

**AGENDA  
REGULAR MEETING  
BOROUGH OF SEA BRIGHT**

**OCTOBER 3, 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 \_\_\_\_

**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**

09-14-2017              Workshop Meeting  
09-14-2017              Executive Session  
09-19-2017              Regular Meeting

**Resolutions:**

**No. 159-2017**              Donation 2018 Beach Badges  
**No. 160-2017**              Halloween Curfew  
**No. 161-2017**              Authorizing Electronic Sign Policy  
**No. 162-2017**              Authorizing a Special Event/RFH Surf Contest on October 6, 2017

- No. 163-2017** Authorizing a NJDOT FY2018 Municipal Aid Grant Application and Grant Agreement with the New Jersey Department of Transportation for the Sea Bright Road Program: Church Street And East New Street
- No. 164-2017** Authorizing an Agreement for Installation of Electric Distribution Facilities with Jersey Central Power & Light for the new Beach Pavilion/Community Center

**Roll Call:** Birdsall\_\_\_ Keeler\_\_\_ Kelly\_\_\_ Lamia\_\_\_ Leckstein \_\_\_ Rooney\_\_\_

**ORDINANCE(s):**

**Public Hearing:** Mayor Long to read the ordinance by title:

**ORDINANCE NO. 16-2017**  
**AN ORDINANCE AMENDING AND SUPPLEMENTING THE  
GENERAL CODE OF THE BOROUGH OF SEA BRIGHT,  
CHAPTER 201 ENTITLED VEHICLES AND TRAFFIC**

Councilmember \_\_\_\_\_ offered a motion to open the public hearing on Ordinance No. 16-2017, seconded by Councilmember \_\_\_\_\_

**Roll Call:** Birdsall\_\_\_ Keeler\_\_\_ Kelly\_\_\_ Lamia\_\_\_ Leckstein \_\_\_ Rooney\_\_\_

**Public Hearing (Ord. 16 -2017)**

Councilmember \_\_\_\_\_ offered a motion to close the public hearing on Ordinance No. 16-2017, seconded by Councilmember \_\_\_\_\_

**Roll Call:** Birdsall\_\_\_ Keeler\_\_\_ Kelly\_\_\_ Lamia\_\_\_ Leckstein \_\_\_ Rooney\_\_\_

Councilmember \_\_\_\_\_ offered a motion to adopt Ordinance No. 16-2017 and advertise according to law, seconded by Councilmember \_\_\_\_\_

**Roll Call:** Birdsall\_\_\_ Keeler\_\_\_ Kelly\_\_\_ Lamia\_\_\_ Leckstein \_\_\_ Rooney\_\_\_

**Public Hearing:** Mayor Long to read the ordinance by title:

**ORDINANCE NO. 17-2017**  
**AN ORDINANCE AMENDING CHAPTER 146, NUISANCES, ARTICLE II,  
NOISE NUISANCES OF THE CODE OF THE BOROUGH OF SEA BRIGHT**

Councilmember \_\_\_\_\_ offered a motion to open the public hearing on Ordinance No. 17-2017, seconded by Councilmember \_\_\_\_\_

**Roll Call:** Birdsall\_\_\_ Keeler\_\_\_ Kelly\_\_\_ Lamia\_\_\_ Leckstein \_\_\_ Rooney\_\_\_

**Public Hearing (Ord. 17-2017)**

Councilmember \_\_\_\_\_ offered a motion to close the public hearing on Ordinance No. 17-2017, seconded by Councilmember \_\_\_\_\_

**Roll Call:** Birdsall\_\_\_ Keeler\_\_\_ Kelly\_\_\_ Lamia\_\_\_ Leckstein \_\_\_ Rooney\_\_\_

Councilmember \_\_\_\_\_ offered a motion to adopt Ordinance No. 17-2017 and advertise according to law, seconded by Councilmember \_\_\_\_\_

**Roll Call:** Birdsall\_\_\_ Keeler\_\_\_ Kelly\_\_\_ Lamia\_\_\_ Leckstein \_\_\_ Rooney\_\_\_

**Public Hearing:** Mayor Long to read the ordinance by title:

**ORDINANCE NO. 18-2017**  
**AN ORDINANCE AMENDING CHAPTER 38, SPECIAL EVENTS**  
**OF THE CODE OF THE BOROUGH OF SEA BRIGHT**

Councilmember \_\_\_\_\_ offered a motion to open the public hearing on Ordinance No. 18-2017, seconded by Councilmember \_\_\_\_\_

**Roll Call:** Birdsall\_\_\_ Keeler\_\_\_ Kelly\_\_\_ Lamia\_\_\_ Leckstein \_\_\_ Rooney\_\_\_

**Public Hearing (Ord. 18-2017)**

Councilmember \_\_\_\_\_ offered a motion to close the public hearing on Ordinance No. 18-2017, seconded by Councilmember \_\_\_\_\_

**Roll Call:** Birdsall\_\_\_ Keeler\_\_\_ Kelly\_\_\_ Lamia\_\_\_ Leckstein \_\_\_ Rooney\_\_\_

Councilmember \_\_\_\_\_ offered a motion to adopt Ordinance No. 18-2017 and advertise according to law, seconded by Councilmember \_\_\_\_\_

**Roll Call:** Birdsall\_\_\_ Keeler\_\_\_ Kelly\_\_\_ Lamia\_\_\_ Leckstein \_\_\_ Rooney\_\_\_

**INDIVIDUAL ACTION/New Business:**

**Vouchers: \$478,173.01**

Councilmember \_\_\_\_\_ offered a motion to approve the Voucher List dated October 3, 2017 as submitted by the Finance Manager, seconded by Councilmember \_\_\_\_\_

**Roll Call:** Birdsall\_\_\_ Keeler\_\_\_ Kelly\_\_\_ Lamia\_\_\_ Leckstein \_\_\_ Rooney\_\_\_

**FOR DISCUSSION:**

- a) Best Practices Study - Michael J. Bascom, CFO

**EXECUTIVE SESSION**

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

**Resolution to discuss: TBD**

**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. 159-2017**  
**DONATION 2018 BEACH BADGES**  
**BOROUGH OF SEA BRIGHT**

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

**WHEREAS**, the Governing Body of the Borough of Sea Bright wish to support the fundraising efforts for the local organization listed below by donating two (2) 2018 beach badges as requested:

- |    |   |                 |
|----|---|-----------------|
| 1. | Monmouth County SPCA<br>Fur Ball Masquerade, October 14, 2017 | <b>2 Badges</b> |
|----|---|-----------------|

**WHEREAS**, the Borough Auditor has been informed and advised that a resolution should be considered in order to donate 2018 Season Beach Badges.

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey authorize the donation of two (2) 2018 Season Beach Badges for the aforementioned charitable organization; and

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

1. Borough Administrator
2. Borough Auditor
3. Individual Requestor

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

October 3, 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 October 3, 2017.

\_\_\_\_\_  
Christine Pfeiffer, Borough Clerk

**RESOLUTION NO. 160-2017**  
**HALLOWEEN CURFEW**  
**BOROUGH OF SEA BRIGHT**

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

**WHEREAS**, a request has been received for a Halloween Curfew in the Borough  
of Sea Bright from Chief Sorrentino.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the  
Borough of Sea Bright, New Jersey that a curfew be imposed on October 30<sup>th</sup>  
and October 31<sup>st</sup>, between the hours of 9:00 P.M. and 6:00 A.M. for those  
under the age of eighteen. Minors accompanied by an adult will be exempt from  
this curfew.

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

October 3, 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, New Jersey at a Council Meeting  
held on October 3, 2017.

\_\_\_\_\_  
Christine Pfeiffer, Borough Clerk

**RESOLUTION No. 161-2017**  
**AUTHORIZING ELECTRONIC SIGN POLICY**  
**BOROUGH OF SEA BRIGHT**

Councilmember                      introduced and offered the following resolution for approval;  
seconded by Councilmember                      :

**WHEREAS**, the Borough Council authorized for the acquisition and installation of an electronic sign as part of the Ocean Avenue Streetscape Improvements project in the Borough of Sea Bright to disseminate information to the community; and

**WHEREAS**, certain rules and regulations, attached hereto, need to be in place for the operation of the electronic sign.

**NOW, THEREFORE, BE IT RESOLVED** that the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, hereby approve the attached policy for the use of the Borough's electronic sign in the Borough of Sea Bright; and

**BE IT FURTHER RESOLVED**, that the Borough Council wish to apply this policy to all advertising promulgated by way of the Borough's electronic and print media outlets; and

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

1. Borough Administrator
2. Borough Police Chief
3. Finance Manager
4. Public Relations Committee Chair

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

October 3, 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 October 3, 2017.

---

Christine Pfeiffer, Borough Clerk

## Policy for the Use of the Borough's Electronic Sign

The purpose of the Borough of Sea Bright's electronic sign is to disseminate information to the community, which is related to Borough business, community events and topics of community interest.

- A) Access to the sign software will be limited to:
  - 1. Mayor or designee
  - 2. Clerk
  - 3. Chief of Police
  
- B) Messages from the following individual/groups/entities are not permitted.
  - 1. Private persons or entities
  - 2. Individual Businesses
  - 3. Political organizations
  - 4. Religious organizations
  
- C) Requests for electronic sign and social media postings shall be directed to the Borough Clerk.
  - 1. All requests should be submitted in writing, via Borough email
  - 2. Requests should be submitted at least two (2) weeks before the preferred dates of display.
  - 3. No posting shall be granted for a period exceeding fourteen (14) days.
  - 4. The Borough Clerk has sole discretion with the scheduling of messages. While every effort will be made to accommodate requests, there may be times where message display times will need to be modified due to the number of messages requested for those periods and/or Borough emergencies.
  - 5. Only Borough organizations or events, occurring in Sea Bright, will be permitted.
  
- D) The content of the message will be reviewed by the Borough Clerk. If the Borough Clerk has any question regarding a specific request, and/or the appropriate use of the electronic sign she will consult with the Governing Body's designee(s).



**RESOLUTION NO. 162-2017**  
**AUTHORIZING A SPECIAL EVENT**  
**RFH HIGH SCHOOL SURF CONTEST**  
**BOROUGH OF SEA BRIGHT**

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

**WHEREAS**, the Special Events Committee of the Borough of Sea Bright approved an application to hold a special event on the municipal beach on September 20, 2017, as follows:

**Special Event Permit No. 1270**

High School Surf Contest hosted by Rumson/Fair Haven High School  
Applicant: John Grossarch  
September 20, 2017

**WHEREAS**, due to inclement weather and extremely rough surf, the event was cancelled and a request was received to reschedule on October 6, 2017; and

**WHEREAS**, since the Special Events Committee is not meeting prior to the proposed new date of October 6, 2017, the Borough Council may exercise its authority under Chapter 38 of the Code of the Borough of Sea Bright to grant approval for the new date; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey that the High School Surf Contest hosted by Rumson/Fair Haven High School is hereby approved to be held on the municipal beach on October 6, 2017; and

**BE IT FURTHER RESOLVED** that the Special Events Secretary and Borough Clerk shall insure that all required permits are obtained and all necessary insurance documents are filed with the Borough; and

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

1. Special Events Secretary
2. Individual Business
3. Borough Police Chief

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

October 3, 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 October 3, 2017.

\_\_\_\_\_  
Christine Pfeiffer, Borough Clerk

**RESOLUTION NO. 163-2017**  
**AUTHORIZING A NJDOT FY2018 MUNICIPAL AID GRANT APPLICATION  
AND GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF  
TRANSPORTATION FOR THE SEA BRIGHT ROAD PROGRAM:  
CHURCH STREET AND EAST NEW STREET**

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

**NOW, THEREFORE, BE IT RESOLVED** that the Borough Council of the Borough of Sea Bright formally approve submitting a NJDOT FY2018 Municipal Aid grant application for the above stated project; and

**BE IT FURTHER RESOLVED** that the Mayor and Borough Clerk are hereby authorized to submit an electronic grant application identified as XX-2018 - Sea Bright Road Program: Church Street and East New Street - ##### to the New Jersey Department of Transportation on behalf of the Borough of Sea Bright; and

**BE IT FURTHER RESOLVED** that the Mayor and Borough Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Sea Bright and that their signatures constitutes acceptance of the terms and conditions and approves the execution of the grant agreement; and

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

1. Borough Engineer

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

October 3, 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 October 3, 2017.

\_\_\_\_\_  
Christine Pfeiffer, Borough Clerk

**RESOLUTION NO. 164-2017**  
**AUTHORIZING AN AGREEMENT FOR INSTALLATION OF**  
**ELECTRIC DISTRIBUTION FACILITIES WITH JERSEY CENTRAL POWER & LIGHT**  
**(New Beach Pavilion/Community Center)**

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

**WHEREAS**, Jersey Central Power & Light (JCP&L) is scheduled to install services to the new beach pavilion located at 1099 East Ocean Avenue; and

**WHEREAS**, the New Jersey Board of Public Utilities ("NJBP") directs Jersey Central Power & Light to evaluate the Borough of Sea Bright requests to increase capacity or extend facilities based on the expected return on investments; and

**WHEREAS**, the Jersey Central Power & Light has evaluated the Borough's request to extend facilities and/or increase capacity ("extension") and has determined that, the Borough's request and the revenues necessary to be derived therefrom; and

**WHEREAS**, Jersey Central Power & Light is agreeable to proceed with the installation of the extension based upon the terms of the attached agreement for a period of ten years utilizing a "Refundable Customer Contribution", Article 7, Conditions of Refund; and

**WHEREAS**, Jersey Central Power & Light will provide facilities described as "JCP& L set install 3-50 KVA Overhead transformer bank on existing pole #219283A55715 for the Borough's 120/208 400 AMP three phase service for the new beach pavilion; and

**WHEREAS**, the Borough will be responsible to install conductors from the pavilion and up the pole, and to install lower 10 feet of conduit to the pole; and

**WHEREAS**, the cost for the extension is \$16,703.73, all of which is subject to a refund as described in Article 7 of the Agreement; and

**CERTIFICATION OF FUNDS**

I, Michael J. Bascom, Chief Financial Officer of the Borough of Sea Bright, does hereby certify that funds are available in Bond Ordinance #15-2016 and #17-2016 for the purposes stated herein.

---

**Michael Bascom, CFO**

**WHEREAS**, the Borough of Sea Bright has determined that it is in the best interest of the Borough to enter into this agreement with Jersey Central Power & Light.

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, does hereby authorize the Mayor and Borough Clerk to execute a Agreement between the Borough and Jersey Central Power and Light that provides for the installation of services for the New Beach Pavilion as referenced in the agreement.

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

1. Jersey Central Power &Light
2. Frank Lawrence, Special Projects
3. Sea Bright Department of Public Works

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

October 3, 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 October 3, 2017.

---

Christine Pfeiffer, Borough Clerk

**ORDINANCE NO. 16-2017**  
**AN ORDINANCE AMENDING AND SUPPLEMENTING THE**  
**GENERAL CODE OF THE BOROUGH OF SEA BRIGHT,**  
**CHAPTER 201 ENTITLED VEHICLES AND TRAFFIC**

**BE IT ORDAINED** by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, as follows:

**SECTION ONE:** Chapter 201, "Vehicles and Traffic", Article VIII, Residential Permit Parking, Section 201-34, Term of Permits, of the Code of the Borough of Sea Bright is hereby amended and supplemented to read in full as follows:

"Residential parking permits shall be valid from January 1 through December 31 of each year as indicated on the parking permit placard. Any vehicle bearing an expired residential parking permit and parking on a street posted as "residential permit parking only" shall be subject to the penalty as a vehicle parked on the street without a resident permit as set forth in §201.36 below."

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

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

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

I HEREBY CERTIFY this to be a true and correct Ordinance of the Mayor and Borough Council of the Borough of Sea Bright, introduced on September 19, 2017 and will be further considered after a Public Hearing held on October 3, 2017 at the Municipal Building at 8:30 am.

INTRODUCED: September 19, 2017

PUBLIC HEARING: October 3, 2017

ADOPTED:

Witness

BOROUGH OF SEA BRIGHT,

\_\_\_\_\_  
CHRISTINE PFEIFFER, CLERK

\_\_\_\_\_  
DINA LONG, MAYOR

**ORDINANCE NO. 17-2017**  
**AN ORDINANCE AMENDING CHAPTER 146, NUISANCES, ARTICLE II, NOISE**  
**NUISANCES OF THE CODE OF THE BOROUGH OF SEA BRIGHT**

**BE IT ORDAINED** by the Borough Council of the Borough of Sea Bright in the County of Monmouth that Article II entitled "Noise Nuisances" of Chapter 146 entitled "Nuisances" of the Code of the Borough of Sea Bright is hereby amended in its entirety in the following manner:

**SECTION I**

Chapter 146, Nuisances, Article II, Noise Nuisances is hereby amended in its entirety as follows:

**ARTICLE II: NOISE NUISANCES**

**§ 146-5. Noise Nuisances Prohibited**

- A. It shall be unlawful for any person to make, continue or cause to be made or permitted any unnecessary and unreasonable loud, disturbing noise which is plainly audible and either annoys, injures or endangers the comfort, repose, health or welfare of others within the limits of the Borough. Such unlawful activity shall be considered a "noise nuisance" as further defined by § 146-7 of this Article.
  
- B. It shall be unlawful for any person on property owned by him or her or under lease or other arrangement to allow or give permission to any other person on the property to make, continue or cause to be made or permitted any unnecessary and unreasonable loud, disturbing noise which is plainly audible and either annoys, injures or endangers the comfort, repose, health or welfare of others within the limits of the Borough. Such unlawful activity shall be considered a "noise nuisance" as further defined by § 146-7 of this Article.

**§ 146-6. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**ADVERTISEMENT DEVICES** – Any generator of sound, whether it be human, a radio or other sound system, instrumental (including but certainly not limited to drums), mechanical or otherwise, which intends to attract the attention of the public to and/or acts as an advertisement of any business, sport, exhibition, entertainment, spectacle, undertaking, happening, occasion or any other event.

**CONTINUOUS SOUND** - Any sound that is not impulsive sound.

**EMERGENCY** — Any work or action necessary to deliver essential public services, including, but not limited to, repairing water, gas, electricity, telephone, sewer facilities, or public transportation facilities, removing fallen trees on public rights-of-way, dredging navigational waterways, or abating life-threatening conditions.

**IMPULSIVE SOUND** - A single pressure peak or a single burst (multiple pressure peaks) that has duration of less than one second.

NOISE — Any sounds of such level and duration as to be or tend to be injurious to human health or welfare or which would unreasonably interfere with the enjoyment of life or property.

NOISE NUISANCE — As further defined within § 146-7 of this Article. However, any noise generated by an activity which has been granted a Special Event Permit pursuant to Chapter 38 of the Code of the Borough of Sea Bright shall not be considered a Noise Nuisance.

PERSON — Any corporation, company, association, society, firm, partnership and joint-stock company, as well as individuals.

PLAINLY AUDIBLE — Any sound that can be detected by a person using his or her unaided hearing faculties. As an example, if the sound source under investigation is a portable or personal vehicular sound-amplification or -reproduction device, the detection of the rhythmic bass component of the music is sufficient to verify plainly audible sound. The enforcement officer need not determine the title, specific words, or the artist performing the song.

SOUND SOURCE — Any person, animal, device, operation, process, activity or phenomenon which emits or causes noise.

#### **§ 146-7. Definition of noise nuisances.**

The following acts are declared to be loud, disturbing and unnecessary noise nuisances in violation of this article but said enumeration shall not be deemed to be exclusive, namely:

- A. Radio, phonograph, instrument, singing . The playing of any radio, phonograph or musical instrument or singing in such a manner or in such volume as to annoy or disturb the quiet, comfort or repose of persons within or outside of any dwelling, hotel or other type of residence, particularly during the hours between 10:00 p.m. and 8:00 a.m. of the following morning.
- B. Animals and birds. The owning, harboring or keeping of any animal or bird which has been causing or causes frequent or long-continued noise which disturbs the comfort and repose of any person within the vicinity. "Frequent or long-continued noise" means continually for 10 minutes or intermittently for 30 minutes, unless provoked.
- C. Shouting. The excessive shouting, screaming or loud talking of peddlers, hawkers, vendors, patrons, or others who disturb the peace and quiet of the neighborhood.
- D. Advertisement devices. The operation, particularly during the hours between 10:00 pm and 8:00 am of the following morning of any advertisement device within any building or on any premises, or on the sidewalks, streets and highways or other public places of the Borough, whereby the sound is cast directly or indirectly upon any public street or place and can be heard to the annoyance or inconvenience of persons upon any street or public place or in neighboring premises.
- E. Horns and signals. The sounding of any horn or signal device on any automobile or other vehicle while not in motion for any unnecessary or unreasonable period of time, except as a danger signal.

- F. Muffler exhaust. The generation of loud sound as a result of the discharge into the open air of the exhaust of any steam engine, stationary jet or internal combustion engine or motor vehicle, except through a properly functioning muffler or other device which will effectively prevent loud or explosive noises therefrom. Such sound generation shall not be considered a nuisance if occurring during the course of a Vehicle Repair, as defined within and subject to the limitations of Paragraph O of this section.
- G. Construction. The excavation, grading, paving, erection, demolition, alteration or repair of any premises, street, building or structure from 7:00 p.m. on Friday until 8:00 a.m. Saturday, from 7:00 p.m. Saturday until 7:00 a.m. on Monday, and on Mondays through Fridays from 7:00 p.m. until 7:00 a.m. Commercial construction shall not be allowed on Sundays at any time. Exceptions may be made if urgent necessity is in the interest of public health and safety. If the nature of the emergency will prohibit the prior procurement of a permit the work shall only proceed in accordance with a permit first obtained from the Chief of Police or his/her respective designees. These regulations shall also apply to the delivery, removal or emptying of construction dumpsters and roll-off containers.
- H. Loading and unloading. The creation of loud and excessive noise in connection with the loading or unloading of any vehicle or the opening or destruction of bales, boxes, crates and containers.
- I. Interfering with work in institutions. The creation of excessive noise in or on the grounds of any school, church, synagogue, hospital, institution of learning, court, public building or place of public assembly, or on any street adjacent to such grounds, places or buildings, while the same are in use and which unreasonably interferes with the working of the institution or place or unduly annoys persons therein.
- J. Tools and equipment. The operation or use of any power lawn mower, chainsaw, fence-post driller, saw, grinder, drill, garden equipment, snow blowers, leaf blowers or the like, between the hours of 8:00 p.m. and 7:00 a.m. of the following morning.
- K. Buses, trucks or tractors. The unnecessary warming up or idling of buses, trucks or tractors and the unnecessary and repeated idling, acceleration and deceleration or starting and stopping of automobiles and motorcycles.
- L. Outdoor concerts. Outdoor concerts, except in accordance with a Special Event Permit pursuant to Chapter 38 of the Code of the Borough of Sea Bright, or in conjunction with a commercial establishment upon its property provided the commercial establishment is in compliance with the limitations of Paragraphs (A) and (C) of this Section.
- M. Vehicle noises. The use of an automobile, motorcycle or vehicle so out of repair or so loaded that it creates loud and unnecessary grating, grinding, rattling or other noise. Such sound generation shall not be considered a nuisance if occurring during the course of a Vehicle Repair, as defined within and subject to the limitations of Paragraph O of this Section.

- N. Powered model vehicles. The operating or permitting the operation of powered model vehicles between the hours of 8:00 p.m. and 8:00 a.m. of the following morning.
- O. Vehicle repair. The repairing, rebuilding, modifying or testing of any motor vehicle or off-road vehicle in or near a residential district in such a manner as to cause disturbance of the repose of others between the hours of 8:00 p.m. and 8:00 a.m. of the following morning.
- P. Other noises. Any other continuous noise not enumerated above which is unreasonably loud, disturbing, unnecessary, and which annoys, injures or endangers the comfort, repose, health or welfare of others within the limits of the Borough.

**§ 146-8. Reserved.**

**§ 146-9. Proof of violation.**

Proof of violation of any Paragraphs of § 146-7 of this Article shall be determined by plainly audible means as detected at more than fifty (50) feet from the property line from which the noise nuisance is emanating or from within the receptor's premises in the event the source and the receptor share a common or abutting wall, floor or ceiling or are on the same property.

**§ 146-10. Violations and penalties.**

Any person found guilty of violating any provision of this article shall be subject to the following penalty schedule:

First Offense: A fine not to exceed \$ 200.00.

Second Offense: A fine not to exceed \$ 500.00.

Third Offense: A fine not to exceed \$ 1,250.00.

Fourth or Greater Offense:

- (a) A fine not to exceed \$ 1,250.00; and/or
- (b) a period of community service not exceeding 90 days; and/or
- (c) Imprisonment for any term not exceeding 90 days.

Each day of violation shall constitute an additional, separate and distinct offense. However, no subsequent offense shall apply unless it has occurred within five (5) months of the previous offense. Any offense occurring more than five (5) months after the previous offense shall be considered a First Offense.

**§ 146-11. Permits; fees.**

- A. The Borough official, officer or employee charged with the responsibility of issuing permits for the activities requiring permits in accordance with Paragraph G of § 146-7 of this Article shall issue permits for such activities if such officer



shall find that the activities will not unduly or unnecessarily annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of others; that the activities will not violate any other ordinance or law or create a public nuisance; and that the public health and safety will not be endangered thereby.

- B. Permits shall specify the dates and hours of the permitted activities.
- C. The issuing agents are authorized to adopt and use such forms of application and permits as may be reasonably required in the performance of their duties. Each application for a permit shall be accompanied by the applicable fee or a fee of \$20 if no other fee has been established, which shall be payable to the Borough of Sea Bright.

#### **§ 146-12. Appeal of denial of permit.**

An applicant for a permit pursuant to Paragraph G of § 146-7 of this Article shall have the right to appeal to the Borough Council from the denial of the permit by the applicable municipal official. Such appeal shall be taken by filing a written notice of appeal addressed to the Borough Council. Such notice shall be filed within three days after the issuing officer shall have notified the applicant of the denial of the permit. The Borough Council shall act upon the appeal at its next regularly scheduled meeting after receiving the notice thereof and shall give the applicant an opportunity to be heard before taking action. The Borough council may affirm or reverse the issuing officer's denial of the permit or may grant the permit with modifications or conditions.

#### **§ 146-13. Enforcement.**

- A. It shall be the duty of the Police Department of the Borough to enforce the provisions of this article. In addition to public law enforcement officers and others who by law are entitled to enforce or bring complaints under this article, the officers who are designated hereunder for the issuance of permits, as well as the Borough License Officer and Health Officer, or their designees, shall have the power to enforce and bring complaints under this article.
- B. A violation of this article shall be cause for a summons and complaint to be issued forthwith, and failure to desist upon being warned by an enforcement officer shall constitute an additional separate offense; provided, however, that if the noise source is not a readily identifiable individual or a motor vehicle moving on a public right- of-way, in lieu of a summons and complaint, enforcement personnel may issue a twenty-four-hour notice, in writing, which may be served personally or by certified mail to the last-known address of the person or persons in charge of or in control of the device, building or premises producing the noise, to abate said violation of this article. Failure to comply with this order so issued and served shall constitute an additional violation of this article.

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

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

I HEREBY CERTIFY this to be a true and correct Ordinance of the Mayor and Borough Council of the Borough of Sea Bright, introduced on September 19, 2017 and will be further considered after a Public Hearing held on October 3, 2017 at the Municipal Building at 7:00 pm.

INTRODUCED:           September 19, 2017  
PUBLIC HEARING:     October 3, 2017  
ADOPTED:

Witness

BOROUGH OF SEA BRIGHT,

---

CHRISTINE PFEIFFER, CLERK

---

DINA LONG, MAYOR

**ORDINANCE NO. 18-2017**  
**AN ORDINANCE AMENDING CHAPTER 38, SPECIAL EVENTS**  
**OF THE CODE OF THE BOROUGH OF SEA BRIGHT**

**BE IT ORDAINED** by the Borough Council of the Borough of Sea Bright in the County of Monmouth, State of New Jersey that Chapter 38 entitled "Special Events", of the "Code of the Borough of Sea Bright, 1998", be and the same is hereby amended and supplemented in the following manner:

**SECTION ONE:** § 38-3, Special Event Committee Membership, of Chapter 38, Special Events, shall be amended as follows:

- 1) "The Borough's Fire Subcode Official" shall be replaced as a member of the Committee by "the Borough's OEM Coordinator".
- 2) There shall be added Paragraphs F and G which shall read as follows:
  - F. Any of the Borough employees who are members of the Special Events Committee shall be empowered to send a designee of his or her choosing to act in their place at any Committee Meeting if they are unavailable to attend the meeting on their own.
  - G. The Borough Council, by Resolution, may change any of the Borough Employees identified as members of the Special Events Committee in Paragraph "A" of this Section.

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

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

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

I HEREBY CERTIFY this to be a true and correct Ordinance of the Mayor and Borough Council of the Borough of Sea Bright, introduced on September 19, 2017 and will be further considered after a Public Hearing held on October 3, 2017 at the Municipal Building at 8:30 am.

INTRODUCED: September 19, 2017

PUBLIC HEARING: October 3, 2017

ADOPTED:

Witness

BOROUGH OF SEA BRIGHT,

---

CHRISTINE PFEIFFER, CLERK

---

DINA LONG, MAYOR

**VOUCHER LIST  
BOROUGH OF SEA BRIGHT  
OCTOBER 3, 2017**

01005	ADP, INC.		
17-01172	09/29/17 A&E	Open	554.92
02260	ADT SECURITY SERVICES		
17-01164	09/28/17 ALARM	Open	39.99
2341	ANTON, TOMMY		
17-01076	09/08/17 RECREATION	Open	1,040.00
00820	APOLLO SEWER & PLUMBING, INC.		
17-01068	09/08/17 BUILDINGS & GROUNDS	Open	975.00
01984	AVAYA FINANCIAL SERVICES		
17-01157	09/27/17 POLICE	Open	145.29
01241	BAIN'S HARDWARE, INC.		
17-01153	09/26/17 HARDWARE	Open	1,365.73
01102	BALLY'S PARK PLACE CASINO		
17-01072	09/08/17 A&E	Open	274.00
00631	BARG'S LAWN & GARDEN SHOP, INC		
17-01069	09/08/17 BUILDINGS AND GROUNDS	Open	149.25
00627	BOROUGH OF RUMSON		
17-01132	09/18/17 OEM	Open	250.00
01565	BOROUGH OF SEA BRIGHT		
17-01173	09/29/17 REIMBURSE	Open	5,272.50
2347	BUHLER FORD		
17-00708	06/08/17 MAINTENANCE	Open	1,749.07
01731	CAESARS ATLANTIC CITY		
17-01071	09/08/17 A&E	Open	942.00
00256	CLEARY, GIACOBBE, ALFIERI &		
17-01162	09/28/17 LEGAL SERVICE	Open	570.00
2390	COSTA, VALERIA		
17-01156	09/27/17 BUILDINGS & GROUNDS	Open	1,350.00
2432	COUNTRY CLEAN PAPER SUPPLIES		
17-01035	08/30/17 BUILDINGS & GROUNDS	Open	287.21
00088	CROWN TIRE MART		
17-01097	09/13/17 DPW	Open	339.90
2400	DIEGNAN & BROPHY, LLC		
17-01171	09/29/17 COURT	Open	700.00
2286	DIFRANCESCO, BATEMENT, KUNZMAN		
17-01147	09/25/17 LEGAL SERVICES	Open	3,021.60
00563	ESKRIDGE, JOSEPH		
17-01175	09/29/17 DPW	Open	95.00
00506	FARMER, JANE		
17-01174	09/29/17 LIBRARY	Open	200.00
02101	GANNETT NJ		
17-01151	09/25/17 CLERK	Open	66.00
00979	GIBBONS, P.C.		
17-01143	09/25/17 LEGAL SERVICES	Open	1,050.00
2403	GIGI'S NEW YORK STYLE PIZZA		
17-01066	09/08/17 DPW	Open	284.00

2281	GRAINGER		
	17-01074 09/08/17 DPW	Open	185.94
2294	IRENE, JR. MICHAEL		
	17-01145 09/25/17 PLANNING BOARD	Open	40.00
00166	JOHN'S AUTO & TRUCK REPAIR		
	17-01131 09/18/17 OEM	Open	1,078.11
00895	JOHNNY ON THE SPOT, INC.		
	17-01146 09/25/17 BEACH	Open	593.60
2416	KELSO CONSTRUCTION CO, INC.		
	17-01160 09/28/17 BEACH PAVILION PROJECT	Open	211,732.92
2417	MARLIN BUSINESS BANK		
	17-01165 09/28/17 POSTAGE	Open	148.05
01900	MCKENNA, DUPONT, HIGGINS &		
	17-01139 09/18/17 PLANNING BOARD	Open	3,580.00
00176	MODULAR SPACE CORPORATION		
	17-01161 09/28/17 POLICE	Open	3,030.00
00110	MONM CNTY REGIONAL HEALTH		
	17-00115 01/30/17 HEALTH FEES	Open	14,671.75
00688	MONMOUTH COUNTY POLICE ACADEMY		
	17-01008 08/25/17 POLICE	Open	25.00
	17-01036 08/30/17 POLICE	Open	25.00
			-----
			50.00
00067	MOTOROLA SOLUTIONS, INC.		
	17-00878 07/19/17 POLICE	Open	259.60
2298	MR. KEYS		
	17-00664 05/30/17 BEACH	Open	105.00
01397	MURPHY, CHARLES		
	17-00092 01/23/17 CLOTHING ALLOWANCE	Open	475.31
00019	NJ AMERICAN WATER		
	17-01178 09/29/17 WATER	Open	1,852.51
	17-01180 09/29/17 HYDRANTS	Open	2,435.40
			-----
			4,287.91
00131	NJ CONFERENCE OF MAYORS		
	17-01144 09/25/17 A&E	Open	295.00
00502	NJ STATE LEAGUE/MUNICIPALITIES		
	17-01065 09/07/17 A&E	Open	55.00
01022	PITNEY BOWES SUPPLY LINE		
	17-01166 09/28/17 POLICE	Open	38.97
00071	R.R. DONNELLEY & SONS COMPANY		
	17-01082 09/11/17 CLERK	Open	105.00
00025	REALTY APPRAISAL CO.		
	17-01130 09/18/17 TAX ASSESSOR	Open	2,550.00
00295	RED THE UNIFORM TAILOR		
	17-00096 01/23/17 CLOTHING ALLOWANCE	Open	1,025.00
01554	SEA BRIGHT SERVICE CENTER		
	17-01056 09/05/17 POLICE	Open	416.99
	17-01058 09/05/17 POLICE	Open	1,362.62
	17-01098 09/13/17 POLICE	Open	162.53
	17-01125 09/18/17 POLICE	Open	173.54
			-----
			2,115.68

02153	SHERATON ATLANTIC CITY		
17-01070	09/08/17 A&E	Open	284.00
01027	SHORE BUSINESS SOLUTIONS		
17-01167	09/28/17 POLICE	Open	325.00
00083	T & M ASSOCIATES		
17-01154	09/26/17 MASTER PLAN	Open	22,089.05
02233	TED HALL		
17-01062	09/05/17 BEACH	Open	60.00
01285	THE HOME DEPOT		
17-01163	09/28/17 BEACH	Open	490.13
2438	THOMAS, SHAWN		
17-01176	09/29/17 DPW	Open	95.00
02114	TWO RIVERS WATER RECLAMATION		
17-01152	09/25/17 WATER RECLAMATION	Open	126,366.75
02061	VERIZON WIRELESS		
17-01158	09/27/17 POLICE	Open	1,019.26
17-01159	09/27/17 FIRE DEPT	Open	38.01
			-----
			1,057.27
01164	WATCHUNG SPRING WATER CO, INC.		
17-01155	09/26/17 SPRING WATER	Open	427.36

**TOTAL: \$418,338.86**

**BILL LIST FOR OCTOBER 3, 2017 - MANUAL CHECKS**

17-01142	ADP, Inc.	\$626.37
9/25/2017	A&E:Payroll Processing Services	
17-01150	Gannett	\$53.70
9/25/2017	Planning Board:Legal Ad/Escrow Acct.	
17-01126	Monmouth County SPCA	\$250.00
9/18/2017	Animal Control	
17-01136	NJ Dept. of Health & Senior Services	\$3.60
9/18/2017	Monthly Dog License Report-August	
17-01179	NJ State Health Benefits Program	\$53,435.17
9/29/2017	Active & Retired Members-Oct. 2017	
17-01177	United States Postal Service	\$186.95
9/29/2017	Bulk Mailing/Town Hall Letter	
17-01140	Wex Bank	\$5,278.36
9/18/2017	Gasoline:Sept. 2017	

**TOTAL MANUALS: \$59,834.15**

**GRAND TOTAL: \$478,173.01**