

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 ASBURY PARK PRESS 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 (arrived at 7:50 p.m.), Keeler (arrived at 8:18 p.m.), Kelly, LoBiondo, Long, Murphy, Mayor Fernandes, Attorney Oxley, Engineer Flor, Chief Financial Officer Bascom, Police Chief Sorrentino, Administrator Smeltzer.

ABSENT: None

4. COMMENTS FROM THE AUDIENCE (limited to 3 minutes per person)

Missy Vitagliano of 18 Tradewinds Lane said that Merri-makers tiki bar's location is too close to the Tradewinds property. Also, she is still waiting on information from the Kara Homes' litigation to complete the development project and that she has not received the support of the town for a solution to Tradewinds' problems.

No one else wished to be heard. Councilman Murphy introduced a motion to close the meeting to the public. Second by Councilman Kelly and approved upon unanimous voice vote.

5.

B. Administrator Smeltzer called for the Second Reading, by Title Only, of the following Ordinance, which was introduced and approved at the Council Meeting of May 20, 2011.

Councilman Murphy moved to approve this Ordinance upon Second Reading.

ORDINANCE NO. 14-2011
AN ORDINANCE REVISING CHAPTER 130, LAND USE,
ARTICLE VII, AREA BULK AND USE REQUIREMENTS,
SECTION 130-50 LOT AND BUILDING REQUIREMENTS
PARAGRAPH A (6)
OF THE CODE OF THE BOROUGH OF SEA BRIGHT

BE IT ORDAINED, by the Mayor and Council of the Borough of Sea Bright that Chapter 130, Article VII, Area, Bulk and Use Requirements, Section 130-50, Lot and Building Requirements, Paragraph A (6), shall be amended as follows:

Section 130-50 Paragraph A (6) shall be removed and revised as follows:

a. When a structure is built or raised to a minimum of two feet above the base flood elevation, then the height limit of the structure shall be revised to allow three additional feet in height to be added to the maximum allowable height for that particular structure.

b. When renovations are made to an existing structure that has been raised a minimum of two feet above the base flood elevation, and the

height limit has not been previously revised pursuant to paragraph a., then the height limit of the structure shall be revised to allow three additional feet in height to be added to the maximum allowable height for that particular structure. In no case shall the maximum allowable height exceed three feet above the base maximum allowable height as set forth in the Schedule of Lot and Building Requirements. For undersized lots, in no case shall the maximum allowable height exceed three feet above the maximum allowable height as calculated under this Chapter.

c. In no case shall the maximum allowable height exceed 38 feet from the crown of the road.

BE IT FURTHER ORDAINED all other sections of Chapter 130 shall remain in full force and effect. In the event there is any conflict or inconsistency between this particular ordinance and the rest of Chapter 130, the terms in this ordinance shall prevail.

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, Kelly, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: None

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 Long and approved by the following vote:

Ayes: Bills, Keeler, Kelly, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: None

Councilman Murphy made a motion to approve Ordinance No. 12-2011 on its Third and Final Reading and advertise it according to law. Second by Councilwoman Long and approved upon the following vote:

Ayes: Bills, Keeler, Kelly, Long, LoBiondo, Murphy

Nays: None

Abstain: None

Absent: None

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

A. Councilman Kelly introduced and approved for adoption the following:

**RESOLUTION NO.119-2011
PAYMENT OF BILLS 06-07-2011**

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

NOW, THEREFORE, BE IT RESOLVED that these vouchers totaling \$782,142.73 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.

00099 ADVANCED DIGITAL SYSTEMS

11-00567 05/11/11 BLDGS/GRNDS-REPAIR ALARM SYSTM Open

130.00

01578	AMERICAN MESSAGING		
11-00629	05/26/11 DPW-JUN 2011 PAGER SERVICE	Open	50.94
00384	AT & T MOBILITY		
11-00624	05/25/11 DPW-MAY 2011 CELL BILL	Open	103.57
01241	BAIN'S HARDWARE, INC.		
11-00544	05/05/11 APR 2011 PURCHASES	Open	806.67
01631	BOROUGH OF OCEANPORT		
11-00578	05/13/11 COURT SHARED SERVICES:JUN 2011	Open	6,503.34
01565	BOROUGH OF SEA BRIGHT		
11-00581	05/13/11 T/F ADMIN FEE:05/13/11 PAYROLL	Open	750.00
11-00582	05/13/11 T/F ADMIN FEE:05/13/11 PAYROLL	Open	96.00

			846.00
01546	C.I.T. TECHNOLOGY FIN SERV, INC		
11-00061	01/21/11 POLICE DEPT-2011 COPIER LEASE	Open	147.72
00230	CERTIFIED SPEEDOMETER		
11-00346	03/16/11 POLICE DEPT-SIGN BASES,PANELS	Open	764.20
11-00566	05/11/11 POLICE DEPT-CALIBRATE VEHICLES	Open	216.00

			980.20
00065	CHRISTOPHER, KEITH		
10-01414	11/24/10 NEW HOT WATER HEATERS	Open	2,025.00
11-00286	03/02/11 SEWER-REBUILD GROUND HYDRANTS	Open	325.00

			2,350.00
00198	COMCAST		
11-00591	05/17/11 POLICE DEPT-INTERNET:MAY 2011	Open	95.17
11-00631	05/27/11 LIBRARY-INTERNET:MAY 2011	Open	100.12
11-00634	05/31/11 FIRE DEPT-INTERNET:JUN 2011	Open	95.17

			290.46
01530	COVESAIL MARINA		
11-00529	04/29/11 FIRE DEPT-BOAT MAINTENANCE	Open	236.04
01877	DEL RE, NELDA		
11-00628	05/26/11 LIBRARY-REIMB:GIFT CERTIFICATE	Open	341.60
00091	DIGIROLAMO, LOUIS		
11-00571	05/12/11 2011 PYMT 06/12 HEALTH REIMB	Open	2,141.70
01664	EMERGENCY PRODUCTS, INC.		
11-00492	04/20/11 FIRE DEPT-ANNUAL MAINT #4375	Open	1,396.39
11-00493	04/20/11 FIRE DEPT-ANNUAL MAINT #4390	Open	2,245.94

			3,642.33
00731	EXTREME MACHINES		
11-00523	04/29/11 POLICE DEPT-SERV:2005 POLARIS	Open	1,260.24
01679	FRED BURDGE JR. INC.		
10-00926	07/27/10 TOILETS/SINKS:POLICE CELLS	Open	3,150.00
01194	LENCO SUPPLY, INC.		
11-00552	05/10/11 DPW-VARIOUS SIGNS	Open	588.05
11-00558	05/11/11 BEACH-(3) BLOCK SIGNS	Open	300.60
11-00598	05/18/11 DPW-SIGNS	Open	192.60

			1,081.25
00022	HILL INTERNATIONAL, INC.		
11-00229	02/18/11 CONSULTING SERV RE:LITIGATION	Open	3,307.50
01286	INDUSTRIAL MARINE		
11-00563	05/11/11 REIMB:APR 2011 ELECTRIC	Open	123.46
01526	JCP & L		
11-00606	05/20/11 APR 2011 ELECTRIC SERVICE	Open	7,628.79
00297	JESSE A. HOWLAND & SONS, INC.		
11-00576	05/12/11 GARAGE RENT - JUN 2011	Open	1,772.00
11-00577	05/12/11 DPW-ADDT'L GARAGE RENT-JUN'11	Open	893.00

			2,665.00
00270	JOHNSON, KENNETH		
11-00573	05/12/11 2011 PYMT 06/12 HEALTH REIMB	Open	1,024.69
00443	KLINE, GEORGE		
11-00505	04/27/11 FIRE DEPT-PROTECTIVE EQUIPMENT	Open	3,685.91
00980	LAW ENFORCEMENT SYSTEMS, INC.		
11-00522	04/29/11 POLICE DEPT-250 EVIDENCE TAGS	Open	54.00
00104	LORAY, ROBERT		
11-00569	05/12/11 2011 PYMT 06/12 HEALTH REIMB	Open	1,300.25

00161	LOU'S UNIFORMS, INC.		
11-00608	05/23/11 BEACH-(10) T-SHIRTS	Open	86.00
01985	MOBILE MINI, INC.		
11-00605	05/20/11 POLICE-TRAILER 2011 PYMT 06/13	Open	278.00
00378	MONMOUTH TRUCK EQUIPMENT		
11-00072	01/25/11 DPW-BLANKET:SNOW PLOW R&M	Open	139.00
00140	MOORE, WILLIAM		
11-00572	05/12/11 2011 PYMT 06/12 HEALTH REIMB	Open	2,141.70
00137	MUNICIPAL CAPITAL CORPORATION		
11-00059	01/21/11 A&E-2011 COPIER LEASE	Open	225.20
01211	NAYLOR'S, INC.		
11-00165	02/08/11 POLICE-BLANKET:VEHICLE MAINT	Open	175.87
00019	NJ AMERICAN WATER		
11-00646	06/02/11 APR 2011 WATER UTILITY	Open	249.91
00311	NJ DIVISION OF ABC		
11-00583	05/13/11 MUNI CLERK-LIQUOR LICENSE APPL	Open	54.00
00502	NJ STATE LEAGUE/MUNICIPALITIES		
11-00618	05/24/11 A&E-(8) SUBSCRIPTION RENEWALS	Open	128.00
01309	OCEANPORT BOARD OF EDUCATION		
11-00497	04/20/11 GRADE SCHOOL TAX - JUN 2011	Open	77,253.59
00743	OFFICE MAX, INC.		
11-00597	05/18/11 DPW-INK CARTRIDGES	Open	89.98
01662	ORIENTAL TRADING COMPANY		
11-00297	03/04/11 REC-SUPPLIES FOR FIREMENS FAIR	Open	422.70
00163	OSWALD ENTERPRISES, INC.		
11-00594	05/18/11 SEWER-CLEAR SEWER BLOCKAGE	Open	500.00
00431	PMC ASSOCIATES, INC.		
11-00542	05/05/11 OEM-RADIO EQUIP FOR OEM TRUCKS	Open	1,447.65
01357	PRECISE CONSTRUCTION, INC.		
11-00147	02/03/11 IMPROV:NORMANDIE PL/BEACH WAY	Open	130,134.20
00164	RAIN, WILLIAM		
11-00568	05/12/11 2011 PYMT 06/12 HEALTH REIMB	Open	863.57
01092	RED BANK RECYCLING & AUTO		
11-00585	05/16/11 FIRE DEPT-JUNK CARS:TRAINING	Open	300.00
02141	RELIANCE GRAPHICS, INC.		
11-00615	05/24/11 SAMPLE BALLOTS-2011 PRIMARY	Open	560.00
00788	SCARINCI & HOLLENBECK, LLC		
11-00137	02/02/11 LEGAL-2011 RETAINER	Open	416.67
00408	SCHWAAB, INC.		
11-00549	05/06/11 MUNI CLERK-(2) STAMPS	Open	74.48
00341	SCHWARZ, CHARLES		
10-01074	09/02/10 EXTEND HANDRAILS AT LIBRARY	Open	450.00
00985	SEABOARD FIRE/SAFETY EQUIP CO.		
11-00306	03/07/11 BLDGS/GRNDS-INSPEC:FIRE EXT	Open	553.55
11-00317	03/10/11 POLICE DEPT-INSPEC:FIRE EXT	Open	227.05

			780.60
01027	SHORE BUSINESS SOLUTIONS		
11-00557	05/11/11 MAINT:SHARP FAX MACH:BORO HALL	Open	345.00
00053	SHORE REGIONAL HIGH SCHOOL		
11-00495	04/20/11 HIGH SCHOOL TAX - JUN 2011	Open	164,300.59
00246	SICKLES MARKET, LLC		
11-00621	05/25/11 BEAUTIFICATION-PLANTS/SOIL	Open	1,657.02
00493	SIGNS & SAFETY DEVICES		
11-00339	03/15/11 BEACH-(20) TRAFFIC CONES	Open	175.00
00975	SMACK, EDWARD		
11-00574	05/12/11 2011 PYMT 06/12 HEALTH REIMB	Open	863.57
00125	SPAHR, PATRICIA		
11-00614	05/24/11 TAX COLL-REIMB:A/CITY TRAV+FEE	Open	123.80
00124	SPAHR, STEVEN		
11-00570	05/12/11 2011 PYMT 06/12 HEALTH REIMB	Open	2,141.70
00083	T & M ASSOCIATES		
10-00302	03/08/10 PLANNING SERVICES	Open	1,000.00
10-00624	05/18/10 IMPROV:NORMANDIE PL/BEACH WAY	Open	579.66
11-00136	02/02/11 ENGINEERING-2011 RETAINER	Open	250.00
11-00377	03/23/11 DEVELOP:MUNICIPAL FACILITIES	Open	2,437.50
11-00439	04/12/11 INSPEC:PARK/LOT POTHOLE REPAIR	Open	1,779.75
11-00538	05/05/11 ENGINEERING:8 CENTER STREET	Open	3,052.89
11-00599	05/18/11 ENGINEERING-2/23-4/15/11 MISC	Open	2,011.64
11-00609	05/23/11 ENGINEERING-SEWER LINE	Open	250.00

			11,361.44
01285	THE HOME DEPOT		
11-00619	05/24/11 BEACH-MISC SUPPLIES	Open	426.01
11-00620	05/24/11 BLDGS/GRNDS-BLANKET:MISC SUPP	Open	199.00

			625.01
01643	THE LINK NEWS		
11-00602	05/19/11 LIBRARY-2 YEAR SUBSCRIPTION	Open	45.00
00331	TREASURER, STATE OF NJ		
11-00521	04/28/11 DPW-REGISTRATION FEE & STICKER	Open	200.00
01960	VERIZON		
11-00589	05/16/11 LOCAL/LONG DISTANCE:APR 2011	Open	1,779.94
01020	VERIZON COMMUNICATIONS		
11-00604	05/20/11 DPW-DSL INTERNET:APR 2011	Open	49.99
02061	VERIZON WIRELESS		
11-00627	05/26/11 POLICE-MAY 2011 CELL & MDT	Open	791.63
01150	W.W. GRAINGER, INC.		
11-00587	05/16/11 DPW-RAIN GEAR JACKET & PANTS	Open	104.36
02177	WALSH, JOAN		
11-00637	06/01/11 LIBRARY-REIMB:5/27 FLOWERS	Open	32.03
01164	WATCHUNG SPRING WATER CO, INC.		
11-00590	05/17/11 MAY 2011 SPRING WATER	Open	141.12
02112	WAYNE'S MARKET		
11-00559	05/11/11 A&E-GOURMET BASKET:FISLER	Open	75.00
	BORO OF SEA BRIGHT PAYROLL A/C (4/30/11 PAYROLL)		76,113.55
	BORO OF SEA BRIGHT PAYROLL A/C (5/15/11 PAYROLL)		80,959.70
	BORO OF SEA BRIGHT PAYROLL A/C (5/30/11 PAYROLL)		79,229.61
	FLEET SERVICES (MAY 2011 GASOLINE)		4,490.07
	GOWAN, KERRY (QTRLY ADMINISTRATIVE FEE)		100.00
	MONMOUTH COUNTY SPCA (APRIL 2011 BOARDING)		20.00
	NJSHBP (APRIL 2011)		25,097.60
	SHREWSBURY RIVER, INC. (ESCROW REFUND)		842.01
	T & M ASSOCIATES (ESCROW)		525.66
	THE BANK OF NEW YORK (BOND INTEREST PAYMENT)		42,656.03
	THE BANK OF NEW YORK (BOND INTEREST PAYMENT)		13,000.00
	THE BANK OF NEW YORK (BOND INTEREST PAYMENT)		6,931.10
	TOTAL		782,142.73

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

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

B. Councilman Kelly introduced a motion adopting the May 12, 2011 Special Meeting Minutes. Second by Councilman Murphy and approved upon the following roll call vote:

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

Councilman Kelly introduced a motion adopting the May 12, 2011 Special Closed Session Meeting Minutes. Second by Councilman Murphy and approved upon the following roll call vote:

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

Councilman Kelly introduced a motion adopting the May 20, 2011 Council Meeting Minutes. Second by Councilman Murphy and approved upon the following roll call vote:

Ayes: Kelly, LoBiondo, Long, Murphy
 Nays: None
 Abstain: None

Absent: Bills, Keeler

C. Councilman Kelly introduced and offered for adoption the following resolution:

**RESOLUTION NO. 120-2011
BOROUGH OF SEA BRIGHT**

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and,

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and,

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Sea Bright in the County of Monmouth hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2011 in the sum of **\$4,000.00** which is now available as a revenue from **FY 2011 Clean Communities Grant**; and

BE IT FURTHER RESOLVED, that a like sum of **\$ 4,000.00** is hereby appropriated under the caption **FY 2011 Clean Communities Grant**; and

BE IT FURTHER RESOLVED, that the Borough Clerk forward two copies of this resolution to the Director of Local Government Services. Second by Councilman Murphy and approved upon the following roll call vote:

Ayes: Kelly, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: Bills, Keeler

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

**RESOLUTION NO. 121-2011
BOROUGH OF SEA BRIGHT**

WHEREAS, there exists a need for additional(hourly) seasonal beach cleaner/maintenance personnel.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Sea Bright, County of Monmouth that the following person be appointed and receive the rate of pay as specified below effective May 27, 2011:

<u>BEACH CLEANERS/MAINTENANCE</u>	<u>PER HOUR</u>
Jeffrey Morse	\$8.00 (part-time)

CERTIFICATION OF FUNDS

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

MICHAEL J. BASCOM, CFO

WHEREAS, the hourly rate of pay for the beach cleaners is in accordance with the salary range adopted by Ordinance 13-2006. Second by Councilman Murphy and adopted upon the following roll call vote:
Ayes: Kelly, LoBiondo, Long, Murphy
Nays: None
Abstain: None

Absent: Bills, Keeler

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

**Resolution No. 122-2011
BOROUGH OF SEA BRIGHT**

Whereas, the owner for Block 30 Lot 17 has filed an application for total exemption on taxes due for a total and permanent disability, and;

Whereas, the Tax Assessor has approved said application in the year 2011 and each and every year thereafter that the applicant Ralph Ciambuschini is qualified, and;

Now Therefore Be It Resolved, the Tax Collector of the Borough of Sea Bright, County of Monmouth, State of New Jersey recommends that the taxes on Block 30 Lot 17, otherwise known as 462 Ocean Avenue, currently owned by Kathleen & Ralph Ciambuschini husband and wife be canceled and therefore exempt for the duration of ownership and as long as the applicant Ralph Ciambuschini meets all qualifications for said exemption.
Interpretative Statement:

The above property owners have requested and received an exemption from taxes due to a total and permanent disability as a war veteran. Since the request was granted during the tax year 2011 and after taxes were levied on their property, I need to obtain an approved resolution dismissing taxes for the year 2011. Starting in 2012, taxes will be exempt from the levy.

Second by Councilman Murphy and adopted upon the following roll call vote:
Ayes: Kelly, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: Bills, Keeler

F. Councilman Kelly introduced and offered for adoption the following Resolution:

**Resolution 123-2011
BOROUGH OF SEA BRIGHT**

WHEREAS, the following tax overpayment exist due to approval of a veteran tax exemption; and

WHEREAS, the homeowner is requesting a refund; and

WHEREAS, the tax collector recommends the refund be issued.

NOW THEREFORE BE IT RESOLVED, that the Borough of Sea Bright, County of Monmouth, State of New Jersey hereby authorize the following tax refund:

Block & Lot	Quarter & Year	Amount	Issue Refund To
30/17	1 st 2011	\$4,320.44	Kathleen & Ralph Ciambuschini 462 Ocean Avenue Sea Bright, NJ 07760

Second by Councilman Murphy and adopted upon the following roll call vote:
Ayes: Kelly, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: Bills, Keeler

G. Councilman Kelly introduced and offered the following resolution for adoption:

**BOROUGH OF SEA BRIGHT
RESOLUTION NO. 127-2011**

WHEREAS, the Finance Manager has indicated that the unused Planning Board escrow monies shall be refunded to:

APPLICANT	REFUND
1. Shrewsbury River, Inc.	\$842.01
2. Joann Sheridan	\$350.00

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Sea Bright hereby authorize the unused Planning Board escrow monies be refunded.

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

Ayes: Kelly, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: Bills, Keeler

H. Councilman Kelly introduced and offered the following resolution for adoption:

**BOROUGH OF SEA BRIGHT
RESOLUTION NO. 128-2011**

WHEREAS, the Deputy Borough Clerk has indicated that the marriage ceremony fee of \$300.00 shall be refunded to:

**Patricia Seyler
501 Bridlemere Avenue
Interlaken, NJ**

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Sea Bright hereby authorize that the marriage ceremony fee of \$300.00 shall be refunded.

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

Ayes: Kelly, LoBiondo, Long, Murphy

Nays: None

Abstain: None

Absent: Bills, Keeler

5.A. Councilwoman Bills arrived at 7:50 p.m.

**ORDINANCE NO. 13-2011
BOROUGH OF SEA BRIGHT
AN ORDINANCE AMENDING SALARY ORDINANCE 13-2006
OF CERTAIN OFFICERS, POSITIONS AND EMPLOYEES
OF THE BOROUGH OF SEA BRIGHT, MONMOUTH COUNTY, STATE OF NEW JERSEY AND
REPEALING ANY AND ALL OTHER ORDINANCES HERETOFORE ADOPTED WHICH ARE
INCONSISTENT HEREWITH**

Councilwoman Bills introduced a motion to carry Ordinance 13-2011 to the July 5, 2011 council meeting. Second by Councilwoman Long and approved upon the following roll call vote:

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

7. OLD BUSINESS:

A. DISCUSSION:

- Dilapidated Buildings - Mayor Fernandes said that she received a memo from Fire Marshal Haege concerning the problem properties in town.. Councilman Murphy said that 6 Peninsula and Jesse Howlands property on New Street have received permits for demolition.
- Sandy Hook Mutual Aid Agreement - Council President Keeler said that Chief Murphy is working with Sandy Hook's Fire Chief to clean up the agreement and revise the proposal.
- Update Fire Department Ordinance - Councilwoman Long handed out a draft of the public safety committees' revisions to the council to review and comment. This would be re-listed on the July 5th agenda.

8. NEW BUSINESS:

A. 2011-12 Liquor License Reports:

1. Fire Marshal Thomas Haege
2. Zoning Officer Mary Tangolics
3. Health Officer John McDonald
4. Police Detective John Arias
5. Councilman Kelly introduced and offered for adoption the following resolution:

**RESOLUTION NO. 124-2011
BOROUGH OF SEA BRIGHT**

BE IT RESOLVED, by the Mayor and Council of the Borough of Sea Bright, New Jersey that the following Applications for Liquor Licenses were received, and the licenses granted to sell alcoholic beverage, and the Clerk of the Borough is authorized to issue and deliver such licenses:

<u>CLUB LICENSE:</u>	<u>FEE FOR RENEWAL: \$180.00</u>
1343-31-020-001	Sea Bright Beach Club 999 Ocean Avenue

<u>RETAIL DISTRIBUTION LICENSES:</u>	<u>FEE FOR RENEWAL: \$1,670.00</u>
1343-44-006-009	Teddy B, Inc. The Liquor Store 1060 Ocean Avenue

<u>RETAIL CONSUMPTION LICENSES:</u>	<u>FEE FOR RENEWAL: \$2,400.00</u>
1343-33-001-002	Shrewsbury River Inc. McLoone's Rumrunner 816 Ocean Avenue
1343-33-004-004	Sea Horse, LLC t/a Driftwood Beach Club 1485 Ocean Avenue
1343-33-005-003	Harry's Lobster House Corp. t/a Harry's Lobster House 1124 Ocean Avenue
1343-33-007-003	Donovans Reef Inc.

t/a Donovans Reef
1171 Ocean Avenue

1343-33-008-003 Superstar Enterprises
t/a The Cove
1250 Ocean Avenue

1343-36-010-006 Fairbanks Resort & Marina Inc.
344 Ocean Avenue

1343-33-012-007 Woody's Ocean Grille LLC
t/a Woody's Ocean Grille
1 East Church Street

1343-33-013-005 Shipmasters Inc.
t/a The Dockside
1400 Ocean Avenue

1343-33-016-006 MV Entertainment LLC
t/a Dive
1072 Ocean Avenue

1343-33-018-007 Watersedge, Inc.
t/a Merri-Makers at Waters Edge
1465 Ocean Avenue

Alcoholic Beverage Licensee Retail Tax Clearance Certificate pursuant to Chapter 161, Laws of NJ 1995 has been granted by the Division of Taxation to the within named.

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

AYES: Bills, Kelly, LoBiondo, Long, Murphy
NAYS: None
ABSTAIN: None
ABSENT: Keeler

Councilman LoBiondo was recused from the public hearing for Resolution No. 125-2011.

B1. Letter from Michael B. Steib, attorney for Grace Schwartz, objecting to person-to-person/place-to-place transfer of plenary retail consumption liquor license from 150 Ocean Avenue Corp. to D. Lobi Enterprises, Inc.

B2. Open Public Hearing.

Councilman Kelly introduced a motion to open the public hearing. Second by Councilwoman Long and adopted upon the following roll call vote:

AYES: Bills, Keeler, Kelly, Long, Murphy
NAYS: None
ABSTAIN: None
ABSENT: LoBiondo, Keeler

Michael B. Steib, attorney for Grace Schwartz said that the D.Lobi liquor license transfer would not serve his client's best interest because it would exceed the population ratio, increase traffic, increase noise from more functions having live bands and electronic music. There will be more deliveries of food and alcohol and garbage/recycling pick up. The applicant was previously declined for a place-to-place transfer because of its proximity to the residents. If the Council approves this application it should be subject to all restrictions set forth by the planning board

and that violations of the restrictions would be grounds for suspension and non-renewal of this liquor license.

Tim McLoone owner of McLoones at 816 Ocean Avenue said that over the years Surfrider has been selling liquor without a liquor license. He presented a copy of the Surfrider's contract marked as Exhibit 1

Janice DeMarco of 406 Ocean Avenue said that in the past D.Lobi has been denied a liquor license.

Ed Wheeler of 908 Ocean Avenue said that Surfrider would become another Tradewinds nightclub

Michael Chimento of 934 Ocean Avenue said that more garbage/recycling pick ups would not enhance the neighborhood.

Thomas J. Hirsch, Esq. representing D.Lobi Enterprises, Inc. said that his client has agreed to conditions with the planning board concerning the limitations of banquet hours, location of guest's buses, location of parked vehicles, providing escort for guests to leave in orderly fashion, having guests vacate premises within 45 minutes after the event, installation of non-operating hurricane windows installed, sound resistant glass, sound board in walls, self closing doors, utility screen around mechanicals. Their policy is no more than 165 guests. The elimination of an ala carte restaurant was a condition from the planning board. All these conditions were to appease the neighbors.

The conditions on the liquor license application will be attached to the license. The license is only for beach club members, guests and banquets and will not be open to the public. The limit would be to 11 p.m.

Council President Keeler arrived at 8:18 p.m.

Janice DeMarco said that there will be more drinking at the Surfrider because of a liquor license.

Ed Wheeler said that next summer the owners of Surfrider will be back requesting more from the council as they have always done in the past.

Michael Chimento 934 Ocean Avenue said that people will indulge more frequently, easily and intensely because of the liquor license.

Tim McLoone asked Councilman Keeler just arrived and has not heard of all who spoke and how would this affect the terms of the vote.

Attorney Hirsch said that the Surfrider is a family type establishment and drinking would not increase because of a liquor licens.

Attorney Hirsch said that the liquor license can be subjected to the conditions that he mentioned earlier.

Councilwoman Bills introduced a motion to close the public hearing. Second by Councilman Murphy and adopted upon the following roll call vote:

AYES: Bills, Keeler, Kelly, Long, Murphy

NAYS: None

ABSTAIN: None

ABSENT: LoBiondo

B4. Councilman Murphy introduced and offered for adoption the following resolution:

**RESOLUTION NO. 125-2011
BOROUGH OF SEA BRIGHT**

WHEREAS, an application has been filed for a Person-to-Person/Place-to-Place transfer of Plenary Retail Consumption License Number 1343-33-003-003, heretofore issued to 150 Ocean Ave Corporation for an inactive license with a mailing address of c/o Victor Scudiery, 1390 State Route 36 Suite 105, Hazlet, NJ 07730; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid; and

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

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Sea Bright does hereby approve, effective June 7, 2011 the Person-to-Person/Place-to-Place transfer of the aforesaid Plenary Retail Consumption licensed premises from its former location at 150 Ocean Avenue, Sea Bright, NJ (currently inactive), to its new location at **931 Ocean Avenue, Sea Bright, NJ** and the transfer of the aforesaid Plenary Retail Consumption License to **D. Lobi Enterprises, Inc.** and does hereby direct the Borough Clerk to endorse the license certificate to the new ownership and new location as follows: "This license, subject to all its terms and conditions, is hereby transferred to the new ownership of D. Lobi Enterprises, Inc. and to the new transferred location at **931 Ocean Avenue, Sea Bright, NJ**".

BE IT FURTHER RESOLVED, that the transfer approval for Plenary Retail Consumption License Number 1343-33-003-003 shall be subject to all of the special conditions as outlined in the Sea Bright Planning/Zoning Board Resolution Granting Site Plan and Variance Approval for Block 23 Lots 12.01 and 12 dated December 8, 2009. A copy of that Resolution is attached hereto and incorporated by reference.

BE IT FURTHER RESOLVED, that the license shall also be subject to the following conditions:

- A. Those neighbors whose property is across the street from the applicant's property, will be furnished with the applicant's banquet manager's cell phone number so that if any issues arise during a function, there is a proper line of communication.
- B. Alcohol may not be sold at the licensed premises after 11:00 p.m.
- C. The sale of alcohol shall be limited to:
 - 1) the public attending banquet functions held at the licensed premises and
 - 2) the members of the Surfrider Beach Club and their guests.

RESOLUTION OF THE SEA BRIGHT PLANNING/ZONING BOARD
GRANTING SITE PLAN AND VARIANCE APPROVAL

RE: D. LOBI ENTERPRISES, INC.

T/A SURFRIDER BEACH CLUB

931 Ocean Avenue

Block 23 Lots 12.01 and 12

Sea Bright New Jersey

WHEREAS, D. Lobi Enterprises, Inc. (the "Applicant") made application to the Planning/Zoning Board of Sea Bright (the "Board") for property known as Block 23, Lots 12 and 12.01 on the Tax Map of the Borough of Sea Bright, also known as 931 Ocean Avenue for an expansion of a use previously created by a use variance and preliminary and final site plan approval; and

WHEREAS, the Applicant proposes to expand the two-story frame clubhouse to the north and south. The proposed expansion to the south will add offices, handicapped bathrooms, expanded bridal suite, an area for an elevator, including the associated foyer area and hallway to the banquet facility. Expansion to the north includes enclosing the existing outdoor deck to encompass that area within the banquet area and to square off the building in the southeast corner. Applicant also seeks to add a new deck to the easterly side of the second story of the clubhouse which will run across the rear of the second floor; and

WHEREAS, the Planning/Zoning Board previously granted a use variance to permit an ala carte restaurant, banquet facility and beach club by resolution dated July 28, 1992 and marked as Exhibit B-5; and

WHEREAS, the Planning/Zoning Board previously denied a similar application to expand the existing Club House and banquet facility in July 2007; and

WHEREAS, Applicant has provide due notice to the public and all surrounding property owners as required by law, has caused notice to be published in the official newspaper in accordance with NJSA 40:55D-1 et seq and, therefore, this Board has accepted jurisdiction of the application and has conducted public hearings on the matter at meetings on September 22, 2009, October 27, 2009 and December 8, 2009, at which time all persons having an interest in said application were given an opportunity to be heard; and

WHEREAS, the Applicant appeared and marked into evidence certain documents including the following:

- A-1 Jurisdictional Packet,
- A-2 Application
- A-3 Architectural Plans by James Monteforte Architectural Studio dated August 20, 2009, 4 pages
- A-4 Peter Avakian, P.E. letter dated August 24, 2009 regarding CAFRA permit
- A-5 Thomas J. Hirsch, Esq. brief and narrative dated September 17, 2009
- A-6 Survey & lighting plan, 2 pages, by Charles Surmonte dated 11-24-09
- A-7 Revised architectural plans by Monteforte dated 11-20-09
- A-8 Aerial of piq

WHEREAS, in addition to the Applicant's exhibits, the objector, David DeSio, also marked into evidence the following exhibits:

- O-1 Michael Leckstein, Esq. letter dated September 22, 2009
- O-2 Windows on the Water webpage dated October 12, 2009
- O-3a Googled information - Windows on the Water dated October 12, 2009
- O-3b Googled information - Windows on the Water website picture dated October 12, 2009
- O-4 Windows on the Water brochure

WHEREAS, the Board introduced the following exhibits:

- B-1 James Kennedy Consulting Engineers LLC completeness letter dated September 16, 2009
- B-2 James Kennedy Consulting Engineers LLC engineering review dated September 21, 2009
- B-3 Anthony Condouris architectural plans dated September 28, 2006
- B-4 Fire Marshall memo dated September 29, 2009
- B-5 D.Lobi Enterprises, Inc. resolution dated July 28, 1992
- B-6 D.Lobi Enterprises, Inc. resolution dated May 14, 2002

WHEREAS, the Applicant offered sworn testimony in support of the application by the following:

James Monteforte, Architect
Charles Surmonte, P.E. Engineer
James A. Lobiondo, Manager of the Surfrider Beach Club
James W. Higgins, Professional Planner

WHEREAS, members of the public also presented testimony as follows:

Edward Wheelr
Janice DeMarco

WHEREAS, the Applicant requested the following variances or waivers:

1. While Applicant argued that a use variance is not necessary, the Board finds that Applicant needs a use variance for the expansion for the use previously granted by use variance.
2. Variance from side yard setback requirements which is an existing condition.
3. Variance from the side yard setback requirement for both sides which is also an existing condition.
4. Applicant's appeal from the zoning officer's decision that a use variance is required for two principal uses on the same lot on the basis that same was previously granted to applicant per the resolution dated July 28, 1992, however, in the alternative, Applicant seeks a variance to permit the principal uses of the restaurant/banquet facility and as expanded by this application and the beach club.
5. Applicant seeks a waiver from §130-40.F to permit parking vehicles in a front yard which is an existing condition.
6. Applicant seeks a waiver from §130-5 which requires all parking spaces to be 9 ft. x 18 ft. and aisle ways and passage ways to be a minimum of 22 ft. in width. Applicant is not changing the existing parking layout which was previously approved.
7. Waiver from §130-65.A(3) concerning service availability letters from utility companies.
8. Waiver from §130-65.A(9) requiring an Environmental Impact Statement
9. Waiver from §130-65.B(6) providing paving and right-of-way widths of existing street within 200 ft.
10. Waiver from §130-65.B(7) requiring a plan showing the extent of wooded areas, swamps, bogs and ponds on the site within 200 ft.
11. Waiver of §130-65.B(8) concerning existing and proposed manholes, sewer lines and fire hydrants, etc.
12. Waiver from §130-65.B(15) from providing center profiles of adjacent streets.
13. Waiver from §130-65.B(16) requiring boring logs with the understanding that they will be provided to the Building Dept. for review at the time building permits are issued.
14. Waiver from §130-65.B(21) showing an on-site vehicle and passenger circulation plan
15. Waiver from §130-65.B for tree location plan
16. Waiver from §130-65.B(32) showing a staging plan

WHEREAS, the Board considered the testimony and evidence presented and the Board makes the following findings of fact and conclusions of law:

1. Applicant is proposing a first and second floor expansion to the existing structure which will result in no increase in impervious coverage.
2. The expansion of the building itself will not create any new bulk variances.
3. Applicant has met with the neighbors and revised its plans taking into consideration the neighbor's concerns.
4. Applicant proposes to add a 2-story addition to the existing 2-story clubhouse to include a new entrance foyer and an elevator on the first floor, and handicapped bathrooms, storage area, offices, expanded bridal room and lobby circulation area from the elevator to the banquet room on the second floor.

5. Applicant also proposes to enclose the outdoor deck on the second floor on the southerly side of the building and to square off the southeast corner of the second floor and to add an outdoor deck on the easterly side of the second floor.

6. The additions to the building will not increase the capacity for banquets beyond 165 patrons. The Applicant has STIPULATED that the posted occupancy limits of the banquet facility will be 165.

7. The second floor expansion to the north side of the building consists of 1,922 sq. ft. and the expansion to the south side of the building consists of 881 sq. ft.

8. Exhibit A-3 prepared by James Monteforte, architect indicated a proposed floor plan layout for the second floor showing a banquet capacity of 165 patrons. The applicant agrees that the limitation of 165 patrons for banquet functions on the second floor of the Surfrider Beach Club will be a condition of approval.

9. Applicant also proposes a deck to the easterly side of the second floor of the building which will measure 14' x 95'-6".

10. The new proposed deck will not be used in conjunction with the banquet facility other than the fact that people will have access to the deck in the event they wanted to go outside the structure to get air. There will be no cocktails or Hors D'Oeuvres served for the banquets nor will there be tables set up on the deck for purposes of a banquet. The primary purpose of the deck is for beach club use. The Applicant STIPULATED that: (a) the beach club members will not use the deck during banquets or functions; (b) the deck will be non-smoking; (c) the deck will be limited to lounge chairs and related knee tables for lounge chair use.

11. On a previous application by the Surfrider to expand this facility, neighboring property owners expressed some concerns about the existing operation, therefore, Applicant has STIPULATED that it will make certain concessions and changes to its operation to address concerns previously expressed by neighbors. These stipulations/concessions which shall be conditions of this resolution are as follows:

(a) All banquet functions (not already booked) will be moved to a 5:30 p.m. start time.

(b) All banquet functions will conclude by 10:29 p.m. with the exception of banquets that are having wedding ceremonies on-site. The banquets with wedding ceremonies on-site will conclude by 10:59 p.m.

(c) No buses will be allowed in the lower lot for pick-ups at the conclusion of the function, nor shall they be parked in the lower lot during the function.

(d) Upon arrival, guests' vehicles will be directed to park in the upper parking lot until it is full until which time cars will then park in the lower parking lot.

(e) A member of Applicant's staff will be assigned to the parking to assist in a quiet departure of guests at the conclusion of the banquet.

(f) David DeSio, a neighbor whose property is across the street from the Surfrider, will be furnished with the Surfrider's banquet manager's cell phone number so that if any issues arise during a function, there is a proper line of communication.

(g) All guests attending a banquet will vacate the premises within 45 minutes of the conclusion of the reception unless conditions beyond the control of the Applicant, such as a bus breaking down, prevents this.

(h) Applicant shall install non-opening hurricane or sound-resistant glass windows on the story floor of the Surfrider.

(i) Applicant agrees to install ½ inch sound board behind sheetrock on the walls.

(j) Applicant agrees to install self-closing doors at all points of egress of the banquet facility to help contain any noise that may come from the facility.

(k) Applicant agrees that the number of guests at any banquet affairs being held in the second floor banquet facility will not exceed 165 people.

(l) The applicant hereby eliminates and abandons the a la cart restaurant which was approved in the 1992 Resolution and shall limit its restaurant activities to the banquet facility located on the second floor. The snack bar service in the beach club will remain on the first floor as it currently exists, servicing the beach club users.

(m) Applicant will increase the utility screen to 4' for sound attenuation of mechanicals.

(n) Applicant will comply with the awning ordinance.

(o) Applicant will use clouded glass or similar to prevent strobe light spillage to the neighbors.

(p) Applicant will provide a recreation easement to the Borough down the center aisle with openable gates at each end for use during fall, winter and spring.

12. The beach club use is a permitted use in the B-3 zone. The beach club use generates substantial activity at the site including club parties and other club functions which attracts a substantial number of people.

13. The restaurant/banquet facility, which was previously approved by use variance also results in activity at the club which activity is generally limited to the weekends.

14. The Board finds that the concessions made by the Applicant and the changes to the operation will be a substantial benefit to the neighboring residential properties and will not only address any problems that could occur from the expansion outlined in this application but also any detrimental impacts that exist based on the current legal use and operation at the site.

15. As a result of concerns from neighbors concerning the lighting, the Applicant's engineer will meet with the Board engineer to soften the impact. The lighting plan must be approved by the Board engineer as a condition of approval.

16. Applicant STIPULATED that the plans will be amended to show the survey on the Plans. This is a condition of approval.

17. The concessions made by the Applicant address the major issues as to noise generated by banquet function itself, noise generated by patrons leaving the site and the hours of operation.

18. The Board first determined whether the Doctrine of Res Judicata applied to this application. The Board noted the following substantive changes from the prior application which had been denied by the Board:

(a) Board Member McBride noted that the final architectural plans were different from the previous application. He noted that the area was larger internally, but the occupancy was less than the prior application and Applicant stipulated an occupancy limit not to exceed 165. He also noted that the Applicant stipulated hours of operation that would address current complaints from the neighbors.

(b) Board Member noted that the floor plans differed from the prior application; that the new plans called for squaring off the building and the operational changes were significant.

(c) Board Member McBride also noted an improved and more aesthetically pleasing front to the existing structure that differed from the prior application.

Based on the above, the Board held that the current application is substantially different from the prior application which had been denied, and determined that it had jurisdiction to hear and decide the matter.

19. In light of the fact that this use is currently permitted by virtue of a use variance, the Board applies the standard set forth in *Burbridge v. Mine Hill*. The Board treats this application as an expansion of the non-conforming use and, therefore, looks not at the use itself but whether the adverse impacts of the use can be minimized and the use brought more into conformance with the surrounding area.

20. The Board finds that applying the Burbridge standard, the Applicant has established that the changes in operation including the enclosure of the outdoor deck will be a substantial benefit to the surrounding neighboring property owners and residential area.

21. The Board also finds that the addition of the elevator which will make the building ADA compliant along with the construction of the new handicapped bathrooms clearly promote the general welfare and the purposes of planning and zoning as set forth in the Municipal Land Use Act.

22. The Board further finds that leveling the banquet room floor and dance floor will be an ADA improvement and make the facility safer for all patrons.

23. The Board further finds that the limitation of the number of patrons to 165 in the second floor of the banquet facility, the enclosure of the outdoor deck and the concessions as outlined in this resolution by the Applicant will insure that the approval of this application will have no substantial detrimental impact on surrounding properties nor will it substantially impair the intent and purpose of the zone plan and zoning ordinance.

24. The Board further finds that the expansion will not impact people walking along the seawall.

25. The Board finds that the changes made in the Plans address the current complaints surrounding the banquet use, will improve current conditions and not increase the intensity of the use.

26. As to waivers sought by Applicant, the Board reviewed the Board engineer's report of March 13, 2006 and finds that the Board engineer did not object to many of the waivers requested. The Board finds that most of these waivers are related to pre-existing conditions or to information that is unnecessary based on the nature of this application. Therefore, the Board finds that the waivers can be granted without any substantial detriment to surrounding properties or to the site plan ordinance of the Borough of Sea Bright.

27. Therefore, the Board finds that the approval of this application will result in substantial aesthetic improvements to include the shielding of all mechanicals on the roof and more attractive façade, reduction of noise by the installation of hurricane or sound proof windows, enclosure of the southerly deck and the installation of ½ inch sound board behind the walls. Additionally operational changes such as maximizing the use of the upper parking lot both for patrons cars and buses, the use of employees to direct patrons and to insure presence to control noise, the new start and end times for the banquets on the second floor of the facility and the limitation of the number of patrons to 165, all serve as a substantial benefit, which benefits outweigh any detriments of the application. Additionally, the addition of the elevator and handicapped bathrooms promotes the general welfare and the great majority of the proposed improvements are related to the operation of the permitted beach club use and not simply for the banquet/restaurant use.

NOW, THEREFORE, BE IT RESOLVED by the Planning/Zoning Board of the Borough of Sea Bright that the current application is substantially different from the prior denied application and res judicata does not apply.

BE IT FURTHER RESOLVED that applicants' application for a use variance, approval of pre-existing bulk variances, waivers and preliminary and final site plan approval to permit the expansion of the facility at the site as particularly set forth in the plans prepared by James Monteforte and marked as Exhibit A-3 is hereby granted subject to the following conditions:

GENERAL CONDITIONS

1. The applicant shall submit proof of payment of all real estate taxes applicable to the property and payment of all outstanding and future fees and escrow charges, posting of all performance guarantees, if any, in

connection with the review of this application prior to and subsequent to the approval of this application.

2. The applicant must obtain the approval of all necessary and appropriate governmental agencies and compliance with all governmental regulations except those specifically waived or modified in this Resolution. Applicant has provided a letter from Peter Avakian, P.E. dated August 24, 2009 regarding CAFRA permit.

3. The applicant shall comply with all building, FEMA and fire codes including but not limited to, entrances and exits.

4. The accuracy and completeness of the submission statements, exhibits and other testimony filed with or offered to the Board in connection with this application, all of which are incorporated herein by reference and specifically relied by the Board in granting this approval. This condition shall be a continuing condition, which shall be deemed satisfied unless and until the Board determines (on Notice to the applicant) that a breach thereof.

5. All stipulations agreed to on the record, by the applicant.

6. In the event that any documents require execution in connection with the within approval, such documents shall not be released until all of the conditions of the approval have been satisfied unless otherwise expressly noted.

7. The Applicant shall pay to the municipality any and all sums outstanding for fees incurred by the municipality for services rendered by the municipality's professionals for review of the application for development, review and preparation of documents, inspections of improvements and other purposes authorized by the MLUL.

8. The Applicant shall furnish such Performance Guarantees and/or Maintenance Guarantee as may be required pursuant to the MLUL and the Sea Bright Ordinances.

9. No site work shall be commenced or plans signed or released or any work performed with respect to this approval until such time as all conditions of the approval have been satisfied or otherwise waived by the Board.

Specific Conditions

1. Except for said waivers that have been granted as set forth herein, Applicant shall comply with the Board engineer's report of March 13, 2006.

2. The operational concessions made by Applicant and the concessions as to various sound proofing improvements as set forth in paragraph 10 (a) through (p) of this resolution shall be enforceable as conditions of this approval and will be applicable to the Applicant and any successor in ownership to the Applicant. Said conditions may be enforceable by the Borough against the principals of the Surfrider Beach Club and D.Lobi Enterprises, Inc. in addition to the corporate entities.

BE IT FURTHER RESOLVED that this Resolution memorializes the action taken by the Planning/Zoning Board at its meeting of December 8, 2009; and

BE IT FURTHER RESOLVED that the Chairman and Board Secretary are hereby authorized to sign any and all documents necessary to effectuate the purpose of this Resolution; and

BE IT FURTHER RESOLVED that the Board Secretary is hereby authorized and directed to cause a certified copy of this Resolution to be sent to the Applicant, the Borough Clerk, the engineer and the zoning officer and to make same available to all other interested parties and to cause notice of

this Resolution to be published in the official newspaper. Seconded by Councilwoman Bills and adopted upon the following roll call vote:

AYES: Bills, Kelly, Murphy

NAYS: Long

ABSTAIN: Keeler

ABSENT: LoBiondo

C. Councilwoman Long introduced and offered for adoption the following Resolution:

RESOLUTION NO. 126-2011
BOROUGH OF SEA BRIGHT

WHEREAS, the Sea Bright Fire Department is in need of a a new custom rescue pumper fire apparatus, and;

BE IT RESOLVED, that the Mayor and Council of the Borough of Sea Bright hereby authorize Sea Bright Fire Department to accept bids for one (1) new custom-built rescue pumper fire apparatus. Second by Councilwoman Bills and adopted upon the following roll call vote:

Ayes: Bills, Keeler, Kelly, LoBiondo, Long

Nays: None

Abstain: Murphy

Absent: None

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

RESOLUTION NO. 129-2011
BOROUGH OF SEA BRIGHT

WHEREAS, there exists a need for a Borough Administrator and Borough Clerk in the Borough of Sea Bright.

WHEREAS, **RICHARD KACHMAR** has been recommended by the Sea Bright Governing Body to be appointed to the following positions and receive the rate of pay as specified below effective June 27, 2011:

Borough Administrator - \$45,000.00 annually

Borough Clerk - \$20,000.00 annually

WHEREAS, from July 1, 2011 through December 31, 2011 Mr. Kachmar will be entitled to Ten (10) days Vacation. Thereafter, all leave will be in accordance with the Sea Bright Personnel Policies and Procedures Manual; and

WHEREAS, Mr. Kachmar will be entitled to the following benefits as a full time employee: health, dental, prescription and vision care.

NOW, THEREFORE, **BE IT RESOLVED** that the Sea Bright Governing Body do hereby approved the above terms for Richard Kachmar.

CERTIFICATION OF FUNDS

I, Michael J. Bascom, Chief Financial Officer, of the Borough of Sea Bright, do hereby certify that funds are available in Administrative & Executive S/W and Municipal Clerk S/W.

MICHAEL J. BASCOM, CFO

WHEREAS, the salaries mentioned herein are in accordance with the salary range adopted by Ordinance No. 13-2006.

Second by Councilwoman Long and adopted upon the following roll call vote:
Ayes: Bills, Keeler, Kelly, LoBiondo, Long, Murphy
Nays: None
Abstain: None
Absent: None

9. CORRESPONDENCE AND COMMUNICATIONS:

A. Monmouth County Regional Health Commission No. 1 March 16, 2011 meeting minutes.

10. MAYOR FERNANDES - REPORT AND COMMUNICATIONS.

11. COMMENTS FROM THE AUDIENCE (limited to 3 minutes per person)

No one else wished to be heard. Councilman Kelly introduced a motion to close the meeting to the public. Second by Councilwoman Long and approved upon unanimous voice vote.

12. ADJOURNMENT:

There being no further business before the Governing Body a motion to adjourn the meeting at 9:10 p.m. was made by Councilman Murphy. Second by Councilwoman Long and approved upon unanimous voice vote.

Respectfully Submitted,

Maryann M. Smeltzer, RMC
Municipal Clerk