

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

Administrator/Clerk 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:** Bills, Keeler, Kelly, Long, Murphy, Attorney Oxley, Chief Financial Officer Bascom, Engineer Flor, Police Chief Sorrentino, Administrator Smeltzer

**ABSENT:** LoBiondo, Mayor Fernandes

**4. REMARKS FROM THE AUDIENCE (limited to 3 minutes)** No one wished to be heard. Councilman Murphy introduced a motion to close the public portion of the meeting. Second by Councilwoman Bills 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 FOR BLOCK 34, LOT 4 ON OCEAN AVENUE**

Introduced and approved on October 19, 2010.

Councilwoman Long introduced a motion to table Ordinance 15-2010. Second by Councilwoman Bills and approved upon the following roll call vote:

Ayes: Bills, Keeler, Kelly, Long, Murphy

Nays: None

Abstain: None

Absent: LoBiondo

**B.** Administrator Smeltzer called for the Second Reading, by Title Only, of the following Ordinance, which was introduced and approved at the Council Meeting of December 7, 2010.

Councilwoman Long moved to approve this Ordinance upon Second Reading.

**ORDINANCE NO. 31-2010**

**AN ORDINANCE OF THE BOROUGH OF SEA BRIGHT PERMITTING THE MANAGED CARE OF FERAL CATS**

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

WHEREAS, The Mayor and Council of the Borough of Sea Bright ("Borough") are aware that there exists a great diversity of wildlife within the Borough, including federally and State-listed threatened and endangered species, other Federal trust resources, as well as a population of feral cats, fox, raccoon, opossum, and hawks; and

WHEREAS, feral cats are cats that are completely unsocialized and are not adoptable as companion animals without significant rehabilitation, if at all; and

WHEREAS, the Borough wishes to address the management of Sea Bright's feral cat population; and

WHEREAS, communities through the United States have determined that the practice of just trapping and euthanizing feral cats is not effective in reducing their numbers; and

WHEREAS, a present goal of Trap-Neuter-Return (TNR) is to decrease the number of cats in the environment and thereby reduce feral cat predation on wildlife; and

WHEREAS, programs for the managed care of feral cat colonies that include trapping, neutering and returning such cats has shown some success in reducing the number of feral cats and may be more humane than trapping and euthanizing; and

WHEREAS, TNR programs are beneficial to communities and the public health because cats in managed colonies are vaccinated against rabies, which has positive public consequences, and are spayed or neutered, thereby controlling the populations; and

WHEREAS, TNR programs have been implemented in 129 municipalities in New Jersey including the beachfront communities of Point Pleasant, Cape May, Stone Harbor, Avalon and Atlantic City; and

WHEREAS, the Borough wishes to implement a TNR program designed to reduce the population of feral cats and minimize impact on all wildlife, while maintaining the provisions of §61 of Borough Ordinance regarding the regulation of cats; and

WHEREAS, the Mayor and Borough Council deem it in the public interest to amend its ordinances in order to meet these stated goals.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey that the following be added to the Code of Sea Bright:

**Section One: Definitions.**

The following terms shall have the meaning set forth in this section. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular, words in the singular number include the plural, and words in the male gender include the female gender.

*Abandoned* shall mean that an owner or caregiver has forsaken a domesticated cat entirely, or has neglected or refused to provide care and support to the cat.

*Animal Control Officer* shall mean any person employed or appointed by the Borough who is authorized to investigate violations of laws and regulations concerning animals, and to issue citations in accordance with New Jersey law and this Code.

*Caregiver* shall mean any person trained by a sponsor who provides food, water or shelter to or otherwise cares for a cat.

*Cat* as defined under §61-11 of Borough Ordinance.

*Domesticated cat* shall mean a cat that is socialized to humans and is appropriate as a companion for humans.

*Ear marked* shall mean a tagged, notched or tipped left ear as performed by a licensed veterinarian.

*Feral cat* shall mean a cat that is completely unsocialized and is not adoptable as a companion animal without significant rehabilitation that may or may not be successful.

*Feral cat colony* shall mean a group of cats that congregates, more or less, together as a unit. Although not every cat in a Colony may be feral, any non-feral (free-roaming) cats that congregate with a colony shall be deemed to be a part of it.

*Free-roaming cat* shall mean a cat that is regularly off the property of the owner and is not under the physical control and restraint of the owner.

*Neutered* as defined under §61-11 of Borough Ordinance.

*Nuisance* shall mean disturbing the peace by (a) habitually or continually howling, crying or screaming, or (b) the habitual and significant destruction, desecration or soiling of property against the wishes of the owner of the property.

*Owner* as defined under §61-11 of Borough Ordinance.

*Rescue group* shall mean a for-profit or not-for-profit entity or a collaboration of individuals with at least one of its purposes being the adoption or placement of cats in homes with humans to serve as companion animals.

*Suitable shelter* shall mean shelter that provides protection from rain, sun, and other elements that is adequate to protect the health of the cat.

*TNR* shall mean, trap, neuter and return.

*TNR program* shall mean a program pursuant to which feral and free-roaming cats are trapped, neutered or spayed, vaccinated against rabies and returned to the location where they congregate (if appropriate).

*Zoonotic disease* shall mean those diseases transmittable to humans from animals, including parasitic, bacterial, fungal and viral diseases.

## **Section Two: Protection of Endangered and Protected Species**

1. It shall be the duty of all individuals to avoid taking rare, threatened, or endangered species, or other Federal trust resources under the applicable Federal and State laws including the Federal Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) and the Migratory Bird

Treaty Act (40 Stat. 755; 16 U.S.C. 703-712), and the New Jersey Endangered and Nongame Species Conservation Act of 1973 (N.J.S.A. 23:2A et seq.).

### **Section Three: Responsibilities of Owners of Domesticated Cats.**

1. Owners of domesticated cats shall provide appropriate and adequate food, water and shelter for their cats. Owners of domesticated cats shall be encouraged to keep their cats indoors at all times.
2. The owner of a domesticated cat shall exercise reasonable care to guard against the cat creating a nuisance.
3. The owner of a sexually intact (not spayed or neutered) domesticated cat shall not permit his/her cat to roam unsupervised.
4. An owner shall not abandon a domesticated cat.
5. An owner shall adhere to the provisions of §61-12 of Borough Ordinance.

### **Section Four: Feral Cat Colonies.**

1. **Feral cat colonies:** shall be permitted and caregivers shall be entitled to maintain them strictly in accordance with the terms and conditions of this article.

2. **Sponsorship of Colony TNR Programs:** The Monmouth County S.P.C.A. is approved as Sponsor.

3. **Sponsor Requirements:** It shall be the duty of the Sponsor to:

- a. Register Feral Cat Colonies as provided in Section 7.
- b. Review and approve of colony caregivers;
- c. Help to resolve any complaints over the conduct of a colony caregiver or of cats within a colony;
- d. Maintain records provided by colony caregivers on the size and location of the colonies as well as the vaccination and spray/neuter records of cats in the sponsor's colonies; and
- e. Report annually to the Borough Administrator and Animal Control Officer on the following:
  - 1.) Number of colonies in the Borough and the location of each colony;
  - 2.) Total number of cats in each colony;
  - 3.) Number of cats and kittens spayed and neutered pursuant to the TNR program; and
  - 4.) Number of cats and kittens placed in permanent homes.The Borough Administrator shall provide copies of this data to the United States Fish and Wildlife Service New Jersey Field Office and the New Jersey Division of Fish and Wildlife.
- f. The sponsor shall obtain and maintain liability insurance for all activities, actions and work performed pursuant to this Ordinance and the laws of this State, naming the Borough of Sea Bright as an additional named insured, providing an annual copy of the Declaration of Insurance and proof of payment of same.

### **4. Feral Cat Caregiver Requirements.**

Caregivers are responsible for the following:

- a. Registering the feral cat colony with the sponsor;

- b. Taking reasonable steps to result in the vaccination of the colony population for rabies and making reasonable efforts to update the vaccinations on cats that can be recaptured;
- c. Taking reasonable steps to result in the spay/neuter, by a licensed veterinarian, of the colony population;
- d. Finding permanent, inside homes for colony cats who exhibit the potential for acclimating to such a placement;
- e. Providing the sponsor with descriptions of each cat in the colony and copies of documents evidencing that the cats have been vaccinated and spayed/neutered;
- f. Providing food, water and, if feasible, shelter for colony cats, as well as providing adequate containment and disposal of the products of defecation; failure to clean the area shall constitute a violation of this Ordinance and the Caregiver is subject to fines and penalties as provided for by Borough Ordinance.
- g. Observing the colony cats at least twice per week and keeping a record of any illnesses or unusual behavior noticed in any colony cats;
- h. Obtaining the written approval of the owner of any property, to which the caregiver requires access to provide colony care;
- i. Taking reasonable steps to prevent colony cats from creating a nuisance on adjacent properties;
- j. In the event that kittens are born to a colony cat, the caregiver shall take reasonable steps likely to result in the removal of the kittens from the colony after they have been weaned, and the placement of the kittens in homes or foster homes for the purpose of subsequent permanent placement;
- k. Reporting annually in writing to the Sponsor on the status of the colony, including data on the number and gender of all cats in the colony, the number of cats that died or otherwise ceased being a part of the colony during the year; the number of kittens born to colony cats and their disposition and the number of cats and kittens placed in permanent homes as companion cats; and
- l. Obtaining proper medical attention to any colony cat that appears to require it.

#### **5. Colony Cat Requirements.**

- a. The left ear of a colony cat that has been spayed or neutered and vaccinated shall be ear tipped.
- b. An electronic animal identification device (EAID) shall be inserted into the cat by a veterinarian in accordance with professional medical standards. The colony number shall be used for purposes of the EAID.

#### **6. Disposition of Colony Cats.**

- a. An animal control officer who has trapped a cat whose left ear has been tipped or which bears some other distinguishing mark indicating that it belongs to a feral cat colony shall scan the cat for an EAID. If an EAID is found, the officer shall be responsible for contacting the sponsor or other person named as owner of the cat.
- b. If the owner or sponsor is not able to immediately take custody of the cat, the officer shall return the cat to the appropriate colony.
- c. If the cat does not have an EAID then the animal control officer shall contact the sponsor so the cat can be properly

placed in a colony. If the cat is obviously a domestic cat the sponsor shall arrange for care for the cat until the owner is located and may determine the disposition of the cat in those circumstances where the domestic cat's owner can not be located.

## **7. Registration of Feral Cat Colonies**

a. Sponsor shall register Feral Cat Colonies maintained by approved Caregivers. Feral cat colonies within the Borough that are not registered by the Sponsor are not entitled to any benefits or protections set forth in this Ordinance. No colonies may be established except in accordance with this ordinance.

b. No cat colonies may be established or maintained within the boundaries of the locations defined by the Borough of Sea Bright Beach Management Plan for the Protection of Federally and State-Listed Species (June 2006 or future revised versions of the Beach Management Plan), nor within established buffer zones.

c. No cat colonies are permitted within the following areas:

1) "North Beach Protected Zone": Sandy Hook border to the northern border of the Ship Ahoy Beach Club (as identified in the Borough's Beach Management Plan) and within a 0.61 mile buffer (from the northern end of the Ship Ahoy Club to Peninsula Avenue). The North Beach Protected Zone and the 0.61 mile buffer is inclusive of all areas, river to ocean.

2) "South Beach Protected Zone": Southern Border of the Driftwood Cabana Club to Monmouth Beach Borough border (as identified in the Borough's Beach Management Plan) and within a 0.75 mile buffer (from the southern border of the Driftwood Cabana Club to Osborne Place). The South Beach Protected Zone and the 0.75 mile buffer is inclusive of all areas, river to ocean.

3) The Borough, United States Fish and Wildlife Service, and New Jersey Division of Fish and Wildlife will periodically review the effectiveness of the established buffers. Should the buffer zones be found to be insufficient in preventing injury or harassment of federally listed species or migratory birds within the Boroughs beaches, the buffer zones will be increased as necessary.

d. Only one colony may be maintained on the beachfront. This colony will be phased out through attrition, adoption, the shifting of cats to other colonies. This colony is located outside of the protected and buffer zones.

1) The Sponsor shall provide the Borough of Sea Bright with a Colony Management Plan for the beachfront colony. The Colony Management Plan will contain information on the number of cats, anticipated rate of attrition and length of project, efforts to deter predation and to prevent immigration of more cats into the colony. The Borough of Sea Bright shall provide copies of the Colony Management Plan to the United States Fish and Wildlife Service New Jersey Field Office and the New Jersey Division of Fish and Wildlife.

2) No new cats may be released in the beachfront colony.

3) Any new cats found within this colony will be relocated immediately.

4) When the beachfront colony has ended due to attrition, adoptions, or other means, no future colonies will be established anywhere on the beach including outside the Protected Zones and their appropriate buffers.

#### **Section Five: Enforcement.**

##### **1. Rights of the Borough.**

The Borough shall have the following rights:

- a. The right to seize or remove cats from a colony that have not been vaccinated against rabies and or cats that are demonstrating signs of the disease.
- b. The right to seize or remove a cat from a colony that is creating a nuisance as defined above and the caregiver and sponsor have been given 10 days to remove and relocate the cat and have failed to do so.
- c. The right to seize or remove a colony of cats when the caregiver regularly fails to comply with the requirements of this article and the sponsor has not been able to obtain a replacement or substitute caregiver within 10 days of the borough's notice to the sponsor of the caregiver's failure to comply with this article.

##### **2. Nuisance Complaints.**

The requirements of this article notwithstanding, Animal Control Officers and Police Officers may investigate any nuisance complaint.

The provisions of §61-11 through §61-14 remain in full force and effect and are not to be superseded by the aforesaid provisions. If there is any conflict between this Ordinance and the aforesaid Ordinance, the Ordinances are to be read in concert as they are consistent with protecting the public health, safety and general welfare of the Borough.

#### **Section Six: Study and Review**

Not later than December 31, 2015, the Borough of Sea Bright shall study the effectiveness of the TNR program and review the continuance of this ordinance. If the TNR Program is eliminated, the Borough's Animal Control Officer (ACO) shall resume primary responsibility for the management of feral cats within the Borough, including, as necessary, the capture and transport to the County Animal Shelter for handling in accordance with the inter-local agreement between the Borough and the County applicable to handling such animals. The Borough will also continue to work in partnership with the United States Fish and Wildlife Service and the New Jersey Division of Fish and Wildlife to control cats in sensitive wildlife locations.

#### **Section Seven:**

Amendment to Article V, Chapter 31 of the Ordinances of the Borough of Sea Bright.

§31-16 shall be amended to read as follows: There is created within the Borough of Sea Bright the position of Animal Control Officer, who shall be appointed for a term of one year by the Mayor with the advice and consent of the Borough Council as prescribed by state law.

§31-17 shall be amended to read as follows: The Animal Control Officer shall be responsible for the enforcement of the relevant provisions of the ordinances of the Borough of Sea Bright, as well as those laws under the jurisdiction of Monmouth County and

the State of New Jersey regulating the control of animals and protection of the public health, safety and general welfare within the Borough of Sea Bright.

§31-18 shall be amended to read as follows: The Animal Control Officer shall be a certified Animal Control Officer by the State of New Jersey; the Animal Control Officer shall be compensated in accordance with the terms and conditions of a contract to be entered into between said Officer and the Borough of Sea Bright.

**Section Eight:**

Amendment to §61-8 of the Ordinances of the Borough of Sea Bright. §61-8 is repealed in its entirety and shall be marked as "reserved".

**Section Nine:**

Any ordinance or parts of ordinances inconsistent with this ordinance are repealed to the extent of such inconsistency.

**Section Ten:**

If for any reason any section of this ordinance shall be declared unconstitutional or illegal by any court of competent jurisdiction, the remaining sections hereof shall remain in full force and effect.

**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 Bills and approved by the following vote:

Ayes: Bills, Keeler, Kelly, Long, Murphy

Nays: None

Abstain: None

Absent: LoBiondo

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

Ayes: Bills, Keeler, Kelly, Long, Murphy

Nays: None

Abstain: None

Absent: LoBiondo

Councilman Murphy made a motion to approve Ordinance No. 31-2010 on its Third and Final Reading and advertise it according to law. Second by Councilwoman Long and approved upon the following vote:

Ayes: Bills, Keeler, Kelly, Long, Murphy

Nays: None

Abstain: None

Absent: LoBiondo

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

**RESOLUTION NO. 243-2010  
AUTHORIZE TRANSFER OF FUNDS**



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

**WHEREAS**, the Chief Financial Officer has recommended that the following appropriation transfers be authorized:

<u>Appropriation</u>	<u>Amount From</u>	<u>Amount To</u>
Workers Compensation	\$14,200.00	
Hydrants	\$1,000.00	
Gasoline	\$6,000.00	
Street Lighting	\$4,000.00	
Health Insurance	\$18,000.00	
Landfill	\$ 5,000.00	
A&E S/W	\$1,000.00	
Library	\$1,000.00	
Legal		\$15,000.00
Engineering		\$ 5,000.00
Planning Board		\$ 5,000.00
Liability Insurance		\$16,000.00
Fire		\$ 1,000.00
Buildings & Grounds		\$ 4,000.00
Electric		\$ 1,000.00
Telephone		\$ 1,000.00
A&E O/E		\$ 1,000.00
Library O/E		\$ 1,000.00
Court S/W		\$ 200.00
<b>Total</b>	<b>\$50,200.00</b>	<b>\$50,200.00</b>
 <b>BEACH UTILITY</b>		
Beach S&W	\$9,000.00	
Beach O/E		\$9,000.00
 <b>SEWER UTILITY</b>		
Sewer S&W	\$5,000.00	
Sewer O/E		\$5,000.00

**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 2011 Budget appropriations be transferred as stated herein; and

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

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

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

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

**RESOLUTION NO.240-2010**  
**PAYMENT OF BILLS 12/21/2010**

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

NOW, THEREFORE, BE IT RESOLVED that these vouchers totaling \$172,046.65 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		
10-01438	12/06/10 DPW-DEC 2010 PAGER SERVICE	Open	44.55
00003	ASBURY PARK PRESS		
10-00016	01/14/10 MUNI CLERK-BLANKET:NOTICES	Open	83.16
10-01486	12/13/10 LIBRARY-1 YEAR SUBSCRIPTION	Open	225.70
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			308.86
01241	BAIN'S HARDWARE, INC.		
10-01451	12/07/10 NOV 2010 PURCHASES	Open	784.64
01925	BORO OF SEA BRIGHT/EE' HEALTH		
10-01479	12/10/10 REPLENISH HEALTH INS FUND	Open	5,000.00
01565	BOROUGH OF SEA BRIGHT		
10-01495	12/14/10 T/F ADMIN FEE:12/15/10 PAYROLL	Open	726.00
10-01496	12/14/10 T/F ADMIN FEE:12/15/10 PAYROLL	Open	960.00
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			1,686.00
01974	BOROUGH OF SEA BRIGHT COURT		
10-01493	12/14/10 COURT-11/10 CREDIT CARD REIMB	Open	331.02
00621	CARICATURES BY STEVEN NYMAN		
10-00805	06/30/10 RECREATION-7/14 BEACH CAMP	Open	150.00
00438	CIAGLIA, ANGELO		
10-01326	11/03/10 FIRE DEPT-2010 DRIVER	Open	110.00
00249	CLARK, DOUGLAS		
10-01500	12/15/10 DPW-TRAVEL REIMB:12/12/10	Open	26.00
00198	COMCAST		
10-01426	11/30/10 FIRE DEPT-INTERNET:DEC 2010	Open	95.18
10-01439	12/06/10 A&E-INTERNET:DEC 2010	Open	95.18
10-01473	12/07/10 POLICE DEPT-INTERNET:DEC 2010	Open	95.18
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			285.54
01493	COOPERATIVE INDUSTRIES, L.L.C.		
10-01440	12/06/10 SEP 2010 NATURAL GAS	Open	577.85
01320	DEMAIO, R.N.		
10-00831	07/08/10 BLDGS/GRNDS-TOWELS,T/TISSUE	Open	402.50
00609	EAGLE POINT GUN		
10-01051	08/27/10 POLICE DEPT-AMMUNITION	Open	2,802.81
00657	ESTELLE, DAVID		
10-01318	11/03/10 FIRE DEPT-2010 DRIVER	Open	110.00
00077	FLEET SERVICES		
10-01453	12/07/10 GASOLINE - DEC 2010	Open	3,652.04
00422	FORSMAN, JAMES		
10-01317	11/03/10 FIRE DEPT-2010 DRIVER	Open	110.00
02181	GATEWAY PRESS		
10-01410	11/24/10 REC-SIGN:HOLIDAY LIGHTING	Open	70.00
01286	INDUSTRIAL MARINE		
10-01462	12/07/10 REIMB:OCT'10 ELECTRIC	Open	182.34
10-01463	12/07/10 REIMB:NOV'10 ELECTRIC	Open	211.20
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			393.54
01363	IRON MOUNTAIN, INC.		
10-00170	02/08/10 A&E-VAULT:2010 SERVER BACKUPS	Open	147.36
00895	JOHNNY ON THE SPOT, INC.		
10-00827	07/06/10 PORTO-POTS - DEC 2010	Open	409.20
01289	KIELY EQUIPMENT COMPANY, LLC		
10-01423	11/30/10 SEWER-CRASH TRUCK,SIGNS,STANDS	Open	410.00
01997	LANG IV, PETER		

10-01324	11/03/10	FIRE DEPT-2010 DRIVER	Open	110.00
00070		LANG, III, PETER		
10-01323	11/03/10	FIRE DEPT-2010 DRIVER	Open	110.00
00971		LANG, STEVEN		
10-01329	11/03/10	FIRE DEPT-2010 DRIVER	Open	110.00
00275		M & S WASTE SERVICES, INC.		
10-00153	02/02/10	2010 TRASH/RECYCLING PICKUP	Open	9,200.00
10-01400	11/22/10	DUMPSTER+DISP FEE:STREET SWEEP	Open	1,413.46
10-01436	12/06/10	11/10 LANDFILL TIPPING FEES	Open	5,805.60
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				16,419.06
01801		MASER CONSULTING, P.A.		
10-00451	04/12/10	PRJ#129 PARKING LOTS	Open	390.00
10-01102	09/13/10	TAX ASSESSOR-TAX MAP REVISIONS	Open	1,602.50
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				1,992.50
00203		MASON, PAT		
10-01321	11/03/10	FIRE DEPT-2010 DRIVER	Open	110.00
10-01424	11/30/10	OEM-REIMB:DONUTS & COFFEE	Open	42.78
01900		MCKENNA, DUPONT, HIGGINS &		
10-01481	12/10/10	P/L BOARD-GAITERS 10/4-10/8/10	Open	100.00
10-01482	12/10/10	P/L BOARD-LITIGATION:SCUDIERY	Open	30.00
10-01483	12/10/10	P/L BOARD-10/12-11/16/10 MTGS	Open	950.00
10-01490	12/13/10	P/L BOARD-RESOLUTION:JESUITS	Open	150.00
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				1,230.00
00106		MGL FORMS-SYSTEMS, LLC		
10-00921	07/27/10	TAX ASSESSOR-2011 BINDERS	Open	241.80
10-00947	08/02/10	MUNI CLERK-DOG/CAT/MARRIAGE	Open	575.00
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				816.80
01985		MOBILE MINI, INC.		
10-01432	12/03/10	POLICE-TRAILER 2010 PYMT 13/13	Open	278.00
01397		MURPHY, CHARLES		
10-01309	11/02/10	FIRE DEPT-2010 DRIVER	Open	110.00
00339		NAPA AUTO PARTS		
10-01227	10/15/10	DPW-BLANKET:VEHICLE MAINT	Open	5.29
01694		NAVESINK MARINA		
10-01434	12/06/10	FIRE DEPT-11/3 FUEL FOR BOAT	Open	37.61
01211		NAYLOR'S, INC.		
10-01274	10/25/10	DPW-BLANKET:VEHICLE MAINT	Open	682.60
00019		NJ AMERICAN WATER		
10-01431	12/03/10	NOV 2010 HYDRANTS	Open	2,102.73
01629		NJRHS COMMERCIAL SERVICES		
10-01182	09/30/10	NEW FURNACE:JAIL CELLS	Open	7,495.00
01662		ORIENTAL TRADING COMPANY		
10-01335	11/04/10	REC-PARTY GOODS:TREE LIGHTING	Open	368.28
00635		PARTY CORNER		
10-01334	11/04/10	REC-RENT:SNOWMAN COSTUME	Open	74.25
00701		PERRINE, SR., PETER		
10-01325	11/03/10	FIRE DEPT-2010 DRIVER	Open	110.00
00081		PERRY'S TROPHY CO., INC.		
10-01418	11/29/10	BEAUTIFICATION-BENCH PLAQUE	Open	15.60
00431		PMC ASSOCIATES, INC.		
10-01212	10/12/10	POLICE DEPT-NEW RADIO+INSTALL	Open	599.00
02030		RIVERFRONT CAFE		
10-01411	11/24/10	REC-SNACKS:TREE LIGHTING	Open	158.40
01665		ROCK, AARON		
10-01319	11/03/10	FIRE DEPT-2010 DRIVER	Open	110.00
00991		SANDERS, JOHN		
10-01322	11/03/10	FIRE DEPT-2010 DRIVER	Open	110.00
00788		SCARINCI & HOLLENBECK, LLC		
10-01502	12/15/10	LEGAL SERVICES:NOV 2010	Open	7,081.82
00408		SCHWAAB, INC.		
10-01362	11/17/10	MUNI CLERK-SIGNATURE STAMP	Open	37.99
01554		SEA BRIGHT SERVICE CENTER		
10-01052	08/27/10	POLICE-BLANKET:VEHICLE MAINT	Open	49.90
10-01351	11/15/10	OEM-REPAIR TRUCK WINDOW	Open	225.00
				-----
				274.90

00027	SEABOARD WELDING SUPPLY, INC.		
10-00075	01/20/10 DPW - 2010 CYLINDER RENTAL	Open	25.40
00975	SMACK, EDWARD		
10-01320	11/03/10 FIRE DEPT-2010 DRIVER	Open	110.00
00031	SORRENTINO, JOHN		
10-01425	11/30/10 POLICE-REIMB:DMV REG/BRACKET	Open	87.88
00124	SPAHR, STEVEN		
10-01327	11/03/10 FIRE DEPT-2010 DRIVER	Open	110.00
01328	STAPLE BUSINESS ADVANTAGE		
10-01427	12/03/10 10 CARTONS:COPIER PAPER	Open	307.60
00083	T & M ASSOCIATES		
10-00302	03/08/10 PLANNING SERVICES	Open	375.00
10-00775	06/23/10 SPEED HUMPS/SIGNAGE:CHURCH ST.	Open	75.00
10-00962	08/10/10 BORO HALL-SITE PLAN LAYOUT	Open	188.94
10-00963	08/10/10 TIDELAND LICENSE-NORMANDIE/BEA	Open	440.03
10-01113	09/13/10 PLANNER SERVICES:MASTER PLAN	Open	275.00
10-01244	10/18/10 PREP APPLIC:ENERGY EFF CONSERV	Open	218.75
10-01395	11/19/10 PLANNING SERVICES-SCHOOL HOUSE	Open	437.50
10-01470	12/07/10 ENGINEERING-11/15/10 MEETING	Open	312.50
10-01471	12/07/10 ENGINEERING-10/25-11/9/10 MISC	Open	667.90
			-----
			2,990.62
01285	THE HOME DEPOT		
10-00484	04/19/10 BLDGS/GRNDS-BLANKET:MISC SUPP	Open	158.51
10-01294	10/29/10 BLDGS/GRNDS-BLANKET:MISC SUPP	Open	72.45
10-01494	12/14/10 BLDGS/GRNDS-12 BAGS ICE MELTER	Open	203.64
00262	TRATTORIA G		
10-01100	09/13/10 A&E-FOOD:1/8/11 RE-ORG MEETING	Open	300.00
01272	VAN BRUNT FLORIST		
10-01415	11/24/10 A&E-FRUIT BASKET/FLOWERS	Open	120.00
02061	VERIZON WIRELESS		
10-01460	12/07/10 BLDG/FIRE/COURT:DEC 2010 BILL	Open	79.94
10-01461	12/07/10 FIRE DEPT-MDT:DEC 2010 ESTIMAT	Open	40.01
			-----
			119.95
02177	WALSH, JOAN		
10-01437	12/06/10 LIBRARY-REIMB:12/2 MISC	Open	87.56
01164	WATCHUNG SPRING WATER CO, INC.		
10-01465	12/07/10 NOV 2010 SPRING WATER	Open	231.53
00034	WERNER AUTOMOTIVE, INC.		
10-01469	12/07/10 POLICE DEPT-SENSOR #4310	Open	49.82
01557	ZIMMERER, MARK A.		
10-01433	12/06/10 BLDGS/GRNDS-REPAIRS:DPW GARAGE	Open	435.00
	Borough Of Sea Bright Payroll A/C (12/15/10 P/R)		85,252.30
	Monmouth County SPCA (Nov 2010 Boarding)		100.00
	NJSHBP (Nov 2010)		22,617.17
	T & M Associates (Escrow)		62.50
	U.S. Postal Service (Sewer 4/Q/2010 Billing)		<u>200.20</u>
	Total		<u>172,046.65</u>

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

Ayes: Bills, Keeler, Kelly, Long, Murphy

Nays: None

Abstain: None

Absent: LoBiondo

#### B. Meeting Minutes

Councilwoman Bills introduced a motion adopting the December 7, 2010 - Special Session Meeting Minutes. Second by Councilwoman Long and adopted upon the following roll call vote:

Ayes: Bills, Keeler, Kelly, Long, Murphy

Nays: None

Abstain: None

Absent: LoBiondo

Councilwoman Bills introduced a motion adopting the December 7, 2010 - Closed Executive Meeting Minutes. Second by Councilwoman Long and adopted upon the following roll call vote:

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

Councilwoman Bills introduced a motion adopting the December 7, 2010 - Council Meeting Minutes. Second by Councilwoman Long and adopted upon the following roll call vote:

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

**C.** Councilwoman Bills introduced a motion approving the request from SBBA to hold two Taste of Sea Bright events: 5/7/2011 and 10/3/2011. Second by Councilwoman Long and adopted upon the following roll call vote:

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

**8. OLD BUSINESS:**

**A.** Councilman Murphy introduced a motion carrying the PUBLIC HEARING - Stephen N. Grulich, Inc. - Ichabods to January 18, 2011. Second by Councilman Kelly and approved upon the following roll call vote.

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

**B.** Councilwoman Long made a motion carrying the request from Summer Time Surf to operate surf camp on public beach to the next scheduled meeting. Second by Councilwoman Bills and approved upon the following roll call vote.

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

**9. NEW BUSINESS:**

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

**RESOLUTION NO. 242-2010**  
**2011 SALARY RESOLUTION**  
**ADMINISTRATOR/CLERK AND POLICE CHIEF**

WHEREAS, pursuant to their employment agreements, the following employees, Administrator/Clerk and Police Chief Salary increases will be in line with the current PBA Agreement dated January 1, 2011 through December 31, 2013; and

WHEREAS, from January 1 through December 31, 2011 the increase shall be 3.0%.

<b>NAME</b>	<b>TITLE/POSITION</b>	<b>2011 SALARY</b>
John Sorrentino	Chief of Police	\$106,113.18
Smeltzer, Maryann M.	Boro Clerk/Registrar Official Assessment Searcher	\$ 78,335.72
Smeltzer, Maryann M.	Administrator	\$ 10,611.32

**CERTIFICATION OF FUNDS**

I, Michael J. Bascom, Chief Financial Officer of the Borough of Sea Bright do hereby certify that funds are available in 2011 Salary and Wage appropriations for the purpose stated herein.

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MICHAEL J. BASCOM, CFO

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

Ayes: Bills, Keeler, Kelly, Long, Murphy

Nays: None

Abstain: None

Absent: LoBiondo

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

**RESOLUTION NO. 245-2010  
BOROUGH OF SEA BRIGHT**

WHEREAS, Jaclyn J. Flor, P.E. of T & M Associates has submitted a proposal dated December 8, 2010 requesting an additional \$2,500.00 for the attendance of required meetings and the evaluation of various architectural and engineering plans for affordable housing planning services.

BE IT FURTHER RESOLVED, that the Acting 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 Engineering O/E for the purpose stated in the above resolution.

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MICHAEL J. BASCOM, C.F.O.

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

Ayes: Bills, Keeler, Kelly, Long, Murphy

Nays: None

Abstain: None

Absent: LoBiondo

Councilman Keeler requested that Department of Public Works mark the garage/bays.

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

**RESOLUTION NO. 246-2010  
BOROUGH OF SEA BRIGHT**

**WHEREAS**, a renewal agreement has been proposed for January 1, 2011 through December 31, 2011 between the Borough of Sea Bright and Jesse A. Howland & Sons, Inc., P.O. Box 419, Kingston, NJ 08528 for the bay garages at the property known as 15 South Street, Sea Bright, NJ; and

**WHEREAS**, the rental amount for this period will be \$10,716.00 per annum (\$893.00 per month); and

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

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

#### **CERTIFICATION OF FUNDS**

I, Michael J. Bascom, Chief Financial Officer of the Borough of Sea Bright do hereby certify that funds are available in the 2011 Temporary Budget for Streets and Roads.

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**MICHAEL J. BASCOM, CFO**

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

Ayes: Bills, Keeler, Kelly, Long, Murphy

Nays: None

Abstain: None

Absent: LoBiondo

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

#### **RESOLUTION NO. 247-2010 BOROUGH OF SEA BRIGHT**

**WHEREAS**, a renewal agreement has been proposed for January 1, 2011 through December 31, 2011 between the Borough of Sea Bright and Jesse A. Howland & Sons, Inc., P.O. Box 419, Kingston, NJ 08528 for the bay garages at the property known as 15 South Street, Sea Bright, NJ; and

**WHEREAS**, the rental amount for this period will be \$21,264.00 per annum (\$1,772.00 per month); and

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

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

**CERTIFICATION OF FUNDS**

I, Michael J. Bascom, Chief Financial Officer of the Borough of Sea Bright do hereby certify that funds are available in the 2011 Temporary Budget for Streets and Roads and OEM.

---

**MICHAEL J. BASCOM, CFO**

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

Ayes: Bills, Keeler, Kelly, Long, Murphy

Nays: None

Abstain: None

Absent: LoBiondo

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

**RESOLUTION NO. 248-2010  
BOROUGH OF SEA BRIGHT**

**WHEREAS**, an application has been filed for a Person-to-Person Transfer of Plenary Retail Consumption License Number 1343-33-004-003, heretofore issued to Driftwood Inn Inc. for premises located at 1473 Ocean Avenue, Sea Bright, NJ; and

**WHEREAS**, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

**WHEREAS**, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated there under, as well as pertinent local ordinances and conditions consistent with Title 33; and

**WHEREAS**, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business.

**NOW, THEREFORE, BE IT RESOLVED** that the Sea Bright Governing Body does hereby approve, effective December 21, 2010 the transfer of the aforesaid Plenary Retail Consumption License to Sea Horse, LLC, and does hereby direct the Borough Clerk to endorse the license certificate to the new ownership as follows: **"This license, subject to all its terms and conditions, is hereby transferred to Sea Horse, LLC, effective December 21, 2010."**

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

Ayes: Bills, Keeler, Kelly, Long, Murphy

Nays: None

Abstain: None

Absent: LoBiondo

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



**RESOLUTION NO. 241-2010**  
**BOROUGH OF SEA BRIGHT**  
**CALLING ON THE STATE LEGISLATURE**  
**AND THE GOVERNOR TO EXEMPT THE RESERVE**  
**FOR UNCOLLECTED TAXES FROM THE 2% CAP**

**WHEREAS**, on July 13, 2010, Governor Christie signed into law P.L. 2010, c. 44, which reduced the cap on the property tax levy from 4% to 2% and limited the number of exemptions; and

**WHEREAS**, when the property tax levy was reduced, the exemption for the Reserve for Uncollected Taxes was removed; and

**WHEREAS**, in addition to collecting property taxes for its own operations, the municipality also serves as the collection agent for the county, school districts, fire districts and other special local entities; and

**WHEREAS**, the municipality must provide those entities with the full amount they deem necessary for their operations, regardless of the actual collection rate; and

**WHEREAS**, due to myriad factors beyond local control, the actual collection rate never equals the total local levy, especially during an economic downturn, when unemployment soars and property values plummet, causing an increase in tax appeals, which the municipality must defend and which subject the municipal budget to further losses, when successful; and

**WHEREAS**, to account for the shortfall and potential losses, State law requires the municipality to budget an appropriation in a line item known as the Reserve for Uncollected Taxes, which is generally determined through a formula driven calculation in which the variables change year to year; and

**WHEREAS**, without a levy cap exemption, municipalities will be forced to further cut their own operations, in order to meet the 2% tax levy cap to provide the county, school districts, fire districts and other special local entities the full amount they deem necessary for their operations; and

**WHEREAS**, those other local entities, which do not have to budget for collection rate short-falls or the impact of declining property values, have been granted levy cap exceptions to address factors beyond their control; and

**WHEREAS**, Assemblymen McKeon and Burzichelli has recently introduced A-3603, which excludes increases in appropriations to the Reserve for Uncollected Taxes in excess of two percent, from calculations of the municipal adjusted tax levy;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Sea Bright hereby urge the swift passage and signing of A-3603;

**BE IT FURTHER RESOLVED**, that consideration also be given to providing a levy cap exception to account for the impact of tax appeals on local operations; and

**BE IT FURTHER RESOLVED**, that copies of this Resolution be forwarded to New Jersey Governor Christopher Christie, to Senate

President Stephen Sweeney, to Assembly Speaker Sheila Oliver, to our State Senator, to our two Representatives in the General Assembly, and to the New Jersey League of Municipalities.

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

Ayes: Bills, Keeler, Kelly, Long, Murphy

Nays: Long

Abstain: None

Absent: LoBiondo

**G. DISCUSSION:** Borough Hall Easterly Wall - Councilman Murphy introduced a motion authorizing Engineer Flor and Administrator Smeltzer to receive quotes to repair the wall and to move forward immediately with the repairs. Second by Councilman

Murphy and adopted upon the following roll call vote:

Ayes: Bills, Keeler, Kelly, Long, Murphy

Nays: None

Abstain: None

Absent: LoBiondo

#### **10. CORRESPONDENCE AND COMMUNICATIONS:**

**A.** Chief of Police - November report.

**B.** Monmouth County Regional Health Commission No. 1 October 20, 2010 minutes.

**C.** Library Director - October report

**D.** Engineering Status quarterly report

**E.** Unified Planning Board Minutes

- September 14, 2010

- September 28, 2010

- October 12, 2010

**F.** Construction Department November report

#### **11. COMMITTEE REPORTS:**

**A. Beach/Education/Environment:** Councilwoman Long reported progress.

**B. Public Works/Building Department/Public Relations:**  
Councilman LoBiondo was absent.

**C. Public Safety/Insurance:**  
Councilman Keeler reported progress.

**D. Finance/Grants/Court:**  
Councilman Murphy reported that the 2010 fiscal year is coming to a close and all departments are preparing their 2011 budgets. Departmental hearings may begin February 1.

**E. Personnel/Administration/Cultural Arts/Recreation:**  
Councilwoman Bills reported progress.

**F. Smart Growth/Flood Mitigation/Beautification:** Councilman Kelly reported that the architect is working on the plans to be submitted to the state. The beautification committee will be replacing the flower pots in the downtown area.

**12. MAYOR FERNANDES - REPORT AND COMMUNICATIONS.** Council President Keeler said that the Mayor is on the road to recovery. SBFD's reorganization day is January 1, 2011 at noon at the firehouse. The Madhatter's polar bear plunge is at 1:00 p.m. Our reorganization is January 8<sup>th</sup>, 10:00 a.m.

He wished everyone a Merry Christmas and Happy Birthday to Engineer Flor.

**13. REMARKS FROM THE AUDIENCE (limited to 3 minutes)** No one wished to be heard.

**14. ADJOURNMENT:**

There being no further business before the Governing Body. Councilman Murphy made a motion to adjourn the meeting at 8:03 P.M. Second by Councilwoman Long and approved upon unanimous voice vote.

Respectfully Submitted,

Maryann M. Smeltzer, RMC  
Municipal Clerk