

**MINUTES
REGULAR MEETING
BOROUGH OF SEA BRIGHT**

SEPTEMBER 5, 2023

SEA BRIGHT, NEW JERSEY

TO ATTEND THIS MEETING REMOTELY PLEASE USE THE FOLLOWING:

<https://meet.goto.com/505357861>

OR DIAL: (408) 650-3123

Access Code: 505-357-861

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,
Borough Clerk Christine Pfeiffer

**MOMENT OF SILENCE FOR THE FOLLOWING MEMBER OF THE SEA BRIGHT COMMUNITY
WHO RECENTLY PASSED AWAY: Lori A. Klein**

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

08-10-23	Workshop Meeting
08-10-23	Executive Session
08-15-23	Regular Meeting
08-15-23	Executive Session

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

Resolutions:

No. 141-2023 Authorizing the Release of Various Street Opening Escrow Account Balances

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

WHEREAS, pursuant to Chapter 182.5B(2) of the Borough Code requires that a Street Opening application for an excavation be accompanied by an escrow deposit to secure the obligation to restore the surface of the street; and

WHEREAS, the Administrative Assistant for Street Opening Permits has confirmed with the necessary professionals that the repair to the streets are satisfactory and, therefore, is requesting the release of the following;

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>Escrow Balance</u>
15	5	Roux Associates, Inc.	\$560.000
15	5,6,7	Richard T. O'Connor	\$1,000.00
Various		New Jersey American Water	\$125.00 (Review)
Various		New Jersey American Water	\$500.00 (Inspection)

TOTAL: \$2,185.00

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey that the above-mentioned street opening escrow balances are hereby released.

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

1. Finance Manager
2. Fiscal Officer
3. Administrative Assistant for Street Opening Permits

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

No. 142-2023 Authorizing the Release of Various Planning Board Escrow Account Balances

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

WHEREAS, Chapter 130-74D(1)(a) of the Borough Code requires that all Planning Board applications be accompanied by escrows fees which are to be utilized to reimburse professionals to review applications; and

WHEREAS, the Planning Board Secretary has confirmed with the necessary professionals that there are no outstanding invoices and is requesting the release of the following;

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>Escrow Balance</u>
2	20	Susan Dulczak	\$944.00
3	23	Ship's Deck, Inc.	\$795.02
16	6	Kathleen B. Forsman Living Trust	\$253.50
16	18.01	Henry F. Wolff III	\$200.00
16	18.01	Richard Sullivan	\$194.56
17	4 & 5	1030 Liquor Partners, LLC	\$15.00
17	4 & 5	1030 Liquor Partners, LLC	\$928.40
17	4 & 5	1030 Liquor Partners, LLC	\$5,030.73
22	2	Randolph P. Colson	\$244.00
25	8	Michael J. Stap	\$264.97
29	9	Christopher Ruby	\$295.00
30	14,15.01	James B. Bonhivert	\$200.00
30	35	2 River Ocean LLC	\$200.00
33	18	Claudio Dicovsky	\$445.00

TOTAL: \$ 10,010.18

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey that the above-mentioned Planning Board escrow balances be released.

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

1. Finance Manager
2. Fiscal Officer
3. Planning Board Secretary

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

No. 143-2023 Authorizing Repairs and Refurbishing of the Sea Bright Fire Department's E-One Fire Truck

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

WHEREAS, the Borough of Sea Bright Fire Department owns a 2004 E-One Fire Truck (VIN No. 4EN6A AA834 10083 84) that is in need of repair; and

WHEREAS, pursuant to N.J.A.C. 5:34-7.29, the Borough of Sea Bright may by resolution and without advertising for bids purchase any goods or services through the State of New Jersey's Cooperative Purchasing Program; and

WHEREAS, the Borough of Sea Bright is enrolled as a member in the Sourcewell Cooperative Purchasing Program (Membership I.D. 29820); and

WHEREAS, the Borough of Sea Bright Fire Chief wishes to secure Absolute Fire Protection Co., Inc, 2800 Hamilton Boulevard, South Plainfield, NJ 07080, under Cooperative Purchasing Program – Sourcewell Contract No. 113021-RVG, to repair and refurbish the above mentioned fire truck for an amount not to exceed \$54,315.33; and

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 \$54,315.33 will be available in Capital Ordinance No. 08-2023 for the purpose 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, hereby authorize the Fire Chief to have the E-One fire truck refurbished at Absolute Fire Protection Co., Inc, 2800 Hamilton Boulevard, South Plainfield, NJ 07080 for a total cost not to exceed \$54,315.33; and

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

- 1. Fire Chief
- 2. Finance Manager
- 3. Absolute Fire Protection Co., Inc.

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

No. 144-2023 Authorizing the Purchase of One Aerial Truck for the Sea Bright Fire Department

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

WHEREAS, the Borough of Sea Bright Fire Department has the need to purchase a new aerial fire truck; and

WHEREAS, pursuant to N.J.A.C. 5:34-7.29, the Borough of Sea Bright may by resolution and without advertising for bids purchase any goods or services through the State of New Jersey’s Cooperative Purchasing Program; and

WHEREAS, the Borough of Sea Bright is enrolled as a member in the Sourcewell Cooperative Purchasing Program (Membership I.D. 29820); and

WHEREAS, the Borough of Sea Bright Fire Chief wishes to purchase one (1) E-One Aerial, Rear Mount, Aluminum, Typhoon HP 75 Ladder truck from Absolute Fire Protection Co., Inc., 2800 Hamilton Boulevard, South Plainfield, NJ 07080, under Cooperative Purchasing Program – Sourcewell Contract No. 113021-RVG, for an amount not to exceed \$1,053,174.00; and

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 \$1,053,174.00 will be available in Bond Ordinance No. 11-2023 for the purpose 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, hereby authorizes the purchase of one (1) E-One Aerial, Rear Mount, Aluminum, Typhoon HP 75 Ladder truck from Absolute Fire Protection Co., Inc., 2800 Hamilton Boulevard, South Plainfield, NJ 07080, for a total cost not to exceed \$1,053,174.00; and

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

- 1. Fire Chief
- 2. Finance Manager
- 3. Absolute Fire Protection Co., Inc.

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

No. 145-2023 Approving the Form and Authorizing the Execution and Delivery of a Letter of Representation and a Continuing Disclosure Agreement in Connection with the Issuance and Delivery of the Monmouth County Improvement Authority’s Capital Equipment Pooled Lease Revenue Bonds, Series 2023 and Authorizing an Authorized Municipal Representative To Do All Other Things Deemed Necessary or Advisable in Connection with the Issuance, Sale and Delivery of Such Bonds

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

WHEREAS, the Borough of Sea Bright, New Jersey (the “Municipality”) desires to lease and permanently finance the cost of acquisition of certain capital equipment (the “Equipment”) from The Monmouth County Improvement Authority (the “Authority”); and

WHEREAS, the Authority will provide for the financing of the cost of the acquisition of the Equipment by the issuance of its Capital Equipment Lease Revenue Bonds, Series 2023 (Sea Bright Project) (the “Bonds”) payable from rentals by the Municipality pursuant to a Lease and Agreement by and between the Municipality and the Authority (the “Lease”); and

WHEREAS, in order to induce the Authority to issue and deliver the Bonds and its Capital Equipment Pooled Lease Revenue Bonds, Series 2023, there has been prepared and submitted to the Municipality a Letter of Representative in the form attached hereto as Exhibit A; and

WHEREAS, there has been prepared and submitted to the Municipality a Continuing Disclosure Agreement in the form appended hereto as Exhibit B for execution by the Municipality if the Authority shall determine that the Municipality is or will be an “obligated person” with respect to the Authority’s Capital Equipment Lease Revenue Bonds, Series 2023 within the meaning of Rule 15c2-12 of the United States Securities and Exchange Commission (an “Obligated Person”):

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH OF SEA BRIGHT AS FOLLOWS:

Section 1. That the Letter of Representation, in the form presented to this meeting, be and the same is hereby approved, and any Authorized Municipal Representative (as that term is defined in the Lease) is hereby authorized to, and one of such officers shall execute the Letter of Representation, with such additions, deletions or modifications as such officer shall approve, and to deliver the same to the addressees designated on such Letter of Representation, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 2. That the Continuing Disclosure Agreement in the form presented to this meeting, be and the same is hereby approved, and any Authorized Municipal Representative is hereby authorized to, and one of such officers shall execute the Continuing Disclosure Agreement, with such additions, deletions or modifications as such officer shall approve, and to deliver the same upon the determination by the Authority that the Municipality is or will be an Obligated Person, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 3. That any Authorized Municipal Representative is hereby authorized and directed to execute and deliver any and all documents and instruments and to do and cause to be done any and all acts and things necessary or property for carrying out the sale, issuance and delivery of the Bonds, the Authority’s Capital Equipment Pooled Lease Revenue Bonds, Series 2023 and all related transactions contemplated by this resolution.

Section 4. All resolutions or proceedings or parts thereof, in conflict with the provisions of this resolution are to the extent of such conflict hereby repealed.

Section 5. This resolution shall become effective immediately.

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

No. 146-2023 Approval of an Application to the New Jersey Department of Environmental Protection Submitted by Denholtz Acquisitions, LLC For Treatment Works Approval for a New Pump Station on River Street

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

WHEREAS, on May 21, 2019, the Borough Council adopted Resolution No. 102-2019, designating properties known as the “Shrewsbury River Properties” as an area in need of redevelopment; and

WHEREAS, on April 19, 2022, the Borough Council adopted Resolution No. 91-2022, designating Denholtz Acquisition LLC, as the redeveloper of the redevelopment area known as the “Shrewsbury River Properties”; and

WHEREAS, Denholtz Acquisitions, LLC, submitted a proposal to the Borough for the purposes of undertaking redevelopment of the Property; and

WHEREAS, the Borough Council and their professionals reviewed the redevelopment proposals and concept plans, which includes a new pump station on River Street and on December 20, 2022, (Resolution No. 193-2022) the Borough Council approved the redevelopment plan and authorized the Mayor and Clerk to execute a Redevelopment Agreement between Denholtz Acquisitions, LLC and the Borough of Sea Bright; and

WHEREAS, as part of the permitting process for the pump station, Denholtz Acquisitions, LLC is submitting an application to the New Jersey Department of Environmental Protection, Division of Water Quality, for a Treatment Works Approval (TWA) which requires a certification by the municipality that they consent to the submission of the TWA application and that the plans conform with the requirements of all municipal ordinances; and

WHEREAS, Borough Engineer, Gregory S. Blash, P.E. has reviewed the TWA application submitted by Denholtz Acquisitions, LLC and stated in a letter dated August 30, 2023, that the proposed River Street Sanitary Sewer Pump Station has adequate capacity to accommodate the anticipated sewer flows from the new redevelopment project; and

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 the Borough Administrator to sign the Treatment Works Approval Application submitted to the New Jersey Department of Environmental Protection, Division of Water Quality for the proposed River Street Pump Station as part of the redevelopment project by Denholtz Acquisitions, LLC; and

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

1. Denholtz Acquisitions, LLC
2. Planning Board Secretary
3. NJDEP

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. 12-2023

ORDINANCE AUTHORIZING THE LEASING OF CERTAIN CAPITAL EQUIPMENT BY THE BOROUGH OF SEA BRIGHT, NEW JERSEY FROM THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY AND THE EXECUTION OF A LEASE AND AGREEMENT RELATING THERETO

Councilmember Bieber offered a motion to open the public hearing on Ordinance No. 12-2023; seconded by Councilmember Keeler:

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

Public Hearing (Ord. No. 12-2023)

No one wished to be heard.

Councilmember Keeler offered a motion to close the public hearing on Ordinance No. 12-2023; seconded by Councilmember Booker:

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

Councilmember Keeler offered a motion to adopt Ordinance No.12-2023 and advertise according to law; seconded by Councilmember Bieber:

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, New Jersey (not less than two-thirds of all members thereof affirmatively concurring) as follows:

Section 1. Pursuant to Section 78 of the County Improvement Authorities Law, N.J.S.A. 40:37A-44, et seq., the Borough of Sea Bright (the "Municipality") is hereby authorized to unconditionally and irrevocably lease certain items of capital equipment from The Monmouth County Improvement

Authority (the "Authority") pursuant to a Lease and Agreement, substantially in the form submitted to this meeting (the "Lease"), a copy of which is on file in the office of the Clerk to the Municipality. The Mayor is hereby authorized to execute the Lease on behalf of the Municipality in substantially such form as submitted to this meeting and with such changes as may be approved by the Mayor, which approval shall be conclusively evidenced by the execution thereof, and the Clerk to the Municipality is hereby authorized to affix and attest the seal of the Municipality.

Section 2. The following additional matters are hereby determined, declared, recited and stated:

- (a) In recognition of the fact that the lease payment of the Municipality under the Lease will be based, in part, on the amount of bonds issued by the Authority to finance the acquisition of the leased equipment and the interest thereon, the maximum amount of bonds which the Authority shall issue to finance the acquisition of the equipment to be leased to the Municipality shall not exceed \$330,000 and the interest rate on said bonds shall not exceed five and fifty hundredths percent (5.50%) per annum;
- (b) The items to be leased from the Authority shall be as set forth in Schedule A hereto; provided that the Mayor or any authorized municipal representative (as defined in the Lease) may substitute or add items of equipment in accordance with the provisions of the Lease; and
- (c) The lease term applicable to a particular item of leased equipment shall not exceed the useful life of such item.

Section 3. This ordinance shall take effect twenty (20) days after the first publication thereof after final adoption as provided by 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 August 15, 2023, and will be further considered after a Public Hearing held on September 5, 2023, in the Mayor Dina Long Community Room, 1097 Ocean Avenue, at 7:00 pm.

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

**ORDINANCE NO. 13-2023
AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER 201 ENTITLED "VEHICLES AND TRAFFIC"
OF THE CODE OF THE BOROUGH OF SEA BRIGHT**

Councilmember Keeler offered a motion to open the public hearing on Ordinance No. 13-2023; seconded by Councilmember Booker:

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

Public Hearing (Ord. No. 13-2023)
No one wished to be heard.

Councilmember Bieber offered a motion to close the public hearing on Ordinance No. 13-2023; seconded by Councilmember Booker:

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

Councilmember Keeler offered a motion to adopt Ordinance No. 13-2023 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, County of Monmouth, State of New Jersey, as follows:

SECTION ONE: Chapter 201, "Vehicles and Traffic", Article II, Parking Regulations, Section 201-6A, Prohibited Parking, of the Code of the Borough of Sea Bright is hereby amended and supplemented to read as follows:

A. No person shall park a vehicle at any time on the following described streets or parts thereof on the side designated:

Name of Street	Side	Location
Bellevue	Both	Entire Length
East Surf Street	Both	Entire Length

Front Street	West	Entire Length
Henry Lane	Both	Entire Length
Mountainview Way	Both	Entire Length
Sandpiper Lane	Both	Entire Length and cul-de-sac
South Street	South	Entire Length
Surf Street	North	Entire Length
Tradewinds Lane	East	Entire Length
Village Road	Both	North Section
Village Road	Both	South Section
Village Road	West	East Section
Waterview Way	Both	From westerly end of street eastward to intersection of North Way
Wayne Street	East	Entire Length
Willow Way	Both	Entire Length

SECTION TWO: All Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistencies.

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

SECTION FOUR: This Ordinance shall take effect immediately upon its passage and publication as required by law.

I HEREBY CERTIFY this to be a true and correct Ordinance of the Mayor and Borough Council of the Borough of Sea Bright, introduced on August 15, 2023 and will be further considered after a Public Hearing held on September 5, 2023.

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

ORDINANCE NO. 14-2023
AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER 195, ENTITLED "TOWING",
OF THE CODE OF THE BOROUGH OF SEA BRIGHT

Councilmember Bieber offered a motion to open the public hearing on Ordinance No. 14-2023; seconded by Councilmember Booker:

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

Public Hearing (Ord. No. 14-2023)
No one wished to be heard.

Councilmember Booker offered a motion to close the public hearing on Ordinance No. 14-2023; seconded by Councilmember Bieber:

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

Councilmember Bieber offered a motion to adopt Ordinance No. 14-2023 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, State of New Jersey, as follows:

SECTION ONE: Chapter 195, "Towing", of the Code of the Borough of Sea Bright, Section 195-13, "Payment of charges; rates," be and the same is hereby amended and supplemented to read, in full, as follows:

- "A. The vehicle owner shall pay charges for transportation, hauling or service of disabled vehicles. Any unoccupied vehicle parked or standing in violation of any provisions of this Code or contrary to the laws of the Borough, the County of Monmouth or the State of New Jersey shall be deemed a nuisance and a menace to the safe and proper regulation of traffic, and any police officer may provide for the removal of such vehicle by an approved tow truck/wrecker or operator of any approved

tow truck/wrecker. The owner of the vehicle shall pay the costs of the removal and storage before regaining possession of the vehicle according to the following rates:

- (1) For towing any passenger automobiles, a maximum fee of \$175.00 may be charged.
 - (2) For every day of dead outdoor storage, \$50.00 per day may be charged for passenger automobiles, trucks and omnibuses and \$125.00 per day may be charged for tractor-trailers.
 - (3) Waiting time and/or winching time for wreckers may be charged at a flat rate fee of \$65.00 per 1/2 hour. Waiting time charged shall not begin until at least 1/2 hour after the time of arrival of the tow truck/wrecker at the scene.
 - (4) If a heavy-duty wrecker is required for towing, the charge shall be \$500.00 per vehicle, plus \$8.75 per mile for towing to the authorized storage facility. If a heavy-duty wrecker must be used for removal of vehicles from accidents, the maximum charge may be \$650.00.
 - (5) If an operator is called out to tow or remove from an accident and there is debris from the accident, such as broken glass, removed bumpers or panels or the like, the operator, upon satisfactory debris cleanup, can charge to the vehicle owner a flat fee of \$75.00 for cleanup services. If needed, \$15.00 per bag of absorbent material.
 - (6) In the event that a fatality is involved with an accident, a specialized tow company qualified by the appropriate agencies in reconstruction of accident scenes shall be called. Said company shall be responsible for cleanup as set forth in Subsection A(5) of this section.
- B. Every operator of a tow truck/wrecker shall give the owner of the vehicle a written, itemized receipt for the fee paid. Copies of receipts shall be maintained by the operator for two years and shall be available for inspection by authorized Borough officials. Each receipt shall have imprinted on the reverse side a schedule of fees and charges. The schedule of fees and charges shall be posted in the area where these transactions normally take place.”
- C. Operators are permitted to petition the Borough Council, in writing, as to prevailing rates.
- D. The above rates shall comply with any promulgation of the Director of the Division of Community Affairs as per N.J.S.A. 56:13-1 et seq. regarding towing and storage fee schedule for the reimbursement of towing charges and storage charges for private passenger automobiles that are damaged in accidents or are recovered after being stolen.”

SECTION TWO: All Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistencies.

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

SECTION FOUR: This Ordinance shall take effect immediately upon its passage and publication as required by law.

I HEREBY CERTIFY this to be a true and correct Ordinance of the Mayor and Borough Council of the Borough of Sea Bright, introduced on August 15, 2023 and will be further considered after a Public Hearing held on September 5, 2023.

Introduction: Mayor Kelly to read the ordinance by title:

CAPITAL ORDINANCE NO. 15-2023
BOROUGH OF SEA BRIGHT
AN ORDINANCE PROVIDING FUNDING FOR THE SAND REPLENISHMENT
PROJECT FOR THE BOROUGH OF SEA BRIGHT AND APPROPRIATING \$55,000
FOR SUCH PURPOSE.

Councilmember Keeler offered a motion to introduce Ordinance No. 15-2023 for a public hearing to be held on September 19, 2023 and advertise according to law; seconded by Councilmember Bieber:

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 the sand replenishment project as the local share of a joint project conducted by the New Jersey Department of Environmental Protection, the Army Corps of Engineers and the County of Monmouth for the Borough of Sea Bright, to be funded from the sources specified in Section 2 of the Ordinance.

Section 2. The amount of \$55,000 is hereby appropriated for the purposes stated in Section 1 of the Ordinance and which amount was funded from the Borough’s Beach Utility Capital Improvement Fund in the amount of \$55,000.

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.

INDIVIDUAL ACTION/New Business:

Vouchers: \$ 866,297.50

Councilmember Booker offered a motion to approve the Voucher List dated September 5, 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

2790	ACB SERVICES, INC.					
23-00886	08/08/23 Buildings & Grounds		Open			3,888.73
02113	AMERICAN WATER					
23-00945	08/21/23 SEWER		Open			326.48
01494	ATLANTIC TACTICAL, INC.					
23-00889	08/08/23 POLICE: MATERIALS & SUPPLIES		Open			2,474.75
02036	BAHRLE, DAVID					
23-00942	08/17/23 SEWER		Open			50.00
00064	BONHIVERT, JAMES B.					
23-00954	08/23/23 ESCROW RLS.		Open			200.00
01631	BOROUGH OF OCEANPORT					
23-00992	08/31/23 COURT		Open			6,500.00
00627	BOROUGH OF RUMSON					
23-01001	08/31/23 POLICE		Open			100.00
01565	BOROUGH OF SEA BRIGHT					
23-00994	08/31/23 ADMIN		Open			4,867.50
00530	BULLET LOCK & SAFE CO., INC.					
23-00883	08/08/23 Buildings & Grounds		Open			12.00
2832	CAPPILLO, CHRISTOPHER					
23-00960	08/23/23 ESCROW RLS.		Open			200.00

REGULAR MEETING

SEPTEMBER 5, 2023

00230	CERTIFIED SPEEDOMETER		
23-00822	07/25/23	Open	396.00
2680	CINTAS		
23-00933	08/15/23 Beach	Open	341.17
23-00934	08/15/23 Buildings & Grounds	Open	159.04

			500.21
2555	CJM ASSOC. OF SEA BRIGHT		
23-00991	08/31/23 LEASE	Open	500.00
01801	COLLIER ENGINEERING & DESIGN		
22-00646	06/06/22 ENGINEER	Open	1,062.50
3002	COLSON,RANDOLPH P.		
23-00956	08/23/23 ESCROW RLS.	Open	244.00
01493	COOPERATIVE INDUSTRIES, L.L.C.		
23-00995	08/31/23 NAT.GAS	Open	252.00
2897	COPS		
23-00931	08/15/23 POLICE: EDUCATION & TRAINING	Open	159.00
3009	DICOVSKY,CLAUDIO		
23-00947	08/23/23 ESCROW RLS.	Open	445.00
3007	DULCZAK,SUSAN		
23-00949	08/23/23 ESCROW RLS.	Open	944.00
02168	EVOQUA WATER TECHNOLOGIES, LLC		
23-00855	08/01/23 Sewer	Open	1,785.00
2833	FEDERAL RENT A FENCE		
23-00965	08/25/23 PARKING	Open	201.00
2780	FISH WINDOW CLEANING		
23-00857	08/01/23 Buildings & Grounds	Open	2,233.00
2406	FP MAILING SOLUTIONS		
23-00998	08/31/23 ADMIN	Open	98.85
02101	GANNETT NJ NEWSPAPERS		
23-00964	08/25/23 CLERK	Open	39.60
00979	GIBBONS, P.C.		
23-00997	08/31/23 LEGAL	Open	475.00
01194	GLENCO SUPPLY, INC.		
23-00827	07/25/23 Streets & Roads	Open	580.00
3003	HILLIARD CONSTRUCTION		
23-00955	08/23/23 ESCROW RLS.	Open	295.00
2478	HOLISTIC WELLNESS, LLC		
23-00971	08/28/23 LIBRARY	Open	700.00
2710	HOLMDEL TOWNSHIP		
23-00989	08/31/23 FISCAL	Open	3,567.17
01285	HOME DEPOT CREDIT SERVICES		
23-00929	08/15/23 Beach	Open	369.69
23-00930	08/15/23 Buildings & Grounds	Open	32.33

			402.02
2592	INSTITUTE FORENSIC PSYCHOLOGY		
23-00894	08/08/23	Open	1,050.00
2323	INTEGRATED SYSTEMS & SERVICES		
23-00932	08/15/23 Buildings & Grounds	Open	243.00
2297	INTEGRATED TECHNICAL SYSTEMS		
23-00961	08/24/23 PARKING	Open	540.00
2561	INTRON TECHNOLOGY SOLUTIONS		
23-01003	08/31/23 TELECOMM	Open	10,260.00
23-01004	08/31/23 TELECOMM	Open	11,843.90

			22,103.90
01419	J. SWANTON FUEL OIL CO., INC.		
23-00973	08/28/23 FUEL	Open	601.61
2573	JCP & L		
23-01000	08/31/23 ELECTRIC	Open	8,672.51
2488	JERSEY SHORE POWERSPORTS		
23-00885	08/08/23	Open	1,115.16
00297	JESSE A. HOWLAND & SONS, INC.		
23-00990	08/31/23 LEASE	Open	1,705.00

REGULAR MEETING

SEPTEMBER 5, 2023

01784	JUNGLE LASERS, LLC		
23-00966	08/28/23 BLDG.DEPT	Open	520.00
3000	KATHLEEN FORSMAN LIVING TRUST		
23-00958	08/23/23 ESCROW RLS.	Open	253.50
3111	KOWALSKI-LODATO, MONICA		
23-00974	08/28/23 PLAN.BRD.	Open	17,114.68
00108	LEON S. AVAKIAN, INC.		
23-00848	08/01/23 ENGINEER-BULKHEAD	Open	6,427.50
23-00970	08/28/23 ENGINEER	Open	5,841.25

			12,268.75
2838	MOBILE PAYMENT PROCESSING SYS		
23-00968	08/28/23 PARKING	Open	3,486.75
02229	MONMOUTH COUNTY PUBLIC WORKS		
23-00899	08/08/23 Flood Truck Repairs	Open	5,111.10
02045	MONMOUTH COUNTY SPCA		
23-00993	08/31/23 ANIMAL	Open	325.00
00190	MUNICIPAL CLERKS ASSOC OF NJ		
23-00797	07/14/23 2023/2024 Membership Dues	Open	175.00
00818	NAVESINK PARTNERS, LLC		
23-00940	08/17/23 ESCROW RELEASE	Open	1,000.00
2473	NAYLORS AUTO PARTS		
23-00900	08/08/23 Parts	Open	89.91
01399	NEW JERSEY AMERICAN WATER		
23-00969	08/28/23 WATER	Open	6,002.97
3010	NJ AMERICAN WATER-SHREWSBURY		
23-00953	08/23/23 ESCROW RLS.	Open	625.00
00113	NJ NATURAL GAS COMPANY		
23-00962	08/24/23 NAT GAS	Open	666.67
00502	NJ STATE LEAGUE/MUNICIPALITIES		
23-00979	08/29/23 NJLOM Badge Registration	Open	780.00
2999	O'CONNOR, RICHARD T.		
23-00959	08/23/23 ESCROW RLS.	Open	1,000.00
01309	OCEANPORT BOARD OF EDUCATION		
23-00773	07/13/23 SCHOOL TAX	Open	74,140.00
02226	ORIGINAL WATERMEN		
23-00599	05/30/23 JR.LIFEGUARD	Open	10,611.46
2525	POOR JOHNS PORTABLE TOILETS		
23-01002	08/31/23 BEACH	Open	566.00
01463	PUMPING SERVICES, INC.		
23-00565	05/18/23 STORMWATER	Open	37,410.75
00164	RAIN, WILLIAM		
23-00999	08/31/23 HEALTH	Open	161.10
3004	ROUX ASSOCIATES, INC.		
23-00952	08/23/23 ESCROW RLS.	Open	560.00
00244	SEA BRIGHT FIRST AID, INC.		
23-00982	08/29/23 Lease Agreement	Open	2.00
02153	SHERATON ATLANTIC CITY		
23-00939	08/15/23 NJLOM Room Reservation-Verruni	Open	288.00
3001	SHIPS DECK INC.		
23-00957	08/23/23 ESCROW RLS.	Open	795.02
01027	SHORE BUSINESS SOLUTIONS		
23-01006	08/31/23 A&E	Open	649.23
00053	SHORE REGIONAL HIGH SCHOOL		
23-00778	07/13/23 HIGH SCHOOL TAX	Open	184,110.84
01933	SKYLANDS AREA FIRE EQUIPMENT		
23-00474	05/02/23 Purchase of Equipment	Open	8,862.82
3006	STAP, MICHAEL J.		
23-00950	08/23/23 ESCROW RLS	Open	264.97
02225	STAPLES ADVANTAGE		
23-00884	08/08/23 Office Supplies	Open	264.70
23-00972	08/28/23 LIBRARY	Open	114.99

			379.69

REGULAR MEETING**SEPTEMBER 5, 2023**

3008	SULLIVAN, RICHARD		
	23-00948 08/23/23 ESCROW RLS.	Open	194.56
00656	TAYLOR FENCE CO., INC.		
	23-00936 08/15/23	Open	1,450.00
00973	THE TWO RIVER TIMES		
	23-00967 08/28/23 POLICE	Open	50.00
01243	TREASURER, STATE OF NEW JERSEY		
	23-00963 08/25/23 SAND REPLENISHMENT	Open	296,431.83
02114	TWO RIVERS WATER RECLAMATION		
	23-00946 08/21/23 SEWER	Open	121,736.05
2896	VERBAL JUDO INSTITUTE, INC.		
	23-00896 08/08/23 POLICE: EDUCATION & TRAINING	Open	150.00
02061	VERIZON WIRELESS		
	23-00944 08/17/23 CELLS	Open	201.93
	23-00996 08/31/23 CELLS	Open	1,554.65

			1,756.58
3005	WOLFF III, HENRY F.		
	23-00951 08/23/23 ESCROW RLS.	Open	200.00
		TOTAL:	\$ 859,720.22

Manual Checks / Wire Transfers

8/17/2023	JCP & L		\$5,970.28
23-00941	PARTIAL BILLING-AUGUST		
8/31/2023	C.M.R.S..-FP-US POSTAL SRVC		\$607.00
23-01005	REFILL POSTAGE MACHINE		

TOTAL: \$ 6,577.28**GRAND TOTAL: \$ 866,297.50****MAYOR AND COUNCIL COMMENTS****Mayor Kelly announced that the Borough Council is in receipt of the 2022 Audit.**

Borough Clerk Christine Pfeiffer stated that we had a good audit and there are no recommended corrective actions.

Administrator Verruni explained that the Auditors commented that our surplus is in good shape and the Borough is in overall good financial condition.

Mayor Kelly stated that the farmers market is every Tuesday and we have had a good turnout – Councilwoman Gorman added that there is an opportunity to expand and move closer to Ocean Avenue and possibly change the hours from 12pm-5pm. She is hopeful that this will become an annual market and is looking in to moving the vendors into the recreation center as it gets colder. They would like to hold holiday events with various new vendors for as long as the community supports it.

Mayor Kelly wished a safe and fun year to the children of Sea Bright as the school year kicks off and does not have any updates to report regarding the school regionalization at this time.

Councilman Keeler stated that on the consent agenda the Governing Body approved the repair of the E-One fire truck which will take about a month or so and authorized the purchase of a new ladder truck. He reported that there have been delays with the bridge project which will change the upcoming channel opening/closing schedule. He stated that we had a very busy Labor Day weekend – Fire Chief Murphy reported 29 calls for service including 2 boat incidents and First Aid Captain Anthony Toth reported 23 EMS calls (14 were to Sandy Hook), 16 hospital transports. One of the transports required CPR on the way to the hospital and that patient walked out of the hospital only 2 hours later.

Councilman Bieber reported progress on the bulkhead improvement initiative as Borough Engineer Greg Blash has completed the preliminary design for the project. He has been looking into several grant opportunities through various government agencies and federally funded programs, which is our preferences vs. bonding. We are on track to have the project completed in 2 years. RFPs have gone out for the train station pavilion for the Shrewsbury Riverfront Park which are due the morning of the next workshop meeting – he hopes to receive and review them at that workshop so they can award the contract at the following Council meeting. Councilman Bieber reported the court fee payments that have been received year to date have increased 76% from last year. Short term rental enforcement is going really well and we are receiving monthly tax revenue checks from the state - Councilwoman Gorman would like to see the short term rental property owners have better upkeep of the homes.

Councilman Bieber also stated that he has been working with Attorney Shaklee to draft a fire pit ordinance and will discuss it further at the upcoming workshop meeting. Chief Friedman added that he has not received any complaints or had any issues with any of the short-term rental properties.

Councilman Catalano reported a great year with no issues and generated about \$1,070,000 in revenue – hats off to the whole team.

Councilman Booker explained that he attended a bulkhead meeting earlier to discuss grant applications and it is very clear how important attention to detail is going to be throughout the process. It will be very important that the data in our systems is accurate and can be supported with strong documentation.

Councilman Lamia is working with Councilwoman Gorman on a potential cleanup day in the Fall. Public Works is winding down from the summer and can hopefully focus on some things that need attention going forward.

EXECUTIVE SESSION

Councilmember Booker offered a motion to enter in to Closed Session; seconded by Councilmember Bieber:

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. Litigation

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

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

Respectfully submitted,

Christine Pfeiffer
Borough Clerk