

**MINUTES
REGULAR MEETING
BOROUGH OF SEA BRIGHT**

JULY 18, 2023

SEA BRIGHT, NEW JERSEY

TO ATTEND THIS MEETING REMOTELY PLEASE USE THE FOLLOWING:

<https://meet.goto.com/979486501>

OR DIAL: (224) 501-3412

Access Code: 979-486-501

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 Michael Bascom, Borough Clerk Christine Pfeiffer

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

Minutes

06-15-2023	Workshop Meeting
06-15-2023	Executive Session
06-20-2023	Regular Meeting

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

Resolutions:

No. 120-2023 Authorizing Contract Extension for Solid Waste and Recyclable Materials Collection and Disposal Services

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

WHEREAS, the Mayor and Council of the Borough of Sea Bright approved Resolution No. 160-2019 on October 15, 2019, awarding a contract for the collection of Municipal Solid Waste, Bulk and Recyclable materials to Suburban Disposal Inc., Fairfield, NJ; and

WHEREAS, the solid waste contract was for three years, commencing on November 1, 2019 and ending on October 31, 2022 with the option of two one-year renewals beginning November 1, 2022; and

WHEREAS, by way of Resolution No. 144-2022 approved on July 19, 2022, the Borough Council authorized the first one-year extension option which expires October 31, 2023, and wishes to exercise the second and final one-year extension to continue the service for the collection of Municipal Solid Waste, Bulk and Recycling with Suburban Disposal Inc. for an amount not to exceed \$245,000.00.

CERTIFICATION OF FUNDS

I, Michael J. Bascom, Chief Financial Officer of the Borough of Sea Bright, do hereby certify that funds are available in the 2023 Budget Line Item 3-01-26-305-245 and will be allocated in the 2024 Budget for the purposes stated herein.


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, does hereby authorize a one (1) year extension (November 1, 2023 – October 31, 2024) of the contract with Suburban Disposal Inc. of Fairfield, New Jersey for the collection of Municipal Solid Waste, Bulk and Recycling in accordance with the provisions on the attached payment schedule; and

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

- 1. Borough Attorney
- 2. Finance Manager
- 3. Fiscal Officer
- 4. DPW Director

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

No. 121-2023 Authorizing Grant Application to NJDOT for Fiscal Year 2024

Councilmember Booker offered the following resolution and moved its adoption, which was seconded by Councilmember Bieber:

WHEREAS, the State of New Jersey, Department of Transportation has notified all municipalities of the availability of funding under the Transportation Trust Fund Municipal Aid Program for the Fiscal Year 2024, and

WHEREAS, the Borough of Sea Bright is desirous of submitting an application under this program for the following purpose:

- Improvements to Via Ripa Way and South Way

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of Borough of Sea Bright, County of Monmouth, State of New Jersey, formally approves the grant application for the above stated project; and

FURTHER BE IT RESOLVED that the Borough Engineer, Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application identified as MA – 2024 – Improvements to Via Ripa Way and Sou - 00540 to the New Jersey Department of Transportation on behalf of the Borough of Sea Bright; and

FURTHER BE IT RESOLVED that the Mayor and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Sea Bright and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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

No. 122-2023 Authorizing Leon S. Avakian Inc. to Provide Professional Engineering Services for the Bulkhead Improvement Initiative – Phase I

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

WHEREAS, the Borough of Sea Bright has a substantial interest in protecting the health, safety and welfare of its residents; preserving the public use and enjoyment of navigable waterways and waterfront property; and in limiting erosion by tidal forces in the Borough; and

WHEREAS, the Borough Council adopted Ordinance No. 09-2020 on October 20, 2020, to establish bulkhead maintenance regulations to ensure the preservation of safe and protective bulkheads to better protect the Borough from persistent flooding; and

WHEREAS, the Borough Council has determined an estimated cost and phasing approach to build new, repair, replace or elevate bulkheads on the waterfront properties to create one continuous bulkhead – Phase I of the project would begin in the downtown area between Osborne Place and the Sea Bright/Rumson bridge; and

WHEREAS, the Borough Council is in need of professional engineering services associated with the bulkhead improvement project for Phase I of the project which includes the downtown area between Osborne Place and the Sea Bright/Rumson bridge; and

WHEREAS, the Borough Engineer, Gregory S. Blash of Leon S. Avakian, Inc., submitted a proposal dated June 14, 2023, for professional engineering services for Phase I of the proposed bulkhead project which would consist of surveying field work, information gathering necessary for the preparation of a preliminary alignment design of the proposed bulkhead as well as the vertical design of the sheet pile wall and other necessary items for submission of applicable grants, as outlined in the proposal attached hereto; and

WHEREAS, the fee for Phase I of the Bulkhead Improvement Project is an amount not to exceed \$100,000.00.

CERTIFICATION OF FUNDS

I, Michael J. Bascom, Chief Financial Officer of the Borough of Sea Bright, do hereby certify that funds in the amount of \$100,000.00 will be available in Bond Ordinance No. 09-2023 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 the Borough Council hereby approves the proposal submitted by Borough Engineer, Gregory S. Blash of Leon S. Avakian, Inc. dated June 14, 2023 for professional engineering services associated with Phase I of the Bulkhead Improvement Initiative, for the sum of \$100,000.00; and

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

- 1. Gregory S. Blash
- 2. Finance Manager

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

No. 123-2023 Consideration of Bid Received for Construction of a Viewing Platform on Beach Street

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

WHEREAS, on April 18, 2023 the Borough Council of the Borough of Sea Bright authorized the receipt of bids for the Construction of a viewing platforms on Beach Street; and

WHEREAS, the Borough Clerk did duly advertise on June 30, 2023, to receive bids on July 13, 2023 for the Construction of a viewing platform on Beach Street; and

WHEREAS, in connection therewith, one (1) bid was received from Seacoast Construction, East Brunswick, NJ in the amount of \$88,000.00; and

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

WHEREAS, the Borough Council finds that it is necessary to reject the aforementioned bid and wishes to re-advertise for bids for the construction of a viewing platform on Beach street.

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 bid proposal received from Seacoast Construction in the amount of \$88,000.00 for the construction of a viewing platform on Beach Street be and is hereby rejected; and

BE IT FURTHER RESOLVED that the Borough Clerk be and is hereby authorized and directed to re-advertise for the receipt of sealed bids for the construction of a viewing platform on Beach Street on a date to be determined; and

BE IT FURTHER RESOLVED that the Borough Clerk is hereby authorized to return the bid bond and/or certified check received from the bidder; and

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

- 1. Seacoast Construction
- 2. Bill White, Colliers Engineer

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

No. 124-2023 Donation Of 2024 Beach Badges

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

WHEREAS, the Governing Body of the Borough of Sea Bright wish to support the fundraising efforts for the local organization listed below by donating two (2) 2024 beach badges as requested:

- 1. Catholic Daughters of the Americas **2 Badges**
Fundraising Event – October 28, 2023

WHEREAS, the Borough Auditor has been informed and advised that a resolution should be considered in order to donate 2024 Season Beach Badges.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey authorize the donation of two (2) 2024 Season Beach Badges to the aforementioned charitable organization; and

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

- 1. Borough Administrator
- 2. Borough Auditor
- 3. Individual Requestor

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

No. 125-2023 A Resolution of the Borough of Sea Bright Commemorating the 250th Anniversary of the Establishment of the United States as an Independent Nation

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

WHEREAS, 2026 marks the 250th anniversary of the founding of the United States of America; and

WHEREAS, to observe this momentous occasion, the [U.S. Semiquincentennial Commission](#), established by Congress ([P.L. 114-196](#)) in 2016, and it’s supporting non-profit America250, will plan and commemorate on a national level the celebration of our nation’s semiquincentennial; and

WHEREAS, New Jersey played a significant role during the American Revolution when it saw more battles and skirmishes than any other state and was truly the Crossroads of the American Revolution; and

WHEREAS, Governor Philip Murphy and the New Jersey State Legislature in 2018 authorized the creation of a program to plan, encourage, develop, and coordinate the commemoration of the 250th anniversary of the founding of the United States, New Jersey’s pivotal role in the American Revolution, and the contributions of its diverse peoples to the nation’s past, present, and future; and

WHEREAS, the New Jersey Historical Commission, under the leadership of Secretary of State Tahesha Way, with its non-profit partner Crossroads of the American Revolution established RevolutionNJ to advance the role that history plays in public discourse, community engagement, education, tourism, and scholarship in New Jersey; and

WHEREAS, RevolutionNJ will engage New Jerseyans in all 21 counties and 564 municipalities through its officially recognized programs, initiatives, and events; and

WHEREAS, Monmouth County also has a rich history integral to the independence effort, including the critical Battle of Monmouth; and

WHEREAS, Monmouth County Board of County Commissioners has established by way of resolution, Monmouth County’s Committee that will commemorate our nation’s semiquincentennial, highlighting Monmouth County’s role in the fight for independence, and will coordinate events and activities throughout Monmouth County, working with public and private entities; and

WHEREAS, it is fitting and desirable that we commemorate the beginning of our great nation and the role New Jersey and Monmouth County have played over the past 250 years, as well as its present and future role as part of the United States, with particular focus on the individuals, ideas, and events that shaped our Country, State, County and Borough; and

WHEREAS, preserving, studying, celebrating and enjoying our history strengthens our communities by way of building bonds amongst our residents, engages our youth in the education about our nation and it’s founding principles, improves our economies by promoting our unique history and attracting visitors to our community.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Sea Bright hereby endorses RevolutionNJ and its mission to advance the role that history plays in public discourse, community engagement, education, tourism and scholarship in New Jersey.

IT IS FURTHER RESOLVED that:

1. The Borough Council commemorates the 250th anniversary of the establishment of the United States as an independent Nation.
2. The Borough Council hereby authorizes the appointment of a committee to develop a plan for this commemoration that will coordinate with the federal, state and county celebration committees and will promote the maximum involvement of our residents, neighborhoods, businesses, schools, historical and civic organizations, and institutions in the commemorations.
3. The Borough Council further urges all its residents to reflect upon the significance of this event and the role that our State, County and Borough and its people have played in the history and development of our Nation and to participate in this important commemoration, endeavoring to include the stories of all those whose lives are part of history, and understanding that the revolution continues today as we uphold the ideals articulated in our founding documents.

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:

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 Keeler offered a motion to open the public hearing on Ordinance No. 07-2023; seconded by Councilmember Booker:

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

Public Hearing (Ord. No. 07-2023)
No one wished to be heard.

Councilmember Keeler offered a motion to close the public hearing on Ordinance No. 07-2023; 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 Ordinance No. 07-2023 and advertise according to law; seconded by Councilmember Keeler:

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

WHEREAS, the wireless telecommunications industry has expressed interest in submitting applications to utilize space in public rights-of-way within THE BOROUGH OF SEA BRIGHT (“Sea Bright” or the “Borough”) for the installation of small cell wireless telecommunications facilities (hereinafter “Small Wireless Facilities”) in connection with the industry’s efforts to expand and/or upgrade existing 4G services and as part of the construction of a nation-wide 5G network; and

WHEREAS, the BOROUGH OF SEA BRIGHT encourages wireless infrastructure investment and wishes to provide a fair and predictable process for the deployment of Small Wireless Facilities while preserving the Borough’s ability to manage public rights-of-way in the overall interests of the public health, safety and welfare; and

WHEREAS, the BOROUGH recognizes that as usage of wireless technologies continues to rapidly increase, Small Wireless Facilities will be critical to delivering wireless access to advanced technologies, broadband services and 911 services to residences, businesses, schools and individuals within the Borough; and

WHEREAS, the BOROUGH recognizes that Small Wireless Facilities often are most effectively deployed in public rights-of-way; and

WHEREAS, multiple installations of Small Wireless Facilities within the public right-of-way can impact property values, create traffic and pedestrian safety hazards, impact shade trees where proximity conflicts may require trimming of branches or require removal of roots and create visual and aesthetic blights all of which can negatively impact the quality and character of life within the Borough; and

WHEREAS, the BOROUGH wishes to preserve the aesthetics of the community by encouraging the location of 5G equipment on existing or previously approved infrastructure; and

WHEREAS, a September 2018 Ruling and Order of the Federal Communications Commission (“FCC”) provides that all local jurisdictions must comply with various restrictions on the exercise of local aesthetic, zoning, public works and fees when dealing with Small Wireless Facility installation siting applications by the effective date of the Order which was January 14, 2019. The FCC Order further provided that all local agencies should be capable of fully implementing its provisions within 180 days of its adoption which was on September 26, 2018. The Order also includes modifications to “shot clocks” which require local governments to approve or deny applications within certain expedited periods of time; and

WHEREAS, the BOROUGH needs to amend its ordinances to address the legal and practical issues that arise in connection with multiple Small Wireless Facility installations deployed in the public rights-of-way; and

WHEREAS, in light of the foregoing, this governing body is of the opinion that the adoption of this Ordinance and its immediate implementation are in the best interest of the BOROUGH and the health, safety and welfare of its residents and visitors.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the BOROUGH OF SEA BRIGHT, County of Monmouth, State of New Jersey, as follows:

SECTION ONE. The Code of the Borough of Sea Bright, Part II, “General Legislation”, be and as hereby amended and supplemented to add Chapter 175 “Small Cell Wireless Facilities,” to read in full as follows:

175-1. Definitions.

- A. All definitions of words, terms and phrases that are set forth in the Communications Act of 1934, P.L. 73-416, as amended by various statutory enactments including, but not limited to, the Telecommunications Act of 1996 P.L. 104-104, are incorporated herein and are made apart hereof.
- B. All definitions of the words, terms and phrases that are set forth in the portion of the Middle-Class Tax Relief and Job Creation Act of 2012, P.L. 112-96, as codified in 47 U.S.C. § 455, are incorporated herein and are made a part hereof.
- C. All definitions of words, terms and phrases that are set forth in the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1, *et. seq.*, are incorporated herein and are made apart hereof.

- D. All of the definitions of words, terms and phrases that are set forth in the Code of Federal Regulations at 47 C.F.R. § 1.6002, as amended, are incorporated herein and are made a part hereof.
- E. In addition to the foregoing, the following words, terms and phrases shall have the meanings indicated unless an alternate meaning clearly is discernable from the context in which the word, term or phrase is used:
- Personal Wireless Services***
“Personal Wireless Services,” as defined in 47 U.S.C. § 332(c)(7)(C), as supplemented and/or as amended to mean commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services.
- Public Right-of-Way***
The surface, the airspace above the surface and the area below the surface of any street, road, highway, lane, alley, boulevard or drive, including the sidewalk, shoulder and area for utilities owned by the Borough of Sea Bright within an easement to the public or other easement owned by the Borough of Sea Bright
- Replacement Pole***
A pole which replaces an Existing Pole shall be considered a new pole. A New Pole shall be a concealment pole.
- Small Wireless Facility***
“Small Wireless Facility,” as defined in the Code of Federal Regulations at 47 C.F.R § 1.6002(1), as supplemented and/or as amended.
- Concealment-Pole***
A decorative concealment pole that conceals, three Small Wireless Facility installation(s) and may include other features such as street lighting, 911 call service access, public access Wi-Fi and surveillance cameras. The pole should be of an inherently rust-resistant material (i.e. aluminum alloys or stainless steel). A Concealment Pole must allow for multiple occupants and allow space for municipal use for other services and/or equipment. Concealment Poles shall be built with the capability to house three carriers within the base of the pole. Concealment Poles should be a maximum of 55 feet. Concealment Poles shall neither have external latches, external hinges, external cabling, nor external antennas. All 5G equipment shall be housed internally within the pole. Use of wooden poles is not permitted.
- F. In the event that a term, word or phrase is not defined in any of the aforementioned statutes and is not otherwise defined herein then that term, word or phrase shall have its common, ordinary meaning.

175-2. Small Wireless Facility Siting Permit Required; Consent to Use Rights-of-Way Required.

- A. No person shall place a Small Wireless Facility in any right-of-way without first filing a Small Wireless Facility siting permit application, in the form specified herein and in accordance with the procedures specified herein, with the Borough Clerk and obtaining a siting permit therefore, except as otherwise may be provided in this ordinance. Upon approval of a siting permit application, the siting permit authorizing placement of a Small Wireless Facility in a public right-of-way shall not be issued by the Borough Clerk to any Applicant unless:
1. All siting permit application fees and escrow fees, as established herein, have been paid; and
 2. All other governmental permits or other governmental approvals that are required for the deployment(s) proposed by the Applicant’s siting permit application under Chapter 382, Article V, Street Openings, of the Code of the Borough of Sea Bright, and by any other applicable federal, state or municipal law have been issued by the appropriate issuing authority therefore to the Applicant and the Applicant has supplied copies of such other permits or approvals to the Borough Clerk for inclusion with the Applicant’s application documents; and

3. The Applicant has entered into a “Right-of-Way Use Agreement,” the approved form of which is set forth in Appendix “A” to this ordinance, with the Borough. The approved form of “Right-of-Way Use Agreement” may from time-to-time be revised, supplemented or otherwise amended or replaced. All such revisions, supplements, amendments or replacements shall be approved by Resolution of the Borough Council. The Borough Clerk shall maintain on file the currently approved Right-of-Way Use Agreement version and shall provide a copy to all siting permit applicants. Minor deviations to the terms and conditions that are set forth in the approved form of Right-of-Way Use Agreement may be approved by Borough Council at the time that it grants consent to use a right-of-way to a siting permit Applicant.
- B. No siting permit authorizing placement of a Small Wireless Facility in a public right-of-way shall be issued to any Applicant unless Borough Council, in the manner prescribed by applicable laws of the State of New Jersey, has granted to the siting permit Applicant its consent to use public rights-of-way within the Borough. No siting of a Small Wireless Facility shall be permitted within five hundred (500) feet of another Small Wireless Facility unless it can be established by clear and convincing evidence that co-location on an existing or previously approved Small Wireless Facility is not feasible. Any claims of carriers of technical incompatibility or inability to collocate need to be proven by the carrier, not disproven by the municipality. Responsibility for judging proof of said claims lies solely with the municipality and/or its chosen representative(s).

175-3. Installation of New Structures; Installation on Existing Structures.

- A. No application for a Small Wireless Facility siting permit shall be approved if the application proposes the deployment of a Small Wireless Facility upon an existing structure in a right-of-way unless the structure is one of the types of Concealment Poles that are set forth in Section One: Definitions to this ordinance and such Concealment Pole specifically is designed to accommodate the reasonable and customary equipment necessary for a Small Wireless Facility installation which will accommodate at least three carriers per Small Wireless Facility deployment.
- B. No Small Wireless Facility shall be installed upon any new structure within any right-of-way unless the new structure is one of the pre-approved types of Concealment Poles that are identified in Section One: Definitions to this ordinance. A replacement pole is a new structure and must be a metal concealment pole capable of housing three carriers within the internal housing unit.

No application for a Small Wireless Facility siting permit shall be approved if the application proposes the deployment of a Small Wireless Facility in an area other than those specific locations set forth within the Borough’s Wireless Siting Plan, which can be found on file with the Office of the Borough Clerk. All Small Wireless Facilities must be placed within a 50 ft. radius of those specific locations set forth on the Borough’s Wireless Siting Plan unless a waiver is granted pursuant to Section 175-5G. No more than one (1) Concealment Pole shall be permitted per intersection or block if the Siting Plan calls for the deployment of a Small Wireless Facility at any location other than an intersection, unless otherwise specified within the Wireless Siting Plan or a waiver is granted pursuant to Section 175-5G. No Concealment Poles shall be located within 500 ft. of another unless a waiver is granted pursuant to Section 175-5G.

175-4. Siting Permit Application Process.

- A. Application Filing. An application for a siting permit to place one or more Small Wireless Facility within a right-of-way shall be made on forms which shall be available from the Office of the Borough Clerk. The application, along with the required application fee and the required escrow fee, shall be filed with the Borough Clerk. Immediately upon receipt of an application, the Borough Clerk shall provide copies of the application and all supporting documents that were submitted by the Applicant with the application, to the Borough Engineer, the Construction Official and the Borough Attorneys.

- B. Application Form. The Small Wireless Facility siting permit application shall be made by a provider of personal wireless services, or its duly authorized representative as noted in a notarized statement from the provider of personal wireless services on whose behalf the representative is acting, and shall contain the following:
1. The Applicant's name, address, telephone number and e-mail address.
 2. The names, addresses, telephone numbers, and e-mail addresses of all consultants, if any, acting on behalf of the Applicant with respect to the filing of the Application.
 3. A description of the proposed Small Wireless Facility, existing structure and new structure work to be performed. The scope and detail of such description shall be appropriate to the nature and character of the work to be performed, with particular emphasis on those matters, including, but not limited to, subservice utilities likely to be affected or impacted by the work proposed along with a description of such other governmental permits or approvals as may be required by applicable law with respect to the proposed installation(s) and a description of such other permits or approvals for which the Applicant has applied.
 4. Authorization for any consultant acting on behalf of the Applicant to speak with the Borough, or a designee of the Borough, for the Applicant even if the Applicant cannot be available.
 5. Verification from an appropriate professional that the Small Wireless Facility shall comply with all applicable federal, state and local laws, administrative regulations and codes.
 6. The Applicant shall certify that they shall market the availability of approved facilities to all major wireless carriers in the marketplace. The Applicant shall further certify that they will encourage, manage and coordinate the location and placement of any interested carrier's equipment on their structure.
 7. The Applicant shall certify that the poles are built to allow three (3) carriers to utilize the same pole. The Applicant shall certify that the poles will not be taller than 55 feet. The Applicant shall also verify that the proposed pole being built can accommodate three total carrier without having to be replaced.
 8. The Applicant shall certify that if the pole location is found to be in a high traffic and/or sensitive area as determined by the Borough, the Applicant will place a pole in another location.
 9. The Applicant shall certify that it will take down and remove from any pole or other structure any equipment or wires that are deactivated and no longer working.
 10. The Applicant shall certify that the location of all poles will be no closer than five-hundred (500) feet apart. Should a carrier successfully scientifically demonstrate that acceptable coverage cannot be achieved with 500 feet spacing, such carrier may make an application for a waiver.
 11. The Applicant shall certify the location and number of internal housing units needed for their poles in the Borough of Sea Bright. All poles shall have the capability to house three (3) carriers within one pole at the time of installation.
 12. The Applicant shall procure any and all necessary State and/or local permits required for placement of poles in the Borough of Sea Bright.
 13. An Applicant seeking to deploy a network of Small Wireless Facilities, all of which are to be located in rights-of-way, may file a batched application for up to twenty-five (25) Small Wireless Facilities and receive a single siting permit for multiple Small Wireless Facilities.
 14. A certification that the Applicant shall remove the Small Wireless Facility, including any equipment or wires, when it is no longer in use.

175-5. Procedure on Permit Application; No Exclusive Rights.

- A. The Borough shall review the application for a Small Wireless Facility siting permit in light of its conformity with the provisions of this Ordinance, and shall approve a siting permit on nondiscriminatory terms and conditions subject to the following requirements:
1. Within thirty (30) days of receiving an Application, the Borough Clerk shall determine and notify the Applicant:
 - a. Whether the Application is complete;
 - b. If the Application is incomplete, what specific information is missing; and
 - c. Whether the deployment of the Small Wireless Facilities as proposed requires the Applicant to apply for other permits, such as a street opening permit or construction permit, for which the Applicant has not yet applied. No Small Wireless Facility siting permit application shall be deemed complete until the Applicant has applied for all other permits and approvals required by all other laws and regulations that are applicable to the Applicant's proposed Small Wireless Facility deployment
- B. The Borough shall make its final decision to approve or deny the Application within the following timeframes:
- a. Sixty (60) days from the submission of a complete application to install a Small Wireless Facility upon one or more existing structures.
 - b. Ninety (90) days from the submission of a complete application to install a Small Wireless Facility upon one or more new structures.
 - c. Ninety (90) days from the submission of a complete batched application to install Small Wireless Facilities upon both existing and new structures.
- The timeframes described above by which an application shall be either approved or denied may be extended by mutual consent of the Applicant and Borough. Such consent shall be set forth on a form for such purposes which shall be available from the Office of the Borough Clerk. Such consent on behalf of the Borough shall be exercised by the Mayor in his/her reasonable discretion.
- C. The Borough Clerk shall notify the Applicant in writing of the final decision, and if the Application is denied it shall specify the basis for denial; and Cite such specific provisions, as to why the Application was denied.
- D. Notwithstanding an initial denial, the Applicant may cure any deficiencies identified by the Borough within thirty (30) days of the denial without paying an additional application fee, provided the Borough Clerk shall approve or deny the revised application within thirty (30) days of receipt of the amended application. Any denial shall be limited to the deficiencies specified in the original notice of denial.
- E. If the Borough fails to act upon an application within the timeframes prescribed by this section, the Applicant may provide written notice to the Borough that the application review and decision period has lapsed. Upon receipt of such notice, Borough Council, by resolution adopted no later than its second regularly scheduled public meeting next following receipt of the notice, shall either deny the application or direct that the siting permit shall be approved and issued. Nothing in this paragraph is intended in any way to impact any other right or remedy that may be available to the Applicant under applicable federal or state law if the Borough fails to act upon an application within the timeframes prescribed by this section.
- F. A siting permit from the Borough authorizes an Applicant to undertake only certain activities in accordance with this ordinance. No approval or consent granted, or siting permit issued, pursuant to this ordinance shall confer any exclusive right, privilege, license or franchise to occupy or use any public right-of-way within the Borough of Sea Bright for the delivery of telecommunications services or for any other purpose.

- G. Waiver: The Borough Engineer may waive any siting standard set forth in this Chapter if the carrier can scientifically demonstrate strict enforcement will prohibit or have the effect of prohibiting any interstate or intrastate telecommunications service or personal wireless service. Claims of technical incompatibility or inability to collocate need to be proven by the carrier, not disproven by the Borough. Responsibility for judging proof of said claims lies solely with the municipality and/or its chosen representative(s).

175-6. Duration.

No siting permit issued under this ordinance shall be valid for a period longer than twelve (12) months unless construction has actually begun and continuously and diligently is pursued to completion. Upon written request from the Applicant, the Mayor, upon consultation with the Construction Official, may extend the siting permit for a period of up to twelve (12) months so long as construction has begun at the time that the Applicant's request for an extension is made.

175-7. Routine Maintenance and Replacement.

A Small Wireless Facility siting permit shall not be required for:

- A. Routine maintenance of a Small Wireless Facility.
- B. The replacement of a Small Wireless Facility with another Small Wireless Facility that is substantially similar or smaller in size, weight and height to the Small Wireless Facility that is being replaced.
- C. Provided, however, that on a location where the Borough and/or another provider has placed equipment or facilities, any routine maintenance or replacement that is done shall not occur until written authorization from the Borough and/or the other provider, as the case may be, to proceed is provided to the Borough, which authorization to proceed shall not unreasonably be withheld by the Borough and/or the other provider.
- D. Provided further that if the replacement of a Small Wireless Facility with another Small Wireless Facility includes replacement of the structure to which the Small Wireless Facility is attached then an application for a siting permit shall be required.

175-8. Application Fees.

- A. All applications for approval and issuance of a Small Wireless Facility siting permit pursuant to this ordinance shall be accompanied by a fee as follows:
 - 1. For applications that do not include the installation of any new structures within a right-of-way the application fee shall be \$500.00 for up to five (5) Small Wireless Facilities with an additional \$100.00 for each Small Wireless Facility beyond five (5).
 - 2. For applications that include the installation of a new structure within a right-of-way the application fee shall be \$1000.00 for up to five (5) Small Wireless Facilities with an additional \$100.00 for each Small Wireless Facility beyond five (5).

175-9. Escrow Fee for Third-Party Professionals and Consultants.

- A. In addition to the application fee, all applications for approval and issuance of a Small Wireless Facility siting permit shall be accompanied by an escrow fee as follows:
 - 1. For applications whose proposed Small Wireless Facility deployment(s) will not require a street opening permit pursuant to Chapter 182, of the Code of the Borough of Sea Bright: \$5,000.00.
 - 2. For applications whose proposed Small Wireless Facility deployment(s) will require a street opening permit pursuant to Chapter 182 of the Code of the Borough: \$7,500.00.
- B. The escrow account deposits are required to pay for the costs of professional services, including engineering, planning, legal and other third-party professional consulting expenses connected with the review of submitted materials, including any traffic

- C. engineering review or other special analyses related to the Borough's review of the materials submitted by the Applicant and the preparation of any reports or any necessary legal agreement regarding rights-of-way use. An Applicant is required to reimburse the Borough for all fees, costs and expenses of third-party professionals and consultants incurred and paid by the Borough for the review process of a Small Wireless Facility siting permit application, such as, but not limited to:
1. Professional fees for reviews by third-party professionals or consultants of applications, plans and accompanying documents;
 2. Issuance of reports or analyses by third-party professionals or consultants to the Borough setting forth recommendations resulting from the review of any documents submitted by the Applicant;
 3. Charges for any telephone conference(s) or meeting(s), including travel expenses, requested or initiated by the Applicant, the Applicant's attorney or any of the Applicant's experts or representatives;
 4. Review of additional documents submitted by the Applicant and issuance of reports or analyses relating thereto;
 5. Review or preparation of right-of-way use agreements, easements, deeds, right-of-way municipal consent ordinances or resolutions and any and all other like or similar documents; and
 6. Preparation for and attendance at all meetings by third-party professionals or consultants serving the Borough, such as the Borough Attorney, Borough Engineer and Borough Planner or other experts as required.
- D. The escrow account deposits shall be placed in a separate account by the Borough's Chief Financial Officer at the request of the Borough Clerk and an accounting shall be kept of each Applicant's deposit. Thereafter:
1. All third-party professional or consultant fees, costs, expenses and charges shall be paid from the escrow account and charged to the applicant;
 2. Upon either final denial of a Small Wireless Facility siting permit application or upon issuance of a Small Wireless Facility siting permit, any moneys not expended for third-party professional or consulting services shall be returned to the Applicant within 90 days upon written request by the Applicant and as authorized by the Borough Council;
 3. If at any time during the application review process 75% of the money originally posted shall have been expended, the Applicant shall be required to replenish the escrow deposit to 100% of the amount originally deposited by the Applicant;
 4. No Small Wireless Facility siting permit application shall be considered complete until such time as the required escrow fee has been posted to guarantee payment of third-party professional or consultant fees, costs, expenses and charges;
 5. All payments charged to the escrow deposit shall be pursuant to vouchers from the third-party professionals or consultants stating the hours spent, the hourly rate and the fees, costs, expenses and charges incurred;
 6. Third-party professionals and consultants submitting charges pursuant to this section shall be permitted to charge for such services at the same rates as they would charge their private clients for like or similar work provided that:
 - a. Professional fees are billed at rates that do not exceed such professional fees as are customarily charged by other like professionals and consultants performing similar work within Monmouth County; and
 - b. Out-of-pocket costs, expenses and charges are billed on a dollar-for-dollar basis with no mark-up being permitted;

- 7. The Borough shall render a written final accounting to the Applicant on the uses to which the escrow deposit was put. The written final accounting shall include copies of all vouchers that were submitted by third-party professionals and consultants and paid by the Borough.

175-10. Municipal Access to New Structures.

An Applicant whose siting permit includes the installation of any new Concealment Pole structure of any of the types that are defined in in Section One: Definitions to this ordinance shall provide the Borough with access to any of the technological features that are a component the new Smart Pole structure such as, for example, public access Wi-Fi, 911 call service or security cameras, before the Applicant offers such access to any other person or entity. Should the Borough decide to utilize any such technological features then the Borough, on an annual basis, shall reimburse the Applicant or the subsequent owner of the structure, the costs, on a dollar-for-dollar basis, of providing the Borough with such access. Such costs shall be limited to the costs of providing electricity to the components used by the Borough and the costs of any repairs required to be made to the components used by the Borough, unless the repair costs are necessitated by the acts of the Applicant or subsequent owner of the structure, without regard to whether such acts are negligent or intentional.

SECTION TWO. All Ordinances or parts of Ordinances inconsistent with this Ordinance, to the extent of such inconsistencies only, be and the same hereby are repealed.

SECTION THREE. Should any section, paragraph, clause or other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect or impair the remainder of this Ordinance.

SECTION FOUR. This Ordinance shall take effective immediately upon final passage and publication as provided by law.

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

CAPITAL ORDINANCE NO. 09-2023
BOROUGH OF SEA BRIGHT
AN ORDINANCE PROVIDING FUNDING FOR PRELIMINARY DESIGN
EXPENSES FOR THE BULKHEAD IMPROVEMENT PROJECT FOR THE BOROUGH
OF SEA BRIGHT AND APPROPRIATING \$100,000 FOR SUCH PURPOSE.

Councilmember Bieber offered a motion to open the public hearing on Ordinance No. 09-2023; seconded by Councilmember Booker:

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

Public Hearing (Ord. No. 09-2023)
No one wished to be heard.

Councilmember Bieber offered a motion to close the public hearing on Ordinance No. 09-2023; seconded by Councilmember Keeler:

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

Councilmember Bieber offered a motion to adopt Ordinance No. 09-2023 and advertise according to law; seconded by Councilmember Booker:

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 AND STATE OF NEW JERSEY, AS FOLLOWS:

Section 1. The Borough of Sea Bright, in the County of Monmouth, New Jersey, authorizes for preliminary design expenses for the Bulkhead Improvement Project for the Borough of Sea Bright, to be funded from the sources specified in Section 2 of the Ordinance.

Section 2. The amount of \$100,000 is hereby appropriated for the purposes stated in Section 1 of the Ordinance and which amount was funded from the Borough’s General Capital Fund Balance (surplus) in the amount of \$100,000.

Section 3. In connection with the purpose and the amount authorized in Sections 1 and 2 hereof, the Borough determines the purpose described in Section 1 hereof is not a Current Expense and is an improvement which the Borough of Sea Bright may lawfully make as a general improvement.

Section 4. All ordinances or parts of ordinances which are inconsistent with the terms of this Ordinance be and the same are hereby repealed to the extent of their inconsistency.

Section 5. This Ordinance shall take effect immediately upon due passage and publication according to law.

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

CAPITAL ORDINANCE NO. 10-2023
AN ORDINANCE OF THE BOROUGH OF SEA BRIGHT, AMENDING AND SUPPLEMENTING CHAPTER 161 OF THE CODE OF THE BOROUGH OF SEA BRIGHT REGARDING THE REQUIREMENT FOR INSPECTION OF LEAD-BASED PAINT IN CERTAIN RESIDENTIAL DWELLINGS

Councilmember Keeler offered a motion to open the public hearing on Ordinance No. 10-2023; seconded by Councilmember Booker:

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

Public Hearing (Ord. No. 10-2023)
No one wished to be heard.

Councilmember Keeler offered a motion to close the public hearing on Ordinance No. 10-2023; seconded by Councilmember Bieber:

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

Councilmember Keeler offered a motion to adopt Ordinance No. 10-2023 and advertise according to law; seconded by Councilmember Bieber:

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

WHEREAS, the Borough of Sea Bright (the “Borough”) maintains Chapter 161 entitled “Property Maintenance” of the Borough Code, specifically the Property Maintenance Code; and,

WHEREAS, pursuant to P.L. 2021, c.182, all municipalities are required to inspect every single-family, two-family, and multiple rental dwelling located within the municipality on a recurring basis and at tenant turnover for lead-based paint hazards; and,

WHEREAS, the Borough Council has determined that it is in the best interests of the Borough and its residents to amend the Code to require inspections for lead- based paint in certain residential rental dwellings in order to conform with the State law.

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

SECTION ONE. Chapter 161 of the Code of the Borough of Sea Bright be and the same is hereby amended and supplemented to add thereto Article II, “Lead Based Paint Inspections”, to read, in full, as follows:

“Article II. Lead-Based Paint Inspections.

§ 161-4. Required Initial Inspection. The owner, landlord and/or agent of every single-family, two-family, and/or multiple dwelling unit offered for rental shall be required to obtain an inspection of the unit for lead-based paint hazards within two years of the effective date of the law, July 2, 2022, or upon tenant turnover, whichever is earlier.

§ 161-5. Required Recurring Inspection. After the initial inspection required by Section 161-4, the owner, landlord and/or agent of such dwelling unit offered for rental shall be required to obtain an inspection of the unit for lead-based paint hazards every three years, or at tenant turnover, whichever is

earlier, except that an inspection upon tenant turnover shall not be required if the owner has a valid lead-safe certification.

§ 161-6. Standards. Inspections for lead-based paint in rental dwelling units shall be governed by the standards set forth in N.J.S.A. 52:27D-437.1 et seq., and N.J.S.A. 55:13A-1 et seq., as may be amended from time to time.

§ 161-7. Exceptions. A dwelling unit in a single-family, two-family, or multiple rental dwelling shall not be subject to inspection and evaluation for the presence of lead-based paint hazards, or for the fees for such inspection or evaluation, if the unit:

- a. has been certified to be free of lead-based paint;
- b. was constructed during or after 1978; or
- c. is in a multiple dwelling that has been registered with the Department of Community Affairs as a multiple dwelling for at least 10 years, either under the current or a previous owner, and has no outstanding lead violations from the most recent cyclical inspection performed on the multiple dwelling under the "Hotel and Multiple Dwelling Law", N.J.S.A. 55:13A-1, et seq.
- d. is a single-family or two-family seasonal rental dwelling which is rented for less than six months' duration each year by tenants that do not have consecutive lease renewals; or
- e. has a valid lead-safe certification issued in accordance with N.J.S.A. 52:27D-437.16(d)(2).

§ 161-8. If lead-based paint hazards are identified, then the owner of the dwelling shall remediate the hazards through abatement or lead-based paint hazard control mechanisms in accordance with N.J.S.A. 52:27D-437.16(d). Upon the remediation of the lead-based paint hazard, the Code Enforcement Officer or designee, as may be applicable, or the owner's private lead inspector, shall conduct an additional inspection of the unit to certify that the hazard no longer exists.

§ 161-9. If no lead-based paint hazards are identified, then the Code Enforcement Officer or designee or the owner's private lead inspector shall certify the dwelling as lead safe on a form prescribed by the Department of Community Affairs, which shall be valid for two years and shall be filed with the Code Enforcement Officer. The Code Enforcement Officer shall maintain up-to-date information on inspection schedules, inspection results, tenant turnover and a record of all lead-free certifications issued pursuant to N.J.A.C. 5:17.

§ 161-10. In accordance with N.J.S.A. 52:27D-437.16(e), property owners shall:

- a. Provide evidence of a valid lead-safe certification and the most recent tenant turnover to the Borough at the time of the cyclical inspection.
- b. Provide evidence of a valid lead-safe certification to new tenants of the property at the time of tenant turnover and shall affix a copy of such certification as an exhibit to the tenant's or tenants' lease.
- c. Maintain a record of the lead-safe certification which shall include the name or names of the unit's tenant or tenants if the inspection was conducted during a period of tenancy.

§ 161-11. Fees.

- a. Notwithstanding any other fees due pursuant to this Chapter, a fee in the amount of \$50.00 shall be paid for each lead-based paint inspection. Said fee shall be dedicated to meeting the costs of implementing and enforcing this subsection and shall not be used for any other purpose. Alternatively, a dwelling owner or landlord may directly hire a private lead evaluation contractor who is certified to provide lead paint inspection services by the Department of Community Affairs to satisfy the requirements of Section 6-4 in which case no additional Lead-Based Paint inspection fee shall be paid.
- b. The fee for the filing of a lead-safe certification or lead-free certification shall be \$25.
- c. In a common interest community, any inspection fee charged shall be the responsibility of the unit owner and not the homeowners' association, unless the association is the owner of the unit.

§ 161-12. Violations and Penalties. In accordance with N.J.S.A. 52:27D 437.19, the penalties for a violation of Article shall be as follows:

- a. If a property owner has failed to conduct the required inspection or initiate any remediation efforts, the owner shall be given 30 days to cure the violation.
- b. If the property owner has not cured the violation after 30 days, the property owner shall be subject to a penalty not to exceed \$1,000 per week until the required inspection has been conducted or remediation efforts have been initiated".

SECTION TWO. If any section, paragraph, clause, or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to die section, paragraph, clause or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

SECTION THREE. All ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to die extent of such inconsistency.

SECTION FOUR. This ordinance shall take effect after final passage and publication as provided by law.

Introduction: Mayor Kelly to read the ordinance by title:

BOND ORDINANCE NO. 11-2023
BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$1,100,000 FOR THE ACQUISITION OF AN AERIAL TRUCK FOR THE FIRE DEPARTMENT FOR AND BY THE BOROUGH OF SEA BRIGHT IN THE COUNTY OF MONMOUTH, NEW JERSEY AND, AUTHORIZING THE ISSUANCE OF \$1,045,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.

Councilmember Keeler offered a motion to introduce Bond Ordinance No. 11-2023 for a public hearing to be held on August 15, 2023 and advertise according to law; seconded by Councilmember Booker:

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 \$1,100,000, such sum includes the sum of \$55,000 as the down payment (the "Down Payment") required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the "Local Bond Law"). The Down Payment is now available by virtue of provisions in one or more previously adopted budgets for down payments for capital improvement purposes.

SECTION 2:

In order to finance the cost of the Improvements not covered by application of the Down Payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$1,045,000 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 \$1,045,000 pursuant to the provisions of the Local Bond Law (the "Bond Anticipation Notes" or "Notes").

SECTION 3:

(a) The Improvements authorized and the purpose for the financing of which said obligations are to be issued is for the acquisition of an aerial truck for the Fire Department.

(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 \$1,045,000.

(c) The estimated cost of the Improvements is \$1,100,000 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 10 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 \$1,045,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

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

SECTION 7:

Any funds received from time to time by the Borough as contributions in aid of financing the purposes described in Section 3 of this Ordinance shall be used for financing said Improvements by application thereof either to direct payment of the cost of said Improvements or to the payment or reduction of the authorization of the obligations of the Borough authorized 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 \$1,045,000.

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.

I HEREBY CERTIFY this to be a true and correct Bond Ordinance No. 11-2023 of the Mayor and Borough Council of the Borough of Sea Bright, introduced on July 18, 2023, and will be further considered after a Public Hearing held on August 15, 2023, in the Mayor Dina Long Community Room, 1097 Ocean Avenue, at 7:00 pm.

INDIVIDUAL ACTION/New Business:

Vouchers: \$ 799,971.50

Councilmember Booker offered a motion to approve the Voucher List dated July 18, 2023 as submitted by the Finance Manager; seconded by Councilmember Bieber:

Roll Call:	Bieber,	Booker,	Catalano,	Gorman,	Keeler,	Lamia
	Yes	Yes	Yes	Yes	Yes	Yes
02113 AMERICAN WATER						
23-00756 07/07/23 SEWER				Open		326.99
02227 APOLLO SEWER & PLUMBING, INC.						
23-00722 06/30/23 Beach				Open		650.00
23-00724 06/30/23 Beach				Open		495.00

						1,145.00
2597 AT&T MOBILITY						
23-00779 07/13/23 CELL				Open		306.04
2626 AUTOMATIC PROTECTION SYSTEMS						
23-00171 02/10/23 SEWER				Open		343.00
2770 Axon Enterprise, Inc.						
23-00712 06/30/23				Open		25,272.00
01241 BAIN'S HARDWARE, INC.						
23-00751 07/06/23 HARDWARE				Open		514.36
00273 BORGATA HOTEL & CASINO						
23-00670 06/14/23 NJLOM Room - Brian Kelly				Open		390.00
00243 BOROUGH OF FAIR HAVEN						
23-00759 07/11/23 FIREWORKS				Open		1,800.00
01631 BOROUGH OF OCEANPORT						
23-00774 07/13/23 COURT				Open		6,500.00
01974 BOROUGH OF SEA BRIGHT COURT						
23-00745 07/05/23 COURT				Open		24.90
01731 CAESARS ATLANTIC CITY						
23-00672 06/14/23 NJLOM Room Reservations				Open		1,610.00
2886 CENTRAL JERSEY COMPLIANCE CO.						
23-00681 06/14/23 Gloves				Open		1,425.00
2424 CHILD, BRAD						
23-00741 07/05/23 FIRE MARSHAL				Open		140.00
2680 CINTAS						
23-00679 06/14/23 Beach				Open		208.04
23-00680 06/14/23 Buildings & Grounds				Open		220.33
23-00725 06/30/23 Beach				Open		201.19
23-00726 06/30/23 Buildings & Grounds				Open		210.12
23-00733 07/05/23 Beach				Open		151.86
23-00734 07/05/23 Buildings & Grounds				Open		327.72
23-00737 07/05/23 Beach				Open		292.20
23-00738 07/05/23 Buildings & Grounds				Open		160.51

						1,771.97
2555 CJM ASSOC. OF SEA BRIGHT						
23-00772 07/13/23 LEASE				Open		500.00
00256 CLEARY, GIACOBBE, ALFIERI &						
23-00761 07/11/23 LEGAL				Open		528.00
23-00765 07/13/23 LEGAL				Open		1,947.00

						2,475.00
01801 COLLIER ENGINEERING & DESIGN						
22-00646 06/06/22 ENGINEER				Open		2,437.50

REGULAR MEETING**JULY 18, 2023**

01493	COOPERATIVE INDUSTRIES, L.L.C.		
23-00781	07/13/23 NAT GAS	Open	821.44
02231	COUSINS LANDSCAPING		
23-00491	05/04/23 LANDSCAPING	Open	5,925.00
02253	DAVID HODER ASSOCIATES		
23-00762	07/11/23 ENGINEER	Open	1,525.00
2655	DE SESA ENGINEERING CO.		
23-00671	06/14/23 Buildings & Grounds	Open	251.16
2540	DOG WASTE DEPOT		
23-00669	06/14/23 Buildings & Grounds	Open	709.95
2854	DRAGER, INC.		
22-00955	08/23/22 POLICE	Open	19,305.00
02168	EVOQUA WATER TECHNOLOGIES, LLC		
23-00592	05/24/23 Sewer	Open	2,648.00
2833	FEDERAL RENT A FENCE		
23-00785	07/13/23 RENTAL	Open	201.00
01720	FIREFIGHTER ONE, LLC		
23-00149	02/03/23 SCBA Flow Testing	Open	1,530.00
23-00682	06/14/23 Repairs	Open	776.12

			2,306.12
00254	FLOWERS BY VAN BRUNT		
23-00705	06/27/23 RECREATION	Open	250.00
02181	GATEWAY PRESS		
23-00677	06/14/23	Open	204.00
00979	GIBBONS, P.C.		
23-00750	07/05/23 LEGAL	Open	1,425.00
2281	GRAINGER		
23-00548	05/16/23 Equipment	Open	1,646.38
01198	GUARANTEED PLANTS & FLORIST		
23-00746	07/05/23 A&E	Open	160.00
01887	HEIM ELECTRONICS, INC.		
23-00415	04/13/23 Buildings & Grounds	Open	180.00
23-00454	04/26/23 Buildings & Grounds	Open	344.25
23-00668	06/14/23 Buildings & Grounds	Open	168.75
23-00723	06/30/23 Buildings & Grounds	Open	618.10
23-00728	06/30/23 Buildings & Grounds	Open	140.97

			1,452.07
2478	HOLISTIC WELLNESS, LLC		
23-00730	06/30/23 LIBRARY	Open	1,300.00
01838	HOLMAN, FRENIA, ALLISON, P.C.		
23-00748	07/05/23 AUDIT	Open	24,000.00
23-00786	07/13/23 AUDIT	Open	320.00

			24,320.00
2710	HOLMDEL TOWNSHIP		
23-00770	07/13/23 FISCAL	Open	3,567.17
2791	HUDSON ENERGY SERVICES		
23-00782	07/13/23 ELECTRIC	Open	126.54
02240	INDEPENDENT-EDISON OVERHEAD		
22-01340	12/13/22 REPAIR FIREHOUSE OVERHEAD DOOR	Open	17,450.00
01419	J. SWANTON FUEL OIL CO., INC.		
23-00701	06/22/23 GASOLINE	Open	408.87
23-00747	07/05/23 GASOLINE	Open	279.26

			688.13
2488	JERSEY SHORE POWERSPORTS		
23-00585	05/23/23	Open	146.90
23-00717	06/30/23	Open	206.50

			353.40
00297	JESSE A. HOWLAND & SONS, INC.		
23-00771	07/13/23 LEASE	Open	1,705.00
01784	JUNGLE LASERS, LLC		
23-00702	06/22/23 BLDG DEPT	Open	440.00
23-00763	07/13/23 BLDG DEPT	Open	360.00

			800.00
00108	LEON S. AVAKIAN, INC.		
23-00710	06/28/23 ENGINEER	Open	1,061.25
01603	M AND N VENTURES		
23-00413	04/13/23	Open	108.00
2417	MARLIN BUSINESS BANK		
23-00766	07/13/23 LEASE	Open	120.10

REGULAR MEETING

JULY 18, 2023

2278	MCLAUGHLIN, STAUFFER & SHAKLEE		
23-00764	07/13/23 LEGAL	Open	4,706.30
00688	MONMOUTH COUNTY POLICE ACADEMY		
23-00713	06/30/23	Open	600.00
23-00720	06/30/23	Open	100.00

			700.00
02045	MONMOUTH COUNTY SPCA		
23-00775	07/13/23 ANIMALS	Open	325.00
01323	MONMOUTH COUNTY TREASURER		
23-00744	07/05/23 CLERK	Open	119.16
00339	NAPA AUTO PARTS CENTER		
22-00945	08/17/22 Beach	Open	65.91
22-01072	09/21/22 Beach	Open	12.00
22-01076	09/21/22 Beach	Open	36.99
23-00608	06/02/23 Streets & Roads	Open	253.91

			368.81
01399	NEW JERSEY AMERICAN WATER		
23-00757	07/07/23 WATER	Open	5,506.14
00672	NJ DEPT OF COMMUNITY AFFAIRS		
23-00780	07/13/23 PERMIT FEES	Open	1,814.00
01810	NJ DEPT OF HEALTH		
23-00760	07/11/23 DOG	Open	3.60
00113	NJ NATURAL GAS COMPANY		
23-00755	07/07/23 NATURAL GAS	Open	906.27
00502	NJ STATE LEAGUE/MUNICIPALITIES		
23-00587	05/23/23 Magazine Subscription Renewal	Open	250.00
01309	OCEANPORT BOARD OF EDUCATION		
23-00773	07/13/23 SCHOOL TAX	Open	74,140.00
00046	ONE CALL CONCEPTS, INC.		
23-00743	07/05/23 SEWER	Open	45.76
2525	POOR JOHNS PORTABLE TOILETS		
23-00619	06/02/23	Open	732.00
23-00749	07/05/23 BEACH	Open	508.00

			1,240.00
2290	PORZIO, BROMBERG & NEWMAN		
23-00732	07/05/23 LEGAL	Open	15,918.25
01482	PRECISION DYNAMICS CORP.		
23-00703	06/22/23 BEACH	Open	3,046.30
00164	RAIN, WILLIAM		
23-00742	07/05/23 HEALTH	Open	161.10
2330	RAW POWER GENERATOR SERVICE		
23-00673	06/14/23 Sewer	Open	731.25
23-00674	06/14/23 Buildings & Grounds	Open	887.50

			1,618.75
2728	READY REFRESH BY NESTLE		
23-00787	07/13/23 WATER	Open	350.79
2354	REALTY DATA SYSTEMS		
23-00704	06/27/23 TAX ASSESSOR	Open	920.00
2627	SCHINDLER ELEVATOR CORP.		
23-00588	05/23/23 Buildings & Grounds	Open	3,840.00
01554	SEA BRIGHT SERVICE CENTER		
23-00678	06/14/23 POLICE: VEHICLE MAINTENANCE	Open	1,294.50
00027	SEABOARD WELDING SUPPLY, INC.		
23-00788	07/13/23 DPW	Open	18.50
01027	SHORE BUSINESS SOLUTIONS		
23-00752	07/06/23 A&E	Open	241.59
00053	SHORE REGIONAL HIGH SCHOOL		
23-00778	07/13/23 HIGH SCHOOL TAX	Open	506,304.80
00222	SIGNS & LETTERS UNLIMITED		
23-00676	06/14/23	Open	400.00
23-00711	06/30/23	Open	585.00

			985.00
02225	STAPLES ADVANTAGE		
23-00715	06/30/23 POLICE: OFFICE SUPPLIES	Open	46.02
2535	SUBURBAN DISPOSAL, INC.		
23-00767	07/13/23 TRASH	Open	22,238.81
23-00768	07/13/23 DUMPSTERS	Open	805.27
23-00769	07/13/23 LANDFILL	Open	8,203.90

			31,247.98

REGULAR MEETING**JULY 18, 2023**

00656	TAYLOR FENCE CO., INC.		
23-00451	04/26/23 Buildings & Grounds	Open	425.00
01560	TOSHIBA BUSINESS SOLUTIONS, INC		
23-00675	06/14/23	Open	823.00
01243	TREASURER, STATE OF NEW JERSEY		
23-00753	07/06/23 FIRE SAFETY	Open	323.00
00178	UNITED STATES POSTAL SERVICE		
23-00754	07/07/23 POSTAGE	Open	1,200.00
02061	VERIZON WIRELESS		
23-00776	07/13/23 FIRE DEPT	Open	268.07
23-00777	07/13/23 CELLS	Open	198.48

			466.55
02109	ZUMU SOFTWARE		
23-00783	07/13/23 A&E	Open	1,000.00

TOTAL: \$ 797,767.64**Manual Checks**

23-00731	HOME DEPOT/CITIBANK COMMERCIAL ACCT.		\$458.12
6/30/2023	MULTI DEPT:MATERIALS & SUPPLIES		
23-00784	NJ DEPT OF LABOR		\$39.58
7/13/2023	CARES ACT ADJUSTMENT		
23-00706	VERIZON		\$931.30
6/28/2023	SEWER:PHONE SERVICE/ALARMS		
23-00707	VERIZON		\$231.44
6/28/2023	BEACH/LIBRARY:PHONE SERVICE		
23-00708	VERIZON		\$165.44
6/28/2023	POLICE:FAX LINE		
23-00729	VERIZON		\$377.98
6/30/2023	MUNICIPAL COMPLEX:FIOS		

TOTAL: \$ 2,203.86**GRAND TOTAL: \$ 799,971.50****MAYOR AND COUNCIL COMMENTS**

Councilman Keeler reported that there is a little delay with placing the order for the Stryker stretcher and chest compressor – but they should be ordered by the end of the week.

Councilman Bieber reported on behalf of the Administration Committee they have been working with the Police and Beach Department on increasing ordinance enforcement specifically smoking and alcohol consumption on the beach and in other public areas as well as parking violations. Chief Friedman provided a good report at the workshop meeting. The Monmouth County Regional Health Commissioner was here last week to do a one-hour walk on the beach - we received a very positive report and they indicated they did not observe anyone smoking. The short-term rental enforcement has been moving along with registrations and we are close to receiving our first installment of the municipal tax. Councilman Bieber thanked Council for approving funding for the bulkhead engineering and is looking into various funding mechanisms and grants to offset the costs of this project. He also stated that he has been looking into making improvements to the pavilion at Anchorage Park and hopes to get a recommendation to Council sometime in August.

Councilman Lamia stated that tomorrow he and Frank Lawrence will be doing a walk through the Borough to determine what landscaping needs attention. New Jersey American Water will also be coming out this week to establish a location for a valve on Wayne Street for a foot washing station.

Councilman Catalano reported that the beach was off to a slow start due to the weather but we are catching up. Beach Manager, Don Klein, will have a comprehensive financial report at the end of the month. The Andy Rooney swim had 150 participants and as previously mentioned, we passed the Monmouth County Regional Health Commission inspection.

Councilwoman Gorman reported we recently pushed out an optimized mobile website and so far we haven't had any major issues. The Clerk's Office has made a list of some improvements that we are going to take a look at and edit further. Tomorrow morning a group will be meeting to take a look at some possible locations for a potential farmers market in Sea Bright. Councilwoman Gorman announced that they are going to be kicking off a beach concert series starting next Thursday thanks to a joint effort with the Beach, Library, and Recreation Department. The Monmouth County Parks System has reached out about a preservation program – they are looking all over Monmouth County at spaces where they can preserve land to have parks and open space.

Councilman Booker reported that the Finance Committee met to discuss and review the Borough's vehicle fleet to make sure they have a good understanding of age, service needs, etc. of our inventory. The analysis will be presented at the next workshop.

Councilman Keeler stated that he is working on a letter on bike safety and asked if the Governing Body would be ok with asking our First Aid and Fire Department volunteers to go door to door to deliver the letters to residents. Councilwoman Gorman stated that a lot of the bike traffic comes from over the bridge and maybe we should look into coordinating with the surrounding towns and start with the stencils on the sidewalk to "walk your bike". Councilman Bieber agreed that our greatest challenge is with the bikers going through our town, not necessarily bikers from our town. Councilman Keeler urged the importance of this issue as there have been many close calls. Fire Chief Murphy said there are positives in having the volunteers go around town meeting residents he just isn't sure if he can sell it to them. Chief Friedman will work with Councilman Keeler on a bike safety plan.

Mayor Kelly provided an update on the school regionalization, and we are in good shape to get towards our goal of getting a vote on the ballot for the general election. The six-party petition has been sent to the State. It has been a bumpy road but as of now, we are in decent shape. Mayor Kelly reported that August 31st is National Overdose Awareness Day and we will be honoring that with a proclamation at the next meeting along with participating in a flag display.

EXECUTIVE SESSION

Executive session not held.

ADJOURNMENT

Councilmember Keeler offered a motion to adjourn the meeting; seconded by Councilmember Booker:

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

Respectfully Submitted,

Christine Pfeiffer
Borough Clerk