

**AGENDA
REGULAR MEETING
BOROUGH OF SEA BRIGHT**

AUGUST 1, 2017

SEA BRIGHT, NEW JERSEY

CALL MEETING TO ORDER: 7:00pm

PLEDGE OF ALLEGIANCE

COMPLIANCE STATEMENT (N.J.S.A. 10:4-18)

Good Evening Ladies and Gentlemen. This Meeting Is Now Called To Order: In Line With The Borough Of Sea Bright's Longstanding Policy Of Open Government, And In Compliance With The "Open Public Meetings Act" I Wish To Advise You That Adequate Notice Of This Regularly Scheduled Meeting Was Sent to the Asbury Park Press and other local newspapers on November 15, 2016. In each instance, the Date, Time, And Location Of This Meeting Were Provided In The Notice. This Meeting Is Open To The Public."

ROLL CALL:

| | | | | |
|--------------------------|----------------|-------------|------------|------------|
| Councilmember (s) | BIRDSALL_____ | KEELER_____ | KELLY_____ | LAMIA_____ |
| | LECKSTEIN_____ | ROONEY_____ | | |
| Mayor | LONG _____ | | | |

MOMENT OF SILENCE: For The Following Sea Bright Resident Who Passed Away: Ralph Clauer

REMARKS FROM THE AUDIENCE (limited to 3 minutes)

The Public Comment portion of this meeting allows members of the audience to bring their concerns or comments to the Mayor and Council's attention. Pursuant to Borough Ordinance 3-2011, a member of the public who wishes to speak shall give his/her name and address for the record and may have up to three minutes to state his/her comments to the Mayor and Council as a Body. If additional time or information is requested, an appointment can be made with the Administrator's office during regular business hours.

CONSENT AGENDA

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

Minutes

| | |
|------------|-------------------|
| 07-11-2017 | Regular Meeting |
| 07-11-2017 | Executive Session |
| 07-13-2017 | Workshop Meeting |
| 07-13-2017 | Executive Session |

Resolutions:

No. 128-2017 Authorizing Settlement with and Final Payment to Andrew K. Knox and Company, Public Insurance Adjusters

No. 129-2017 Compliance with Promulgation of Local Finance Board of the State of New Jersey accepting the Borough of Sea Bright 2016 Annual Audit

- No. 130-2017** Authorizing The Borough of Sea Bright To Enter into a Cooperative Pricing Agreement with the Educational Services Commission of New Jersey (65mcesccps)
- No. 131-2017** Authorizing the Release of Maintenance Guarantee for 1050 Ocean Avenue - Balfour Corp.
- No. 132-2017** Authorizing the Release of Maintenance Guarantee for 1066 Ocean Avenue - Young's Water & Sewer, Inc.
- No. 133-2017** Authorizing Display of Fireworks at Sands Beach Club - August 15, 2017
- No. 134-2017** Authorizing Release of Performance Guarantees - LPB Corporation d/b/a Donovan's Reef - 1171 Ocean Avenue - Beach Structures
- No. 135-2017** Authorizing Release of Performance Guarantees - LPB Corporation d/b/a Donovan's Reef - 1171 Ocean Avenue
- No. 136-2017** A Resolution Pertaining to Project Closeout and Final Payment on Anchorage Lot Ramp and Restroom Building Project
- No. 137-2017** Ocean Avenue Streetscape Improvements Project - Acceptance of a Maintenance Guarantee
- No. 138-2017** Authorizing Release of Performance Guarantees - Rooney Plaza, LLC Block 11, Lot 21-21, 1136 Ocean Avenue/4&6 Surf Street
- No. -2017** Authorizing Mailing of Estimated Third Quarter 2017 Tax Bills

Roll Call: Birdsall___ Keeler___ Kelly___ Lamia___ Leckstein ___ Rooney___

ORDINANCE(s):

Public Hearing: Council President Keeler to read the ordinance by title:

ORDINANCE NO. 13-2017

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 130 "LAND USE", ARTICLE XI, "SIGNS," OF THE CODE OF THE BOROUGH OF SEA BRIGHT, SECTION 130-72, "PERMITTED SIGNS AND AWNINGS IN SPECIFIC ZONES"

**Monmouth County Planning Board Acknowledgement Received 7/12/17
Borough of Sea Bright Planning Board Acknowledgement Received 7/20/17**

Councilmember _____ offered a motion to open the public hearing on Ordinance No. 13-2017, seconded by Councilmember _____

Roll Call: Birdsall___ Keeler___ Kelly___ Lamia___ Leckstein ___ Rooney___

Public Hearing (Ord. 13-2017)

Councilmember _____ offered a motion to close the public hearing on Ordinance No. 13-2017, seconded by Councilmember _____

Roll Call: Birdsall___ Keeler___ Kelly___ Lamia___ Leckstein ___ Rooney___

Councilmember _____ offered a motion to adopt Ordinance No. 13-2017 and advertise according to law, seconded by Councilmember _____

Roll Call: Birdsall___ Keeler___ Kelly___ Lamia___ Leckstein ___ Rooney___

Introduction: Council President Keeler to read the ordinance by title:

BOND ORDINANCE NO. 14-2017
BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$150,000 FOR ACQUISITION OF VARIOUS CAPITAL ITEMS FOR AND BY THE BOROUGH OF SEA BRIGHT IN THE COUNTY OF MONMOUTH, NEW JERSEY AND, AUTHORIZING THE ISSUANCE OF \$142,500 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.

Councilmember _____ offered a motion to introduce Bond Ordinance No. 14-2017 for a public hearing to be held on September 5, 2017 and advertise according to law; seconded by Councilmember _____

Roll Call: Birdsall___ Keeler___ Kelly___ Lamia___ Leckstein ___ Rooney___

Introduction: Council President Keeler to read the ordinance by title:

BOND ORDINANCE NO. 15-2017
BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$400,000 FOR SEWER UTILITY IMPROVEMENTS FOR AND BY THE BOROUGH OF SEA BRIGHT IN THE COUNTY OF MONMOUTH, NEW JERSEY AND, AUTHORIZING THE ISSUANCE OF \$380,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.

Councilmember _____ offered a motion to introduce Bond Ordinance No. 15-2017 for a public hearing to be held on September 5, 2017 and advertise according to law; seconded by Councilmember _____

Roll Call: Birdsall___ Keeler___ Kelly___ Lamia___ Leckstein ___ Rooney___

INDIVIDUAL ACTION/New Business:

Vouchers: \$1,283,705.25

Councilmember _____ offered a motion to approve the Voucher List dated August 1, 2017 as submitted by the Finance Manager, seconded by Councilmember _____

Roll Call: Birdsall____ Keeler____ Kelly____ Lamia____ Leckstein ____ Rooney____

EXECUTIVE SESSION

Councilmember _____ offered a motion to enter into Closed Session; seconded by Councilmember _____

Resolution to discuss: Litigation

Roll Call: Birdsall____ Keeler____ Kelly____ Lamia____ Leckstein ____ Rooney____

ADJOURNMENT

Councilmember _____ offered a motion to adjourn the meeting; seconded by Councilmember _____

Roll Call: Birdsall____ Keeler____ Kelly____ Lamia____ Leckstein ____ Rooney____

RESOLUTION NO. 128-2017
AUTHORIZING SETTLEMENT WITH AND FINAL PAYMENT TO
ANDREW K. KNOX AND COMPANY, PUBLIC INSURANCE ADJUSTERS

Councilmember introduced and offered for adoption the following
Resolution, seconded by Councilmember :

WHEREAS, the Borough retained the services of Andrew K. Knox and Company to appeal the denial of claimed losses for damage to public structures during Hurricane Sandy; and

WHEREAS, subsequent to the date the aforesaid contract was executed, the Borough received additional funds in the amount of \$37,502.68 from the insurance company representing additional compensation for damages to the Borough firehouse; and

WHEREAS, a dispute has arisen with respect to the interpretation of the contract between the Borough and Andrew K. Knox and Company regarding the total compensation to be paid to the company for its services; and

WHEREAS, the Borough and Andrew K. Knox and Company have agreed to resolve that dispute for the total payment of \$6,250.26 representing ten (10) percent of the aforesaid sum recovered from the insurance company together with an additional \$2,500;

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Borough Council of the Borough of Sea Bright that the appropriate Borough officials be and are hereby authorized and directed to issue payment to Andrew K. Knox and Company in the amount of \$6,250.26 in full and final payment of all sums due the company under the contract dated on or about August 28, 2014.

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

1. Borough Administrator
2. Chief Financial Officer
3. Borough Administrator

Roll Call: Birdsall, Kelly, Keeler, Lamia, Leckstein, Rooney

August 1, 2017

CERTIFICATION

I, Christine Pfeiffer, Borough Clerk do hereby certify that the foregoing is a resolution adopted by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, at a Council Meeting held on August 1, 2017.

Christine Pfeiffer, Borough Clerk

RESOLUTION NO. 129-2017
**Compliance with Promulgation of Local Finance Board
of the State of New Jersey accepting the
Borough of Sea Bright 2016 Annual Audit**

Councilmember introduced and offered for adoption the following Resolution,
seconded by Councilmember :

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2016 has been filed by a Registered Municipal Accountant with the Municipal Clerk of the Borough of Sea Bright pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, at a minimum, the sections of the annual audit entitled "**COMMENTS and RECOMMENDATIONS**"; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "**COMMENTS and RECOMMENDATIONS**" as evidenced by the group affidavit form of the governing body attached hereto; and,

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW, THEREFORE BE IT RESOLVED, that the Borough Council of the Borough of Sea Bright in the County of Monmouth, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Roll Call: Birdsall, Keeler, Kelly, Lamia, Leckstein, Rooney

August 1, 2017

CERTIFICATION

I, Christine Pfeiffer, Borough Clerk, do hereby certify that the foregoing is a Resolution adopted by the Borough of Sea Bright, County of Monmouth, State of New Jersey at a Council Meeting held August 1, 2017.

Christine Pfeiffer, Borough Clerk

RESOLUTION No. 131-2017
**Authorize the Release of Maintenance Guarantee for
1050 Ocean Avenue - Balfour Corp.**

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

WHEREAS, the Municipal Land Use Law (N.J.S.A. 40:55D-53) provides for the posting of maintenance guarantees with the governing body for a period not to exceed two years after final acceptance of improvements when said improvements have been certified as complete; and

WHEREAS, Balfour Corporation has heretofore deposited with the Borough of Sea Bright a cash maintenance guarantee in the amount of \$1,000.00 on April 29, 2014 for a street opening permit (#27-2014) on the premises known as Block 16, Lot 9 also known as 1050 Ocean Avenue - Peninsula Avenue sidewalk; and

WHEREAS, David Bahrle, Director of the Department of Public Works has advised the Office of the Borough Clerk that the improvements associated with the street opening have been substantially maintained and recommends the release of the aforementioned cash maintenance guarantee.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sea Bright in the County of Monmouth, that the improvements hereinbefore referred to be and the same are hereby accepted and the maintenance guarantee in the amount of \$1,000.00 is hereby released, canceled and discharged; and

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

1. Finance Manager
2. Borough Clerk
3. Balfour Corp.

Roll Call: Birdsall, Keeler, Kelly, Lamia, Leckstein, Rooney

August 1, 2017

CERTIFICATION

I, Christine Pfeiffer, Borough Clerk, do hereby certify that the foregoing is a Resolution adopted by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, at a Council Meeting held on August 1, 2017.

Christine Pfeiffer, Borough Clerk

RESOLUTION No. 132-2017
**Authorize the Release of Maintenance Guarantee for
1066 Ocean Avenue - Young's Water & Sewer, Inc.**

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

WHEREAS, the Municipal Land Use Law (N.J.S.A. 40:55D-53) provides for the posting of maintenance guarantees with the governing body for a period not to exceed two years after final acceptance of improvements when said improvements have been certified as complete; and

WHEREAS, Young's Water & Sewer, Inc. has heretofore deposited with the Borough of Sea Bright a maintenance bond (#LSM0766161) in the amount of \$1,000.00 on July 29, 2015 for a street opening permit (#43-2015) for the premises known as Block 16, Lot 4 also known as 1066 Ocean Avenue; and

WHEREAS, David Bahrle, Director of the Department of Public Works has advised the Office of the Borough Clerk that the improvements associated with the street opening have been substantially maintained and recommends the release of the aforementioned maintenance bond.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sea Bright, County of Monmouth, that the improvements hereinbefore referred to be and the same are hereby accepted and the maintenance guarantee in the amount of \$1,000.00 is hereby released, canceled and discharged; and

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

1. Finance Manager
2. Borough Clerk
3. Young's Water & Sewer, Inc.

Roll Call: Birdsall, Keeler, Kelly, Lamia, Leckstein, Rooney

August 1, 2017

CERTIFICATION

I, Christine Pfeiffer, Borough Clerk, do hereby certify that the foregoing is a Resolution adopted by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, at a Council Meeting held on August 1, 2017.

Christine Pfeiffer, Borough Clerk

RESOLUTION NO. 133-2017
AUTHORIZING DISPLAY OF FIREWORKS
AT SANDS BEACH CLUB- AUGUST 15, 2017

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

WHEREAS, N.J.S.A. 21:3-3 permits the governing body of a municipality to "grant a permit" for the public display of fireworks after application has been made in writing; and

WHEREAS, Sands Beach Club, 825 Ocean Avenue (Block 23; Lot 13) submitted an application dated April 20, 2017, which was approved by the Special Events Committee of the Borough of Sea Bright on May 10, 2017, requesting permission for a display of fireworks at Sands Beach Club on June 27, 2017 with rain date(s) of June 28 or 29, 2017; and

WHEREAS, the Borough Council approved Resolution No. 108-2017 on June 5, 2017 authorizing a display of fireworks to be held at Sands Beach Club, 825 Ocean Avenue (Block 23; Lot 13) on June 27, 2017 with rain date(s) of June 28 or 29, 2017; and

WHEREAS, such requests need to be approved by the Chief of Police, Fire Marshall and Special Events Committee of the Borough of Sea Bright and the US Fish and Wildlife Service; and

WHEREAS, the US Fish and Wildlife did not approve the fireworks display on the above mentioned dates due to the close proximity to an endangered species of birds nesting on the beach; and

WHEREAS, Sands Beach Club, 825 Ocean Avenue (Block 23; Lot 13) has submitted alternate dates to the Borough for a display of fireworks on August 15, 2017 with rain date(s) of August 16 or 17, 2017; and

WHEREAS, such display shall be of such a character, and so located, discharged, or fired, as in the opinion of the Chief of Police and Fire Marshall, after proper inspection, shall not be hazardous to property or endanger any person or persons; and

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Sea Bright, County of Monmouth, that the display of fireworks is hereby authorized to be held on August 15, 2017 with rain date(s) of August 16 or 17, 2017 at Sands Beach Club pending the approval of the above mentioned officials; and

BE IT FURTHER RESOLVED that the Fire Official and Borough Clerk shall insure that all applicable regulations are enforced, all required permits are obtained and all necessary insurance documents are filed; and

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

1. Sands Beach Club
2. Fire Official
3. Borough Police Chief
4. Special Events Committee
5. U.S. Fish and Wildlife Services

Roll Call: Birdsall, Keeler, Kelly, Lamia, Leckstein, Rooney

August 1, 2017

CERTIFICATION

I, Christine Pfeiffer, do hereby certify that the foregoing is a resolution adopted by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, at a Council Meeting held on August 1, 2017.

Christine Pfeiffer, Borough Clerk

RESOLUTION NO. 134-2017
Authorizing Release of Performance Guarantees
LBP Corporation d/b/a Donovan's Reef
1171 Ocean Avenue - Beach Structures - East of Seawall

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

WHEREAS, the Municipal Land Use Law (N.J.S.A. 40:55D-53) permits the Borough of Sea Bright to accept certain improvements and to release performance guarantees posted by Developers when said improvements have been certified as complete by the Consulting Engineer; and

WHEREAS, LBP Corporation d/b/a/ Donovan's Reef on December 6, 2016 has heretofore deposited with the Borough of Sea Bright a performance guarantee in the amount of \$16,680.00 (Performance Bond #B 1183730 in the amount of \$15,012.00 & cash in the amount of \$1,668.00) to guarantee the completion of all improvements on premises known as Block 7, Lot 9 also known as 1171 Ocean Avenue; and

WHEREAS, David J. Hoder, P.E., P.P., Consulting Engineer, has advised the Borough Council by letter dated July 5, 2017, a copy of which is on file in the Office of the Borough Clerk and made a part hereof, that the improvements have been substantially completed and said representative of the Consulting Engineer recommends the acceptance of same and the release of the aforementioned performance guarantee subject to the posting of a maintenance guarantee in the amount of 15% (\$2,085.00) of the cost of the improvements and any outstanding engineering and administrative fees; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sea Bright in the County of Monmouth, that the improvements hereinbefore referred to be and the same are hereby accepted as per the aforesaid memorandum of David J. Hoder, Consulting Engineer and the performance guarantees totaling \$16,680.00 are hereby released, canceled and discharged; and that any payment of any outstanding engineering and administrative fees must be paid to date.

BE IT FURTHER RESOLVED by the Borough Council that this resolution shall not become effective until the Borough of Sea Bright is furnished with the posting of a two year maintenance guarantee in the amount of 15% (\$2,085.00) of the cost of the improvements along with a \$500 inspection escrow for the release of maintenance; and

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

1. David Hoder, Consulting Engineer
2. Selective Insurance of America
3. Finance Manager
4. Construction Official
5. LBP Corporation

Roll Call: Birdsall, Keeler, Kelly, Lamia, Leckstein, Rooney

August 1, 2017

CERTIFICATION

I, Christine Pfeiffer, do hereby certify that the foregoing is a Resolution adopted by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, at a Council Meeting held on August 1, 2017.

Christine Pfeiffer, Municipal Clerk

RESOLUTION NO. 135-2017
Authorizing Release of Performance Guarantees
LBP Corporation d/b/a Donovan's Reef
1171 Ocean Avenue

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

WHEREAS, the Municipal Land Use Law (N.J.S.A. 40:55D-53) permits the Borough of Sea Bright to accept certain improvements and to release performance guarantees posted by Developers when said improvements have been certified as complete by the Consulting Engineer; and

WHEREAS, LBP Corporation d/b/a/ Donovan's Reef on March 2, 2016 has heretofore deposited with the Borough of Sea Bright a performance guarantee in the amount of \$312,411.00 (Performance Bond #B 1169926 in the amount of \$281,169.00 & cash in the amount of \$31,241.00) to guarantee the completion of all improvements on premises known as Block 7, Lot 9 also known as 1171 Ocean Avenue; and

WHEREAS, David J. Hoder, P.E., P.P., Consulting Engineer, has advised the Borough Council by letter dated July 5, 2017, a copy of which is on file in the Office of the Borough Clerk and made a part hereof, that the improvements have been substantially completed and said representative of the Consulting Engineer recommends the acceptance of same and the release of the aforementioned performance guarantee subject to the posting of a maintenance guarantee in the amount of 15% (\$39,051.25) of the cost of the improvements and any outstanding engineering and administrative fees; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sea Bright in the County of Monmouth, that the improvements hereinbefore referred to be and the same are hereby accepted as per the aforesaid memorandum of David J. Hoder, Consulting Engineer and the performance guarantees totaling \$312,411.00 are hereby released, canceled and discharged; and that any payment of any outstanding engineering and administrative fees must be paid to date.

BE IT FURTHER RESOLVED by the Borough Council that this resolution shall not become effective until the Borough of Sea Bright is furnished with the posting of a two year maintenance guarantee in the amount of 15% (\$39,051.25) of the cost of the improvements along with a \$500 inspection escrow for the release of maintenance; and

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

1. David Hoder, Consulting Engineer
2. Selective Insurance of America
3. Finance Manager
4. Construction Official
5. LBP Corporation

Roll Call: Birdsall, Keeler, Kelly, Lamia, Leckstein, Rooney

August 1, 2017

CERTIFICATION

I, Christine Pfeiffer, do hereby certify that the foregoing is a Resolution adopted by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, at a Council Meeting held on August 1, 2017.

Christine Pfeiffer, Municipal Clerk RMC

RESOLUTION NO. 136-2017
**A RESOLUTION PERTAINING TO PROJECT CLOSEOUT AND FINAL PAYMENT
ON ANCHORAGE LOT RAMP AND RESTROOM BUILDING PROJECT**

Councilmember introduced and offered for adoption the following Resolution,
seconded by Councilmember :

WHEREAS, the Borough has previously entered into a contract with Jamali Developers LLC and issued a notice to proceed on or about February 19, 2014 in connection with the Anchorage lot ramp and restroom building project; and

WHEREAS, as set forth in a letter from the Borough Engineer dated May 25, 2017, a copy of which is annexed hereto, substantial delays were experienced in the completion of the project;

WHEREAS, the Borough of Sea Bright has incurred additional expenditures in the amount of \$35,097.30 as set forth in the attached letter for the reasons set forth therein; and

WHEREAS, the Agreement between the Borough and the Contractor provides that the aforesaid additional costs may be deducted from the payments due to the Contractor; and

WHEREAS, the Contractor has submitted a final payment request in the amount of \$40,500.60; and

WHEREAS, the Borough accepts the recommendations of the Borough Engineer with respect to the distribution of final payment;

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Borough Council of the Borough of Sea Bright that final payment be and the same is hereby approved on the aforesaid contract in the amount of \$40,500.60 and that the final payment shall be distributed as follows:

| | |
|---|--------------------|
| To the Borough of Sea Bright: | \$ 1,830.00 |
| To T&M Associates (including Sonnenfeld & Troccia Architects) | \$33,267.30 |
| To Jamali Developers: | <u>\$ 5,403.30</u> |
| Total: | \$40,500.60 |

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

1. Jamali Developers
2. Borough Engineer
3. Finance Manager
4. Borough Attorney

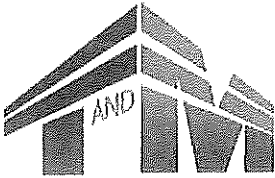
Roll Call: Birdsall, Kelly, Keeler, Lamia, Leckstein, Rooney

August 1, 2017

CERTIFICATION

I, Christine Pfeiffer, Borough Clerk do hereby certify that the foregoing is a resolution adopted by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, at a Council Meeting held on August 1, 2017.

Christine Pfeiffer, Borough Clerk



YOUR GOALS. OUR MISSION.

SBRT-00960

May 25, 2017

Mr. Joseph Verruni, Administrator
Borough of Sea Bright
1167 Ocean Avenue
Sea Bright, NJ 07760

**Re: Anchorage Lot Ramp & Restroom Building
Project Closeout and Final Payment**

Dear Mr. Verruni,

The contractor for the above project, Jamali Developers LLC, has completed the punchlist and is in the process of submitting the required closeout documentation, and the project is now complete from an engineering standpoint. Jamali's request for final payment has been submitted to your office under separate cover dated May 25, 2017. T&M recommends that the Borough conditionally approve the payment request and close out the project.

Conditional Approval

The Notice To Proceed letter to the contractor was issued on February 19, 2014. The contract was to be completed within 120 days of notice to proceed, or June 19, 2014. As prior correspondence has documented, the project was not completed on June 19, 2014. Substantial completion was not issued until October 3, 2014; therefore, the project reached substantial completion 106 days late.

Per section 8.2.4.2 of the Contract Documents, the Borough can deduct from final payment those direct costs incurred by the Owner for the "owner's architect, engineer or other design or contract administrative consultants and construction legal counsel at their respective rates then in effect which such charges are associated with the delay of and additional effort to complete the project for the associated phase as well as the time required to enforce the owner's rights under the terms of this agreement, including any time involved in mediation or litigation associated with the Contractor's inability to achieve substantial completion within the contract requirements."

The Borough of Sea Bright has incurred \$27,256.75 in engineering costs; \$6,010.55 in architectural costs; and \$1,830.00 in repair costs in providing additional efforts to complete the project by the required contract date, achieving a substantial completion, and completing the punchlist items, for a total extra expenditure of \$35,097.30.



SBRT-00960

May 25, 2017
Page 2

**Le: Mr. Joseph Verruni, Administrator
Borough of Sea Bright**

**Re: Anchorage Lot Ramp & Restroom Building
Project Closeout and Final Payment**

The additional effort included:

- extra construction inspection efforts to reach substantial completion;
- extra coordination efforts with review agencies and inspection officials;
- repeated punchlist inspections due to the contractor's failure to complete;
- repeated shop drawing submittals and schedule reviews, to date;
- three years of phone, mail and email correspondence between Sea Bright's design consultants and the contractor to compel and assist the contractor in achieving substantial completion, punchlist completion, and project closeout;
- services of a locksmith to repair the non-functioning door locks installed by the contractor.

T&M recommends that Sea Bright invoke its rights under the contract to recover the direct costs of its design professionals and contractors and deduct this sum from the payments due the contractor. We recommend that the Borough conditionally approve the final payment request of \$40,500.60 and distribute the funds as follows:

| | |
|---|--------------------|
| To the Borough of Sea Bright: | \$1,830.00 |
| To T&M Associates (including Sonnenfeld & Trocchia Architects): | \$33,267.30 |
| To Jamali Developers: | \$5,403.30 |
| Total: | \$40,500.60 |

If you have any questions or need any additional information, please feel free to contact me.

Very truly yours,

T&M ASSOCIATES

FRANCIS W. MULLAN, P.E., C.M.E.
SEA BRIGHT BOROUGH ENGINEER

FWM:RFS:sef:lm

cc: All cc's via email
Christine Pfeiffer, Borough Clerk
Khristi Jacobs, Finance Manager
Roger McLaughlin, Borough Attorney
Andy Trocchia, Sonnenfeld & Trocchia Architects

bcc: TJH, DD, JS, FWM

RESOLUTION No. 137-2017
Ocean Avenue Streetscape Improvements Project
Acceptance of a Maintenance Guarantee

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

WHEREAS, on October 4, 2016, the Borough Council of the Borough of Sea Bright awarded a contract to LandTek Construction d/b/a United Terrain, Piscataway, NJ in the amount of \$1,108,996.00 for the Ocean Avenue Streetscape Improvement Project; and

WHEREAS, over the course of the project the Borough Council approved Change Orders 1-5 at the recommendation of the Borough Engineer that changed the original contracted amount of \$1,108,996.00 to a final adjusted contract amount of \$1,210,049.50; and

WHEREAS, Francis Mullan, P.E., P.P., Borough Engineer, has advised the Borough Council by letter dated July 7, 2017, a copy of which is on file in the Office of the Borough Clerk and made a part hereof, that the improvements have been substantially completed and recommends the acceptance of said improvements and recommends the release of the aforementioned performance guarantee subject to the posting of a maintenance guarantee equal to 25% of the final adjusted contract amount.

NOW THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sea Bright in the County of Monmouth, State of New Jersey, that the Performance Bond #B 1174001 in the amount of \$1,108,996.00 be release to LandTek Construction d/b/a United Terrain of Piscataway, 875 River Road, New Jersey 08854 for the Ocean Avenue Streetscape Improvements Project; and

BE IT FURTHER RESOLVED by the Borough Council that this resolution shall not become effective until the Borough Clerk is furnished with a two year maintenance guarantee in the amount of 25% (\$302,512.38) of the cost of the improvements along with the Affidavit of Compliance, Monthly Project Manning Reports and Payroll Records. The bond shall remain in full force and effect for a period of no less than two years from the date of July 7, 2017.

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

1. Landtek Construction, LLC
2. Selective Insurance Company of America
3. Borough Engineer

Roll Call: Birdsall, Kelly, Keeler, Lamia, Leckstein, Rooney

August 1, 2017

CERTIFICATION

I, Christine Pfeiffer, Borough Clerk do hereby certify that the foregoing is a resolution adopted by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, at a Council Meeting held on August 1, 2017.

Christine Pfeiffer, Borough Clerk



YOUR GOALS. OUR MISSION.

SBRT-01601

July 7, 2017
via Email and Mail

LandTek Design & Construction, United Terrain Group
875 River Road
Piscataway, NJ 08854

Attn: Christopher Gammons

**Re: Ocean Avenue Streetscape Improvements
Project Closeout Documents
Borough of Sea Bright**

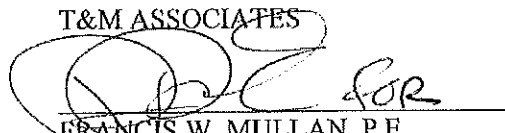
Dear Mr. Gammons:

We are preparing the final payment certificate for the captioned project. Please submit the following documents for review and acceptance:

- **Maintenance Bond** – The contractor and a surety shall execute and deliver to the engineer a maintenance bond having a penal sum equal to twenty five percent (25%) of the final adjusted contract amount of \$1,210,049.50. The 25% bond amount required is \$302,512.38. The bond shall remain in full force and effect for a period of no less than two (2) years from the date of July 7, 2017.
- **Affidavit of Compliance** – The contractor shall execute and deliver to the engineer the Affidavit of Compliance with the New Jersey Prevailing Wage Act Chapter 150 of the Law of 1963.
- **Monthly Project Manning Reports** – The contractor shall submit or document that the “Public Agency” copies of the monthly reports are on file with the municipality or the Municipal Engineer’s Office.
- **Payroll Records** – The contractor shall submit or document that weekly payroll records are on file with the municipality or the Municipal Engineer’s Office. If no on-site labor is provided during a weekly pay period, a statement to that effect is required as part of the documentation.

If you have any questions or require additional information, please call.

Very truly yours,

T&M ASSOCIATES

FRANCIS W. MULLAN, P.E.
SEA BRIGHT BOROUGH ENGINEER

FWN:JEN:dk

G:\Projects\SBRT01601\Correspondence\Land Tech_Ocean Avenue Streetscape Improvements Project Closeout.doc

RESOLUTION NO. 138-2017
Authorizing Release of Performance Guarantees
Rooney Plaza, LLC - Block 11, Lot 21 - 23
1136 Ocean Avenue / 4 & 6 Surf Street

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

WHEREAS, the Municipal Land Use Law (N.J.S.A. 40:55D-53) permits the Borough of Sea Bright to accept certain improvements and to release performance guarantees posted by Developers when said improvements have been certified as complete by the Borough Engineer; and

WHEREAS, Rooney Plaza, LLC on May 18, 2015 has heretofore deposited with the Borough of Sea Bright a performance guarantee in the amount of \$63,760.00 (90% Performance Bond #B 1160388 in the amount of \$57,384.00 & 10% cash in the amount of \$6,376.00) to guarantee the completion of all improvements on premises known as Block 11, Lot 21 - 23 also known as 1136 Ocean Avenue / 4 & 6 Surf Street; and

WHEREAS, Francis Mullan, P.E., P.P., Borough Engineer, has advised the Borough Council by letter dated July 26, 2017, a copy of which is on file in the Office of the Borough Clerk and made a part hereof, that the improvements have been substantially completed and said representative of the Borough Engineer recommends the acceptance of same and the release of the aforementioned performance guarantee subject to the posting of a 15% maintenance guarantee in the amount of (\$9,564.00) of the cost of the improvements and any outstanding engineering and administrative fees; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sea Bright in the County of Monmouth, that the improvements hereinbefore referred to be and the same are hereby accepted as per the aforesaid memorandum of Francis Mullan, P.E., P.P., Borough Engineer and the performance guarantees totaling \$63,760.00 are hereby released, canceled and discharged; and that any payment of any outstanding engineering and administrative fees must be paid to date.

BE IT FURTHER RESOLVED by the Borough Council that this resolution shall not become effective until the Borough of Sea Bright is furnished with the posting of a two year maintenance guarantee in the amount of 15% (\$9,564.00) of the cost of the improvements along with a \$500 inspection escrow for the release of maintenance; and

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

1. Francis W. Mullan, Borough Engineer
2. Selective Insurance Company of America
3. Finance Manager
4. Construction Official
5. Lou Rafetto, Rooney Plaza, LLC

Roll Call: Birdsall, Keeler, Kelly, Lamia, Leckstein, Rooney

August 1, 2017

CERTIFICATION

I, Christine Pfeiffer, do hereby certify that the foregoing is a Resolution adopted by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, at a Council Meeting held on August 1, 2017.

Christine Pfeiffer, Municipal Clerk RMC

ORDINANCE NO. 13-2017

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 130 "LAND USE",
ARTICLE XI, "SIGNS," OF THE CODE OF THE BOROUGH OF SEA BRIGHT,
SECTION 130-72, "PERMITTED SIGNS AND AWNINGS IN SPECIFIC ZONES"**

WHEREAS, the New Jersey Department of Environmental Protection requires all communities that contain tidal waters to provide for public access; and

WHEREAS, existing and future signage for public access is required at all public access locations identified in the Municipal Public Access Plan; and

WHEREAS, installation and maintenance of signage is a requirement of N.J.A.C. 7:7E-8.11(t).

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Sea Bright in the County of Monmouth, State of New Jersey that Chapter 130, "Land Use," of the Code of the Borough of Sea Bright, shall be amended as follows:

SECTION ONE: Section 130-72, "Permitted signs and awnings in specific zones" be and the same is hereby amended and supplemented to add the following subparagraph with all other sections not listed to remain the same:

D. Public Access Signs

(1) "Public Access Signs" shall be a posted sign depicting the public access point to, from and along tidal waterways and their shores within the Borough of Sea Bright. Public Access Signs shall list the name of the access point as well as any restrictions.

(2) All public access signs shall be installed at the entrance of the public designated access points as outlined in the Municipal Public Access Plan.

(3) All public access signs shall be maintained by the Department of Public Works.

E. Awnings (note the re-numbering of "Awnings" - language in this section to remain the same)

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

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

SECTION FOUR: This Ordinance shall take effect immediately upon its passage and publication according to law and upon filing with the Monmouth County Planning Board.

I HEREBY CERTIFY this to be a true and correct Ordinance of the Mayor and Borough Council of the Borough of Sea Bright, introduced on July 11, 2017 and will be further considered after a Public Hearing held on August 1, 2017 at the Municipal Building at 7:00 pm.

INTRODUCED: July 11, 2017
PUBLIC HEARING: August 1, 2017
ADOPTED:

Witness

BOROUGH OF SEA BRIGHT,

CHRISTINE PFEIFFER, CLERK

DINA LONG, MAYOR

BOND ORDINANCE NO. 14-2017

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$150,000 FOR ACQUISITION OF VARIOUS CAPITAL ITEMS FOR AND BY THE BOROUGH OF SEA BRIGHT IN THE COUNTY OF MONMOUTH, NEW JERSEY AND, AUTHORIZING THE ISSUANCE OF \$142,500 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.

BE IT ORDAINED, BY THE BOROUGH COUNCIL OF THE BOROUGH OF SEA BRIGHT, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1:

The improvements described in Section 3 of this bond ordinance (the "Improvements") are hereby authorized to be undertaken by the Borough of Sea Bright, New Jersey (the "Borough") as general improvements. For the said Improvement there is hereby appropriated the amount of \$150,000, such sum includes the sum of \$7,500 as the down payment (the "Down Payment") required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the "Local Bond Law"). The Down Payment is now available by virtue of provisions in one or more previously adopted budgets for down payments for capital improvement purposes.

SECTION 2:

In order to finance the cost of the Improvements not covered by application of the Down Payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$142,500 pursuant to the provisions of the Local Bond Law (the "Bonds"). In anticipation of the issuance of the Bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes of the Borough are hereby authorized to be issued in the principal amount not exceeding \$142,500 pursuant to the provisions of the Local Bond Law (the "Bond Anticipation Notes" or "Notes").

SECTION 3:

(a) The Improvements authorized and the purposes for which obligations are to be issued are as follows:

| <u>Improvements</u> | <u>Appropriation and Estimated Cost</u> | <u>Estimated Maximum Amount of Bonds or Notes</u> | <u>Period of Useful Life</u> |
|---|---|---|------------------------------|
| 1. Acquisition of pick-up truck with plow for the Department of Public Works. | \$34,000 | \$32,300 | 5 Years |
| 2. Acquisition of a front end loader for the Department of Public Works. | 116,000 | 110,200 | 15 Years |
| TOTAL ALL PURPOSES | \$150,000 | \$142,500 | |

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvements is \$142,500.

(c) The estimated cost of the Improvements is \$150,000 which amount represents the initial appropriation made by the Borough.

SECTION 4:

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Borough (the "Chief Financial Officer"); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of Section 8(a) of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the Borough Council of the Borough at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

SECTION 5:

The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Borough Clerk and is available for public inspection.

SECTION 6:

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

(a) The Improvements described in Section 3 of this bond ordinance are not current expenses, and are capital improvements or properties that the Borough may lawfully make or acquire as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the Improvements, within the limitations of the Local Bond Law, and according to the reasonable life thereof computed from the date of the Bonds authorized by this bond ordinance, is 12.73 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Borough, as defined in the Local Bond Law, is increased by the authorization of the Bonds and

Notes provided in this bond ordinance by \$142,500 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$10,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

SECTION 7:

Any funds received from time to time by the Borough as contributions in aid of financing the purposes described in Section 3 of this Ordinance shall be used for financing said Improvements by application thereof either to direct payment of the cost of said Improvements or to the payment or reduction of the authorization of the obligations of the Borough authorized therefor by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvements shall, be held and applied by the Borough as funds applicable only to the payment of obligations of the Borough authorized by this Bond Ordinance.

SECTION 8:

The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

SECTION 9:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Borough reasonably expects to pay expenditures with respect to the Improvements prior to the date that Borough incurs debt obligations under this Bond Ordinance. The Borough reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Borough under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$142,500.

SECTION 10:

This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

I HEREBY CERTIFY this to be a true and correct Bond Ordinance No. 14-2017 of the Mayor and Borough Council of the Borough of Sea Bright, introduced on August 1, 2017 and will be further considered after a Public Hearing held on September 5, 2017 at the Municipal Building at 7:00 pm.

INTRODUCED: August 1, 2017
Public Hearing: September 5, 2017
ADOPTED:

Witness

BOROUGH OF SEA BRIGHT,

CHRISTINE PFEIFFER, Borough Clerk

DINA LONG, Mayor

BOND ORDINANCE NO. 15-2017

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$400,000 FOR SEWER UTILITY IMPROVEMENTS FOR AND BY THE BOROUGH OF SEA BRIGHT IN THE COUNTY OF MONMOUTH, NEW JERSEY AND, AUTHORIZING THE ISSUANCE OF \$380,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.

BE IT ORDAINED, BY THE BOROUGH COUNCIL OF THE BOROUGH OF SEA BRIGHT, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1:

The improvements described in Section 3 of this bond ordinance (the "Improvements") are hereby authorized to be undertaken by the Borough of Sea Bright, New Jersey (the "Borough") as general improvements. For the said Improvement there is hereby appropriated the amount of \$400,000, such sum includes the sum of \$20,000 as the down payment (the "Down Payment") required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the "Local Bond Law"). The Down Payment is now available by virtue of provisions in one or more previously adopted budgets for down payments for capital improvement purposes.

SECTION 2:

In order to finance the cost of the Improvements not covered by application of the Down Payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$380,000 pursuant to the provisions of the Local Bond Law (the "Bonds"). In anticipation of the issuance of the Bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes of the Borough are hereby authorized to be issued in the principal amount not exceeding \$380,000 pursuant to the provisions of the Local Bond Law (the "Bond Anticipation Notes" or "Notes").

SECTION 3:

(a) The Improvements authorized and the purpose for the financing of which said obligations are to be issued is for rehabilitation of the sanitary sewer system to include Ocean Avenue sewer main replacement project and an infiltration and inflow study and other necessary improvements to Sanitary Sewer System facilities, including all work and materials necessary therefor and incidental thereto, and as shown on and in accordance with the plans and specifications on file with the Borough Clerk.

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvements is \$380,000.

(c) The estimated cost of the Improvements is \$400,000 which amount represents the initial appropriation made by the Borough.

SECTION 4:

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Borough (the "Chief Financial Officer"); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of Section 8(a) of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the Borough Council of the Borough at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

SECTION 5:

The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Borough Clerk and is available for public inspection.

SECTION 6:

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

(a) The Improvements described in Section 3 of this bond ordinance are not current expenses, and are capital improvements or properties that the Borough may lawfully make or acquire as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the Improvements, within the limitations of the Local Bond Law, and according to the reasonable life thereof computed from the date of the Bonds authorized by this bond ordinance, is 35.31 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Borough, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this bond ordinance by \$380,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$10,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

SECTION 7:

Any funds received from time to time by the Borough as contributions in aid of financing the purposes described in Section 3 of this Ordinance (funding is expected to be received from the Federal Emergency Management Agency) shall be used for financing said Improvements by application thereof either to direct payment of the cost of said Improvements or to the payment or reduction of the authorization of the obligations of the Borough authorized therefor by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvements shall, be held and applied by the Borough as funds applicable only to the payment of obligations of the Borough authorized by this Bond Ordinance.

SECTION 8:

The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

SECTION 9:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Borough reasonably expects to pay expenditures with respect to the Improvements prior to the date that Borough incurs debt obligations under this Bond Ordinance. The Borough reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Borough under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$380,000.

SECTION 10:

This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

I HEREBY CERTIFY this to be a true and correct Bond Ordinance No. 15-2017 of the Mayor and Borough Council of the Borough of Sea Bright, introduced on August 1, 2017 and will be further considered after a Public Hearing held on September 5, 2017 at the Municipal Building at 7:00 pm.

INTRODUCED: August 1, 2017
Public Hearing: September 5, 2017
ADOPTED:

Witness

BOROUGH OF SEA BRIGHT,

CHRISTINE PFEIFFER, Borough Clerk

DINA LONG, Mayor

**VOUCHER LIST
BOROUGH OF SEA BRIGHT
AUGUST 1, 2017**

| | | | |
|----------|---------------------------------|------|----------|
| 02260 | ADT SECURITY SERVICES | | |
| 17-00889 | 07/20/17 LIBRARY | Open | 39.99 |
| 02113 | AMERICAN WATER | | |
| 17-00892 | 07/20/17 WATER | Open | 321.04 |
| 00820 | APOLLO SEWER & PLUMBING, INC. | | |
| 17-00847 | 07/11/17 BEACH | Open | 145.00 |
| 17-00854 | 07/11/17 SEWER | Open | 370.00 |
| | | | ----- |
| | | | 515.00 |
| 01042 | ATLANTIC TOMORROWS OFFICE | | |
| 17-00882 | 07/20/17 COPY CLICK | Open | 843.84 |
| 01984 | AVAYA FINANCIAL SERVICES | | |
| 17-00929 | 07/26/17 POLICE | Open | 145.29 |
| 00631 | BARG'S LAWN & GARDEN SHOP, INC | | |
| 17-00853 | 07/11/17 BUILDINGS & GROUNDS | Open | 106.81 |
| 01631 | BOROUGH OF OCEANPORT | | |
| 17-00017 | 01/18/17 COURT | Open | 6,247.50 |
| 01546 | C.I.T. TECHNOLOGY FIN SERV, INC | | |
| 17-00021 | 01/18/17 COPIER | Open | 157.00 |
| 01731 | CAESARS ATLANTIC CITY | | |
| 17-00811 | 06/29/17 DPW | Open | 314.00 |
| 17-00891 | 07/20/17 PLANNING BOARD | Open | 314.00 |
| | | | ----- |
| | | | 628.00 |
| 01614 | CENTRAL JERSEY REGISTRARS ASSN | | |
| 17-00905 | 07/21/17 CLERK | Open | 30.00 |
| 01594 | CHERNAVSKY, DANIEL | | |
| 17-00867 | 07/18/17 OEM | Open | 170.00 |
| 2424 | CHILD, BRAD | | |
| 17-00894 | 07/20/17 FIRE MARSHAL | Open | 140.00 |
| 00256 | CLEARY, GIACOBBE, ALFIERI & | | |
| 17-00868 | 07/18/17 LEGAL SERVICES | Open | 60.00 |
| 00198 | COMCAST | | |
| 17-00901 | 07/21/17 LIBRARY | Open | 211.56 |
| 01745 | CONTE'S CAR WASH | | |
| 17-00935 | 07/27/17 VEHICLE MAINTENANCE | Open | 508.72 |
| 2390 | COSTA, VALERIA | | |
| 17-00932 | 07/27/17 BUILDINGS & GROUNDS | Open | 600.00 |
| 2386 | CRANEY INTERPRETING SERVICE | | |
| 17-00911 | 07/24/17 COURT | Open | 110.00 |
| 01320 | DEMAIO, R.N. | | |
| 17-00877 | 07/19/17 BEACH | Open | 328.10 |

| | | | |
|-------|----------------------------------|------|------------|
| 2400 | DIEGNAN & BROPHY, LLC | | |
| | 17-00852 07/11/17 COURT | Open | 350.00 |
| 2286 | DIFRANCESCO, BATEMENT, KUNZMAN | | |
| | 17-00912 07/24/17 LEGAL SERVICES | Open | 2,044.88 |
| 01992 | DOGS AND CATS, INC. | | |
| | 17-00900 07/20/17 BEACH | Open | 1,541.67 |
| 2422 | EMSLIE, KAREN | | |
| | 17-00863 07/18/17 LIBRARY | Open | 100.00 |
| 00952 | FIRST PRIORITY EMERGENCY | | |
| | 17-00846 07/11/17 FIRE DEPT | Open | 5,441.53 |
| 00288 | FIRST UNITED METHODIST CHURCH | | |
| | 17-00899 07/20/17 LIBRARY | Open | 1,000.00 |
| 02101 | GANNETT NJ | | |
| | 17-00893 07/20/17 LEGAL ADS | Open | 308.55 |
| 00333 | GARAVENTA-WORTH, DEBORAH | | |
| | 17-00864 07/18/17 IT SERVICES | Open | 530.00 |
| 01887 | HEIM ELECTRONICS, INC. | | |
| | 17-00890 07/20/17 ALARMS | Open | 314.25 |
| 01838 | HOLMAN, FRENIA, ALLISON, P.C. | | |
| | 17-00898 07/20/17 AUDIT | Open | 5,000.00 |
| | 17-00904 07/21/17 FINANCE | Open | 4,042.50 |
| | | | ----- |
| | | | 9,042.50 |
| 2297 | INTEGRATED TECHNICAL SYSTEMS | | |
| | 17-00921 07/25/17 PARKING KIOSKS | Open | 385.00 |
| 2294 | IRENE, JR. MICHAEL | | |
| | 17-00933 07/27/17 LEGAL SERVICES | Open | 3,757.60 |
| 01419 | J. SWANTON FUEL OIL CO., INC. | | |
| | 17-00934 07/27/17 FUEL DELIVERY | Open | 368.82 |
| 01526 | JCP & L | | |
| | 17-00895 07/20/17 ELECTRIC | Open | 1,335.34 |
| 01043 | JERSEY PROFESSIONAL | | |
| | 17-00908 07/24/17 DEPUTY CLERK | Open | 4,702.50 |
| 00297 | JESSE A. HOWLAND & SONS, INC. | | |
| | 17-00754 06/16/17 PARKING LOT | Open | 750.00 |
| | 17-00755 06/16/17 BUILDING LEASE | Open | 1,705.00 |
| | 17-00756 06/16/17 BUILDING LEASE | Open | 3,845.00 |
| | | | ----- |
| | | | 6,300.00 |
| 00895 | JOHNNY ON THE SPOT, INC. | | |
| | 17-00913 07/24/17 BEACH | Open | 593.60 |
| 01784 | JUNGLE LASERS, LLC | | |
| | 17-00903 07/21/17 BUILDING DEPT | Open | 1,040.00 |
| 2416 | KELSO CONSTRUCTION CO, INC. | | |
| | 17-00918 07/25/17 BEACH PAVILION | Open | 157,382.12 |

| | | | |
|-------|------------------------------------|------|-----------|
| 00971 | LANG, STEVEN | | |
| | 17-00845 07/11/17 I.T. WORK | Open | 350.00 |
| | 17-00858 07/18/17 IT SERVICES | Open | 350.00 |
| | | | ----- |
| | | | 700.00 |
| 00337 | MARINE RESCUE PRODUCTS, INC. | | |
| | 17-00825 07/06/17 BEACH | Open | 1,124.00 |
| 2417 | MARLIN BUSINESS BANK | | |
| | 17-00930 07/26/17 POSTAGE MACHINE | Open | 47.00 |
| 2278 | MCLAUGHLIN, STAUFFER & SHAKLEE | | |
| | 17-00923 07/25/17 LEGAL SERVICES | Open | 6,969.19 |
| 00176 | MODULAR SPACE CORPORATION | | |
| | 17-00897 07/20/17 TRAILER RENTAL | Open | 385.00 |
| | 17-00942 07/28/17 POLICE | Open | 3,030.00 |
| | | | ----- |
| | | | 3,415.00 |
| 00110 | MONM CNTY REGIONAL HEALTH | | |
| | 17-00115 01/30/17 HEALTH FEES | Open | 14,671.75 |
| 00688 | MONMOUTH COUNTY POLICE ACADEMY | | |
| | 17-00784 06/21/17 POLICE | Open | 250.00 |
| | 17-00818 07/05/17 POLICE | Open | 25.00 |
| | 17-00819 07/05/17 POLICE | Open | 25.00 |
| | | | ----- |
| | | | 300.00 |
| 02045 | MONMOUTH COUNTY SPCA | | |
| | 17-00785 06/21/17 ANIMAL CONTROL | Open | 250.00 |
| 2298 | MR. KEYS | | |
| | 17-00824 07/05/17 BEACH | Open | 445.00 |
| 00137 | MUNICIPAL CAPITAL CORPORATION | | |
| | 17-00022 01/18/17 COPIER | Open | 224.73 |
| 00339 | NAPA AUTO PARTS | | |
| | 17-00801 06/28/17 DPW | Open | 434.00 |
| 00019 | NJ AMERICAN WATER | | |
| | 17-00902 07/21/17 WATER | Open | 612.63 |
| 00311 | NJ DIVISION OF ABC | | |
| | 17-00928 07/26/17 STATE LICENSE | Open | 54.00 |
| 00113 | NJ NATURAL GAS COMPANY | | |
| | 17-00916 07/24/17 NATURAL GAS | Open | 725.00 |
| 02094 | NJ OFFICE WEIGHTS & MEASURES | | |
| | 17-00075 01/23/17 POLICE | Open | 80.00 |
| 01309 | OCEANPORT BOARD OF EDUCATION | | |
| | 17-00723 06/13/17 GRADE SCHOOL TAX | Open | 53,581.17 |
| 2290 | PORZIO, BROMBERG & NEWMAN | | |
| | 17-00869 07/18/17 LEGAL SERVICES | Open | 796.00 |
| 01250 | R. KREMER & SON MARINE | | |
| | 17-00931 07/26/17 BULKHEAD PROJECT | Open | 22,947.19 |

| | | | |
|----------|---------------------------------|------|------------|
| 2330 | RAW POWER GENERATOR SERVICE | | |
| 17-00371 | 03/21/17 GENERATOR MAINTENANCE | Open | 951.00 |
| 17-00637 | 05/19/17 BUILDINGS & GROUNDS | Open | 1,204.00 |
| | | | ----- |
| | | | 2,155.00 |
| 2421 | RED WING OF EATONTOWN | | |
| 17-00861 | 07/18/17 DPW | Open | 585.09 |
| 00463 | RUTGERS, THE STATE UNIVERSITY | | |
| 17-00859 | 07/18/17 DPW | Open | 2,202.00 |
| 01088 | RYSER'S LANDSCAPE SUP YARD, INC | | |
| 17-00939 | 07/27/17 BUILDINGS & GROUNDS | Open | 428.37 |
| 00788 | SCARINCI & HOLLENBECK, LLC | | |
| 17-00910 | 07/24/17 LEGAL SERVICES | Open | 250.00 |
| 01554 | SEA BRIGHT SERVICE CENTER | | |
| 17-00803 | 06/28/17 POLICE | Open | 276.79 |
| 17-00848 | 07/11/17 FIRE DEPT | Open | 1,265.91 |
| 17-00862 | 07/18/17 POLICE | Open | 887.94 |
| | | | ----- |
| | | | 2,430.64 |
| 00027 | SEABOARD WELDING SUPPLY, INC. | | |
| 17-00936 | 07/27/17 DPW | Open | 14.50 |
| 00024 | SHERWIN WILLIAMS, INC. | | |
| 17-00856 | 07/14/17 | Open | 590.25 |
| 00053 | SHORE REGIONAL HIGH SCHOOL | | |
| 17-00762 | 06/16/17 HIGH SCHOOL TAX | Open | 344,285.00 |
| 01603 | SIGNS BY TOMORROW | | |
| 17-00844 | 07/11/17 SIGNS | Open | 225.00 |
| 02225 | STAPLES ADVANTAGE | | |
| 17-00817 | 07/05/17 POLICE | Open | 173.24 |
| 0.00 | | | |
| 2247 | STAPLES ADVANTAGE | | |
| 17-00840 | 07/11/17 OFFICE SUPPLIES | Open | 353.65 |
| 01905 | SWANK MOTION PICTURES, INC. | | |
| 17-00896 | 07/20/17 RECREATION | Open | 1,139.00 |
| 01285 | THE HOME DEPOT | | |
| 17-00587 | 05/08/17 BEACH | Open | 2,134.29 |
| 17-00850 | 07/11/17 BUILDINGS & GROUNDS | Open | 75.00 |
| 17-00917 | 07/25/17 BUILDING & GROUNDS | Open | 848.00 |
| | | | ----- |
| | | | 3,057.29 |
| 00223 | TREASURER, COUNTY OF MONMOUTH | | |
| 17-00776 | 06/19/17 COUNTY TAX | Open | 458,656.49 |
| 00439 | TREASURER, COUNTY OF MONMOUTH | | |
| 17-00777 | 06/19/17 COUNTY LIBRARY TAX | Open | 32,736.84 |
| 00523 | TREASURER, COUNTY OF MONMOUTH | | |
| 17-00778 | 06/19/17 OPEN SPACE TAX | Open | 27,492.35 |

| | | | |
|----------|----------------------------|----------------|---------------|
| 01960 | VERIZON | | |
| 17-00884 | 07/20/17 | POLICE | Open 516.95 |
| 17-00886 | 07/20/17 | BEACH | Open 192.55 |
| | | | ----- |
| | | | 709.50 |
| 2394 | VERIZON BUSINESS | | |
| 17-00883 | 07/20/17 | POLICE | Open 127.50 |
| 02061 | VERIZON WIRELESS | | |
| 17-00885 | 07/20/17 | DPW | Open 187.81 |
| 17-00887 | 07/20/17 | FIRE DEPT | Open 154.04 |
| 17-00888 | 07/20/17 | POLICE | Open 54.55 |
| 17-00914 | 07/24/17 | POLICE | Open 1,019.20 |
| 17-00915 | 07/24/17 | FIRE DEPT | Open 38.01 |
| | | | ----- |
| | | | 1,453.61 |
| 00519 | WILLIAM E. ANTONIDES & CO. | | |
| 17-00872 | 07/18/17 | FISCAL OFFICER | Open 3,312.50 |

TOTAL: \$1,197,455.69

BILL LIST AUGUST 1, 2017 - MANUAL CHECKS

| | | |
|-----------|---|-------------|
| 7/18/2017 | David Hoder Assoc. | \$2,600.00 |
| 17-00870 | Engineer:Review/Inspection-Escrow Accts. | |
| 7/20/2017 | Finegan,George | \$426.00 |
| 17-00881 | Reimb. Purchase/Feral Cat Program | |
| 7/24/2017 | Gannett NJ | \$49.85 |
| 17-00879 | Plan. Brd/Legal Ad/Escrow Acct. | |
| 7/27/2017 | Gannett NJ | \$49.85 |
| 17-00937 | Plan. Brd/Legal Ad/Escrow Acct. | |
| 7/18/2017 | Monmouth County | \$82,729.00 |
| 17-00857 | Treasurer Police:Shared Service/Dispatch & 911 | |
| 7/21/2017 | NJ Dept. of Health | \$15.00 |
| 17-00906 | Monthly Dog Report | |
| 7/25/2017 | NJ State Dept. of Labor & Workforce Dvlpmnt. | \$157.50 |
| 17-00922 | Unemployment-Annual Assessment Fee | |
| 7/18/2017 | United States Postal Service | \$222.36 |
| 17-00866 | Sewer:2/Q Billing | |

TOTAL MANUALS: \$86,249.56

GRAND TOTAL: \$1,283,705.25