

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

Mayor Fernandes read the following statement:

**THE NOTICE REQUIREMENTS OF THE OPEN PUBLIC MEETINGS LAW FOR THIS SPECIAL CLOSED SESSION MEETING HAS BEEN SATISFIED. THE NOTICE WAS SENT ON OCTOBER 25, 2011 TO THE LINK, TWO RIVER TIMES, ATLANTICVILLE/HUB AND THE ASBURY PARK PRESS, AND IT WAS POSTED IN BOROUGH HALL AND FILED IN THE OFFICE OF THE BOROUGH CLERK.**

**3. ROLL CALL:**

**PRESENT:** Bills, Keeler, Kelly, Long, Murphy, Mayor Fernandes, Attorney Oxley, Labor Attorney Rivera, Mayor Fernandes, Chief Financial Officer Bascom Engineer Flor, Police Chief Sorrentino, Administrator Smeltzer

**ABSENT:** Murphy

**4. COMMENTS FROM THE PUBLIC (limited to 3 minutes)**

William Wilson, Esq. representing Steven and Peter Lang commented that he wish to participate in the discussion involving his clients and he can not address any comments from the Governing Body because this is the only time that he can comment.

Attorney Rivera said that Attorney Wilson has an opportunity to speak now during the public portion of this meeting. He does not have the right to make comments after the Council has made their determination.

5. Councilman Keeler introduced and approved for adoption the following Resolution:

**RESOLUTION NO. 201-2011  
AUTHORIZE TRANSFER OF FUNDS**

**WHEREAS**, N.J.S.A. 40A:4-58 permits the transfer of current year appropriations during the last two months of the fiscal year; and

**WHEREAS**, the Chief Financial Officer has recommended that the following appropriation transfer be authorized:

<u>Appropriation</u>	<u>Amount From</u>	<u>Amount To</u>
General Administration O/E	\$ 3,000. 00	
Municipal Clerk O/E	\$40, 000.00	
Finance S&W	\$ 3,000.00	
Planning Board O/E	\$ 5,000.00	
Liability Insurance	\$15,000.00	
Workers Compensation	\$ 5,000.00	

Electric	\$	2,000.00	
Street Lighting	\$	5,000.00	
General Admin S&W			\$18,000.00
Municipal Clerk S&W			\$35,000.00
Engineering O/E			\$15,000.00
			\$
Solid Waste/Recycling Collection			5,000.00
Gasoline/Fuel			\$ 5,000.00
<b>Total</b>		<b>\$78,000.00</b>	<b>\$78,000.00</b>

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, that the 2012 Budget appropriations be transferred as stated herein; and

**BE IT FURTHER RESOLVED** that a copy of this Resolution be forwarded to the Chief Financial Officer and Auditor. Second by Councilwoman Long and adopted upon the following roll call vote:

Ayes: Bills, Keeler, Kelly, LoBiondo, Long

Nays: None

Abstain: Murphy

Absent: None

6. Councilwoman Long introduced and approved for adoption the following Resolution:

**RESOLUTION NO. 202-2011  
AUTHORIZE EMERGENCY APPROPRIATION**

WHEREAS, an emergency has arisen with respect to expenses related to the response to and recovery from the impact of Hurricane/ Tropical Storm Irene and no adequate provision was made in the 2011 budget for aforesaid purpose, and

WHEREAS, N.J.S.A. 40A:4-46 provides for the creation of an emergency appropriation for purposes above mentions, and

WHEREAS, the total amount of emergency appropriations created including the appropriation to be created by this resolution is \$11,000.00 and three percent of the total operations in the budget for the year is \$11,296.73

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with N.J.S.A. 40A:4-48 that:

1. An emergency appropriation be and the same is hereby made for in the amount of \$11,000.00
2. That said emergency appropriation shall be provided in full in the 2012 Beach Utility budget
3. That the Chief Financial Officer has certified that the expenditures to be financed through this resolution are related to the aforementioned emergency
4. That the Borough Clerk file two certified copies of this

resolution with the Director of Local Government Services.  
Second by Councilman Keeler and adopted upon the following roll  
call vote:

Ayes: Bills, Keeler, Kelly, LoBiondo, Long

Nays: None

Abstain: Murphy

Absent: None

7. Councilman Keeler introduced and offered for adoption the  
following resolution:

**RESOLUTION NO. 200-2011**  
**Executive Session**  
**BOROUGH OF SEA BRIGHT**

WHEREAS, N.J.S.A. 10:4.-12 (b) 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 personnel.

WHEREAS, the Mayor and Council of the Borough of Sea Bright  
may or may not take formal action in Regular Session, and;

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 Kelly and adopted upon unanimous voice  
vote.

Ayes: Bills, Keeler, Kelly, LoBiondo, Long

Nays: None

Abstain: None

Absent: None

**8. FIRST MATTER: Fire Department Personnel**

Councilman Keeler introduced a motion for Attorney Rivera to  
draw up formal disciplinary charges for all three firefighter  
involved in the incident at the firehouse. Second by  
Councilwoman Bills and adopted upon roll call vote.

Ayes: Bills, Keeler, Kelly, LoBiondo, Long

Nays: None

Abstain: None

Absent: None

There being no further business before the Governing Body.  
Councilman Keeler made a motion to adjourn the meeting at 8:24  
P.M. Second by Councilwoman Long and approved upon unanimous  
voice vote.

Respectfully Submitted,

Richard M. Kachmar, RMC

Municipal Clerk