

**MINUTES  
REGULAR MEETING  
BOROUGH OF SEA BRIGHT**

**APRIL 4, 2017**

**SEA BRIGHT, NEW JERSEY**

**Mayor Long** called the meeting to order at 7:00 pm and requested those present to join her in the Pledge of Allegiance.

**Mayor Long** 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:** Mayor Dina Long  
Councilmember's Kevin Birdsall, William J. Keeler, Marc A. Leckstein,  
John M. Lamia, Jr., Charles H. Rooney

**ABSENT:** Councilmember Brian P. Kelly

**OTHERS:** Attorney Roger 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, appreciates all of the work Councilman Leckstein has put into the noise ordinance and will speak on this subject during the noise ordinance public hearing.

Vince LePore, Long Branch, stated on March 24<sup>th</sup> Ocean Township lost the appeal to block Loch Arbour's referendum which is good for Sea Bright and questioned where Sea Bright stands with Shore Regional litigation. Regarding the bids for the beach pavilion, Mr. Lepore asked if past performance was taken into consideration during the review process. Attorney McLaughlin responded there were a number of considerations, including but not limited to qualifications, experience, past performance, certifications, etc. Mr. Lepore expressed his concern about the budget getting tight should the Borough need to go out for additional bonding. Mayor Long responded the Borough is in a healthy financial state with regard to future emergency borrowing. Mr. Lepore asked the Mayor to provide an update on Shore Regional - Mayor Long said we have a date scheduled for early may with the administrative law judge and before that they are hoping to have a productive conversation with the negotiating team from Shore Regional so we can all avoid the costs of litigating. There is also a meeting scheduled with representatives from Shore Regional this week which Mayor Long hopes to be productive conversation. She is hopeful that everyone will bring an open mind for discussions. In regards to Mr. Lepore's previous comment about bonding, CFO Bascom explained the Borough of Sea Bright's fiscal stability is strong and has become stronger since Superstorm Sandy and our ability to bond is not an issue.

Janet Hentchel, 7 East Church Street, requested that the Sip and Sample flyer be posted on our website and thanked the Borough for sponsoring the transportation for the event. Ms. Hentchel also mentioned the curbing in front of Donovans Reef's is being neglected and asked if we can reach out to the NJDOT to repair it since our town is getting beautified.

**CONSENT AGENDA**

Councilmember Leckstein offered a motion to remove Resolution No. 74-2017 and approve the remaining items that are considered routine in nature under the consent agenda; seconded by Councilmember Keeler:

**Minutes**

02-16-2017	Workshop Meeting
02-16-2017	Executive Session
02-21-2017	Regular Meeting
02-21-2017	Executive Session
03-07-2017	Budget Workshop Meeting
03-07-2017	Regular Meeting
03-07-2017	Executive Session

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

**Resolutions:**

**No. 69-2017** Office Of Emergency Management "Municipal Emergency Management Coordinator" - Daniel J. Chernavsky

**RESOLUTION No. 69-2017**  
**OFFICE OF EMERGENCY MANAGEMENT**  
**"MUNICIPAL EMERGENCY MANAGEMENT COORDINATOR"**  
**N.J.S.A. App.A:9-40.1**

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

**WHEREAS**, the Borough Council of the Borough of Sea Bright, County of Monmouth of the State of New Jersey that the State of New Jersey Office of Emergency Management requires each municipal to appoint an "Emergency Management Coordinator", and

**WHEREAS**, the Municipal Emergency Management Coordinator, Office of Emergency Management for the Borough shall serve a term of three years, and

**WHEREAS**, the Municipal Emergency Management Coordinator is responsible for the planning, activating, coordinating and the conduct of Emergency Management operations with the municipality; and

**WHEREAS**, it is the intention of the Borough Council of the Borough of Sea Bright to comply with the requirements set forth under the provision of N.J.S.A. App.A:9-40.1 of the State Disaster Control Act; and

**WHEREAS**, Mayor Dina Long submitted her resignation as Municipal Emergency Management Coordinator for the Borough of Sea Bright to the Borough Administrator effective April 1, 2017; and

**WHEREAS**, the Borough Council wishes to appoint Daniel J. Chernavsky, Detective, Sea Bright Police Department as the Municipal Emergency Management Coordinator for a three (3) year term commencing April 1, 2017; and

**NOW, THEREFORE, BE IT RESOLVED** that the Borough Council of the Borough of Sea Bright in the County of Monmouth, does hereby appoint Daniel J. Chernavsky as the "MUNICIPAL EMERGENCY MANAGEMENT COORDINATOR" to serve a term of three (3) years, nunc pro tunc, from April 1, 2017 through March 31, 2020.

**BE IT RESOLVED** that the Borough Clerk is hereby authorized to forward a certified copy of this resolution to the following:

- 1. Monmouth County Sheriff's Office of Emergency Management
- 2. Borough of Sea Bright Office of Emergency Management
- 3. Chief of Police
- 4. Finance Manager
- 5. Daniel J. Chernavsky

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

**No. 70-2017** Authorizing 2017 Farmers' Market  
**RESOLUTION No. 70-2017**  
**AUTHORIZING 2017 FARMERS' MARKET**  
**BOROUGH OF SEA BRIGHT**

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

**WHEREAS**, the Borough Council believes the Sea Bright Farmers' Market will benefit the community, residents, businesses and visitors by providing a variety of goods and services from various local vendors; and

**WHEREAS**, Community Green Market Organizers who began the Farmers' Market in the Borough in the summer of 2014 have transferred the operations and management of the Farmers' Market to the Borough; and

**WHEREAS**, Linda Blevins and Sonya Cappillo, residents of Sea Bright, have volunteered to become the "community organizers" and custodians of record of the Sea Bright Farmers' Market; and

**WHEREAS**, the custodians of record will maintain and submit all related documents to the Borough Clerk; and

**WHEREAS**, all fees collected will be deposited within 48 hours in to the Recreation Trust; and

**WHEREAS,** the Borough of Sea Bright wishes to continue the Sea Bright Farmers' Market in the Borough on Thursdays beginning on June 1, 2017 thru September 30, 2017, between the hours 2pm to 7pm, rain or shine.

**NOW, THEREFORE, BE IT RESOLVED** the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey hereby authorizes the 2017 Sea Bright Farmers' Market to operate in our community beginning on June 1, 2017 through September 30, 2017; and

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

- 1. Borough Administrator
- 2. Borough Police Chief
- 3. Volunteer Organizers

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

**No. 71-2017** Establishment of Qualifications for the Submission of Bids for the Municipal Complex Building

**RESOLUTION NO. 71-2017**  
**BOROUGH OF SEA BRIGHT**  
**ESTABLISHMENT OF QUALIFICATIONS FOR THE SUBMISSION**  
**OF BIDS FOR THE MUNICIPAL COMPLEX BUILDING.**

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

**WHEREAS,** the Borough’s Consulting Architect has recommended that, in order to be eligible to submit a bid for the construction of the new municipal complex building, bidders should be classified by the New Jersey Department of Treasury, Division of Property Management and Construction, in either General Construction C008 or General Construction/Alterations and Additions C009; and

**WHEREAS,** N.J.S.A. 40A:11-25 provides that such pre-qualifications may be established after the publication of notice and the conduct of a hearing.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Sea Bright that the Borough Clerk is hereby authorized and directed to publish the attached notice in two newspapers circulating in Monmouth County; and

**BE IT FURTHER RESOLVED** that a hearing will be conducted on the proposed prequalification at the meeting of the Borough Council scheduled for Tuesday, May 2, 2017 at 7:00 p.m.; and

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

- 1. Borough Administrator
- 2. Borough Architect
- 3. Borough Attorney
- 4. Borough Engineer
- 5. Frank Lawrence

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

**No. 72-2017** Sea Bright Ocean Rescue - 2017 Junior Lifeguard Program

**RESOLUTION NO. 72-2017**  
**SEA BRIGHT OCEAN RESCUE**  
**2017 JUNIOR LIFEGUARD PROGRAM**

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

**WHEREAS,** since 2004, the Sea Bright Junior Lifeguard Program has provided a safe and fun way for children to learn about beach and ocean safety, improve upon their swimming abilities and develop high confidence levels in the surf and open water; and

**WHEREAS,** Sea Bright Beach Manager, Don Klein, has authorized the schedule and fees listed below for the 2017 Junior Life Guard Program; and

**WHEREAS,** there will be no refunds once a Junior Guard is registered; and

**Junior Lifeguard Program**

**Age:** Minimum age is 7 years old  
**Fee:** \$160.00 for one session  
              \$275.00 for both sessions  
**Time:** 9:00 am to 12:00 pm  
**Dates:** **Session 1** July 10 – July 21 (M-F)  
              **Session 2** July 24 – August 4 (M-F)

**Junior Lifeguard "Nipper" Program (Session 3)**

**Age:** Minimum age is 12 years old  
              (must have successfully completed Session 1 or 2)  
**Fee:** \$150.00  
**Time:** 9:00 am to 3:00 pm  
**Dates:** August 7 - August 14 (M-F)  
              August 16 CPR/First Aid Certification Course and testing  
              August 18 - Nipper Ocean Qualification testing

**WHEREAS,** the monies collected from the Sea Bright Junior Lifeguard Program will be deposited in the Beach Trust account.

**NOW THEREFORE BE IT RESOLVED,** that the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, does hereby authorize Beach Manager, Don Klein, to operate the Junior Lifeguard Program, as described above, and collect the appropriate fees to be deposited in the Beach Trust account; and

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

- 1. Beach Manager
- 2. Finance Manager

**Roll Call:** Birdsell, Keeler, Kelly, Lamia, Leckstein, Rooney  
              Yes Yes absent Yes Yes Yes

**No. 73-2017** Appointment to the Borough Special Events Committee - Candace Mitchell

**RESOLUTION NO. 73-2017**  
**APPOINTMENT TO THE BOROUGH**  
**SPECIAL EVENTS COMMITTEE**

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

**WHEREAS,** § 38-3 of Chapter 38 of the Borough’s General Code states, if any of the municipal officials serving on the Special Events Committee shall hold more than one of the offices identified for membership, the Mayor shall be empowered to appoint another municipal official, other than a member of the Borough Council, to serve on the Special Events Committee so as to maintain the total membership at 11 individuals; and

**WHEREAS,** the offices of Chief of Police and Public Safety Director are held by the same individual, Chief John Sorrentino; and

**WHEREAS,** the Mayor would like to appoint **CANDACE MITCHELL** , Administrative Assistant in the Borough of Sea Bright as a voting member of the Special Events Committee to maintain a total membership of 11 individuals; and

**WHEREAS,** the above appointment requires the approval of the Borough Council in order to be made official;

**NOW THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, that Candace Mitchell be and is hereby appointed as a voting member of the Borough’s Special Events Committee, and

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

- 1. Candace Mitchell
- 2. Marc A. Leckstein
- 3. Secretary of the Special Events Committee

**Roll Call:** Birdsell, Keeler, Kelly, Lamia, Leckstein, Rooney  
              Yes Yes absent Yes Yes Yes

**INDIVIDUAL ACTION/RESOLUTION(S)**

**No. 74-2017** Consideration of Bids Received for Construction of Sea Bright Pavilion  
Councilman Keeler said he would like to have a discussion with the state to see when the seawall project will begin and questioned if the seawall project and the beach pavilion construction will conflict with each other. Councilman Keller also questioned if there is adequate insurance coverage on the beach pavilion project should storm damage occur prior to the seawall project being completed. Attorney McLaughlin responded that there is insurance coverage in place for the duration of construction. Borough Engineer Fran Mullan explained that both projects were designed so they could be constructed at the same time with no interference. Councilman Birdsall was concerned about the beach access and Mr. Mullan said that there will be minimum obstruction to beach access.

**RESOLUTION No. 74-2017**  
**Consideration of Bids Received for**  
**Construction of Sea Bright Pavilion**

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

**WHEREAS**, on December 13, 2016, the Borough Council of the Borough of Sea Bright authorized the receipt of bids for the construction of the Sea Bright Pavilion; and

**WHEREAS**, the Borough Clerk did duly advertise on February 8, 2017 to receive bids for the construction of the Sea Bright Pavilion; and

**WHEREAS**, in connection therewith ten (10) bids were received by the Borough Clerk on March 30, 2017 from the following: 1) McCauley Construction Company, Long Branch, NJ for \$4,768,000.00; 2) Shorelands Construction Inc., Monmouth Beach, NJ for \$3,976,000.00; 3) Santorini Construction, Neptune, New Jersey for \$3,978,000.00; 4) Hall Building Construction, Farmingdale, NJ for \$4,185,000.00; 5) M&M Construction Company, Union, NJ for \$4,450,000.00; 6) Kappa Construction Corp., Ocean, NJ for \$4,145,000.00; 7) Epic Management Inc., Piscataway, NJ for \$5,127,000.00; 8) Kelso Construction Company, Inc., Manasquan, NJ for \$3,849,000.00; 9) Tri Form Construction, Metuchen, NJ for \$4,676,700.00; 10) G&P Parlamas, Inc., Neptune, NJ for \$4,473,518.00; and

**WHEREAS**, the Borough Architect and Borough Attorney reviewed the bid documents and determined that the lowest responsible bidder meeting specifications for this bid was Kelso Construction Company Inc.; and

**WHEREAS**, the Borough Architect recommends that a contract be awarded to Kelso Construction Company, Inc. of Manasquan, New Jersey as per their bid proposal for the construction of the Sea Bright Pavilion at a cost not to exceed \$3,849,000.00; and

**CERTIFICATION OF FUNDS**

I, Michael J. Bascom, Chief Financial Officer of the Borough of Sea Bright do hereby certify that funds not to exceed \$3,849,000.00 are available for this contract in Bond Ordinance No. 15-2016 and Bond Ordinance No. 17-2016.

  
MICHAEL J. BASCOM, CFO

**NOW THEREFORE, BE IT RESOLVED** that the Borough Council of the Borough of Sea Bright in the County of Monmouth, State of New Jersey, hereby awards the contract for the construction of the Sea Bright Pavilion to Kelso Construction Company, Inc., 2329 Route 34, Manasquan, New Jersey 08736, in an amount not to exceed \$3,849,000.00 as set forth in their bid proposal; and

**BE IT FURTHER RESOLVED** that a notice of this action shall be printed one time in the "Asbury Park Press" newspaper.

**BE IT FURTHER RESOLVED** that the Borough Clerk is hereby authorized to return all bid bonds and/or certified checks received from unsuccessful bidders; and

**BE IT FURTHER RESOLVED** that this award of contract is conditioned upon delivery and execution thereof within ten (10) days from the date of the within Resolution accompanied by such appropriate insurance certificate, affirmative action certificate and performance bonds as may be required by the specifications; and

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

1. All Bidders
2. Borough Engineer
3. Borough Architect
4. Frank Lawrence

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

**ORDINANCE(s):**

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

**ORDINANCE #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 open the public hearing on Ordinance No. 05-2017, seconded by Councilmember Keeler:

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

**Public Hearing (Ord. 05-2017)**

Janice Pattison, Nautilus #8, expressed her love for the town but is very concerned about the noise ordinance and does not like that "talking" has been removed from the definition of noise nuisances - crowds talking can create a roar - and said although she is not familiar with decibel readings, she knows what loud disturbing noise is. Ms. Pattison is also concerned that 50 feet is a determination of distance from the source of noise. Councilman Leckstein explained that the decibel reader does not pick up the human voice which is why the talking aspect has been removed - it is not applicable.

Jim Powell, 8 Village Road, questioned if the 50 feet distance was a measure for the decibel reader? Council responded that it was a measure for talking and the meters - just not if you are on the same property.

Tom Pattison, Nautilus #8, questioned the rational for the 50 feet vs. 100 feet or any distance and believes the law needs to be made more explicit for people within 50 feet. Mr. Pattison asked if anything can be done for residential units that pre-existed the noise source. Councilman Birdsall explained that the purpose of this Ordinance is for everyone to be more neighborly - to respect your neighbors. Mayor Long said that there are some location specific concerns that need to be addressed on an individual basis.

Tommy Bonfiglio, Tommy's Tavern & Tap, explained that the Master Plan and Sea Bright 2020 Recovery Plan both state that Sea Bright wants people to come to this resort community and shop, eat, drink, and have a good time which is he came to Sea Bright - specifically to develop a business and invest \$5 million of his money and has ultimately improved the business district and is an asset to this town. Tommy's was a business approved in a business district unlike the condos that are out of the zone. Mr. Bonfiglio is concerned about the vagueness of the ordinance - it is too subjective - where is this ordinance going to leave him - ultimately going to prison? His use was approved and his business hasn't had any trouble since it opened. Mr. Bonfiglio would like a clear definition of annoying and nuisance.

Attorney McLaughlin reminded all that this is not a site specific ordinance for any particular establishment.

Pam Ross, 6 Peninsula, would like the Council to listen to the taxpaying resident's concerns of the noise ordinance as there are a lot of effected residents.

Regina Guarino, 8 East Church, stated that she looked up the measurement of the human voice in decibels and it can be read on a decibel meter and it is very measureable. This ordinance reduces the protection of residents and empowers businesses to create more noise.

Janice Pattison, Nautilus #8, said the big concern is the noise after 10pm and agrees she would like everyone to be more neighborly.

Councilman Rooney questioned if we should be getting a different decibel reader to detect the noise. A discussion ensued regarding the use of certified decibel meter readers and what is admissible in court.

Councilmember Leckstein offered a motion to close the public hearing on Ordinance No. 05-2017, seconded by Councilmember Birdsall:

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

Councilmember Leckstein offered a motion to adopt Ordinance No. 05-2017 and advertise according to law, seconded by Councilmember Birdsall:

Roll Call:      Birdsall,    Keeler,    Kelly,    Lamia,    Leckstein,    Rooney  
                      Yes            Yes        absent    Yes            Yes            No

Councilman Keeler said there are certain locations where we should look at alternative means of improving the noise situation.

Councilman Rooney explained that he voted "no" because he doesn't believe it is fair for our police officers to make the determination if the noise is too loud.

**Public Hearing:** Mayor Long to 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 open the public hearing on Ordinance No. 06-2017, seconded by Councilmember Keeler:

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

**Public Hearing (Ord. 06-2017)**

Pam Ross, 6 Peninsula, requested the Borough install a sign on Peninsula stating "permit parking only" it was very helpful last year.

Councilmember Leckstein offered a motion to close the public hearing on Ordinance No. 06-2017, seconded by Councilmember Keeler:

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

Councilmember Leckstein offered a motion to adopt Ordinance No. 06-2017 and advertise according to law, seconded by Councilmember Keeler:

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

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

**ORDINANCE #07-2017**  
**AN ORDINANCE AMENDING CHAPTER 66, "BEACHES"**  
**OF THE CODE OF THE BOROUGH OF SEA BRIGHT**

Councilmember Leckstein offered a motion to open the public hearing on Ordinance No. 07-2017, seconded by Councilmember Lamia:

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

**Public Hearing (Ord. 07-2017)**

Vince LePore, Long Branch, questioned if the Borough is expecting litigation for this ordinance. Administrator Verruni explained the reasoning for the Ordinance is to put all parking laws under one heading.

Councilmember Leckstein offered a motion to close the public hearing on Ordinance No. 07-2017, seconded by Councilmember Keeler:

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

Councilmember Leckstein offered a motion to adopt Ordinance No. 07-2017 and advertise according to law, seconded by Councilmember Keeler:

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

**Introduction:** Mayor Long to read the ordinance by title:

**ORDINANCE NO. 08-2017**  
**AN ORDINANCE AMENDING CHAPTER 57, ALCOHOLIC BEVERAGES,  
ARTICLE III, PROHIBITED ACTS OF THE CODE OF THE BOROUGH OF SEA BRIGHT**

Councilmember Leckstein offered a motion to introduce Ordinance No. 08-2017 for a public hearing to be held on April 18, 2017 and advertise according to law; seconded by Councilmember Keeler:

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

**ORDINANCE NO. 08-2017**  
**AN ORDINANCE AMENDING  
CHAPTER 57, ALCOHOLIC BEVERAGES, ARTICLE III, PROHIBITED ACTS  
OF THE CODE OF THE BOROUGH OF SEA BRIGHT**

**WHEREAS** § 57-20 of Chapter 57, Article III of the Ordinances of the Borough of Sea Bright currently requires that all licensed establishments comply with Chapter 144 of the Ordinances of the Borough of Sea Bright; and

**WHEREAS** Chapter 144, which dealt with the Noise regulations of the Borough, was repealed in its entirety by Ordinance 20-2016 on July 5, 2016; and

**WHEREAS** noise issues of the Borough are now governed by Chapter 146 of the Ordinances of the Borough of Sea Bright which is titled Nuisances;

**NOW THEREFORE, BE IT ORDAINED**, by the Mayor and Council of the Borough of Sea Bright that the following revision to the Code of the Borough of Sea Bright shall be enacted so as to correct the reference to Chapter 144 within § 57-20 of Chapter 57 so that it properly references Chapter 146:

**SECTION ONE:**

§ 57-20, Noises of Chapter 57, Alcoholic Beverages, Article III, Prohibited Acts, shall be deleted in its entirety and replaced with the following language:

**§ 57-20, Nuisances. Licensed establishments are required to comply with Chapter 146, Nuisances.**

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

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

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

I HEREBY CERTIFY this to be a true and correct Ordinance of the Mayor and Borough Council of the Borough of Sea Bright, introduced on April 4, 2017 and will be further considered after a Public Hearing held on April 18, 2017 at the Municipal Building at 7:00 pm.

**Introduction:** Mayor Long to read the ordinance by title:

**ORDINANCE NO. 09-2017**  
**AN ORDINANCE REVISING CHAPTER 38, SPECIAL EVENTS,  
OF THE CODE OF THE BOROUGH OF SEA BRIGHT**

Councilmember Leckstein offered a motion to introduce Ordinance No. 09-2017 for a public hearing to be held on April 18, 2017 and advertise according to law; seconded by Councilmember Birdsall:

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

**ORDINANCE NO. 09-2017**  
**AN ORDINANCE AMENDING CHAPTER 38, SPECIAL EVENTS,**  
**OF THE CODE OF THE BOROUGH OF SEA BRIGHT**

**BE IT ORDAINED**, by the Mayor and Council of the Borough of Sea Bright that Chapter 38, SPECIAL EVENTS, shall be amended as follows:

**SECTION ONE:**

1. Chapter 38, § 38-3, "Special Events Committee Membership" shall be amended so as to replace existing subparagraph A so as to read, in its entirety, as follows:
  - A. There shall be created a Special Events Committee, which shall consist of the following 11 members: (1) The Mayor or a designee of his or her choosing; (2) A member of the Borough Council as chosen by it; (3) the Borough Administrator or, if the Borough Administrator is unavailable for any Committee meeting, the Borough Clerk; (4) the Chief of Police or a designee of his or her choosing from within the Police Department; (5) the Director of Public Works or a designee of his or her choosing from within the Public Works Department; (6) the Director of Recreation; (7) the Public Safety Director; (8) the Borough's Fire Subcode Official or a designee of his or her choosing who has knowledge of the Fire Subcode; (9) a Registered Environmental Health Specialist from the Monmouth County Regional Health Commission No. 1; (10) an owner of a business located in the Borough of Sea Bright who is neither an official of nor in the full-time employ of the municipality, as chosen by the Mayor with the advice and consent of the Borough Council, to serve a term no longer than one year from the date of appointment; and (11) a resident of the Borough of Sea Bright who is neither an official of nor in the full-time employ of the municipality, as chosen by the Mayor with the advice and consent of the Borough Council, to serve a term no longer than one year from the date of appointment.
2. Chapter 38, § 38-3, "Special Events Committee Membership" shall be further amended so as to replace existing subparagraph C so as to read, in its entirety, as follows:
  - C. The Special Events Committee shall select a Secretary, who may or may not be a member of the Committee or a municipal employee. The Secretary shall be responsible for taking minutes of the Committee meetings and retaining the Committee's files, as well as working with the Borough Clerk as needed to respond to any Open Public Records Act (OPRA) requests.
3. Chapter 38, § 38-6, "Committee Responsibilities" shall be amended so as to replace existing subparagraph C so as to read, in its entirety, as follows:
  - C. Applicants shall be required to appear before the Committee so as to enable the Committee to discuss and gain a full understanding of the event which is being proposed. The Committee may waive this requirement, if it believes the appearance of the applicant would not be beneficial to it.
4. Chapter 38, § 38-7, "Special Event Escrow" shall be re-captioned as "Special Event Security Deposit" and the text of the section replaced in its entirety with the following:
  - A. The applicant shall deposit with the Borough Clerk, at least 10 days prior to the date of the special event, an amount of money between \$100 and \$5,000 to be determined by the Committee, based upon the municipal services needed for the size and scope of the special event, and which shall be held by the Borough, for the Borough's use to pay for any Borough services and/or facilities for the special event.
  - B. The amount of security deposit set by the Committee shall be based upon the size and scope of the special event and the corresponding reasonably anticipated Borough costs for Borough services arising from the special event.
  - C. The applicant shall be responsible to pay any amount due and owing the Borough for the use of services or facilities for the event over and above the amount of security deposit.

- D. Should any funds remain from the security deposit following the conclusion of the special event, and after all costs associated with the special event have been paid, those monies shall be returned to the applicant.
  - E. The Special Events Committee may waive or reduce the special event security deposit if it determines circumstances warrant the granting of such a waiver or reduction, including, but not limited to, nonprofit or charitable organizations where no commercial activity is taking place at the special event.
5. Chapter 38, § 38-8 "Liability of Applicant" shall be amended so as to add a new subparagraph C which shall read as follows:
- C. All applicants, regardless of whether liability insurance is deemed to be required, must execute a Hold Harmless Agreement, the text of which shall be prepared by the Borough, before a Permit will be issued.
6. Chapter 38, §38-10 "Determination of Special Events Committee" shall be amended so as to replace existing subparagraph B so as to read, in its entirety, as follows:
- B. If the permit has been granted, the transmission to the Borough Clerk shall include a notation as to the amount of the special event security deposit set per §38-7 of this chapter, and the amount of liability insurance, set per §38-8 of this chapter.
7. Chapter 38, §38-11 "Ability of Borough Council to grant or alter permit" shall be amended so as to replace existing subparagraph D so as to read, in its entirety, as follows:
- D. Should the Borough Council exercise any of its powers under this section, it shall follow the criteria set forth in §38-6 of this chapter for evaluating the proposed special event. The Borough Council shall also be empowered to set a special event security deposit, as per §38-7 of the chapter, set a liability insurance amount, as per §38-8 of this chapter, or set special conditions, as per §38-9 of this chapter.

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

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

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

**INDIVIDUAL ACTION/New Business:**

**Vouchers: \$456,420.43**

Councilmember Keeler offered a motion to approve the Voucher List dated April 4, 2017 as submitted by the Finance Manager, seconded by Councilmember Leckstein:

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

**VOUCHER LIST  
APRIL 4, 2017  
BOROUGH OF SEA BRIGHT**

01489	A.M.G. MARINE CONTRACTING, INC		
	17-00325 03/09/17 DPW	Open	4,105.00
01984	AVAYA FINANCIAL SERVICES		
	17-00408 03/30/17 POLICE	Open	145.29
02036	BAHRLE, DAVID		
	17-00405 03/30/17 REIMB. TRAVEL	Open	52.60

**REGULAR MEETING MINUTES****APRIL 4, 2017**

02115	C & L SWEEPER SERVICE		
17-00385	03/23/17 DPW	Open	760.00
00063	CHESAPEAKE EXTERMINATING CO.		
17-00388	03/23/17 EXTERMINATOR	Open	30.00
2390	COSTA, VALERIA		
17-00400	03/30/17 JANITORIAL	Open	1,050.00
2293	DEMCO		
17-00124	01/30/17 LIBRARY	Open	56.52
2285	FENCES BY TAYLOR		
17-00367	03/20/17 BEACH	Open	1,245.00
01817	FINEGAN, GEORGE		
17-00384	03/23/17 CAT PROGRAM	Open	635.47
01720	FIREFIGHTER ONE, LLC		
17-00316	03/07/17 FIRE DEPT	Open	1,323.00
02101	GANNETT NJ		
17-00401	03/30/17 CLERK	Open	143.55
17-00409	03/30/17 LEGAL ADS	Open	53.90
			-----
			197.45
01194	GLENCO SUPPLY, INC.		
17-00288	02/28/17 DPW	Open	90.00
17-00314	03/06/17 DPW	Open	240.00
			-----
			330.00
01526	JCP & L		
17-00411	03/30/17 ELECTRICS	Open	1,173.76
01784	JUNGLE LASERS, LLC		
17-00376	03/22/17 BUILDING DEPT	Open	580.00
2378	LANDTEK CONSTRUCTION		
17-00057	01/19/17 STREETScape	Open	132,295.10
2265	LEE'S GARAGE		
17-00324	03/09/17 POLICE	Open	840.40
02147	MICHAEL BAKER INTERNATIONAL		
17-00399	03/30/17 ENGINEER	Open	6,470.00
00176	MODULAR SPACE CORPORATION		
17-00402	03/30/17 POLICE	Open	3,030.00
01323	MONMOUTH COUNTY TREASURER		
17-00328	03/09/17 POLICE	Open	800.00
00189	MUNICIPAL CLERKS ASSN/MONMOUTH		
17-00386	03/23/17 CLERK	Open	75.00
00433	NATIONAL ENTERTAINMENT		
17-00323	03/07/17 RECREATION	Open	840.00
01399	NEW JERSEY AMERICAN WATER		
17-00406	03/30/17 HYDRANTS	Open	2,390.30
00163	OSWALD ENTERPRISES, INC.		
17-00269	02/24/17 SEWER	Open	2,150.00
00370	P. COOPER ROOFING, INC.		
17-00326	03/09/17 BUILDINGS & GRDS	Open	2,500.00
02151	PRESTIGE TITLE AGENCY, INC.		
17-00404	03/30/17 LEGAL	Open	436.00
2330	RAW POWER GENERATOR SERVICE		
17-00372	03/21/17 GENERATOR MAINTENANCE	Open	951.00
02032	RED BANK VETERINARY HOSPITAL		
17-00350	03/16/17 ANIMAL CONTROL	Open	128.40
00788	SCARINCI & HOLLENBECK, LLC		
17-00366	03/20/17 LEGAL SERVICES	Open	359.00

**REGULAR MEETING MINUTES**

**APRIL 4, 2017**

01640	SEA BRIGHT PIZZA		
17-00407	03/30/17 A&E	Open	39.00
01027	SHORE BUSINESS SOLUTIONS		
17-00403	03/30/17 POLICE	Open	120.00
00222	SIGNS & LETTERS UNLIMITED		
17-00293	03/01/17 POLICE	Open	185.00
00031	SORRENTINO, JOHN		
17-00396	03/29/17 POLICE	Open	49.38
00083	T & M ASSOCIATES		
17-00044	01/18/17 ENGINEER	Open	11,978.99
17-00410	03/30/17 ENGINEER	Open	18,886.03
17-00412	03/30/17 ENGINEER	Open	2,186.77
17-00413	03/30/17 ENGINEER	Open	199.19
			-----
			33,250.98
02114	TWO RIVERS WATER RECLAMATION		
17-00369	03/20/17 SEWER SERVICE	Open	252,733.50
02061	VERIZON WIRELESS		
17-00377	03/22/17 POLICE	Open	927.15
17-00378	03/22/17 FIRE DEPT	Open	40.01
			-----
			967.16
2339	WIRELESS COMM & ELECTRONICS		
17-00368	03/20/17 FIRE DEPT	Open	250.00
		<b>TOTAL:</b>	<b>\$452,544.31</b>

**APRIL 4, 2017 - MANUAL CHECKS**

17-00384	3/23/2017	Finegan,George Reimb./Feral Cat Program	\$635.47
17-00321	3/7/2017	Hoder, David Engineer:Escrow Projects	\$1,170.00
17-00380	3/23/2017	NJ Dept. of Health Monthly Dog Report	\$14.40
17-00370	3/21/2017	Public Storage Police:Rental Unit-April	\$312.00
17-00394	3/24/2017	T & M Associates Engineer:Escrow Projects	\$1,744.25
		<b>TOTAL MANUALS:</b>	<b>\$3,876.12</b>
		<b>GRAND TOTAL:</b>	<b>\$456,420.43</b>

**EXECUTIVE SESSION**

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

**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              absent      Yes              Yes              Yes

**ADJOURNMENT**

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

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

Respectfully submitted,

Christine Pfeiffer  
Borough Clerk