

**MINUTES
REGULAR MEETING
BOROUGH OF SEA BRIGHT**

MARCH 21, 2017

SEA BRIGHT, NEW JERSEY

Council President Keeler called the meeting to order at 7:00 pm and requested those present to join him in the Pledge of Allegiance.

Councilman Keeler read the following Compliance Statement:

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."

PRESENT: Councilmember's Kevin Birdsall, William J. Keeler, Brian P. Kelly, John M. Lamia, Jr., Marc A. Leckstein, Charles H. Rooney

ABSENT: Mayor Dina Long

OTHERS: Attorney Roger J. McLaughlin, Engineers Fran Mullan and Jenna Stagliano, CFO Michael J. Bascom, Administrator Joseph L. Verruni, Clerk Christine Pfeiffer

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.

Pam Ross, 6 Peninsula, asked if the noise ordinance was on the agenda for introduction and asked for clarification about the distance required from the noise source to be able to file a complaint vs. sharing a common wall with the noise source. Councilman Leckstein explained that if you are sharing a common wall, you cannot complain about chatter. Councilman Birdsall stated that the "50 feet" away stipulation for chatter was included to prevent neighbors whose yards are close to each other from filing complaints prior to 10 pm. Councilman Leckstein reiterated that the "50 feet" does not apply if you are on the same property.

Vincent LePore, Long Branch, stated that the Commissioner of Education ruled against Ocean Township to allow Loch Arbour to pursue a ballot question for the withdrawal of Ocean Township which is an optimistic point for Sea Bright in its efforts in pursuing a referendum on the Shore Regional matter. As for the budget, Mr. Lepore said that originally the revenue from the beach parking was going to be used as a revenue stream for the new buildings and it appears that it is being deferred to pay debt service. Mr. Lepore said this is disingenuous to the people in the Borough as there haven't been any other revenue streams identified. Mr. Lepore also Council to utilize shared services for police and fire departments.

CONSENT AGENDA

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

Minutes

02-07-2017 Regular Meeting
02-07-2017 Executive Session

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

Resolutions:

No. 59-2017 Accepting the Performance Guarantee(s) for LBP Corporation
d/b/a Donovan's Reef - Block 7, Lot 9, 1171 Ocean Avenue

RESOLUTION No. 59-2017

**Accepting the Performance Guarantee(s) for
LBP Corporation d/b/a Donovan's Reef
Block 7, Lot 9, 1171 Ocean Avenue**

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

WHEREAS, the Borough of Sea Bright Planning Board has approved a development project on Block 7, Lot 9 commonly known as 1171 Ocean Avenue; and

WHEREAS, Hoder Associates, Consulting Engineers prepared a performance guarantee estimate - on August 2, 2016, and later a revised estimate was submitted dated December 6, 2016 for LBP Corporation; and

WHEREAS, LBP Corporation (Donovan’s Reef) posted the required performance guarantee in the total amount of \$16,680.00, ten percent (10%) \$1,668.00 of which was cash and deposited with the Borough in accordance with the ordinances of the Borough of Sea Bright and the remaining ninety percent (90%) \$15,012.00 was in the form of a performance bond #B 1183730, and

WHEREAS, LBP Corporation is required to post five percent (5%) engineering inspection fees in the amount of \$695.00 and the required certificate of insurance.

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 all requirements for entering into a developer’s agreement are hereby waived; and

BE IT FURTHER RESOLVED that the total performance guarantees are hereby accepted for LBP Corporation (Donovan’s Reef); and

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

- 1. Borough Engineer
- 2. Construction Official
- 3. Finance Manager
- 4. LBP Corporation

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

No. 60-2017 Accept the Performance Guarantee(s) for Block 30, Lot 47, 47.01
 280 Ocean Avenue, 280 Ocean Avenue Sea Bright LLC

RESOLUTION No. 60-2017
Accept the Performance Guarantee(s) for
Block 30, Lot 47, 47.01 – 280 Ocean Avenue
280 Ocean Avenue Sea Bright, LLC

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

WHEREAS, the Sea Bright Unified Planning Board granted a Use Variance and Site Plan Approval for Block 30, Lot 47, 47.01 known as 280 Ocean Avenue; and

WHEREAS, T & M Associates prepared a performance guarantee estimate dated May 20, 2016 for the applicant 280 Ocean Avenue Sea Bright, LLC; and

WHEREAS, 280 Ocean Avenue Sea Bright, LLC posted performance guarantees in the total amount of \$263,923.50, (\$237,531.15 in the form of a Performance Bond & \$26,392.35 in the form of cash) to guarantee the completion of all improvements on premises known as Block 30, Lot 47, 47.01, (R1 zone) known as 280 Ocean Avenue, in accordance with the Borough Code of the Borough of Sea Bright; and

WHEREAS, 280 Ocean Avenue Sea Bright, LLC is required to post six percent (6%) for engineering inspection fees in the amount of \$13,064.18 along with the required certificate of insurance.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, that the requirements for entering into a developer’s agreement are hereby waived; and

BE IT FURTHER RESOLVED that the total performance guarantees posted are hereby accepted for Block 30, Lot 47, 47.01 known as 280 Ocean Avenue; and

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

- 1. Borough Engineer
- 2. Construction Official
- 3. Finance Manager
- 4. 280 Ocean Avenue Sea Bright, LLC

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

No. 61-2017 Approving the Sea Bright Farmers' Market to join the "Businesses of Sea Bright"

RESOLUTION No. 61-2017
APPROVING THE SEA BRIGHT FARMERS' MARKET TO JOIN "BUSINESSES OF SEA BRIGHT"

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

WHEREAS, the Community Green Market Organizers began the Farmers' Market in the Borough in the summer of 2014 and have transferred the operations and management of the Farmers' Market to Linda Blevins and Sonya Cappillo, residents of Sea Bright, who volunteered to become the "community organizers" and custodians of record of the Farmers' Market; and

WHEREAS, the "Businesses of Sea Bright" is a member organization consisting of Borough businesses with a common business interest of promoting and furthering the public appeal of Sea Bright; and

WHEREAS, the Sea Bright Farmers' Market organizers wish to become a member of the Businesses of Sea Bright Organization; and

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey hereby approve of the Sea Bright Farmers' Market joining the "Businesses of Sea Bright" Organization; and

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

- 1. Sea Bright Farmers' Market
- 2. Businesses of Sea Bright
- 3. Finance Manager

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

No. 62-2017 Accepting the Monmouth County Municipal Joint Insurance Fund's 2017 Safety and Compliance Program

RESOLUTION NO. 62-2017
ACCEPTING THE MONMOUTH COUNTY MUNICIPAL JOINT INSURANCE FUND'S 2017 SAFETY AND COMPLIANCE PROGRAM BOROUGH OF SEA BRIGHT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

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

WHEREAS, Sea Bright, is a member of the Monmouth County Municipal Joint Insurance Fund (Monmouth JIF); and

WHEREAS, it is the policy of the Monmouth JIF to achieve the best and most practical degree of freedom from accidents and/or injuries; and

WHEREAS, the Monmouth JIF endeavors to ensure that all of their members' employees, volunteers and public are provided with a safe and healthy environment, free from any recognized hazards; and

WHEREAS, the Monmouth JIF endeavors to ensure that all of their members are in compliance with applicable safety and health requirements; and

WHEREAS, the Monmouth JIF's Safety Committee is made up of volunteers representing many of the Fund's Municipalities, along with the professionals employed by the Fund; and

WHEREAS, the Monmouth JIF'S Safety Committee has worked hard to develop a Safety and Compliance Program like none other in the State that will better represent the members of the Fund's needs; and

WHEREAS, this Program will assist all the Monmouth JIF's members in becoming or maintaining compliance with all Public Employees Occupational Safety and Health (PEOSH) Requirements; and

WHEREAS, the Monmouth JIF adopted a 2017 Safety and Compliance Program which should succeed in providing a safe, healthful and pleasant environment; and

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, hereby adopt the Monmouth JIF 2017 Safety and Compliance Program; and

BE IT FURTHER RESOLVED that the Borough Council hereby authorizes the Mayor and Borough Administrator to sign the 2017 Monmouth JIF Safety Contract (attached hereto) to pledge the Borough's continued compliance and commitment to the Monmouth JIF Safety and Compliance Program; and

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

- 1. Joint Insurance Fund

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

No. 63-2017 2016 Recycling Tonnage Grant
RESOLUTION NO. 63-2017
2016 Recycling Tonnage Grant

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

WHEREAS, the Mandatory Source Separation and Recycling Act P.L. 1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulation imposes on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for 2016 recycling tonnage grant will memorialize the commitment of this municipality to recycling and to indicate the assent of the Mayor and Council of the Borough of Sea Bright to the efforts undertaken by the municipality and the requirements contained in the recycling act and recycling regulations; and

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Sea Bright, that the Borough of Sea Bright hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Mark Philpot, Recycling Coordinator to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

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

- 1. New Jersey Department of Environmental Protection
- 2. Department of Public Works

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

No. 64-2017 Authorize the Submission of Tax Reimbursement Certificate in
 Connection with the Recycling Tonnage Grant
RESOLUTION NO. 64-2017
**AUTHORIZE SUBMISSION OF TAX REIMBURSEMENT CERTIFICATE
 IN CONNECTION WITH THE RECYCLING TONNAGE GRANT**

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

WHEREAS, the Recycling Enhancement Act, P.L. 2007, chapter 311, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and,

WHEREAS, there is levied upon the owner or operator of every solid waste facility (with certain exceptions) a recycling tax of \$3.00 per ton on all solid waste accepted for disposal or transfer at the solid waste facility; and,

WHEREAS, whenever a municipality operates a municipal service system for solid waste collection, or provides for regular solid waste collection service under a contract awarded pursuant to the "Local Public Contracts Law," the amount of grant monies received by the municipality shall not be less than the annual amount of recycling tax paid by the municipality except that all grant monies received by the municipality shall be expended only for its recycling program; and,

CERTIFICATION OF FUNDS

I, Michael J. Bascom, Chief Financial Officer, of the Borough of Sea Bright, do hereby certify a submission of expenditures for taxes paid in the amount of \$3,551.38 was received by this municipality.


MICHAEL J. BASCOM, CFO

THEREFORE, BE IT RESOLVED, by the Borough Council of Sea Bright, County of Monmouth, State of New Jersey, that the Borough of Sea Bright hereby certifies a submission of expenditure for taxes paid pursuant to P.L. 2009, chapter 311, in 2016 the amount of \$3,551.38. Documentation supporting this submission is available with the Financial Manager at the Borough of Sea Bright Municipal Offices, 1167 Ocean Avenue, Sea Bright , NJ 07760 and shall be maintained for no less than five years from this date; and,

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

- 1. Chief Financial Officer
- 2. Finance Manager
- 3. Director of Public Works/Recycling Coordinator

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

No. 65-2017 Donation 2017 Beach Badges
RESOLUTION NO. 65-2017
DONATION 2017 BEACH BADGES
BOROUGH OF SEA BRIGHT

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

WHEREAS, the Governing Body of the Borough of Sea Bright wish to support the fundraising efforts for the local organizations listed below by donating two (2) 2017 beach badges as requested:

- 1. Monmouth Reform Temple, Tinton Falls Gift Auction, April 1, 2017 **2 Badges**
- 2. Union Beach PTA Annual Charity Auction, April 28, 2017 **2 Badges**
- 3. Nut Swamp Elementary School PTA 2017 Annual Fundraiser, March 24, 2017 **2 Badges**
- 4. Court Fulgens Corona, Catholic Daughters of the America's New Monmouth, NJ, Annual Charity Luncheon, April 29, 2017 **2 Badges**
- 5. Port Monmouth Elementary School PTA Annual Gift Auction, March 24, 2017 **2 Badges**
- 6. Diabetes Foundation, Inc. Fund Raising Raffle, May 13, 2017 **2 Badges**
- 7. River Plaza Elementary School, Parent Faculty Assoc. Annual Spring Fundraiser, May 20, 2017 **2 Badges**
- 8. Learning Tree Preschool Auction Fundraiser, April 1, 2017 **2 Badges**

WHEREAS, the Borough Auditor has been informed and advised that a resolution should be considered in order to donate 2017 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 sixteen (16) 2017 Season Beach Badges for the aforementioned charitable organizations; and

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

- 1. Borough Administrator
- 2. Borough Auditor
- 3. Individual Requestors

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

No. 66-2017 Authorizing Release of Performance Bond - AMCK, LLC, 1066 Ocean Ave.

RESOLUTION NO. 66-2017

**Authorizing Release of Performance Guarantees
AMCK, LLC
1066 Ocean Avenue**

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

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, AMCK, LLC has heretofore deposited with the Borough of Sea Bright a performance guarantee in the amount of \$12,110.00 (\$10,899.00 in the form of a Performance Bond & \$1,211.00 in Cash) to guarantee the completion of all improvements on premises known as Block 16, Lot 4 (B1zone) known as 1066 Ocean Avenue; and

WHEREAS, Francis W. Mullan, Borough Engineer, has advised the Borough Council by letter dated March 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 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 maintenance guarantee in the amount of 15% (\$1,816.50) 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 W. Mullan, Borough Engineer and the performance guarantees totaling \$12,110.00 are hereby released, canceled and discharged.

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 maintenance guarantee in the amount of 15% (\$1,816.50) of the cost of the improvements and payment of any outstanding engineering and administrative fees; and

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

- 1. Borough Engineer
- 2. Finance Manager
- 3. Construction Official
- 4. AMCK, LLC

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

No. 67-2017 Change Order #2, Increase Contract Amount by \$64,108.75 and Extend Contract Completion Date to May 4, 2017 For Work Between New Street and Church Street Ocean Avenue Streetscape Improvements Project LandTek Construction

RESOLUTION No. 67-2017

**Change Order #2, Increase Contract Amount by \$64,108.75
and Extend Contract Completion Date to May 4, 2017 For Work
Between New Street and Church Street
Ocean Avenue Streetscape Improvements Project - LandTek Construction**

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

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 Group of Piscataway, New Jersey for the Ocean Avenue Streetscape Improvements Project in the contract amount of \$1,108,996.00; and

WHEREAS, on March 7, 2017, Resolution No. 52-2017 authorized Change Order No. 1, to extend the contract completion date from March 29, 2017 to April 13, 2017, Extra: Item 17 – increased to reflect as-built quantities for the project and Supplementary Item S1 - Police Traffic Directors increase in rate in the amount of \$11,317.50 due to current rate change used for Police Traffic Directors in the Borough of Sea Bright increasing the original contracted amount from \$1,108,996.00 to \$1,120,313.50.

WHEREAS, the Borough Engineer, Francis W. Mullan, submitted Change Order No. 2 dated March 21, 2017, to extend the contract completion date for the work between New Street and Church Street from April 13, 2017 to May 4, 2017; Reductions: Item 9 was reduced \$30,000.00 to reflect the upgrade from stamped concrete to pavers at the sidewalk border; Extra: Items 7 and 16 were increased \$12,300.00 to reflect work proposed between Church Street and New Street; Supplementary: Increase of \$81,808.75 as follows - Item S2 was introduced to reflect the upgrade to decorative pavers in the border area of the sidewalk and Items S3 through S11 were introduced to reflect the additional work required between Church Street and New Street for a net increase of the contract in the amount of \$64,108.75 from \$1,120,313.50 to \$1,184,422.25.

CERTIFICATION OF FUNDS

I, Michael J. Bascom, Chief Financial Officer of the Borough of Sea Bright, do hereby certify that the additional funds in the amount of \$64,108.75 are available in the New Jersey Economic Development Authority Streetscape Grant Budget for the purposes stated herein.


MICHAEL J. BASCOM, CFO

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 it does hereby approve Change Order No. 2 to extend the contract completion date to May 4, 2017 and increase the amended contract amount from \$1,120,13.50 to \$1,184,422.25 for the Ocean Avenue Streetscape Improvements Project awarded to LandTek Construction.

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

- 1. Finance Manager
- 2. T & M Associates, Borough Engineer
- 3. Landtek Construction

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

BUDGET INTRODUCTION:

Councilman Keeler reported the public hearing on this budget will be held April 18, 2017 and stated that this is the first budget where all state and federal Sandy related financing is no longer available. As a result, there is a decrease in appropriations of \$677,000 approximately 10%. There will be a tax increase of \$175,000 which will result in the assessed value for the town to increase from 59.6 cents to 60.7 cents.

RESOLUTION No. 68-2017
Introduction of the 2017 Municipal Budget
MUNICIPAL BUDGET NOTICE

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

SECTION 1.

Municipal Budget for the BOROUGH OF SEA BRIGHT, COUNTY OF MONMOUTH for the Fiscal Year 2017

Be It Resolved, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2017; and

Be it Further Resolved, that said Budget be published in the **ASBURY PARK PRESS** in the issue of **March 24, 2016**.

The Governing Body of the **BOROUGH OF SEA BRIGHT**, does hereby approve the following Budget for the year 2017:

RECORDED VOTE	Ayes	Nays	Abstained	Absent
COUNCILMEMBER KEVIN BIRDSALL	X			
COUNCILMEMBER WILIAM J. KEELER	X			
COUNCILMEMBER BRIAN P. KELLY	X			
COUNCILMEMBER JOHN M. LAMIA Jr.	X			
COUNCILMEMBER MARC A. LECKSTEIN	X			
COUNCILMEMBER CHARLES H. ROONEY III	X			

Notice is Hereby Given, that the Budget and Tax resolution was approved by the Governing Body of the Borough of Sea Bright, County of Monmouth on March 21, 2017.

A Hearing on the Budget and Tax Resolution will be held at the Municipal Building on April 18, 2017 at 7:00 o'clock (p.m.) at which time and place objections to said Budget and Tax Resolution for the year 2017 may be presented by taxpayers and other interested persons.

ORDINANCE(s):

Public Hearing: Councilman Keeler read the ordinance by title:

ORDINANCE NO. 04-2017
CALENDAR YEAR 2017
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)

Councilmember Leckstein offered a motion to open the public hearing on Ordinance No. 04-2017, seconded by Councilmember Kelly:

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

Public Hearing (Ord. 04-2017)

No one wished to be heard.

Councilmember Leckstein offered a motion to close the public hearing on Ordinance No. 04-2017, seconded by Councilmember Kelly:

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

Councilmember Leckstein offered a motion to adopt Ordinance No. 04-2017 and advertise according to law, seconded by Councilmember Kelly:

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

Introduction: Councilman Keeler read the ordinance by title:

ORDINANCE NO. 05-2017
AN ORDINANCE AMENDING CHAPTER 146, NUISANCES, ARTICLE II,
NOISE NUISANCES OF THE CODE OF THE BOROUGH OF SEA BRIGHT

Councilmember Leckstein offered a motion to introduce Ordinance #05-2017 for a public hearing to be held on April 4, 2017 and advertise according to law; seconded by Councilmember Kelly:

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

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:

A-WEIGHTING - means the sound level in decibels, reported as measured by a sound level measuring instrument having an "A"-weighting network.

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.

DECIBLES - means the practical unit of measurement for sound pressure level; abbreviated "dB".

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. Impulsive Sounds – Impulsive sounds which exceed the decibel readings set forth in § 146-8(B) of this Article.
- Q. 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. Maximum permissible sound levels for certain nuisances.

- A. No person shall cause, suffer, allow, or permit the operation of any source of sound as defined in Paragraphs A, G, H and L of § 146-7 of this Article in such a manner as to create a sound level that equals or exceeds 65 dB during the hours of 8:00 am through 10:00 pm and 50 dB from the hours of 10:00 p.m. through 8:00 a.m. of the following morning when measured at least 50 feet from the real property line of the source property, or 55 dB during the hours of 8:00 a.m. through 10:00 p.m. and 40 dB during the hours of 10:00 pm through 8:00 a.m. of the following morning, as measured within the premises of the receptor, when the source and the receptor share a common or abutting wall, floor or ceiling, or are on the same parcel of property.
- B. Impulsive sound. Between 8:00 a.m. and 10:00 p.m., impulsive sound shall not equal or exceed 80 dB. Between 10:00 p.m. and 8:00 a.m., impulsive sound which occurs less than four times in any hour shall not equal or exceed 80 dB. Decibel readings shall be measured at least 50 feet from the real property line of the source property or from within the premises of the receptor, when the source and the receptor share a common or abutting wall, floor or ceiling, or are on the same parcel of property. Impulsive sound which repeats four or more times in any hour shall be treated as continuous sound and be considered a noise nuisance if meeting one of the definitions contained within Paragraphs B, C, D, E, F, I, J, K, M, N, O and Q of § 146-7 of this Article.

§ 146-9. Proof of violation.

- A. Proof of violation of Paragraphs A, G, H, L of § 146-7 of this Article shall be determined when the dB levels set forth in § 146-8(A) of this Article have been exceeded as measured at the distances stated therein.
- B. Proof of violation of Paragraph P of § 146-7 of this Article shall be determined when the dB levels set forth in § 146-8(B) of this Article have been exceeded as measured at the distances stated therein.
- C. Proof of violation of Paragraphs B, C, D, E, F, I, J, K, M, N, O and Q 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 March 21, 2017 and will be further considered after a Public Hearing held on April 4, 2017 at the Municipal Building at 7:00 pm.

Introduction: Councilman Keeler read the ordinance by title:

ORDINANCE NO. 06-2017
AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 201,
"VEHICLES AND TRAFFIC",
OF THE CODE OF THE BOROUGH OF SEA BRIGHT

Councilmember Leckstein offered a motion to introduce Ordinance #06-2017 for a public hearing to be held on April 4, 2017 and advertise according to law; seconded by Councilmember Kelly:

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

BE IT ORDAINED by the Borough Council of the Borough Sea Bright in the County of Monmouth,

State of New Jersey, as follows:

SECTION ONE: Chapter 201, "Vehicles and Traffic", of the Code of the Borough of Sea Bright, be and the same is hereby amended and supplemented to read, in full, as follows:

"Chapter 201. Vehicles and Traffic

Article I. Traffic and Parking

§ 201-1. One-way streets.

The following roadways are hereby established as one-way streets:

Name of Street	Direction of Travel	Location
Beach Street	Westbound	Entire length
East Surf Street	Eastbound	Entire length
Front Street	Northbound Surf Street	Between Beach Street and
Front Street	Southbound Surf Street	Between Beach Street and
New Street	Westbound	Entire length
Riverview Place Extension	Eastbound and Ocean Avenue	Between Riverview Place
Surf Street	Eastbound	Entire length
Tradewinds Lane	Southbound	Entire length
Village Road	Counterclockwise	Entire length
Wayne Street	Southbound Borough Hall	From East Surf Street to the north perimeter of the parking lot behind
West Ocean Avenue	Southbound Center Street	Between Surf Street and Center Street

§ 201-2. Prohibited parking.

No person shall park a vehicle at any time on the following described streets or parts thereof on the side designated:

Name of Street	Side	Location
Bellevue Place	Both	Entire length
East Surf Street	Both	Entire length
Front Street	West	Entire length
Mountainview Way	Both	Entire length
Sandpiper Lane	Both	Entire length and cul-de-sac
South Street	South	Entire length
Surf Street	North	Entire length
Village Road	Both	North section
Village Road	Both	South section
Village Road	West	East section
Waterview Way	Both	From westerly end of street eastward to intersection of North Way
Wayne Street	East	Entire length
Willow Way	Both	Entire length

§ 201-3. Prohibited parking of certain vehicles.

- A. No vehicle over 17 feet long and six feet seven inches in width shall be parked on either side of any side street of the Borough of Sea Bright between the hours of 6:00 p.m. and 6:00 a.m. of any day of the week.
- B. The words "side street" shall include all streets in the Borough with the exception of State Highway 36 (Ocean Avenue).
- C. "Vehicle," as used in this section, shall mean any motor vehicle that is required by law to bear any license plate for passenger car use. Also, any motor vehicle which, by reason of a characteristic, coloring or marking exceeding one square foot in area, is identified or commonly associated with any business, industry or public agency shall be considered a vehicle within the terms of this section. A passenger car used in business by a resident shall be considered a "vehicle" for purposes of this section.
- D. No recreational vehicles shall be permitted in any Borough-owned parking lot or on any Borough street between the hours of 6:00 p.m. and 6:00 a.m.

§ 201-4. Regulations governing Route 36.

- A. No stopping or standing is permitted along both sides of Route 36 from County Road 520 North to the Bridge and Center Street South to Monmouth Beach.
- B. Parking is established as follows:
- (1) Northbound on Route 36, two-hour time limit parking between 10:00 a.m. and 6:00 p.m., Sunday through Saturday, including holidays from May 1 through October 1 of each year.
 - (a) Beginning at the northerly curb line of East Church Street extending 220 feet northerly therefrom.
 - (b) Beginning at the northerly curb line of River Street and extending 555 feet northerly therefrom.
 - (2) Southbound on Route 36, thirty-minute limit parking between 10:00 a.m. and 6:00 p.m., Sunday through Saturday, including holidays.
 - (a) Beginning at a point 395 feet south of the southerly curb line of Rumson Road (County Road 520) and extending to the northerly curb line of Surf Street.
- C. Bus stops:
- (1) Northbound Route 36 at curb south of River Street, no parking in designated area.
- D. Speed limits. The rate of speed designated for State Highway Route NJ 36/Ocean Avenue in Sea Bright Borough shall be established and adopted as the maximum legal rate of speed:
- (1) For both directions of traffic from September 15 to May 15 annually:
 - (a) Zone 1: 40 miles per hour between the Monmouth Beach Borough-Sea Bright Borough corporate line and Marius Lane (approximate mileposts 8:00 to 8:82).
 - (b) Zone 2: 30 miles per hour between Marius Lane and 500 feet north of Rumson Road (County Road 520) (approximate mileposts 8:82 to 9:38).
 - (c) Zone 3: 40 miles per hour between 500 feet north of Rumson Road (County Road 520) and the Sea Bright Borough-Highlands Borough corporate line (approximate mileposts 9:38 to 11.68).
 - (2) For both directions of traffic from May 15 to September 15 annually:
 - (a) Zone 1: 35 miles per hour between the Monmouth Beach Borough-Sea Bright corporate line and Marius Lane (approximate mileposts 8.00 to 8.82).
 - (b) Zone 2: 30 miles per hour between Marius Lane and 500 feet north of Rumson Road (County Road 520) (approximate mileposts 8.82 to 9.38).
 - (c) Zone 3: 35 miles per hour between 500 feet north of Rumson Road (County Road 520) and the Sea Bright Borough-Highlands Borough corporate line (approximate mileposts 9.38 to 11.68).

§ 201-5. Regulations governing East Ocean Avenue.

- A. General parking.
- (1) All vehicles shall be parked in designated areas and between the lines provided.
 - (2) No person shall park a vehicle for longer than the time limit upon any of the streets or parts of streets described below:

Name of Street	Sides	Time Limit	Location
East Ocean Avenue	Both	2 hours, 10:00 a.m. to 6:00 p.m., May 1 to October 1	Church Street to E. Surf Street

(3) Handicapped parking:

- (a) All stalls shall be 12 feet wide and signed with the R7-8 and R7-8P (reserved parking sign and penalty plate) in the designated parking areas for persons who have been issued the handicapped parking permits by the Motor Vehicle Commission.
- (b) East Ocean Avenue on the northbound easterly side, first parking stall south of East Church Street; East Ocean Avenue on the northbound easterly side stalls four and five south of Wayne Street to be designated as one "Handicap/Van Accessible."

(4) Angle parking. Angle parking shall be established on the following streets:

Name of Street	Side	Type	Location
East Ocean Avenue	East	45°	Between Rt. NJ 36 (Ocean Avenue) and East Surf Street

B. Stop intersections. The following described intersections are hereby designated as stop intersections. Stop signs shall be installed as provided herein.

Intersection	Stop Sign(s) On
East Ocean Avenue and East New Street	East New Street
East Ocean Avenue and East Church Street	East Ocean Avenue (both approaches)

C. One-way streets. The following described streets or parts of streets are hereby designated as one-way streets:

Name of Street	Direction	Limits	Parking Prohibited
East Ocean Avenue	North	Between Rt. N.J. 36 (Ocean Avenue) and East Surf Street	West side

D. Speed limits.

(1) The speed limit for both directions of travel on the following roadways shall be:

Name of Street	Speed limit (mph)	Limits
East Ocean Avenue	15	Entire length

(2) Regulatory and warning signs shall be erected and maintained to affect the above-designated speed limits.

E. Tow-away zones. Any vehicle parked or standing as to obstruct or impede a normal flow of traffic, block entrances or exit ways, fire zones, loading zones, oil fills, any grassy area or pedestrian walkway or to present in any way a safety or traffic hazard may be removed by towing the vehicle at the owner's expense.

F. All signs, posts or other necessary materials installed by the Borough shall conform to the current Manual on Uniform Traffic Control Devices, pursuant to N.J.S.A. 39:4-198 and 39:4-183.27.

G. Thirty-minute parking.

- (1) Two thirty-minute parking spots on the northbound easterly side, first two parking stalls north of East New Street.

§ 201-6. Regulations governing West Ocean Avenue.

A. General parking.

- (1) All vehicles shall be parked in designated areas and between the lines provided.
- (2) No person shall park a vehicle for longer than the time limit upon any of the streets or parts of streets described below:

Name of Street	Sides	Time Limit	Location
West Ocean Avenue	West	2 hours, 10:00 a.m. to 6:00 p.m., May 1 to October 1	Surf Street to Center Street

(3) Handicapped parking:

(a) All stalls shall be 12 feet wide and signed with the R7-8 and R7-8P (reserved parking sign and penalty plate) in the designated parking areas for persons who have been issued the handicapped parking permits by the Motor Vehicle Commission.

(b) Location: West Ocean Avenue, first two parking stalls south of Beach Street.

(4) Angle parking. Angle parking shall be established on the following streets:

Name of Street	Side	Type	Location
West Ocean Avenue	West	45°	Surf Street to Center Street

B. Stop intersections. The following described intersections are hereby designated as stop intersections. Stop signs shall be installed as provided herein.

Intersection	Stop Sign(s) On
West Ocean Avenue and Center Street	Center Street

C. One-way streets. The following described streets or parts of streets are hereby designated as one-way streets:

Name of Street	Direction	Limits	Parking Prohibited
West Ocean Avenue	South	From Surf Street to Center Street	East side

D. Speed limits.

(1) The speed limit for the direction of travel on the following roadway shall be:

Name of Street	Speed Limit (mph)	Limits
West Ocean Avenue	15	Entire length

(2) Regulatory and warning signs shall be erected and maintained to effect the above-designated speed limits.

E. Tow-away zones. Any vehicle parked or standing as to obstruct or impede a normal flow of traffic, block entrances or exit ways, fire zones, loading zones, oil fills, any grassy area or pedestrian walkway, or to present in any way a safety or traffic hazard may be removed by towing the vehicle at the owner's expense.

F. All signs, posts or other necessary materials installed by the Borough shall conform to the current Manual on Uniform Traffic Control Devices, pursuant to N.J.S.A. 39:4-198 and 39:4-183.27.

§ 201-7. Loading and unloading.

A. All loading and unloading of trucks and delivery vehicles shall be made with such trucks or vehicles parked parallel with the curb line.

B. Loading zones. The locations described below are hereby designated as loading zones. No person shall park a vehicle in said location during the times indicated other than for the loading or unloading of goods and materials.

Streets	Time	Sides	Location
Beach Street	7:00 a.m. to 3:00 p.m.	South west thereof	From Ocean Avenue to a point 135 feet
East Surf Street	8:00 a.m. to 6:00 p.m.	South	25 feet east from the apex (corner) of East Ocean Avenue and East Surf Street
East Surf Street	8:00 a.m. to 6:00 p.m.	South	25 west from the apex (corner) of Wayne Street and East Surf Street

§ 201-8. Reserved.

§ 201-8.1 Pay to Park Areas.

- A. No person shall park a vehicle in municipality regulated pay to park areas without paying the required parking fee.
- B. Parking of vehicles in municipally regulated pay to park areas shall be permitted at such rates for paid parking as set forth in rules and regulations adopted by Resolution of the Mayor and Council.

Article II. (Emergency) Street Clearance**§ 201-9. Declaration of emergency.**

Upon declaration of an emergency, there shall be no parking upon streets or sections of streets where temporary emergency no-parking signs are displayed. The Chief of Police or, in his absence, the ranking police officer is authorized to declare an emergency and to direct the posting of said emergency no-parking signs when weather conditions, accidents, fires or public celebrations dictate or require the avoidance of hazards or other conditions which interfere with the free flow of traffic. Notification that the emergency no-parking signs are being or will be posted shall be given to the operator or owner of any vehicle which has been parked prior to the posting of the signs.

§ 201-10. Removal of illegally parked vehicles; redemption fee.

Any unoccupied vehicle parked or standing in violation of this Chapter shall be deemed a nuisance and a menace to the safe and proper regulation of traffic, and any police officer may provide for the removal of said vehicle. The owner shall pay the reasonable cost of the removal and storage which may result from such removal before regaining possession of the vehicle.

§ 201-11. Signs.

The effectiveness of this chapter is contingent on signs being erected as required by law.

Article III. Street Cleaning**§ 201-12. No parking on streets designated for street cleaning.**

There shall be no parking upon streets or sections of streets or sections of streets where signs are posted indicating no parking as designated for street cleaning.

§ 201-13. Reserved.**Article IV. Municipal Parking****§ 201-14. Definitions.**

For purposes of this article, the following definitions shall apply:

MUNICIPAL PARKING AREAS

Includes:

- A. The municipal parking lot owned and operated by the Borough of Sea Bright situated on the easterly side of Ocean Avenue adjacent to the police and fire stations and on which the Beach Pavilion/Library and the Municipal Complex are to be situated.
- B. The Peninsula-House Lot which shall mean the municipally owned parking lot owned and operated by the Borough of Sea Bright situated on the easterly side of Ocean Avenue north of the municipal parking lot but directly contiguous to it.
- C. The Anchorage lot.
- D. The municipal parking lot located behind Borough Hall at the intersection of East Center Street and Wayne Street.
- E. Any other municipal parking lot owned or operated by the Borough of Sea Bright.

§ 201-15. Parking regulations.

The Chief of Police shall cause lines or appropriate markings to be painted upon the surface of the municipal parking areas, outlining and designating each parking space, and each and every vehicle

shall be parked within said lines or markings. It shall be unlawful for any operator to park any vehicle outside of said lines or markings or to park any vehicle in such a position that it shall not be entirely within the space designated by such lines or markings within the municipal parking areas. Parking within the Peninsula-House Lot, which generally does not have painted designated parking areas, shall be at the direction of a representative of the Police Department when the lot is used for parking purposes. It shall be illegal to park any vehicle within the Peninsula-House Lot in a manner inconsistent with the direction of a representative of the Police Department.

§ 201-16. Type of vehicles; parking allowed.

The parking of vehicles in any of the municipal parking areas covered by this article shall be limited to any types of vehicles commonly referred to as private passenger automobiles, motorcycles, motor scooters and light commercial vehicles not in excess of 25 feet in length. It shall be unlawful to park any other vehicle thereon.

§ 201-17. Prohibited hours for parking; exceptions.

- A. No parking shall be allowed within the municipal parking areas from May 1 to October 1, other than for emergencies, between the hours of 2:00 a.m. and 7:00 a.m.
- B. No parking shall be allowed other than as set forth herein between the hours of 7:00 a.m. and 2:00 a.m., except as designated.

§ 201-18. Reserved Parking Lot For Borough Employees.

The following parking spaces shall be reserved as indicated in the municipal parking lot located behind Borough Hall:

- A. Eight reserved parking spaces for Borough employee parking, Monday through Friday, 8:00 a.m. to 5:00 p.m.

§ 201-19. Removal and storage of vehicles; responsibility for fees and fines.

If any vehicle is parked in any parking lot or area, as herein referred, in violation of any of the provisions of this article, the Police Department may cause such vehicle to be removed to such place as is designated by the Chief of Police or his designee. The owner or operator of any such vehicle so removed shall be responsible for the reasonable costs and expenses of such removal and storage which may result therefrom, and any person, firm or corporation desiring to claim such motor vehicle may do so by first paying the parking fine and then paying the costs and expenses of such removal and storage.

Article V. Removal of Vehicles for Plowing of Streets

§ 201-20. Parking prohibited on certain streets.

- A. Parking is prohibited on all streets in the Borough where signs have been erected indicating such prohibition for purposes of snowplowing by the Borough.
- B. Any unoccupied vehicle parked or standing in violation of this article shall be deemed a nuisance and any police officer may provide for the removal and subsequent storage of said vehicle. The owner shall pay the reasonable costs incidental to said removal and storage before regaining possession of the vehicle.

Article VI. Handicapped Parking

§ 201-21. Definitions.

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

HANDICAPPED PARKING SPACE

Any parking space marked with a white striped outline and designated by a sign that contains the reserved parking with universal handicapped symbol in accordance with the R7-8 and R7-8P reserved parking sign and penalty plate of the current Manual on Uniform Traffic Control Devices.

§ 201-22. Handicapped parking spaces to be provided.

The Borough of Sea Bright shall maintain handicapped parking places at the following locations:

Parking Area	Location
East Ocean Avenue Municipal Parking Lot	Three parking spaces on the easterly side of the lot at its intersection with East Church Street
Main Municipal Lot	Five spaces closest to the entrance area to the Borough Beach Two parking spots closest to the bus stop shelter fronting on Ocean Avenue at River Street Two parking spaces closest to the library handicapped access ramp fronting the library building
Peninsula House Municipal Parking Lot	Four parking spaces closest to the entrance area to the Borough Beach Four parking spaces located to the entrance onto State Highway Route N. 36 on the south side
Wayne Street Municipal Parking Lot	Two parking spaces in the southwestern corner of the lot

§ 201-23. Restricted parking spaces.

Parking spaces restricted to occupants of the following premises shall be maintained as follows:

Name of Street	Location
15 Church Street	North side
17 Church Street	North side

§ 201-24. Construction guidelines; signs.

Parking spaces for the handicapped shall be constructed and marked with signs in accordance with the Uniform Construction Code of the State of New Jersey, Barrier Free Subcode.

§ 201-25. Parking prohibited without identification marker.

No person shall park a vehicle in any parking space designated and marked as being set aside for the handicapped in any public or private parking facility unless said vehicle shall have affixed thereto an identification certificate or marker issued by the New Jersey Motor Vehicle Commission. Parking in a handicapped space without the aforesaid identification shall create a rebuttable presumption that use of the space was not for the handicapped.

Article VII. Mid-Block Crosswalks

§ 201-26. Mid-block crosswalks designated.

The following mid-block crosswalks are established in the locations indicated:

1. 1566 Ocean Avenue, by northern entrance.
2. Islandview Way, northern corner of intersection.
3. Imbrie Place, northern corner of intersection.
4. 1340 Ocean Avenue & Tradewinds Lane. Northern entrance to 1340.
5. Village Road, southern entrance.
6. New Street, southern corner of intersection.
7. Church Street, southern corner of intersection.
8. Peninsula Avenue, southern corner of intersection.
9. 960 Ocean Avenue Lot, by southern entrance.
10. Sands Beach Club, 825 Ocean Avenue.
11. Ship Ahoy Beach Club, 801 Ocean Avenue,
12. 700 Ocean Avenue.
13. Riverview Place, southern intersection with Ocean Avenue.
14. Shrewsbury Way, northern corner of intersection.
15. Beach Way, southern corner of intersection.
16. 344 Ocean Avenue, by northern entrance.
17. 280 Ocean Avenue, old Quay.
18. Mountainview Way, southern corner of intersection.

§ 201-27. through § 201-30. (Reserved)**Article VIII. Residential Permit Parking****§ 201-31. Rules and regulations.**

- A. Resident parking permit restrictions shall be established on streets where there has been demonstrated an ongoing, excessive and daily problem which creates a hardship and public safety issues for residents of a municipal street. The purpose of the residential permit parking program is to establish a residential parking program in those areas of the Borough in order to facilitate and make more convenient parking within the Borough for persons who reside in those residential areas; to protect residential areas from excessive traffic and parking demand caused by the entry of vehicles from outside that residential neighborhood; to protect residents from unreasonable burdens in gaining access to their residences; and to identify the areas of the Borough where residential parking is preserved so as to not interfere with the provision of parking for the general public. The streets and portions of streets identified in § 201-38 are hereby designated as "residential permit parking only" parking zones.
- B. A residential parking permit of a design specified by the Sea Bright Police Department will be issued to residents of Sea Bright who own or lease a motor vehicle.
- C. Application for residential parking permits shall be made on a form issued by the Sea Bright Police Department. Proof of residency of the owner or lessee of a vehicle must be presented when applying for a permit. The following is proof of residency: a copy of a valid New Jersey driver's license reflecting an address on a street upon which the permit parking restrictions are imposed in the Borough of Sea Bright, and a copy of a valid New Jersey motor vehicle registration for which the permit is sought, showing an address on a street upon which the permit parking restrictions are imposed. In the case of a vehicle claimed to be leased and used by a Sea Bright resident, a copy of the automobile lease shall be presented to the Borough in lieu of the New Jersey motor vehicle registration. Completed applications shall be submitted to the Sea Bright Police Department. Applications submitted without a copy of a driver's license and vehicle registration or lease shall not be processed.
- D. Permit applications shall be available at the Sea Bright Police Department.
- E. The resident's placard is to be placed on the rear view mirror and should be visible at all times while parked in a Permit Zone.
- F. There shall be no visitor permits issued.
- G. The sale or transfer of a permit is prohibited by anyone other than the Sea Bright Police Department.
- H. There shall be a maximum of two parking permits issued for each residential dwelling unit.
- I. The issuance of a resident parking permit does not guarantee parking.

§ 201-32. Abuse of permit.

Residential parking permits are subject to revocation for the following:

- A. If any such permit is used on any vehicle to which it is not registered under this section.
- B. Willfully providing any false or inaccurate information for the purpose of obtaining a permit hereunder.

§ 201-33. Reproduction of residential parking permits prohibited.

- A. No person, unless authorized by the Borough of Sea Bright, shall:
 - (1) Copy, reproduce or otherwise create a resident parking permit authorized by § 201-31 above.
 - (2) Create a facsimile or counterfeit resident parking permit.
 - (3) Display or use a residential parking permit knowing the same to have been copied, reproduced or otherwise created in violation of Subsections A or B of this section.

- B. No person shall furnish false information or fraudulent documents in connection with an application for a residential parking permit.
- C. Any person violating the provisions of Subsections **A** and **B** of this section is subject to a fine not to exceed \$300 and forfeits the right to receive or use a residential parking permit under this chapter for a period of three years.
- D. No residential parking permit shall be issued to a person with three or more outstanding summonses for violations of this chapter.

§ 201-34. Term of permits.

Residential parking permits shall be valid from May 1 thru October 1 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.

§ 201-35. Exemptions.

The prohibition set forth in § **201-38** below shall not apply to the following:

- A. Contractor/service and delivery vehicles. Contractor, service and deliver vehicles bearing the name and address of a commercial business may park adjacent to the residential premises where they are working without a permit during the times they are rendering service.
- B. Emergency and utility vehicles. Emergency vehicles, municipal vehicles, gas, electric, telecommunications and other similar vehicles may park within the Borough during times they are rendering service or repairs within the Borough.
- C. Health care providers. Health care providers may park their vehicles within the Borough during the times they are rendering assistance or health care service to residents of the Borough. "Health care provider" is defined as a nurse, home health aide, physical therapist or any other medical professional. A health care provider can obtain a badge to display on his or her windshield from the Sea Bright Police Department. Such a badge is not transferrable to another health care provider. Such badges may be issued on a daily or monthly basis by the Sea Bright Police Department.

§ 201-36. Violations and penalties.

- A. Any vehicle parked on a street posted "residential permit parking only" without a valid residential parking permit shall be subject to a parking fine of \$50.
- B. Any violation of § **201-32** above shall result in the offending person being subject to a fine in the amount of \$150 for a first offense and \$300 for each subsequent offense thereafter.
- C. The possession of a residential parking permit does not exempt the resident from obeying all traffic rules, regulations and ordinances, including but not limited to parking too close to stop signs or intersections.
- D. The Sea Bright Police Department may remove and impound any vehicles which are parked in violation of this article. The cost of said removal shall be borne by the vehicle owner or lessee.

§ 201-37. Enforcement.

- A. The Sea Bright Police Department shall have the authority to issue summonses for violations of this article.
- B. Enforcement of this article shall be under the jurisdiction of either the Sea Bright Police Department and/or Chief of Police of the Sea Bright Police Department.

§ 201-38. Residential permit parking designated.

- A. No person shall park or cause to be parked any vehicle on streets or parts of streets as described within the following sections unless an appropriate and current parking permit issued by the Borough of Sea Bright is displayed on said vehicle for those streets or parts of streets as described or listed with the following sections:

Name of Street	Side
Beach Street	North/South
Beach Way	North
Center Street	North/South
Church Street	North/South
East Church Street	North/South
East New Street	South
Front Street	East
New Street	North/South
Normandy Place	East
North Way	East
Peninsula Avenue	North/South
River Street	North/South
South Street	North
Surf Street	South
Via Ripa	South
Waterview Way	North

- B. Effective 24 hours a day, seven days a week, the side or sides of every designated street will be limited to resident permit parking only. These zones are valid only for vehicles displaying a valid resident parking permit and are indicated by signage.

Article IX. Business Permit Parking

§ 201-39. Rules and regulations.

- A. The purpose of the business permit parking program is to establish a parking program in those business areas of the Borough in order to facilitate and make more convenient parking within the Borough for persons who work in the commercial areas of the Borough; to protect residential areas from excessive traffic and parking demands caused by the entry of business vehicles from outside the residential neighborhood; and to identify the areas of the Borough where business parking is preserved so as to not interfere with the provision of parking for the general public.
- B. Application for business parking permits shall be made on a form issued by the Sea Bright Police Department. All applicants shall identify the location of their business in the Borough, as well as the vehicles that may utilize the parking permit. The businesses that do not have on-site parking that are located in the B-1 Central Business District area of the Borough shall be eligible to apply for a business parking permit provided they show proof of a valid mercantile license for the current year. The issuance of a business parking permit is not a representation by the Borough of a guaranteed parking space for the business that is issued such a parking permit. Completed applications shall be submitted to the Sea Bright Police Department.
- C. The business parking permits shall be issued by the Sea Bright Police Department. Applicants shall supply the following information: business name, address and telephone number; a copy of a valid mercantile license for the current year; number of permits requested; license plate and owner of vehicles who are employed at the business who shall be the sole users of these permits; and such other information as deemed necessary by the Sea Bright Police Department. A vehicle that is not properly registered and licensed in the State of New Jersey shall not be permitted to use a business parking permit. Permitted vehicles shall be private passenger automobiles, motorcycles, motor scooters and light commercial vehicles not in excess of 25 feet in length. It shall be unlawful to park any other vehicle.
- D. Permit applications shall be available at the Sea Bright Police Department.
- E. The business parking permit placard is to be placed on the rear-view mirror of the vehicle for the business that has been issued the permit.
- F. The cost of the permit shall be \$75 per permit. The fees collected shall be used to offset the cost of administering this program.
- G. The sale or transfer of a permit is prohibited by anyone other than the Sea Bright Police Department. Permits are only valid for the business they are issued to by the Borough Police Department.

- H. There shall be a maximum of five parking permits issued for each business applicant without on-site parking available.

§ 201-40. Abuse of permit.

Business parking permits are subject to revocation for the following:

- A. If any such permit is used on any vehicle that it is not regulated to the business to which the permit was issued.
- B. Willfully providing any false or inaccurate information for the purpose of obtaining a permit hereunder.

§ 201-41. Reproduction of permits.

Reproduction of business parking permits is prohibited.

§ 201-42. Term of permits.

Business parking permits shall be valid from May 1 to October 1 in each year. Any vehicle bearing an expired business parking permit and parking in a parking space posted as "business permit parking only" shall be subject to the penalty as set forth in § 201-44 below.

§ 201-43. Exemptions.

The prohibition set forth in § 201-45 below shall not apply to emergency and utility vehicles. Emergency vehicles, municipal vehicles, gas, electric, telecommunications and other similar vehicles may park within the Borough during times they are rendering service or repairs within the Borough.

§ 201-44. Violations and penalties.

- A. Any vehicle parked in a space posted "business permit parking only" without a valid business parking permit shall be subject to a parking fine in the amount of \$100.
- B. Any violation of § 201-40 above shall result in the offending person being subject to a fine in the amount of \$150 for a first offense and \$300 for each subsequent offense thereafter.
- C. The possession of a business parking permit does not exempt the vehicle operator from obeying all traffic rules, regulations and ordinances, including but not limited to parking too close to stop signs or intersections.
- D. The Sea Bright Police Department may remove and impound any vehicles which are parked in violation of this article. The cost of said removal shall be borne by the vehicle owner or lessee.

§ 201-45. Parking Prohibited.

No person should park or cause to be parked any vehicle in a designated business parking space unless a current, valid parking permit is displayed on such vehicle.

§ 201-46 through § 201-47 (RESERVED)**Article X. FIRE ZONES****§ 201-50. Fire zones designated.**

- A. The following fire zones are established:
- (1) Any and all fire hydrants shall be covered under Title 39, New Jersey State Motor Vehicle Statute.
 - (2) Waterview Way - from the end of street bulkhead to a point 49 feet east.
 - (3) Via Ripa - from the end of street bulkhead to a point 51 feet east to include the paper street proceeding to South Way.
 - (4) South Way - from the end of street bulkhead to a point 43 feet east.

- (5) Beach Way - from the end of street bulkhead to a point 25 feet east.
 - (6) Atlantic Way - from the end of street bulkhead to a point 72 feet east along south side curb line. South to north distance shall be 12 feet in width.
 - (7) Willow Way - from the end of street bulkhead to a point 86 feet east. From the north side bulkhead south to a distance of 50 feet.
 - (8) Shrewsbury Way - from the end of street bulkhead to a point 18 feet east. All other fire zones should be removed and new no parking or two zones should be created.
 - (9) Riverview Place - from the corner of Shrewsbury Place to a point 40 feet south on the east side of the street; from the corner of Shrewsbury Place to a point 36 feet south on the west side of the street.
 - (10) River Way - from the end of street bulkhead to a point 26 feet east.
 - (11) Peninsula Ave - from the end of street bulkhead to a point 36 feet east.
 - (12) River Street - from the end of street bulkhead to a point 21 feet east.
 - (13) Church Street - from the end of street bulkhead to a point 80 feet east; from the north side curb line to a point 25 feet south.
 - (14) Beach Street - from the end of street bulkhead to a point 24 feet east.
 - (15) Center Street - from the end of street bulkhead to a point 41 feet east.
 - (16) Osborne Place - from the end of street bulkhead to a point 36 feet east.
 - (17) Islandview Way - from the end of street bulkhead to a point 25 feet east; must be painted and new signs placed.
 - (18) Imbrie Place - from the end of street bulkhead to a point 27 feet east.
 - (19) Tradewinds Lane - the entire length of the east side.
 - (20) Sandpiper Lane - end of street turnaround shall be zoned fire lane.
- B. Bureau of Fire Prevention. Upon the finding that such action is necessary for public safety, the Bureau of Fire Prevention in the Borough of Sea Bright may require the owner or owners of any shopping center, commercial structure, place of public assembly, multiple dwelling groups, or industrial park office buildings to designate "fire zone" in the driveways of the premises leading to and from the parking area to the above-type buildings or structures, public streets or rights-of-way. Such fire zones, also known as "fire lanes," shall be no less than 10 feet nor more than 50 feet in width and shall be outlined and lettered in yellow on a paved surface, such lettering to remain legible at all times. Metal "fire zone" signs, the lettering of the same to be legible at all times, shall be provided, erected and maintained by said owner or owners and placed at the discretion of the Bureau of Fire Prevention. Said signs are to be of a design and quality and lettered in accordance with applicable state law and approved by the Bureau of Fire Prevention.

C. Violations and enforcement.

- (1) Any person who parks a vehicle in, obstructs, or allows the obstruction of a designated fire lane who is found to be in violation of the provisions of this article shall be subject to the penalties as provided in Chapter 1, General Provisions, Article I.
- (2) Any vehicle or object obstructing a designated fire lane, whether public or private, may be towed or removed without prior notification of the owner, and at the owner's expense.
- (3) The registered owner of the vehicle parked in the fire lane shall be responsible for all penalties issued and any towing or related charges accruing hereunder.

Article XI. Municipal Buildings and Parking Lots (Reserved)

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 March 21, 2017 and will be further considered after a Public Hearing held on April 4, 2017 at the Municipal Building at 7:00 pm.

Introduction: Councilman Keeler read the ordinance by title:

**ORDINANCE NO. 07-2017
AN ORDINANCE AMENDING CHAPTER 66, "BEACHES"
OF THE CODE OF THE BOROUGH OF SEA BRIGHT**

Councilmember Leckstein offered a motion to introduce Ordinance #07-2017 for a public hearing to be held on April 4, 2017 and advertise according to law; seconded by Councilmember Birdsall:

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

**ORDINANCE NO. 07-2017
AN ORDINANCE AMENDING CHAPTER 66, "BEACHES"
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 66 entitled "Beaches," Article I, General Regulations, 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: Chapter 66, "Beaches," of the Code of the Borough of Sea Bright, Article I, "General Regulations," §66-3, "Reserved" of the Borough of Sea Bright." be and the same is hereby amended thereto:

Article I "General Regulations"

66-3. Reserved

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 March 21, 2017 and will be further considered after a Public Hearing held on April 4, 2017 at the Municipal Building at 7:00 pm.

INDIVIDUAL ACTION/New Business:

Vouchers: \$695,786.00

Councilmember Keeler offered a motion to approve the Voucher List dated March 21, 2017 as submitted by the Finance Manager, seconded by Councilmember Leckstein:

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

**VOUCHER LIST
MARCH 21, 2017
BOROUGH OF SEA BRIGHT**

00120	7-ELEVEN OF SEA BRIGHT		
17-00322	03/07/17 A&E	Open	5.99
2385	AGNOLI ENGINEERING		
17-00171	02/01/17 ENGINEER	Open	1,120.27
02113	AMERICAN WATER		
17-00334	03/13/17 WATER	Open	314.41

REGULAR MEETING MINUTES

MARCH 21, 2017

01984	AVAYA FINANCIAL SERVICES		
17-00337	03/15/17 POLICE	Open	145.29
01241	BAIN'S HARDWARE, INC.		
17-00336	03/13/17 HARDWARE	Open	318.31
01631	BOROUGH OF OCEANPORT		
17-00017	01/18/17 COURT	Open	6,247.50
01974	BOROUGH OF SEA BRIGHT COURT		
17-00317	03/07/17 COURT	Open	101.70
02115	C & L SWEEPER SERVICE		
17-00282	02/27/17 DPW	Open	760.00
01546	C.I.T. TECHNOLOGY FIN SERV, INC		
17-00021	01/18/17 COPIER	Open	157.00
00230	CERTIFIED SPEEDOMETER		
17-00202	02/06/17 POLICE	Open	152.00
00982	CITY OF LONG BRANCH		
17-00084	01/23/17 DPW	Open	1,630.63
00256	CLEARY, GIACOBBE, ALFIERI &		
17-00349	03/15/17 LEGAL	Open	36.00
2286	DIFRANCESCO, BATEMENT, KUNZMAN		
17-00333	03/13/17 LEGAL SERVICES	Open	2,974.73
01992	DOGS AND CATS, INC.		
17-00340	03/15/17 BEACH	Open	1,500.00
01068	EDWARD J. ALBERT & SON, INC.		
17-00287	02/28/17 SEWER	Open	1,453.32
00288	FIRST UNITED METHODIST CHURCH		
17-00341	03/15/17 LIBRARY	Open	1,000.00
00575	GALLS, INC.		
17-00094	01/23/17 CLOTHING ALLOWANCE	Open	815.00
02101	GANNETT NJ		
17-00351	03/16/17 LEGAL AD	Open	23.10
17-00361	03/17/17 PLANNING BOARD	Open	137.10

			160.20
01194	GLENCO SUPPLY, INC.		
16-01555	12/13/16 DPW:MATERIALS	Open	675.00
01657	GOWAN, KERRY		
17-00352	03/16/17 ANIMAL CONTROL	Open	100.00
02262	GTBM INC.		
17-00267	02/24/17 POLICE	Open	1,425.00
01887	HEIM ELECTRONICS, INC.		
17-00270	02/24/17 DPW	Open	62.85
2393	HL PETROLEUM CO.		
17-00310	03/03/17 ENGINEER	Open	8,850.00
01838	HOLMAN, FRENIA, ALLISON, P.C.		
17-00348	03/15/17 AUDIT	Open	5,000.00
2380	HOWELL GUN WORKS		
17-00093	01/23/17 CLOTHING ALLOWANCE	Open	149.61
2294	IRENE, JR. MICHAEL		
17-00320	03/07/17 LEGAL	Open	40.00
01526	JCP & L		
17-00332	03/09/17 ELECTRIC	Open	1,403.36
00297	JESSE A. HOWLAND & SONS, INC.		
16-00971	07/27/16 DPW:GARAGE RENTAL	Open	1,665.00
16-00972	07/27/16 FIRE DEPT:GARAGE RENTAL	Open	3,750.00

REGULAR MEETING MINUTES**MARCH 21, 2017**

			5,415.00
00895	JOHNNY ON THE SPOT, INC.		
17-00365	03/17/17 BEACH	Open	109.20
00971	LANG, STEVEN		
17-00354	03/17/17 I.T. SERVICES	Open	570.99
2278	MCLAUGHLIN, STAUFFER & SHAKLEE		
17-00315	03/06/17	Open	9,943.64
00106	MGL FORMS-SYSTEMS, LLC		
17-00149	02/01/17 PRINTING	Open	630.00
00176	MODULAR SPACE CORPORATION		
17-00360	03/17/17 FIRE DEPT	Open	385.00
02256	MONMOUTH TELECOM		
17-00363	03/17/17 PHONE SERVICE	Open	1,227.77
2382	MORGAN, MICHAEL		
17-00098	01/23/17 CLOTHING ALLOWANCE	Open	599.50
01987	MORPHOTRAK/SAFRAN		
17-00080	01/23/17 POLICE	Open	2,633.69
00137	MUNICIPAL CAPITAL CORPORATION		
17-00022	01/18/17 COPIER	Open	224.73
2366	NJ ADVANCE MEDIA		
17-00353	03/16/17 PLANNING BOARD	Open	199.48
00019	NJ AMERICAN WATER		
17-00346	03/15/17 WATER	Open	203.79
02245	NJSACOP		
17-00211	02/14/17 POLICE	Open	275.00
00885	OCEAN TWP FIRE DISTRICT NO. 2		
17-00338	03/15/17 FIRE MARSHALL	Open	225.00
01309	OCEANPORT BOARD OF EDUCATION		
17-00007	01/17/17 GRADE SCHOOL TAX	Open	70,788.00
00295	RED THE UNIFORM TAILOR		
17-00089	01/23/17 CLOTHING ALLOWANCE	Open	62.99
00463	RUTGERS, THE STATE UNIVERSITY		
17-00292	03/01/17 PLANNING BOARD	Open	235.00
01554	SEA BRIGHT SERVICE CENTER		
17-00275	02/27/17 POLICE	Open	1,460.90
00027	SEABOARD WELDING SUPPLY, INC.		
17-00364	03/17/17 DPW	Open	135.13
2391	SERVPRO		
17-00295	03/01/17 BUILDINGS & GROUNDS	Open	397.64
02217	Settembrino Architects		
17-00023	01/18/17 ARCHITECT	Open	7,546.69
01027	SHORE BUSINESS SOLUTIONS		
17-00294	03/01/17 POLICE	Open	120.00
00053	SHORE REGIONAL HIGH SCHOOL		
17-00008	01/17/17 HIGH SCHOOL TAX	Open	177,028.76
01603	SIGNS BY TOMORROW		
17-00132	01/30/17 A&E	Open	295.00
00031	SORRENTINO, JOHN		
17-00088	01/23/17 CLOTHING ALLOWANCE	Open	30.00
2247	STAPLES ADVANTAGE		
17-00335	03/13/17 OFFICE SUPPLIES	Open	400.62
01931	SUBURBAN PROPANE		
17-00319	03/07/17 PROPANE	Open	291.70

REGULAR MEETING MINUTES

MARCH 21, 2017

00192	TAX COLL & TREAS ASSOC OF NJ		
17-00342	03/15/17 TAX COLLECTOR	Open	395.00
01285	THE HOME DEPOT		
17-00313	03/03/17 BUILDINGS & GROUNDS	Open	44.37
00973	THE TWO RIVER TIMES		
17-00318	03/07/17 LEGAL AD	Open	59.75
00331	TREASURER, STATE OF NJ		
17-00330	03/09/17 TIDELANDS	Open	200.00
01393	VERITEXT REPORTING CO.		
17-00303	03/02/17 PLANNING BOARD	Open	346.02
01960	VERIZON		
17-00356	03/17/17 BEACH	Open	111.24
17-00358	03/17/17 POLICE	Open	503.92

			615.16
2394	VERIZON BUSINESS		
17-00355	03/17/17 POLICE	Open	245.63
02061	VERIZON WIRELESS		
17-00357	03/17/17 CELL SERVICE	Open	175.95
17-00359	03/17/17 CELL SERVICE	Open	126.92

			302.87
01150	W.W. GRAINGER, INC.		
17-00071	01/23/17 SUPPLIES	Open	113.88
01164	WATCHUNG SPRING WATER CO, INC.		
17-00362	03/17/17 SPRING WATER	Open	312.73
00519	WILLIAM E. ANTONIDES & CO.		
17-00339	03/15/17 FISCAL OFFICER	Open	3,025.00

TOTAL: \$323,693.80

BILL LIST MARCH 21, 2017 - MANUAL CHECKS

17-00088-01	3/17/2017	Red The Uniform Tailor Police:Clothing Allowance	\$337.90
17-00344	3/15/2017	State of NJ Division of Pensions 2017 Annual PERS Contribution	\$79,696.11
17-00345	3/15/2017	State of NJ Division of Pensions 2017 Annual PFRS Contribution	\$288,688.00
17-00343	3/15/2017	Wex Bank Gasoline:March 2017	\$3,370.19

TOTAL Manuals: \$372,092.20

GRAND TOTAL: \$695,786.00

COUNCIL COMMITTEE REPORTS:

BEACH / GRANTS:

Councilman Lamia reported that he has been working with Administrator Verruni on the status of grants and where we stand with the reimbursements. Councilman Lamia provided an update on beach badge sales this year compared to last year at this time - we are at 98% of 2016 sales of regular badges, senior badges are 96% and the lockers are around 119% with 12 people on the waiting list. Sea Bright will be providing lifeguard services this summer at two beaches in Highlands as part of a shared services agreement. Councilman Lamia reported the dune committee will be meeting this Saturday to make plans for March and April. Also, the Borough was awarded free trees for the dunes but the committee needs to determine if they are species we can use.

FINANCE / INSURANCE / COURT / VOLUNTEERS:

Committee Chair Keeler reported CFO Michael Bascom will give a formal presentation of the budget and a public hearing will be held on April 18, 2017. Councilman Keeler reported he spoke with the Court Administrator and all is going well with the new prosecutor; the next court session is April 6th if anyone would like to attend and see how the process works. Councilman Keeler provided an update on the JIF and reported they are advocating very strongly their safety and compliance program - they believe there is a direct connection between a solid safety program and a reduced accident rate which reduces premiums. Councilman Keeler reminded the elected officials that if they attend a JIF safety session, the Borough receives a \$250 premium credit - courses are available online.

PERSONNEL/ PUBLIC RELATIONS / RECREATION:

Councilman Leckstein thanked Council for allowing the Farmers Market to join the BSB - it will help the Market continue to grow as part of the business community. Councilman Leckstein reported the Easter egg hunt will be held on Sunday, April 9th at 12 pm on the municipal beach. Councilman Leckstein said the PR Committee is working on getting another issue of the SeaBreeze released by the end of March or early April. Reported progress on all other matters.

PUBLIC SAFETY / EDUCATION/ LIBRARY:

Councilman Rooney thanked Vincent LePore for the update on the Loch Arbour decision which is something positive for Sea Bright's future with Shore Regional. There was a meeting scheduled with Shore to discuss the referendum but it was cancelled due to the storm - the next scheduled meeting is April 6th. Councilman Rooney reported the next Board of Ed meeting in Oceanport is April 26 at 6 pm. Councilman Rooney praised and thanked our first responders on their work during the last storm keeping our town safe and said the Library is going to have another organ recital the day before Mother's Day. Reported progress on all other matters.

PUBLIC WORKS / BUILDING DEPARTMENT/ CODE ENFORCEMENT:

Councilman Birdsall reported the public works department did a great job during the last storm. He heard that a few of the pump stations had some difficulties but were fixed rather quickly. There is still a job posting for a "working foreman" position. Streetscape is progressing and the east side of Ocean Avenue is complete. Councilman Birdsall reported there was a resolution passed tonight to extend the streetscape schedule however we are still on track to complete the project by the start of the summer season. Reported progress on all other matters.

Councilman Rooney said most of the streetscape improvements will be completed by the April 29th Sip and Sample event hosted by the Businesses of Sea Bright.

SEA BRIGHT RECOVERY/CAPITAL PLAN/FLOOD CONTROL/BEAUTIFICATION:

Councilman Kelly provided an update on the community center bid process and reported we should be ready to award the project in the beginning of April. Councilman Birdsall asked if the pavilion/community center and the sea wall projects will interfere with each other. Councilman Kelly and Borough Engineer Fran Mullan said both projects were designed to be independent and stand alone and will be meshed together upon completion. Councilman Kelly reported progress on all other matters.

EXECUTIVE SESSION

Councilmember Leckstein offered a motion to enter into Closed Session; seconded by Councilmember Kelly:

WHEREAS, Section 8 of the Open Public Meeting Act, NJSA 10:4-12 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist.

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

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matter.

2. The general nature of the subject matters to be discussed are as follows:

A. Litigation

3. It is anticipated at this time that the subject matters will be made public, if and when confidentiality is no longer needed. Action may be taken.

4. This Resolution shall take effect immediately

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

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

There being no further business to discuss a motion to go back in to the regular meeting was made by Councilman Leckstein seconded by Councilman Kelly with a unanimous voice vote approval.

ADJOURNMENT

Councilmember Leckstein offered a motion to adjourn the meeting; seconded by Councilmember Birdsall:

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

Respectfully submitted,

Christine Pfeiffer
Borough Clerk