

**MINUTES
REGULAR MEETING
BOROUGH OF SEA BRIGHT**

MAY 2, 2023

SEA BRIGHT, NEW JERSEY

TO ATTEND THIS MEETING REMOTELY PLEASE USE THE FOLLOWING:

<https://meet.goto.com/977996309>

OR DIAL: (571) 317-3122

Access Code: 977-996-309

Mayor Kelly called the meeting to order at 7:00 p.m. and requested those present to join in the Pledge of Allegiance.

Mayor Kelly read the following Compliance 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 Was Sent to the Asbury Park Press and other
local newspapers on January 10, 2023. In each instance, the Date, Time, And Location of
This Meeting Were Provided in The Notice. This Meeting Is Open To The Public."**

PRESENT: Mayor Brian P. Kelly
Councilmembers, Erwin Bieber, Jefferey M. Booker Sr., Samuel A. Catalano,
Heather Gorman, William J. Keeler, John M. Lamia, Jr.

OTHERS: Attorney Richard Shaklee, Administrator Joseph Verruni,
CFO Michel Bascom, Borough Clerk Christine Pfeiffer

**MOMENT OF SILENCE FOR THE FOLLOWING MEMBER OF THE SEA BRIGHT COMMUNITY
WHO RECENTLY PASSED AWAY: Ernie Giglio**

Resolution(s):

**No. 84-2023 Authorizing the Hiring of Two Full Time Patrol Officers
Sea Bright Police Department**

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

WHEREAS, there exists a need for two (2) full-time Patrol Officers in the Sea Bright Police Department; and

WHEREAS, Chief Friedman has affirmed that the following two officers meet all hiring requirements and qualifications in accordance with Chapter 39-3. "Qualifications of Members" of the Borough Code and recommends both be appointed as full-time Patrol Officers within the Sea Bright Police Department:

**Class II Special Officer Christopher D. Panduri
Class II Special Officer Nicholas E. Turi**

WHEREAS, the Governing Body of the Borough of Sea Bright is in agreement with the recommendation of the Chief of Police that it would be appropriate to appoint two full-time Patrol Officers.

CERTIFICATION OF FUNDS

I, Michael J. Bascom, Chief Financial Officer of the Borough of Sea Bright, do hereby certify that funds are available in Police S/W:



MICHAEL J. BASCOM, CFO

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, do hereby authorize Christopher D. Panduri and Nicholas E. Turi be hired as a full time Patrol Officers within the Borough of Sea Bright Police Department, in accordance with Chapter 39 entitled "Police Department" of the Borough Code and Ordinance No. 04-2021 Fixing Salaries and Compensation of Officers and Employees.

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

1. Christopher D. Panduri
2. Nicholas E. Turi
3. Chief of Police
4. Finance Manager

Roll Call: Bieber, Booker, Catalano, Gorman, Keeler, Lamia
 Yes Yes Yes Yes Yes Yes

Chief Friedman thanked Mayor Kelly, the Public Safety Committee, the entire Governing Body and Administrator Verruni for their support to increase the manpower in the Police Department. Chief Friedman introduced the new Patrol Officers: Nicholas Turi who is from Rumson and attended CBA and Stockton College and was a lifeguard in Sea Bright and has served as a Class I and II in the department. Christopher Panduri is from West Long Branch and attended Shore Regional and Brookdale. Chief Friedman, on behalf of the entire department, welcomed Patrol Officers Panduri and Turi to the Sea Bright family.

MAYOR KELLY TO ADMINISTERED THE OATH OF OFFICE TO THE NEWLY APPOINTED PATROL OFFICERS:

**NICHOLAS E. TURI
CHRISTOPHER D. PANDURI**

REMARKS FROM THE AUDIENCE (limited to 3 minutes)

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

No one wished to be heard.

CONSENT AGENDA

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

Minutes

04-18-2023 Workshop Meeting
04-18-2023 Executive Session
04-18-2023 Regular Meeting

Roll Call: Bieber, Booker, Catalano, Gorman, Keeler, Lamia
Yes Yes Yes Yes Yes Yes

Resolutions:

No. 85-2023 Consideration of Award of Contract for 2023 Grounds Maintenance

Councilmember Keeler offered the following resolution and moved its adoption; seconded by Councilmember Booker:

WHEREAS, on April 4, 2023 the Borough Council authorized the receipt of bids for 2023 Ground Maintenance services in the Borough of Sea Bright; and

WHEREAS, the Borough Clerk did duly advertise on April 11, 2023 to receive bids on April 25, 2023 for 2023 Ground Maintenance services; and

WHEREAS, in connection therewith one (1) bid was received from Cousins Landscaping, West Long Branch, New Jersey for an amount not to exceed \$35,500.00; and

WHEREAS, the Borough Attorney reviewed the bid and it was determined that Cousins Landscaping, West Long Branch, New Jersey, met all the specifications for this bid; and

WHEREAS, the Borough Administrator and Director of Public Works, recommend that a contract be awarded to Cousins Landscaping, West Long Branch, New Jersey, as per their bid proposal for 2023 Grounds Maintenance within the Borough of Sea Bright.

CERTIFICATION OF FUNDS

I, Michael J. Bascom, Chief Financial Officer of the Borough of Sea Bright, has certified that funds in the amount of \$35,500.00 will be available in Budget line-item No. 3-01-26-310-224 for the purpose stated herein.


MICHAEL J. BASCOM, CFO

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sea Bright in the County of Monmouth, State of New Jersey, that a contract is hereby awarded to Cousins Landscaping, West Long Branch, New Jersey for 2023 Grounds Maintenance services within the Borough of Sea Bright, in the amount of \$35,500.00; and

BE IT FURTHER RESOLVED that this award of contract is conditioned upon delivery and execution thereof within sixty (60) days from the date of the within resolution; and

BE IT FURTHER RESOLVED that a notice of this action shall be printed one time in The Two River Times newspaper.

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

- 1. Cousins Landscaping
- 2. Finance Manager
- 3. Director – Public Works

Roll Call: Bieber, Booker, Catalano, Gorman, Keeler, Lamia
 Yes Yes Yes Yes Yes Yes

No. 86-2023 Hiring Borough Library Employee

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

WHEREAS, there exists a need for an additional Librarian in the Sea Bright Public Library; and

WHEREAS, the Library Director, Jane Farmer, received an application from Catherine DiMarco to fill said position; and

WHEREAS, the Library Director reviewed said application and recommends Catherine DiMarco be hired as a Librarian in the Sea Bright Public Library.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Sea Bright, County of Monmouth that Catherine DiMarco be hired and receive the hourly rate of pay as specified in Ordinance No. 04-2021.

CERTIFICATION OF FUNDS

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



MICHAEL J. BASCOM, CFO

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

- 1. Finance Manager
- 2. Library Director

Roll Call: Bieber, Booker, Catalano, Gorman, Keeler, Lamia
 Yes Yes Yes Yes Yes Yes

No. 87-2023 Approving the Leasing of Property for use by the Borough of Sea Bright with Jesse A. Howland & Sons, Inc. for a Municipal Permit Parking Facility – 2023 Season

Councilmember Keeler offered the following Resolution and moved its adoption; seconded by Councilmember Booker:

WHEREAS, it has been determined that the Borough of Sea Bright needs to provide a permit parking facility for the Borough and Business employees; and

WHEREAS, the Borough wishes to enter into a lease agreement with Jesse A. Howland & Sons, Inc. for a portion of property known as Block 13, Lot 14 (50 Church Street) to be used by the Borough of Sea Bright for a Municipal Permit Parking facility from May 26, 2023 to September 4, 2023 for an amount not to exceed \$2,000.00; and

WHEREAS, the Borough has determined that this would be a proper temporary use under the provisions of the Borough's zoning ordinance pursuant to Chapter 130, Section 38F; and

CERTIFICATION OF FUNDS

I, Michael J. Bascom, Chief Financial Officer of the Borough of Sea Bright, do hereby certify that funds are available in Parking/OE for the purposes stated herein.



MICHAEL J. BASCOM, CFO

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sea Bright that the Mayor and Borough Clerk be and are hereby authorized and directed to execute a lease agreement for a portion of the aforesaid property to be used by the Borough of Sea Bright for a Municipal Permit Parking facility from Friday, May 26, 2023 through Monday, September 4, 2023 for a total fee of \$2,000.00.

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

- 1. Jesse A. Howland & Sons, Inc.
- 2. Roger McLaughlin, Borough Attorney
- 3. Michael Bascom, Chief Financial Officer
- 4. Khristi Jacobs, Financial Manager
- 5. Brett Friedman, Chief of Police

BE IT FURTHER RESOLVED that the form of the aforesaid lease agreement shall be approved by the Borough Administrator and Borough Attorney.

Roll Call: Bieber, Booker, Catalano, Gorman, Keeler, Lamia
 Yes Yes Yes Yes Yes Yes

No. 88-2023 Authorizing the Borough of Sea Bright to Enter into a Cooperative Purchasing Agreement with Savvik Buying Group

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

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, Savvik Buying Group, hereinafter referred to as the "Lead Agency" has offered voluntary participation in a Cooperative Pricing System for eligible entities to perform governmental functions and services, including the purchase of goods and services; and

WHEREAS, on May 2, 2023 the governing body of the Borough of Sea Bright, County of Monmouth, State of New Jersey duly considered participation in the Interlocal Purchasing System.

NOW, THEREFORE BE IT RESOLVED as follows:

TITLE: This Resolution shall be known and may be cited as the Cooperative Pricing Resolution of the Borough of Sea Bright.

AUTHORITY: Pursuant to the provisions of *N.J.S.A. 40A:11-11(5)*, the Mayor and the Borough Administrator are hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

CONTRACTING UNIT: The Lead Agency shall be responsible for complying with the provisions of the *Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.)* and all other provisions of the revised statutes of the State of New Jersey.

EFFECTIVE DATE: This resolution shall take effect immediately upon passage.

Roll Call: Bieber, Booker, Catalano, Gorman, Keeler, Lamia
 Yes Yes Yes Yes Yes Yes

No. 89-2023 Consideration of Bids Received for Shrewsbury Riverfront Park Improvements Project – Phase II

Councilmember Keeler offered the following resolution and moved its adoption; seconded by Councilmember Booker:

WHEREAS, on June 18, 2019 the Borough Council of the Borough of Sea Bright authorized the receipt of bids for Phase II – Shrewsbury Riverfront Park Improvements Project; and

WHEREAS, the Borough Clerk did duly advertise on April , 2023 to receive bids on April 27, 2023 for the Phase II – Shrewsbury Riverfront Park Improvements Project; and

WHEREAS, in connection therewith two (2) bids were received by the Borough Clerk on from the following: 1) D’Avellino Construction Inc., Freehold, NJ for \$331,028.00; 2) Mixalia Enterprises, LLC, Long Branch, NJ for \$228,000.00; and

WHEREAS, it was determined that the lowest bidder exceeded the budget estimates for the project; and

WHEREAS, the Borough Council finds that it is necessary to reject both bids and wishes to re-advertise for bids for the Phase II - Shrewsbury Riverfront Park Improvements Project.

NOW THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sea Bright in the County of Monmouth, State of New Jersey, that the two bid proposals received for the Phase II - Shrewsbury Riverfront Park Improvements Project be and are hereby rejected; and

BE IT FURTHER RESOVED that the Borough Clerk be and is hereby authorized and directed to re-advertise for sealed bids for the Phase II - Shrewsbury Riverfront Park Improvements Project for receipt on a date to be determined; and

BE IT FURTHER RESOLVED that the Borough Clerk is hereby authorized to return the bid bonds and/or certified checks received from unsuccessful bidders; and

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

- 1. All Bidders
- 2. Frank Lawrence

Roll Call: Bieber, Booker, Catalano, Gorman, Keeler, Lamia
 Yes Yes Yes Yes Yes Yes

ORDINANCE(s):

Public Hearing: Mayor Kelly to read the ordinance by title:

BOND ORDINANCE NO. 05-2023

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$250,000 FOR VARIOUS ROAD IMPROVEMENTS FOR AND BY THE BOROUGH OF SEA BRIGHT IN THE COUNTY OF MONMOUTH, NEW JERSEY AND, AUTHORIZING THE ISSUANCE OF \$53,240 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.

Councilmember Booker offered a motion to open the public hearing on Bond Ordinance No. 05-2023; seconded by Councilmember Keeler:

Roll Call: Bieber, Booker, Catalano, Gorman, Keeler, Lamia
 Yes Yes Yes Yes Yes Yes

Public Hearing (Bond Ord. No. 05-2023)

No one wished to be heard.

Councilmember Keeler offered a motion to close the public hearing on Bond Ordinance No. 05-2023; seconded by Councilmember Booker:

Roll Call: Bieber, Booker, Catalano, Gorman, Keeler, Lamia
 Yes Yes Yes Yes Yes Yes

Councilmember Booker offered a motion to adopt Bond Ordinance No. 05-2023 and advertise according to law; seconded by Councilmember Keeler:

Roll Call: Bieber, Booker, Catalano, Gorman, Keeler, Lamia
 Yes Yes Yes Yes Yes Yes

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

SECTION 1:

The improvements described in Section 3 of this bond ordinance (the "Improvements") are hereby authorized to be undertaken by the Borough of Sea Bright, New Jersey (the "Borough") as general improvements. For the said Improvement there is hereby appropriated the amount of \$250,000, such sum includes the sum of \$196,760 expected to be received as a grant from the New Jersey Department of Transportation 2023 Municipal Aid Program. No down payment is required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the "Local Bond Law") as the purpose authorized herein involve a project funded by a State grant from the New Jersey Department of Transportation as permitted under N.J.S.A. 40A:2-11c.

SECTION 2:

In order to finance the cost of the Improvements, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$53,240 pursuant to the provisions of the Local Bond Law (the "Bonds"). In anticipation of the issuance of the Bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes of the Borough are hereby authorized to be issued in the principal amount not exceeding \$53,240 pursuant to the provisions of the Local Bond Law (the "Bond Anticipation Notes" or "Notes").

SECTION 3:

(a) The Improvements authorized and the purpose for the financing of which said obligations are to be issued is for various road improvements, including the reconstruction of Island View Way, Garden Way and Long View Way, and including curbing, drainage and other ancillary improvements, including all work and materials necessary therefor and incidental thereto, and as shown on and in accordance with the plans and specifications on file with the Borough Clerk.

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvements is \$53,240.

(c) The estimated cost of the Improvements is \$250,000 which amount represents the initial appropriation made by the Borough.

SECTION 4:

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Borough (the "Chief Financial Officer"); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of Section 8(a) of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the Borough Council of the Borough at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

SECTION 5:

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

SECTION 6:

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

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

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

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Borough, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this bond ordinance by \$53,240 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$60,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

SECTION 7:

Any funds received from time to time by the Borough as contributions in aid of financing the purposes described in Section 3 of this Ordinance shall be used for financing said Improvements by application thereof either to direct payment of the cost of said Improvements or to the payment or reduction of the authorization of the obligations of the Borough authorized therefor by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvements shall, be held and applied by the Borough as funds applicable only to the payment of obligations of the Borough authorized by this Bond Ordinance.

SECTION 8:

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

SECTION 9:

The Chief Financial Officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 10:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Borough reasonably expects to pay expenditures with respect to the Improvements prior to the date that Borough incurs debt obligations under this Bond Ordinance. The Borough reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Borough under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$53,240.

SECTION 11:

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

Introduction: Mayor Kelly to read the ordinance by title:

**ORDINANCE NO. 06-2023
BOROUGH OF SEA BRIGHT
MONMOUTH COUNTY, NEW JERSEY
AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF A
FINANCIAL AGREEMENT WITH HAVEN AT SEA BRIGHT
URBAN RENEWAL, LLC**

Councilmember Booker offered a motion to introduce Ordinance No. 06-2023 for a public hearing to be held on May 16, 2023 and advertise according to law; seconded by Councilmember Catalano:

Roll Call: Bieber, Booker, Catalano, Gorman, Keeler, Lamia
Yes Yes Yes Yes Yes Yes

WHEREAS, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "LRHL"), Block 13, Lots 13, 14, 15, 17, 18, 20, 21 and 22; Block 14, Lots 12 and 14; and Block 15, Lots 5 (formerly Lots 5, 6, and 7), 8, 9, 10, 11 and 12 as identified on the tax maps of the Borough (as further defined in Section 1.2 herein, and as more specifically described in Exhibit 2 to the Application (the "Project Site") have been designated by the Mayor and Council as an "area in need of redevelopment" ("Redevelopment Area"); and

WHEREAS, on October 9, 2020, by Ordinance No. 10-2020, the Mayor and Borough Council approved a redevelopment plan for the revitalization and redevelopment of the Redevelopment Area entitled Sea Bright River Properties Redevelopment Plan, as amended by Ordinance No. 13-2022, adopted December 20, 2022 (and as same may be further amended from time to time, the "Redevelopment Plan"), a copy of which is on file with the Borough Clerk; and

WHEREAS, the Borough, via Council Resolution 193-2022, adopted December 20, 2022, approved a redevelopment agreement with Denholtz Acquisition, LLC ("Denholtz"), setting forth the terms for Denholtz' residential development of a project (the "Project") in the Redevelopment Area, pursuant to the Redevelopment Plan (the "Redevelopment Agreement"); and

WHEREAS, Denholtz formed a special purpose entity, Haven at Sea Bright Urban Renewal, LLC (the “**Entity**”), to undertake the redevelopment of the Redevelopment Area, pursuant to the Redevelopment Plan and the Redevelopment Agreement; and

WHEREAS, the Entity filed the application attached hereto as Exhibit A (the “**Application**”) seeking a long term tax exemption pursuant to the Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 et seq. (the “**LTTE Law**”) and approval of a financial agreement for payment in lieu of taxes (the “**Financial Agreement**”); and

WHEREAS, the Borough Council, on the Mayor’s recommendation, wishes to approve the Application and has determined that it is appropriate to enter into the Financial Agreement for the Project for a term of fifteen (15) years and to accept annual service charges from the Entity in lieu of real property taxes associated with the Project Site; and

WHEREAS, the parties have negotiated the Financial Agreement, and the Mayor and Council have determined that it is appropriate to approve the execution of the Financial Agreement between it and the Entity; and

WHEREAS, the Borough makes the following findings in accordance with Section 11 of the LTTE Law with respect to the Project (as hereinafter defined):

1. Relative Benefits of the Project: In accordance with LTTE, specifically N.J.S.A. 40A:20-11(a), the Borough hereby finds and determines that this Agreement is a direct benefit to the health, safety, welfare and financial well-being of the Borough and its citizens. The Project will accelerate the redevelopment successful marketing and sales of the Project. Further, the Project will generate jobs, increase tax ratables and provide public improvements. When compared to the costs, if any, associated with the tax exemption, the Borough finds that the benefits outweigh the costs, recognizing that the Borough will retain ninety-five percent (95%) of the amount of the PILOT.

2. Assessment of the Importance of the Tax Exemption: In accordance with the LTTE Law, specifically N.J.S.A. 40A:20-11(a), the Borough hereby finds and determines that this Agreement is a critical incentive for the Entity to develop the Project. The tax exemption will facilitate the successful development of the Project by making the units more attractive to purchasers; thus, resulting in the development of the Project in an area that contains vacant and underutilized parcels for which the Borough has previously been seeking redevelopers. As a result, the decisions of the potential purchasers will be positively influenced by the tax exemption.

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

Section 1. The findings set forth above are hereby adopted and made part of this Ordinance.

Section 2. Pursuant to the authority granted to the Borough under the LTTE Law, this Ordinance approves the Application and authorizes the execution of the Financial Agreement with Haven at Sea Bright Urban Renewal, LLC for a 15-year tax exemption with respect to the construction of a residential Project in the Redevelopment Area, pursuant to the Redevelopment Plan and Redevelopment Agreement.

Section 3. The Mayor is authorized to execute the Financial Agreement in substantially the form attached to the Application.

Administrator Verruni and Attorney Shaklee advised Mayor Kelly to carry Ordinance No. 07-2023 to the May 16th since there are still discussions about the details of the ordinance.

Introduction: Mayor Kelly to read the ordinance by title:

ORDINANCE NO. 07-2023
AN ORDINANCE OF THE BOROUGH OF SEA BRIGHT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING IN FULL, CHAPTER 175 “SMALL CELL WIRELESS FACILITIES” OF THE CODE OF THE BOROUGH OF SEA BRIGHT AND ESTABLISHING PROCEDURES AND STANDARDS REGARDING DEPLOYMENT OF SMALL WIRELESS FACILITIES IN PUBLIC RIGHTS-OF-WAY IN THE BOROUGH OF SEA BRIGHT

Councilmember Catalano offered a motion to carry the introduction of Ordinance No. 07-2023 to the May 16, 2023 Council meeting; seconded by Councilmember Keeler:

Roll Call: Bieber, Booker, Catalano, Gorman, Keeler, Lamia
Yes Yes Yes Yes Yes Yes

INDIVIDUAL ACTION/New Business:**Vouchers: \$ 1,134,818.33**

Councilmember Booker offered a motion to approve the Voucher List dated May 2, 2023 as submitted by the Finance Manager; seconded by Councilmember Catalano:

Roll Call:	Bieber,	Booker,	Catalano,	Gorman,	Keeler,	Lamia
	Yes	Yes	Yes	Yes	Yes	Yes
2790						
	ACB SERVICES, INC.					
23-00412	04/13/23	Buildings & Grounds		Open		3,888.73
2703						
	ACTION UNIFORM CO.					
23-00385	04/11/23			Open		288.00
01042						
	ATLANTIC TOMORROWS OFFICE					
23-00470	04/28/23	A&E		Open		1,258.34
01631						
	BOROUGH OF OCEANPORT					
23-00459	04/26/23	COURT		Open		6,500.00
2555						
	CJM ASSOC. OF SEA BRIGHT					
23-00457	04/26/23	LEASE		Open		500.00
01801						
	COLLIER ENGINEERING & DESIGN					
22-00225	02/22/22	ENGINEER		Open		196.25
2540						
	DOG WASTE DEPOT					
23-00144	02/03/23	Streets & Roads		Open		299.98
2444						
	EAST COAST EMERGENCY LIGHTING					
22-01230	11/04/22			Open		18,972.76
00506						
	FARMER, JANE					
23-00434	04/25/23	LIBRARY		Open		63.96
2833						
	FEDERAL RENT A FENCE					
23-00452	04/26/23	Streets & Roads		Open		201.00
01817						
	FINEGAN, GEORGE					
23-00467	04/27/23	ANIMAL		Open		553.94
01016						
	FIORE PAVING, INC.					
23-00463	04/27/23	ROAD PROGRAM		Open		89,661.18
01720						
	FIREFIGHTER ONE, LLC					
23-00347	03/28/23	OEM		Open		232.50
2879						
	FORSMAN, JACK					
23-00436	04/25/23	BEACH		Open		183.38
02101						
	GANNETT NJ NEWSPAPERS					
23-00432	04/25/23	CLERK		Open		120.12
23-00433	04/25/23	PLAN BRD		Open		15.84
23-00468	04/27/23	BLDGS & GRDS		Open		33.44

						169.40
2710						
	HOLMDEL TOWNSHIP					
23-00458	04/26/23	FISCAL		Open		3,567.17
01285						
	HOME DEPOT CREDIT SERVICES					
23-00383	04/11/23	Buildings & Grounds		Open		78.38
00297						
	JESSE A. HOWLAND & SONS, INC.					
23-00456	04/26/23	LEASE		Open		1,705.00
00108						
	LEON S. AVAKIAN, INC.					
23-00471	04/28/23	ENGINEER		Open		2,150.00
01854						
	MONMOUTH COUNTY BOARD/TAXATION					
23-00430	04/25/23	TAX ASSESSOR		Open		548.17
02045						
	MONMOUTH COUNTY SPCA					
23-00445	04/26/23	ANIMAL		Open		325.00
00339						
	NAPA AUTO PARTS CENTER					
23-00417	04/13/23	Beach		Open		87.98
01399						
	NEW JERSEY AMERICAN WATER					
23-00469	04/27/23	WATER		Open		159.00
00672						
	NJ DEPT OF COMMUNITY AFFAIRS					
23-00437	04/25/23	BLDG DEPT		Open		2,104.00
00113						
	NJ NATURAL GAS COMPANY					
23-00473	04/28/23	NAT GAS		Open		1,963.37
01309						
	OCEANPORT BOARD OF EDUCATION					
22-00760	06/28/22	SCHOOL TAX		Open		116,523.42
01207						
	PFEIFFER, CHRISTINE					
23-00431	04/25/23	CLERK		Open		63.42

REGULAR MEETING**MAY 2, 2023**

2290	PORZIO, BROMBERG & NEWMAN		
23-00472	04/28/23 LEGAL SERVICES	Open	4,720.20
2618	RIVISTAS SUBSCRIPTION SERVICE		
23-00348	03/28/23 LIBRARY	Open	1,402.90
00244	SEA BRIGHT FIRST AID, INC.		
23-00460	04/26/23 FIRST AID	Open	18,000.00
01027	SHORE BUSINESS SOLUTIONS		
23-00440	04/26/23 COPIERS	Open	171.00
23-00441	04/26/23 COPIER	Open	241.59

			412.59
00053	SHORE REGIONAL HIGH SCHOOL		
22-00758	06/28/22 SCHOOL TAX	Open	181,370.18
02225	STAPLES ADVANTAGE		
23-00416	04/13/23 Office Supplies	Open	364.06
00523	TREASURER, COUNTY OF MONMOUTH		
23-00442	04/26/23 TAX	Open	68,826.83
00439	TREASURER, COUNTY OF MONMOUTH		
23-00443	04/26/23 TAX	Open	39,922.55
00223	TREASURER, COUNTY OF MONMOUTH		
23-00444	04/26/23 TAX	Open	531,197.12
01243	TREASURER, STATE OF NEW JERSEY		
23-00438	04/26/23 FEMA OVERPAYMENT	Open	33,018.84
2658	VERIZON		
23-00462	04/27/23 PHONE	Open	414.86
23-00464	04/27/23 PHONE	Open	68.91
23-00465	04/27/23 PHONE	Open	216.31

			700.08
02061	VERIZON WIRELESS		
23-00461	04/27/23 OEM	Open	1,478.96
2682	WHEN TO WORK, INC.		
23-00435	04/25/23 BEACH	Open	360.00
00877	WITMER ASSOCIATES, INC.		
22-01222	11/04/22 Replacement Hose	Open	320.00

TOTAL: \$ 1,134,338.64**Manual Checks**

23-00466	NJ DEPT OF LABOR	\$479.69
4/27/2023	UNEMPLOYMENT PAYMENT	

TOTAL: \$ 479.69**GRAND TOTAL: \$ 1,134,818.33****MAYOR AND COUNCIL COMMENTS**

Councilman Keeler reported that the First Aid Blood Drive event that was held today was a success and was very well organized – they had 37 donors. Councilman Lamia commented that everyone involved with organizing the event did a great job. Councilman Keeler spoke with our court clerk and the Judge – both are pleased with the way the court is operating. Per State directive, the court will continue to hold virtual court sessions, although the Judge is looking forward to returning to in-person sessions in the future.

Councilwoman Gorman thanked Councilman Lamia and Councilman Bieber for painting the recreation center – it looks great and their efforts are really appreciated. Councilman Lamia stated that they still have some work but now they can focus on programs. Councilwoman Gorman explained that she is creating a google form so residents can sign up to receive notifications on rec programs and other events. Also, we are still looking for volunteers to man the game booths at the Fireman’s Fair – proceeds will go to the recreation department.

Councilman Bieber reported on behalf of the Administration and Code Enforcement Committees, he held a meeting to discuss resident parking concerns which went well. The Chief put together an information sheet with improvements and recommendations that will be distributed when parking passes are picked up.

Councilman Lamia stated that he and Mr. Verruni have been working on improving drainage on the bump outs – in particular drainage issues on River Street.

Mayor Kelly provided a school regionalization update - the bi-lateral negotiations went well with Highlands and Atlantic Highlands in their mediation session. There have been a lot of ups and downs but we are finally getting closer to a referendum in all three towns.

EXECUTIVE SESSION

Councilmember Booker offered the following resolution and moved its adoption; seconded by Councilmember Keeler:

WHEREAS, Section 8 of the Open Public Meeting Act, N.J.S.A. 10:4-12 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, it is recommended by the Borough Attorney and Administrator that the Borough Council go into executive session to discuss matters set forth hereinafter which are permissible for discussion in executive session.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, that they meet in closed session to discuss the issues as herein set forth:

1. The general nature of the subject matters to be discussed are as follows:

- A. Contracts

BE IT FURTHER RESOLVED, minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes can be made public; and

BE IT FURTHER RESOLVED, that the Mayor and Council may come back into Regular Session to conduct additional business.

Roll Call:	Bieber,	Booker,	Catalano,	Gorman,	Keeler,	Lamia
	Yes	Yes	Yes	Yes	Yes	Yes

ADJOURNMENT

Councilmember Catalano offered a motion to adjourn the meeting; seconded by Councilmember Gorman:

Roll Call:	Bieber,	Booker,	Catalano,	Gorman,	Keeler,	Lamia
	Yes	Yes	Yes	Yes	Yes	Yes

Respectfully Submitted,

Christine Pfeiffer
Borough Clerk