

Mayor Fernandes called the meeting to order and requested those present to join her in the Pledge of Allegiance to the Flag.

Mayor Fernandes read the following statement:

"GOOD EVENING LADIES AND GENTLEMEN. THIS MEETING IS NOW CALLED TO ORDER. IN LINE WITH THE BOROUGH OF SEA BRIGHT'S LONGSTANDING POLICY OF OPEN GOVERNMENT, AND IN COMPLIANCE WITH THE "OPEN PUBLIC MEETINGS ACT", I WISH TO ADVISE YOU THAT ADEQUATE NOTICE OF THIS REGULARLY SCHEDULED MEETING HAS BEEN ADVERTISED IN THE LINK ON JANUARY 20, 2011 AND POSTED ON THE BULLETIN BOARD IN THE BOROUGH OFFICE. IN EACH INSTANCE, THE DATE, TIME AND LOCATION OF THIS MEETING WERE PROVIDED IN THE NOTICE. THIS MEETING IS OPEN TO THE PUBLIC."

**3. ROLL CALL:**

**PRESENT:** Bills, Keeler, LoBiondo Long, Murphy, Attorney Mc Namara, Chief Financial Officer Bascom, Engineer Flor, Police Chief Sorrentino, Administrator Smeltzer

**ABSENT:** Kelly

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

There being no one who wished to be heard.

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

5. Administrator Smeltzer called for the Second Reading, by Title Only, of the following Ordinance, which was introduced and approved at the Council Meeting of February 1, 2011.

A. Councilman Murphy moved to approve this Ordinance upon Second Reading.

**ORDINANCE NO. 2-2011**  
**ORDINANCE OF THE BOROUGH OF SEA BRIGHT**  
**AMENDING ORDINANCE NO. 22-2010**  
**CHAPTER 41 PURCHASING MANUAL**  
**OF THE CODE OF SEA BRIGHT**

**BE IT ORDAINED**, by the Mayor and Council of the Borough of Sea Bright, in the County of Monmouth, that the following amendment to Ordinance No. 22-2010 be made:

**APPENDIX A GUIDE TO PREPARING REQUISITIONS**

**6A):** One quote is required for purchases in an amount less than \$1,500.00.

**6B):** Two quotes are required for purchases in an amount of \$1,500.00 but less than \$2,625.00.

**6C):** Three quotes are required for purchases in an amount over \$2,625.00. but less than the bid threshold of \$17,500 in the aggregate.

**BE IT FURTHER ORDAINED**, that this Ordinance shall take effect upon its adoption, passage and publication according to law and

moved the Public Hearing to be held. Second by Councilwoman Bills and approved by the following vote:

Ayes: Bills, Keeler, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: Kelly

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

Ayes: Bills, Keeler, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: Kelly

Councilman Keeler made a motion to approve Ordinance No. 2-2011 on its Third and Final Reading and advertise it according to law. Second by Councilman Murphy and approved upon the following vote:

Ayes: Bills, Keeler, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: Kelly

Administrator Smeltzer called for the Second Reading, by Title Only, of the following Ordinance, which was introduced and approved at the Council Meeting of February 1, 2011.

B. Councilman Keeler moved to approve this Ordinance upon Second Reading.

**ORDINANCE NO. 3-2011**  
**ORDINANCE OF THE BOROUGH OF SEA BRIGHT**  
**AMENDING CHAPTER 3, SECTION 10, PARAGRAPH E**  
**ADMINISTRATIVE CODE**  
**OF THE BOROUGH OF SEA BRIGHT**

**WHEREAS**, three (3) minutes is a reasonable amount of time for individual members of the public to address the Governing Body of the Borough of Sea Bright; and

**WHEREAS**, limiting the time to address the Governing Body of the Borough of Sea Bright to three minutes will provide more members of the public with a greater opportunity to address the Mayor and Council; and

**WHEREAS**, the Mayor or Acting Mayor will maintain discretion in allowing members of the public to exceed the three (3) minute time limit; and

**WHEREAS**, upon recognition by the Mayor or Acting Mayor, the person shall proceed to the floor and give their name and address for the record. The person shall address statements to

the Mayor and Council as a body and not to any member, employee, or professional unless permitted by the Mayor or Acting Mayor. A Councilmember shall not direct any question to a speaker addressing the Governing Body unless permitted by the Mayor or Acting Mayor.

**BE IT FURTHER ORDAINED**, that this Ordinance shall take effect upon its adoption, passage and publication according to law and moved the Public Hearing to be held. Second by Councilwoman Long and approved by the following vote:

Ayes: Bills, Keeler, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: Kelly

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

Ayes: Bills, Keeler, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: Kelly

Councilman Murphy made a motion to approve Ordinance No. 3-2011 on its Third and Final Reading and advertise it according to law. Second by Councilman Keeler and approved upon the following vote:

Ayes: Bills, Keeler, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: Kelly

C. Administrator Smeltzer read by title only and Councilman Murphy introduced an Ordinance entitled.

**BOND ORDINANCE NO. 5-2011**

**BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$200,000 FOR THE IMPROVEMENTS TO MUNICIPAL FACILITIES FOR AND BY THE BOROUGH OF SEA BRIGHT IN THE COUNTY OF MONMOUTH, NEW JERSEY AND, AUTHORIZING THE ISSUANCE OF \$190,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.**

\*Supplemental Date Statement received on February 15, 2011.

and moved the same be approved upon first Reading, held over for Second Reading and Public Hearing to be held on March 1, 2011. Second by Councilman LoBiondo and approved upon the following vote:

Ayes: Bills, Keeler, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: Kelly

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

**RESOLUTION NO. 84-2010  
 TEMPORARY CAPITAL BUDGET  
 BOROUGH OF SEA BRIGHT**

Whereas, it is desired to adopt a temporary capital budget,

Project	Project Number	Estimated Total Cost	Amounts Reserved in Prior Years	Planned Funding Services for Current Year 2011					To Be Funded in Future Years
				2010 Budget Appropriations	Capital Improvement Fund	Capital Surplus	Grants in Aid and Other Funds	Debt Authorized	
Improvement To Municipal Facilities		\$200,000			10,000			190,000	
<b>Total</b>		<b>200,000</b>			<b>10,000</b>			<b>190,000</b>	

**3 YEAR CAPITAL PROGRAM 2011- 2013  
 ANTICIPATED PROJECT SCHEDULE AND FUNDING REQUIREMENT**

Project	Project Number	Estimated Total Cost	Estimated Completion Time	Funding Amounts Per Year				
				Budget Year 2011	20__	20__	20__	20__
Improvement to Municipal Facilities		\$200,000	2011					
				200,000				
<b>Total</b>		<b>200,000</b>		<b>200,000</b>				

Project	Estimated Total Cost		Budget Appropriations		Capital Improvement Fund	Capital Surplus	Grants in Aid and Other Funds	Bonds and Notes		
	Current Year 2010	Future Years	Current Year 2010	Future Years				General	Self-Liquidating	Assessment
Municipal Facilities	200,000				10,000		190,000			
<b>Totals All Projects</b>	<b>200,000</b>				<b>10,000</b>		<b>190,000</b>			

Now, Therefore Be It Resolved, by the Governing Body of the Borough of Sea Bright County of Monmouth that the following temporary capital budget be adopted.

Be It Further Resolved, that two certified copies of this resolution in the Office of the Director of Local Government Services.

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

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

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

Items A, D, I were removed from the Consent Agenda

**B. Minutes**

1. Councilwoman Bills introduced a motion adopting the February 1, 2011 Special Council Meeting Minutes. Second by Councilwoman Long and adopted upon unanimous voice vote.  
Ayes: Bills, Keeler, LoBiondo, Long, Murphy  
Nays: None  
Abstain: None  
Absent: Kelly

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2. Councilwoman Bills introduced a motion adopting the February 1, 2011 Closed Session Meeting Minutes. Second by Councilwoman Long and adopted upon unanimous voice vote.  
Ayes: Bills, Keeler, LoBiondo, Long, Murphy  
Nays: None  
Abstain: None  
Absent: Kelly

3. Councilwoman Bills introduced a motion adopting the February 1, 2011 Council Meeting Minutes. Second by Councilwoman Long and adopted upon unanimous voice vote.  
Ayes: Bills, Keeler, LoBiondo, Long, Murphy  
Nays: None  
Abstain: None  
Absent: Kelly

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

**RESOLUTION NO.45-2011  
BOROUGH OF SEA BRIGHT**

BE IT RESOLVED, by the Mayor and Council of Sea Bright, County of Monmouth, State of New Jersey that the proper officers, be and are hereby authorized to refund the following tax overpayment:

<b>BLOCK</b>	<b>LOT</b>	<b>NAME</b>	<b>AMOUNT</b>
3.02	36	BAC TAX SERVICES	\$741.42

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Sea Bright hereby approve the following refund of \$741.42.  
Second by Councilwoman Long and adopted upon unanimous voice vote.  
Ayes: Bills, Keeler, LoBiondo, Long, Murphy  
Nays: None  
Abstain: None

Absent: Kelly

**E.** Councilwoman Bills introduced and offered for adoption the following Resolution:

**RESOLUTION NO. 46-2011  
BOROUGH OF SEA BRIGHT**

BE IT RESOLVED, by the Mayor and Council of Sea Bright that the proper officers, be and are hereby authorized to refund an overpayment of a raffle license fee to Red Bank Regional Source Foundation, 101 Ridge Road, Little Silver, New Jersey in the amount of \$140.00.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Sea Bright hereby approve the following raffle license fee overpayment of \$140.00.

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

Ayes: Bills, Keeler, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: Kelly

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

**RESOLUTION NO. 48-2011  
BOROUGH OF SEA BRIGHT**

**WHEREAS**, the Monmouth County SPCA and the Borough of Sea Bright have entered into a Community Cat Initiative known as the Trap-Neuter-Return program and Ordinance No. 31-2010 Permits the Managed Care of Feral Cats; and

**WHEREAS**, the Borough of Sea Bright wishes to establish and approve a TNR Cat Program Rate with the Monmouth County SPCA for the year 2011 at a fee of \$70 for the seven day State mandated holding period for TNR Program cats, only.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Sea Bright, Monmouth County, New Jersey, that the TNR Cat Program Rate of \$70.00 between the Borough of Sea Bright and the Monmouth County SPCA be authorized for the year 2011.

**CERTIFICATION OF FUNDS**

I, Michael J. Bascom, Chief Financial Officer of the Borough of Sea Bright do hereby that funds will be available in the 2011 animal control appropriation for the purpose stated in the above resolution.

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MICHAEL J. BASCOM, CFO

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

Ayes: Bills, Keeler, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: Kelly

**G.** Councilwoman Bills introduced a motion approving the request from Jersey Shore Skim Camp to host two skim boarding contests: 6/25-6/26 and 9/10-9/11. Second by Councilwoman Long and approved upon the following roll call vote:  
Ayes: Bills, Keeler, LoBiondo, Long, Murphy  
Nays: None  
Abstain: None  
Absent: Kelly

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

**RESOLUTION NO. 50-2011  
BOROUGH OF SEA BRIGHT**

**WHEREAS**, there exists a shared services agreement with the County of Monmouth for the Shrewsbury River Automated Flood Warning System.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Sea Bright, County of Monmouth authorizes the payment of \$1,500.00 for participation in the Shrewsbury River Automated Flood Warning System.

**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 interlocal Monmouth County Shrewsbury River Flood Warning System for the purpose stated herein.

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**MICHAEL J. BASCOM, CFO**

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

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

**J.** Councilwoman Bills introduced a motion authorizing OEM appointment: David Estelle Second by Councilwoman Long and adopted upon the following roll call vote:  
Ayes: Bills, Keeler, LoBiondo, Long, Murphy  
Nays: None  
Abstain: None  
Absent: Kelly

**K.** Councilwoman Bills introduced a motion approving a request from Michael's feat organization for donation of 2 season beach badges. Second by Councilwoman Long and adopted upon the following roll call vote:  
Ayes: Bills, Keeler, LoBiondo, Long, Murphy  
Nays: None  
Abstain: None  
Absent: Kelly

**L.** Councilwoman Bills introduced a motion approving the request from Port Monmouth Elementary School for donation of season beach badges.

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

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

Council Murphy asked that the bill for legal services of Scarinci and Hollenbeck, LLC, bill numbers: 10-01538 12/31/10 for \$10,385.40 and be removed from the bill list.

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

**RESOLUTION NO.44-2011  
 PAYMENT OF BILLS 02-15-11**

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

NOW, THEREFORE, BE IT RESOLVED that these vouchers totaling \$349,742.43 are to be paid; and

BE IT FURTHER RESOLVED, that proper Officers are hereby authorized to execute and issue warrants for payments of said vouchers, but only if and when conditions of the Borough Treasury shall permit, and the said vouchers be approved by the proper Committees.

01688	ADVANCED MARKETING SOLUTIONS		
11-00109	02/01/11 A&E-POSTCARDS:SEA BREEZE	Open	150.00
11-00114	02/01/11 A&E-2011 (4) QTRLY SEA BREEZE	Open	1,800.00
			-----
			1,950.00
01578	AMERICAN MESSAGING		
11-00099	02/01/11 DPW-FEB 2011 PAGER SERVICE	Open	46.15
00003	ASBURY PARK PRESS		
11-00002	01/21/11 MUNI CLERK-BLANKET:NOTICES	Open	217.00
11-00113	02/01/11 TAX ASSESSOR-2011 TAX LIST	Open	42.00
			-----
			259.00
00384	AT & T MOBILITY		
11-00098	02/01/11 DPW-JAN 2011 CELL BILL	Open	265.15
02009	B J'S WHOLESALE CLUB, INC.		
11-00102	02/01/11 A&E-2011 MEMBERSHIP	Open	100.00
02036	BAHRLE, DAVID		
11-00106	02/01/11 DPW-TRAVEL REIMB:1/26/11	Open	24.35
01957	BENEMAX BENEFIT MANAGEMENT CO.		
11-00163	02/08/11 02/11 DENTAL PLAN MANAGEMENT	Open	312.00
00385	BOROUGH OF LITTLE SILVER		
11-00116	02/02/11 A&E-2011 MEMBERSHIP DUES	Open	125.00
01565	BOROUGH OF SEA BRIGHT		
11-00143	02/03/11 T/F ADMIN FEE:01/15/11 PAYROLL	Open	642.00
11-00145	02/03/11 T/F ADMIN FEE:01/15/11 PAYROLL	Open	330.00
			-----
			972.00
01974	BOROUGH OF SEA BRIGHT COURT		
11-00179	02/09/11 COURT-01/11 CREDIT CARD REIMB	Open	109.62
00065	CHRISTOPHER, KEITH		
11-00131	02/02/11 BLDGS/GRNDS-REPAIR TOILET	Open	150.00
00249	CLARK, DOUGLAS		
11-00105	02/01/11 DPW-TRAVEL REIMB:1/26/11	Open	26.00
00198	COMCAST		
11-00095	02/01/11 LIBRARY-INTERNET:JAN 2011	Open	100.14
11-00142	02/03/11 FIRE DEPT-INTERNET:FEB 2011	Open	95.17
11-00168	02/08/11 A&E-INTERNET:FEB 2011	Open	95.17



			-----	290.48
01745	CONTE'S CAR WASH			
	11-00077 01/25/11 SELF-SERV:LARGE VEHICLE WASH	Open		200.00
	11-00078 01/25/11 2011 UNLIMITED CAR WASHES	Open		555.00
			-----	755.00
01493	COOPERATIVE INDUSTRIES, L.L.C.			
	10-01442 12/06/10 NOV 2010 NATURAL GAS	Open		2,870.50
02118	ELECTRONIC MEASUREMENT LAB INC			
	10-01429 12/03/10 SEWER-NEW GAS DETECTOR	Open		494.00
01842	ELECTRONIC POLICE FORMS, LLC			
	11-00128 02/02/11 POLICE-2011 MAINT/SUPPORT	Open		550.00
00377	FIDELITY NATIONAL INDEMNITY			
	11-00139 02/02/11 2011 FLOOD INS:LIBRARY ADDT'L	Open		118.00
00077	FLEET SERVICES			
	11-00199 02/10/11 GASOLINE - FEB 2011	Open		5,296.97
00211	FULL SERVICE WEB SITES, LLC			
	11-00115 02/02/11 A&E-2011 HOSTING OF WEBSITE	Open		765.00
01657	GOWAN, KERRY			
	11-00186 02/10/11 POLICE DEPT-1/29,1/30 MATRON	Open		32.00
00314	GPANJ, INC.			
	11-00120 02/02/11 MUNI CLERK-2011 DUES	Open		90.00
01887	HEIM ELECTRONICS, INC.			
	11-00125 02/02/11 LIBRARY-2/1-4/30/11 ALARM	Open		62.85
	11-00126 02/02/11 BORO HALL-2/1-4/30/11 ALARM	Open		62.85
			-----	125.70
01572	HUTCHINS, FARRELL, MEYER &			
	11-00140 02/02/11 PREPARE 2010 BUDGET	Open		680.00
01363	IRON MOUNTAIN, INC.			
	11-00152 02/07/11 A&E-VAULT:2011 SERVER BACKUPS	Open		153.36
00895	JOHNNY ON THE SPOT, INC.			
	11-00092 02/01/11 PORTO-POTS - JAN 2011	Open		409.20
	11-00161 02/07/11 PORTO-POTS - FEB 2011	Open		369.60
			-----	778.80
00275	M & S WASTE SERVICES, INC.			
	11-00155 02/07/11 2011 TRASH/RECYCLING PICKUP	Open		9,725.00
	11-00156 02/07/11 01/11 LANDFILL TIPPING FEES	Open		5,769.78
			-----	15,494.78
00106	MGL FORMS-SYSTEMS, LLC			
	11-00132 02/02/11 TAX COLL-2010 1099-INT FORMS	Open		49.50
01985	MOBILE MINI, INC.			
	11-00094 02/01/11 POLICE-TRAILER 2011 PYMT 02/13	Open		278.00
00110	MONM CNTY REGIONAL HEALTH			
	11-00091 02/01/11 1/Q/2011 PUBLIC SERVICE HEALTH	Open		12,109.50
00233	MONMOUTH CARDIOLOGY ASSOC, LLC			
	10-01536 12/31/10 POLICE DEPT-EKG SCREENING	Open		136.00
00457	MONMOUTH COUNTY ASSESSORS ASSN			
	11-00108 02/01/11 TAX ASSESSOR-2011 DUES	Open		75.00
00174	MONMOUTH COUNTY FLEET SERV DIV			
	10-01537 12/31/10 POLICE DEPT-LIGHT TOWER RENTAL	Open		75.00
00109	MONMOUTH COUNTY POLICE CHIEF'S			
	11-00096 02/01/11 POLICE DEPT-2011 DUES	Open		150.00
00189	MUNICIPAL CLERKS ASSN/MONMOUTH			
	11-00119 02/02/11 MUNICIPAL CLERK-2011 DUES	Open		150.00
00190	MUNICIPAL CLERKS' ASSOC OF NJ			
	11-00107 02/01/11 MUNI CLERK-2011 DUES	Open		175.00
00019	NJ AMERICAN WATER			
	11-00089 02/01/11 JAN 2011 HYDRANTS	Open		2,188.02
	11-00153 02/07/11 FEB 2011 HYDRANTS	Open		2,188.02
			-----	4,376.04
00131	NJ CONFERENCE OF MAYORS			
	11-00124 02/02/11 A&E-2011 MEMBERSHIP DUES	Open		295.00

00672	NJ DEPT OF COMMUNITY AFFAIRS		
11-00177	02/09/11 BLDG DEPT-UCC SUBSCRIPTION	Open	50.00
00502	NJ STATE LEAGUE/MUNICIPALITIES		
11-00123	02/02/11 A&E-2011 MEMBERSHIP DUES	Open	274.00
01079	NJMVC CAIR PROGRAM		
11-00122	02/02/11 A&E-2011 MVC ONLINE ACCESS FEE	Open	150.00
00195	OFFICE OF NATURAL LANDS MGMT		
11-00173	02/09/11 DATABASE SEARCH FEE	Open	70.00
11-00176	02/09/11 DATABASE SEARCH FEE	Open	70.00
00046	ONE CALL CONCEPTS, INC.		
10-01467	12/07/10 A&E - 4/Q/2010 BILLS	Open	51.36
01737	PENGUIN COMMUNICATIONS, LLC		
10-01531	12/31/10 FIRE DEPT-ADDITIONAL CALLS	Open	29.64
01648	PETRA OVERHEAD DOOR CO., INC.		
11-00013	01/21/11 BLDGS/GRNDS-REPAIR FIRST AID	Open	405.60
00884	PETTY CASH		
11-00141	02/03/11 A&E-REIMB:PETTY CASH	Open	45.52
00431	PMC ASSOCIATES, INC.		
10-01468	12/07/10 POLICE DEPT-REPAIR COMM SYSTEM	Open	5,288.10
00309	PRECISION LANDSCAPING		
11-00093	02/01/11 DPW-1/26/11 SNOW PLOWING	Open	450.00
00987	REGISTRARS' ASSOCIATION OF NJ		
11-00118	02/02/11 MUNICIPAL CLERK-2011 DUES	Open	75.00
00408	SCHWAAB, INC.		
11-00021	01/21/11 MUNI CLERK-(2) STAMPS	Open	58.98
01554	SEA BRIGHT SERVICE CENTER		
10-01052	08/27/10 POLICE-BLANKET:VEHICLE MAINT	Open	38.95
11-00138	02/02/11 POLICE-BLANKET:VEHICLE MAINT	Open	141.85
11-00157	02/07/11 FIRE DEPT-2/6,2/7,2/10 SERVICE	Open	111.45
			-----
			292.25
00027	SEABOARD WELDING SUPPLY, INC.		
11-00197	02/10/11 DPW - 2011 CYLINDER RENTAL	Open	12.70
00213	SEELY EQUIPMENT & SUPPLY		
10-01514	12/21/10 DPW-SHAFT & BEARINGS:SALTER	Open	69.12
SCARINCI AND HOLLENBECK			
11-00137	02/02/11	Open	833.34
00222	SIGNS & LETTERS UNLIMITED		
10-00588	05/13/10 POLICE-PED STOP SIGN DECALS	Open	340.00
01577	STATE OF NEW JERSEY		
11-00195	02/10/11 A&E-MICROFILM STORAGE FEE	Open	17.50
00083	T & M ASSOCIATES		
11-00136	02/02/11 ENGINEERING-2011 RETAINER	Open	500.00
01285	THE HOME DEPOT		
11-00069	01/25/11 BLDGS/GRNDS-BLANKET:MISC SUPP	Open	203.64
01643	THE LINK NEWS		
11-00004	01/21/11 MUNI CLERK-BLANKET:NOTICES	Open	32.43
00331	TREASURER, STATE OF NJ		
11-00194	02/10/11 SEWER-SAFE DRINKING WATER FEE	Open	200.00
00178	UNITED STATES POSTAL SERVICE		
11-00184	02/10/11 A&E-FEE:POSTAL ROUTE DVD	Open	75.00
02061	VERIZON WIRELESS		
11-00097	02/01/11 POLICE-JAN 2011 CELL & MDT	Open	793.94
02177	WALSH, JOAN		
11-00193	02/10/11 LIBRARY-REIMB:2/9 BOOKS,DVDS	Open	58.66
DEPOSITORY TRUST CO (P&I PAYMENT)			205,000.00
DEPOSITORY TRUST CO (P&I PAYMENT)			42,780.00
DESIO, DAVID (ESCROW REFUND)			291.24
GOWAN, KERRY (1/Q/2011 ADMIN FEE)			100.00
T & M ASSOCIATES (ESCROW)			345.00
NJSHBP (JAN 2011)			25,097.60
U.S. BANK, NA (INTEREST PAYMENT)			<u>14,978.91</u>
TOTAL			\$349,742.43

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

Ayes: Bills, Keeler, LoBiondo, Long, Murphy

Nays: None  
Abstain: None  
Absent: Kelly

D. Councilman LoBiondo introduced a motion approving a request from SBBA to host family movie nights on the beach - Tuesdays, July 5<sup>th</sup> to August 30<sup>th</sup> with a condition that if July 5<sup>th</sup> is needed as the fireworks' rain date then the Sea Bright Business Alliance will cancel the July 5<sup>th</sup> movie on the beach. . Second by Councilwoman Long and adopted upon the following roll call vote:  
Ayes: Bills, Keeler, LoBiondo, Long, Murphy

Nays: None  
Abstain: None  
Absent: Kelly

**7. NEW BUSINESS:**

A. Councilman Murphy introduced and offered for adoption the following Resolution:

**RESOLUTION NO 54-2011**  
**BOROUGH OF SEA BRIGHT**  
**AUTHORIZING ENTRY INTO SETTLEMENT AGREEMENT**  
**REGARDING THE CASE OF VICTOR SCUDIERY V. THE**  
**BOROUGH OF SEA BRIGHT AND BOROUGH OF SEA BRIGHT**  
**PLANNING BOARD**

**WHEREAS**, a lawsuit was commenced against the Borough of Sea Bright and its Planning Board on or about March 1, 2010 in the Superior Court of New Jersey, Law Division, Docket No. MON-L-1103-10, asserting that the Borough had not complied with the provisions of the Fair Housing Act and its implementing regulations issued by the Council on Affordable Housing ("COAH"); and

**WHEREAS**, the Borough and its Planning Board have since entered into settlement negotiations with the plaintiff and have reached an amicable resolution of this matter, as embodied in a Settlement Agreement and Release, the terms and conditions of which have been agreed to by all three parties; and

**WHEREAS**, the Borough has agreed to resolve this lawsuit, in order to finally and fully settle all claims which could have been or were asserted by any and all parties to the lawsuit, upon the terms and conditions set forth in the Settlement Agreement and Release.

**NOW THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Sea Bright that the Mayor and Borough Clerk are hereby authorized to execute all necessary settlement documents to resolve this aforesaid litigation.

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

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

B. Councilwoman Long introduced a motion to carry the Unified Planning Board's comments and recommendations regarding

Ordinance 4-2011 Second by Councilman Murphy and adopted upon the following roll call vote:

Ayes: Bills, Keeler, Long, Murphy

Nays: None

Abstain: LoBiondo

Absent: Kelly

C. Councilwoman Long introduced a motion approving the request from SBFD to hold their 4<sup>th</sup> annual Fireman's Fair - May 19<sup>th</sup> - 22<sup>nd</sup> at the Peninsula House parking lot. Second by Councilman Keeler and adopted upon the following roll call vote:

Ayes: Bills, Keeler, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: Kelly

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

**RESOLUTION NO. 47-2011  
BOROUGH OF SEA BRIGHT**

**WHEREAS**, the Sea Bright Fire Department will hold the fourth annual Firemen's Fair from Thursday, May 19 through Sunday May 22nd; and

**WHEREAS**, a request has been made for a waiver of the 10:00 pm requirement of Chapter 144 Noise, Section 144-3.1 to midnight during the duration of the Firemen's Fair.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Sea Bright, County of Monmouth authorizes a waiver of Chapter 144 Noise, Section 144-3.1 for this event. Second by Councilwoman Long and adopted upon the following roll call vote:

Ayes: Bills, Keeler, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: Kelly

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

**RESOLUTION NO. 49-2011  
BOROUGH OF SEA BRIGHT**

**WHEREAS**, the Borough of Sea Bright wishes to acquire a 2011 Chevrolet Tahoe from an authorized vendor under the State of New Jersey Cooperative Purchasing Program; and

**WHEREAS**, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Law, NJSA 40A:11-12; and

**WHEREAS**, Mall Chevrolet 75 Haddonfield Road, Cherry Hill, NJ 08002 has been awarded New Jersey State Contract No.A73848 for the vehicle and for the emergency equipment, paint and lights; and

**WHEREAS**, the cost for the purchase of a 2011 Chevrolet Tahoe with emergency equipment package is \$31,145.00; and

**WHEREAS**, authorization is hereby granted to trade-in the 2001 Chevrolet Suburban VIN#1GNFK16T71J219652 for a credit of \$2,500.00 towards the cost of the 2011 Chevrolet Tahoe bringing the cost down to **\$28,645.00**; and

**WHEREAS**, the Chief Financial Officer, has certified the availability of funds for this purchase.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough of Sea Bright, the acquisition of 2011 Chevrolet Tahoe with emergency equipment package as referenced herein and the trade in of the 2001 Chevrolet Suburban be authorized as described herein.

#### **CERTIFICATION OF FUNDS**

I, Michael J. Bascom, Chief Financial Officer, of the Borough of Sea Bright do hereby certify that funds are available in Police O/E Temporary Budget for the purpose stated in the above resolution.

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MICHAEL J. BASCOM, C.F.O.

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

Ayes: Bills, Keeler, LoBiondo, Long

Nays: None

Abstain: Murphy

Absent: Kelly

**F.** Councilman Keeler introduced a motion authorizing SBF D appointments: William F. Trivett, Jr. as auxiliary driver and Robert Hughes as fire police.

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

Ayes: Bills, Keeler, LoBiondo, Long

Nays: None

Abstain: Murphy

Absent: Kelly

**G.** Councilman Murphy introduced and offered for adoption the following Resolution:

#### **RESOLUTION NO. 51-2011 BOROUGH OF SEA BRIGHT**

**WHEREAS**, the Mayor and Council of the Borough of Sea Bright hereby authorizes Jaclyn J. Flor, P.E. of T&M Associates and Robert Adler, architect to meet with the NJDEP for the Smart Growth project.

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

Ayes: Bills, Keeler, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: Kelly

**8. CORRESPONDENCE AND COMMUNICATIONS:**

- A. Police Chief report
- B. Library Director report
- C. Recreation Director report
- D. October 26, 2011 Unified Planning Board Minutes
- E. January 11, 2011 Unified Planning Board Minutes
- F. December 15, 2010 Monmouth County Regional Commission Minutes.

**9. COMMITTEE REPORTS:**

- A. Beach/Education/Environment:** Councilwoman Long reported that the cat program would offer free micro chips for cats on March 5<sup>th</sup> from 12 - 4 pm. The TNR program will start at the beach and then the downtown area. It is illegal for pet owners to allow unsprayed/unneutered cats to wander the street.

The dune grass planting is March 5<sup>th</sup> beginning 8am and fence supplies will be available to the residents for their beaches.

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

Councilman LoBiondo reported that the renovations to the Borough Hall wall is progressing. The state mandated stop signs are being installed. DEP clean shores program will be here for three days in March to remove heavy timbers etc. on the beach.

**C. Public Safety/Insurance:**

Councilman Keeler reported that JIF is still working on the December 1, 2010 utility pole incident. The Fire Department is discussing the options of purchasing new or repairing equipment. He commended all public safety personnel for all the work that they have done during polar plunges and snowstorms.

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

Councilman Murphy reported that the budget hearings are finished. A budget workshop will be scheduled soon.

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

Councilwoman Bills reported progress.

- F. Smart Growth/Flood Mitigation/Beautification:** In Councilman Kelly's absence Councilman Keeler reported progress.

**10. MAYOR FERNANDES - REPORT AND COMMUNICATIONS.**

Mayor Fernandes reported that the Asbury Press had an article about an alternative to cell towers and asked Engineer Flor to follow up on the new technology written in the article.

He congratulated Tax Collector Spahr as an employee of the Borough for 24 years. Happy Birthday to Peggy Bills.

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

Jo-Ann Kalaka-Adams of 1184 Ocean Avenue said that resident parking ordinance should be amended to include Osborne and North Beach. Mayor Fernandes said that Councilman Keeler would

research this and get back to Mrs. Kalka-Adams with his findings.

Ruth Fialco asked as to when the public meeting for 150 Ocean Avenue property will be heard. Attorney McNamara replied that the public hearing is scheduled for March 15, 2011.

There being no one else who wished to be heard. Councilwoman Bills introduced a motion to close the meeting to the public. Second by Councilman Keeler and approved upon unanimous voice vote.

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

**RESOLUTION NO. 52-2011**  
**Executive Session**  
**BOROUGH OF SEA BRIGHT**

WHEREAS, N.J.S.A. 20:40.12 et seq. provides for closed session of the Council as appropriate; and,

WHEREAS, the Public Meetings Act provides for closed session of the Council; and,

WHEREAS, the matters to be discussed involves litigation.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Sea Bright, New Jersey, that they meet in closed session to discuss the issues as herein set forth and when the need for confidentiality no longer exists the decisions made therein will be made available to the public.

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

Second by Councilman Keeler and adopted upon unanimous voice vote.

Ayes: Bills, Keeler, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: Kelly

Councilman Keeler introduced a motion to return back into regular session. Second by Councilman Murphy and adopted upon unanimous voice vote.

Ayes: Bills, Keeler, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: Kelly

Councilman Murphy introduced a motion authorizing the request from legal counsel to hire Hill International an expert in construction to assist in the defense regarding the downtown stormwater improvement project.

Second by Councilman Murphy and adopted upon unanimous voice vote.

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

**13. ADJOURNMENT:**

There being no further business before the Governing Body.  
Councilman Murphy made a motion to adjourn the meeting at 8:20  
P.M. Second by Councilman Keeler and approved upon unanimous  
voice vote.

Respectfully Submitted,

Maryann M. Smeltzer  
Municipal Clerk