NJ

**REFUND**

\$297.72

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Sea Bright hereby authorize the unused Planning Board escrow monies be refunded.

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

Ayes: Keeler, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: Bills, Kelly

J. Councilwoman introduced and offered for adoption the following resolution:

**RESOLUTION NO. 219-2010  
BOROUGH OF SEA BRIGHT**

**WHEREAS**, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and,

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for an equal amount; and,

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Sea Bright in the County of Monmouth hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2010 in the sum of **\$1,367.32** which is now available as a revenue from **FY 2010 Body Armor Grant**; and

**BE IT FURTHER RESOLVED**, that a like sum of **\$ 1,367.32** is hereby appropriated under the caption **FY 2010 Body Armor Grant**; and

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

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

Ayes: Keeler, LoBiondo, Long, Murphy

Nays: None

Abstain: None

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

**RESOLUTION NO. 220-2010  
BOROUGH OF SEA BRIGHT**

**WHEREAS**, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and,

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for an equal amount; and,

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Sea Bright in the County of Monmouth hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2010 in the sum of **\$7,651.43** which is now available as a revenue from **FY 2010 Drunk Driving Enforcement Fund**; and

**BE IT FURTHER RESOLVED**, that a like sum of **\$\$7,651.43** is hereby appropriated under the caption **FY 2010 Drunk Driving Enforcement Fund**; and

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

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

Ayes: Keeler, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: Bills, Kelly

**7. NEW BUSINESS:**

**A.** Councilman Keeler introduced a motion to carry Resolution No. 222-2010 authorizing surplus auction for flood pumps to the November 15, 2010 meeting. Second by Councilman LoBiondo and adopted upon the following roll call vote:

Ayes: Keeler, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: Bills, Kelly

**8. CORRESPONDENCE AND COMMUNICATIONS:**

**A.** Library Director - September report

**B.** Police Chief - September report

**C.** Monmouth County Regional Health Commission No. 1 August 18, 2010 meeting minutes.

**D.** T&M Associates - Engineering Report dated October 15, 2010

**E.** Two Rivers Water Reclamation Authority - September Monthly Flow

**9. COMMITTEE REPORTS:**

**A. Beach/Education/Environment:** Councilwoman Long acknowledged the cooperation and assistance of the NJ Fish and Wildlife and US

Fish and Wildlife regarding the amendment of the feral cat ordinance. They received recommendations from both fish and wildlife departments for dune rebuilding and shore protection for Monmouth Beach and Sea Bright for dune planting and dune fencing scheduled for this spring. Beach badges are on sale at Borough Hall at half price.

**B. Public Works/Building Department/Public Relations:**

Councilman LoBiondo reported that the recycling center passed inspection by the County. Fines would be issued if cardboard boxes are mixed in with garbage. Leaf and branch pick-up is from October through November.

Angelos' Paving Company will install the speed hump on Church Street on October 20<sup>th</sup>.

**C. Public Safety/Insurance:**

Councilman Keeler said that a resident/merchant can request the police department to check their home or business while they are away. Detective John Aria received a complimentary letter from a resident stating his professionalism and compassion.

This Saturday, the new OEM truck will be picked up in Philadelphia.

**D. Finance/Grants/Court:**

Councilman Murphy said that the budget process will be starting soon.

**E. Personnel/Administration/Cultural Arts/Recreation:**

In Councilwoman Bill's absence Administrator Smeltzer reported progress.

**F. Smart Growth/Flood Mitigation/Beautification:**

Councilman Kelly's absence, Councilmembers Keeler and Long reported progress.

**10. MAYOR FERNANDES - REPORT AND COMMUNICATIONS.** Administrator Smeltzer said that the Halloween curfew from October 30<sup>th</sup> to October 31<sup>st</sup> from 9 p.m. to 6 a.m. The parade is 6 p.m. at the firehouse. The last date to vote by mail is October 26<sup>th</sup>. General Election is November 2<sup>nd</sup> from 6 a.m. to 8 p.m. Flu Shot is October 20<sup>th</sup> at noon. Monday, November 15<sup>th</sup> is the next Council meeting.

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

No one wished to be heard.

**12** Councilman Murphy introduced and offered for adoption the following resolution at 8:10 p.m.

**RESOLUTION NO.221-2010**  
**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 involve litigation and contract negotiations.

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 Councilwoman Long and adopted upon unanimous voice vote.

Ayes: Keeler, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: Bills, Kelly

**13. ADJOURNMENT:**

There being no further business before the Governing Body.

Councilman Murphy made a motion to adjourn the meeting at 8:46 P.M. Second by Councilwoman Long and approved upon unanimous voice vote.

Respectfully Submitted,

Maryann M. Smeltzer, RMC  
Municipal Clerk