MINUTES REGULAR MEETING BOROUGH OF SEA BRIGHT

MAY 1, 2018

SEA BRIGHT, NEW JERSEY

<u>Mayor Long</u> called the meeting to order at 7:00 pm and requested those present to join in the Pledge of Allegiance.

<u>Mayor Long</u> 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 17, 2017. 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, Charles H. Rooney, Jon Schwartz

ABSENT: Councilmember Brian P. Kelly

OTHERS: Attorney Richard Shaklee, Engineer Fran Mullan,

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.

Eileen Best, 5 Islandview Way Unit 61, thanked council for their time and patience. She is concerned that the empty lot behind her home may cause water/drainage issues when the two new homes are built and requests that a berm be built. Councilman Leckstein suggested inquiring with the building department for the status of the permits. Chief Sorrentino stated that the Code Enforcement Officer, Tom Haege, will be sending out a letter to the property owner to remove debris that has collected over the winter.

CONSENT AGENDA

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

Minutes

04-12-2018 Special Meeting 04-12-2018 Workshop Meeting 04-12-2018 Executive Session

Roll Call: Birdsall, Keeler, Kelly, Leckstein, Rooney, Schwartz Yes Yes Absent Yes Yes Yes

Resolutions:

No. 93-2018 Authorize the Release of Performance Guarantees, 1030 Partner, LLC, 1030 Ocean Avenue, Phase II - Block 17, Lot 4 & 5

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

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, 1030 Partners LLC has heretofore deposited with the Borough of Sea Bright a performance guarantee in the amount of \$104,577.00 (90% Performance Bond # PF002619 in the amount of \$94,119.30, First Indemnity of America Insurance Company) and (10% in the form of cash \$10,457.50) to guarantee the completion of all improvements on premises known as Block 17, Lot 4 & 5 also known as 1030 Ocean Avenue; and

WHEREAS, David J. Hoder, P.E. P.P., Hoder Associates Consulting Engineers, has advised the Borough Council by letter dated April 16, 2018, 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% (\$13,072.13) of the cost of the improvements and posting of 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 from David J. Hoder, P.E. P.P., Hoder Associates Consulting Engineers and the performance guarantees totaling \$10,457.50 are hereby released, canceled and discharged; and

BE IT FURTHER RESOLVED by the Borough Council that this resolution shall not become effective unless and until the Borough of Sea Bright is furnished with the posting of a maintenance guarantee in the amount of 15% (\$13,072.13) 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. 1030 Partners LLC
- 2. First Indemnity of American Insurance Company
- 2. David J. Hoder, P.E. P.P., Consulting Engineers
- 3. Fiscal Officer
- 4. Construction Official

Roll Call: Birdsall, Keeler, Kelly, Leckstein, Rooney, Schwartz Yes Yes Absent Yes Yes Yes

No. 94-2018 Standard Operating Procedure - Chief of Police Promotion Policy

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

BE IT RESOLVED by the Mayor and Council of the Borough of Sea Bright, County of Monmouth that the following Promotion Policy be adopted for the Sea Bright Police Department, Standard Operations Procedures.

This promotional opportunity shall be posted, in a prominent place within the Police Department.

I. PURPOSE:

The purpose of this Standard Operating Procedure (SOP) is to formally state the Sea Bright Police Department's Promotion Policy and Process.

II. POLICY:

Promotion is the evaluation and selection of an officer for advancement from one rank classification to within the hierarchy of the Sea Bright Police Department (SBPD).

In carrying out this responsibility, the SBPD will adhere to the procedures/processes presented below. These procedures/processes have been developed to help identify those officers who possess and display the ability for assuming greater responsibilities, combined with the necessary skills and knowledge to perform competently at a higher organizational level.

This policy is established for the position of Chief of Police.

Note: The final decision on the promotion of all personnel will be made by the Mayor and Council based on general qualifications, the promotion criteria presented in this SOP, the recommendation of the Chief of Police and the results/conclusions drawn from the Mayor and Council's interviews with the candidates.

Note: Since promotions are not a regular/yearly event within a small department, prior to initiating a promotion process, the Chief of Police, Administrator, and the Police/Public Safety Committee will review this SOP to ensure that all provisions are in compliance with current rulings, policies, and practices especially with regard to non-discrimination and job relatedness questions.

III. PROCEDURE/PROCESS

1. Posting/Announcement:

Pursuant to the authority of the Mayor and Council of the Borough of Sea Bright to establish the position of the Police Chief for the Sea Bright Police Department, once the Mayor and Council of the Borough of Sea Bright have certified, by resolution that the position of Chief of Police is or will be vacant and is to be filled, a notice shall be posted in a prominent place on the bulletin board in Police Headquarters and the Mayor and Council shall implement the procedures contained herein below for the selection of a successor Chief of Police.

2. Eligibility Criteria:

- **A.** Candidates seeking promotion to the rank of Police Chief must meet the following eligibility requirements:
- 1) Nine (9) years of full time service with the Sea Bright Police by the effective date of the promotion.
- 2) Attained the rank of Sergeant or above for at least two (2) years.
- 3) Attained at least a Bachelor's Degree from an accredited college or university.

Note: All full time officers hired prior to January 1, 2009 are exempt from the education requirement clause.

- **B.** All promotions covered under this policy shall be made from the membership of the Sea Bright Police Department.
- **C.** To be considered for a given promotion, officers must notify the Chief of Police, in writing, of their intention to participate in the formal promotional process. This letter of intent must be submitted to the Police Chief prior to the posted deadline (usually at least thirty (30) days before the date of the written and/or oral examination.)

Note: Candidates who otherwise would be eligible to participate in the given promotion process, will lose their eligibility if they fail to submit the letter of intent prior to the posted deadline.

3. Promotion Criteria:

Note: Each candidate being considered for promotion will go through the same testing/evaluation procedure.

In addition to the qualifications set forth in other sections of this policy, the following factors are to be considered in the evaluation and recommendation of candidates for promotion:

- a. Oral Examination or written examination;
- b. Job Performance
- c. Length of Service
- d. Medical and Psychological Examinations
- e. Chief of Police Recommendation
- f. Interview/Evaluation by Mayor and Council

Candidates shall be ranked based on tallying their scores on the oral or written examination (100 possible total point), job performance (138 possible total points) and length of service evaluations (20 possible total points). The maximum point total available is 258 points.

A. Oral or Written Examination.

- The examination board will consist of members from the New Jersey Association of the Chiefs of Police or the International Association of Chiefs of Police. A written examination administered by the New Jersey Association of Chiefs of Police or the International Association of Chiefs of Police may be used in lieu of the oral examination.
- The questions for the oral or written examination shall be kept confidential by the examination committee. No member of the Sea Bright Police Department shall be permitted access to the questions, including the Chief of Police.
- Contents of Examination. The questions or written examination will be prepared by the board conducting the examinations. The questions will be relevant to the position being sought and shall cover relevant court cases, job knowledge, supervisory knowledge, and situational problems. All candidates for the same position/rank will be asked the same questions or give the same written examination. All candidates will receive written notification of what topics will be covered on the examination in a reasonable amount of time prior to the examination. All candidates will receive the information on the same date in their department mailbox and will be notified via phone that the information has been distributed.
- Scoring. The members of the examination board will score the candidates using their scoring system. Any candidate that fails the oral or written examination or has a score equivalent to 69% or less will be disqualified from the promotional process. A perfect score will be 100% or the equivalent.
- Announcement of examination. Notice of the approximate or actual xamination date will be posted a minimum of four weeks prior to the examination. Any eligible police personnel on leave or vacation at the time of the posting shall be notified by phone or/and mail.

B. Job Performance.

- Using the Department's employee evaluation process, and the Department's personnel files, the Chief of Police will evaluate and grade the job performance of each candidate for promotion.
- The maximum score a candidate can attain for Job Performance is one hundred thirty-eight (138) points.

• Specific performance factors to be considered in the evaluation include, but are not limited to: Communication Skills (verbal/written), Commendations and Awards, Disciplinary Infractions, Absenteeism, Adherence to Established Policy (Sea Bright Personnel Manual, Department Standard Operating Procedures, PBA Local #48 Contract), Professional Schooling, Attitude, Initiative Appearance.

Note: The higher an officer's rank, the more responsibility the officer will have for the overall performance of the entire Department. Hence, a candidate's contribution to the creation and/or implementation of improved policies/procedures within the Department will be of particular interest and value in making a promotion recommendation.

C. Length of Service.

- One half (1/2) point shall be awarded to a candidate for each full year of service with the Sea Bright Police Department as a full time sworn law enforcement officer. No credit shall be given for years of service in any prior task or job.
- The maximum points/score a candidate can attain for Length of Service is twenty (20) points.

D. Medical and Psychological Examinations.

- All candidates for promotion to the rank of Police Chief must pass a complete medical examination performed by the Borough Physician. Any candidate who does not pass shall be disqualified from further consideration.
- All candidates for promotion to the rank of Police Chief must successfully complete a psychological examination conducted by a psychiatrist or psychologist or by a professional psychological service organization appointed by the Mayor and Council of the Borough of Sea Bright.

Psychological testing will be conducted for objective suitability traits and attributions. Testing shall relate to motivation, intelligence, team compatibility, endurance, social judgment, stress tolerance, self-control and emotional stability. Candidates shall be evaluated for supervisory potential, ability to analyze the management role, as well as leadership and attitudes towards directing and disciplining former peers.

The test shall be scored on a pass/fail basis as to suitability and the examiner shall provide the Borough Administrator with an evaluation report concerning the candidates.

The Borough Administrator will forward same to the Police/Public Safety Committee for review and recommendation to the Mayor and Council.

E. Recommendation of Chief of Police:

- The Chief of Police will submit a letter of recommendation to the Borough Administrator who will then forward to the Police/Public Safety Committee and then to the Mayor and Council.
- The letter of recommendation from the Chief of Police will be based on the results of promotion criteria and on the Chief's own evaluation.

Note: The chief's recommendation will make particular reference to:

- 1) Examples of a candidate's display of leadership within the Department and/or Community.
- 2) The candidate's potential for providing effective leadership of the entire Department.

F. Evaluation by Mayor and Council:

• The Mayor and Council will interview all candidates for promotion.

Note: When deciding on a promotion to the rank of Chief of Police, the Mayor and Council will make a specific inquiry into, and an evaluation of:

- 1) Examples of the candidate's display of leadership within the Department and/or Community.
- 2) The candidate's potential for providing effective leadership of the entire Department.
- The final decision on the promotion of personnel will be made by the Mayor and Council based on qualifications, the promotion process/criteria in this standard operating procedure, the recommendation from the Chief of Police and the results/conclusion drawn from their interviews with the candidates.

G. **Additional Information on Scoring:**

- The Chief of Police will create a ranked list of all the candidates for the Position of Police Chief by tabulating each candidate's score from the oral and/or written examination; the performance evaluation; and the length of service calculation. The Chief's ranked list will be forwarded to the Borough Administrator and the Police/Public Safety Committee for review prior to being forwarded to the Mayor and Council.
- In the event that the Mayor and Council conclude that two candidates are equal in all respects, Statute 40A:14-122.6 shall be used to determine the relative ranking of the two candidates. Should both candidates also be residents, the candidate with the highest seniority will be placed first on the recommended list forwarded to the Appropriate Authority.

Note: Seniority will be determined by either the current official Department rank of each candidate (Sergeant, Lieutenant, Captain, Deputy Chief), or, if both candidates hold the same Department rank by relative length of service with the Department.

- Scores on any promotional examinations will be valid for one (1) year from the date on which they are received by the Department.
- In the event that a vacancy occurs within one (1) year that the scores are valid, the Chief of Police will create a new ranked list of all candidates using the scoring data already on file, plus the scoring data of any candidate who did not participate in the previous promotion process. A copy of which shall be supplied by the Chief of Police to the Borough Administrator.
- All promotional materials and scores will be maintained in a secured file in the office of the Chief of Police or the Appropriate Authority.
- After review by the Borough Administrator and Police/Public Safety Committee, the results of the testing/evaluation process will be forwarded to the Mayor and Council.
- All officers who participate in the promotion process will be allowed to review their test scores and evaluations within fourteen (14) days following the posting of the official results.
- In carrying out this responsibility for the selection of Police Chief, the Mayor. and Council shall consider and evaluate among other things each eligible candidate in the following areas:
- Results of the oral examination, job performance and length of service scoring; 1.
- Medical and Psychological Examination results; 2.
- Education and certifications; 3.
- 4. Awards and commendations:
- 5. Annual/semi-annual performance evaluation results;
- Recommendations from Police Chief; 6.
- Communication skills; 7.
- Community involvement activities; 8.
- Administrative abilities: 9.
- Leadership abilities; and 10.
- Mayor and council interview/evaluation results. 11.

Decision by Mayor and Council.

After consideration of the aforementioned factors, the Mayor and Council will select the candidate to the rank of Police Chief from among all eligible candidates.

Probationary Period.

An officer promoted to the rank of Police Chief shall serve a probationary period of one (1) year from the date of the appointment.

Keeler, Kelly, Roll Call: Birdsall, Leckstein, Rooney, Schwartz Yes Yes Absent Yes Yes Yes

Roll Call: Birdsall Keeler Kelly Leckstein Rooney Schwartz

Yes Yes Absent Yes Yes Yes

ORDINANCE(s):

Introduction: Mayor Long to read the ordinance by title:

ORDINANCE NO. 05-2018

AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE BOROUGH OF SEA BRIGHT, CHAPTER 140, "MERCANTILE LICENSES," SECTION 140-3, "APPLICABILITY," PERTAINING TO HOME BASED BUSINESSES

Councilmember Leckstein offered a motion to introduce Ordinance No. 05-2018 for a public hearing to be held on May 15, 2018 and advertise according to law; seconded by Councilmember Rooney:

Roll Call: Birdsall Keeler Kelly Leckstein Rooney Schwartz Yes Yes Absent Yes Yes Yes

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

SECTION ONE: The Code of the Borough of Sea Bright, Chapter 140, "Mercantile Licenses," Section 140-3, "Applicability," be and the same is hereby amended and revised to read, in full, as follows:

"§ 140-3. Applicability.

- A. It shall be unlawful for any person to commence or carry on any profession, vocation, trade, business, calling or occupation as defined in this chapter without first having obtained a license from the Borough Clerk to do so or without complying with any and all provisions concerning the same contained in this chapter or in any other ordinance adopted by the Borough.
- B. For the purpose of this section, a person shall be deemed to be engaging in business when he does one act of:
 - 1. Selling or hiring out any goods or services for sale or hire.
 - 2. Acquiring or using any vehicle, machine or device or any premises in the Borough for business purposes.
 - 3. Soliciting business or funds canvassing, peddling or hawking.
- C. The agents, servants, employees or other representatives of corporations, partnerships, individual natural persons, joint ventures, societies, associations, clubs, trustees, trusts or unincorporated groups shall be personally responsible for compliance with this chapter by their principals and by the businesses they represent.
- D. No license shall be required of any person for the mere delivery in the Borough of any property purchased or acquired in good faith from such person at his regular place of business outside of the Borough where no intent by the person is shown to exist to evade the provisions of this chapter.
- E. No provision of this chapter shall be applied so as to impose any unlawful burden on either interstate commerce or any activity of the state or federal government.
- F. No license shall be required of any person who conducts a business or profession from the person's residence provided, however, that customers or clients do not visit the residence and there is no delivery of materials to or shipments of goods from the residence."

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.

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 May 1, 2018 and will be further considered after a Public Hearing held on May 15, 2018 at the Municipal Building at 7:00 pm.

INDIVIDUAL ACTION/New Business:

Vouchers: \$1,341,674.26

Councilmember Keeler offered a motion to approve the <u>Voucher List</u> dated May 1, 2018 as submitted by the Finance Manager; seconded by Councilmember Leckstein:

Submitted by	y the illiance	. Hanager,	Seconded	by Councilli	CHIDEL LECKS	CIII.
Roll Call:	Birdsall Yes	Keeler Yes	Absent	Leckstein Yes	Rooney Yes	Schwartz Yes
			N	OUCHER LIST MAY 1, 2018		
			BOROUG	SH OF SEA BRIG	HT	
	COMMUNICATION /19/18 FIRE D			Open	40.00	
01005 ADP, 18-00423 04 18-00510 04	/06/18 PAYROL:	L		Open Open	25.55 1,581.59	
00060					1,607.14	
18-00511 04	SECURITY SERV /24/18 LIBRAR	Y		Open	42.18	
18-00465 04				Open	1,850.84	
	HANDS FIRE EQ /19/18 FIRE D		C	Open	250.00	
	NIDES AND SIMO /24/18 FISCAL			Open	3,312.50	
00757 ARIA 18-00302 03	S, JOHN /14/18 POLICE			Open	795.00	
02169 ATTI 18-00460 04	LIO'S RESTAUR /17/18 DPW	ANT & PIZZA		Open	249.65	
	UGH OF OCEANPO /24/18 COURT	ORT		Open	6,372.45	
	T. TECHNOLOGY /24/18 POLICE	FIN SERV,IN	NC	Open	157.00	
	RY, GIACOBBE, /19/18 LEGAL	ALFIERI &		Open	1,296.00	
00198 COMC 18-00475 04	AST /19/18 INTERNI	ET		Open	267.14	
	/26/18 BLDGS			Open	1,200.00	
	ANCESCO,BATEM /26/18 LEGAL :			Open	1,301.60	
	AND CATS, INC /24/18 BEACH	C.		Open	1,541.67	
	GENCY REPORTII /19/18 FIRE DI			Open	1,831.60	
	T UNITED METHO		H	Open	1,000.00	
00406 FOGG 18-00448 04				Open	87.50	
02101 GANN 18-00497 04	ETT NJ /23/18 CLERK			Open	40.70	
	'S NEW YORK S' /28/18 BEACH			Open	71.00	
2281 GRAI 18-00366 03	NGER /28/18 FIRE DI	EPT		Open	1,161.60	
	CO WORD PROCES /26/18 PLANNII			Open	95.00	
	ELECTRONICS, /19/18 ALARMS			Open	314.25	
00557 INST 18-00458 04	ITUTE FOR PRO: /17/18 DPW	FESSIONAL DI	ΞV	Open	125.00	
2445 JCP& 18-00520 04	L /27/18 ELECTR	IC		Open	2,481.45	
	E A. HOWLAND /16/17 BUILDII /24/18 DPW		•	Open Open		
00895 TOLIN	NY ON THE SPO	T. TNC			5,550.00	
	/27/18 BEACH	±, ±1NO.		Open	109.20	

MAY 1, 2018

18-00491	Naughty Nora/Chape	\$2,500.00		
4/18/2018	Beach:New Lockers			
18-00246	\$9,500.00			
MANUAL CHECKS:				
		TOTAL:	\$1,329,217.06	
00877 WITMER ASSOCIATES, 18-00360 03/23/18 FIRE DE		Open	435.00	
2339 WIRELESS COMM & ELECTRONICS 18-00424 04/06/18 FIRE DEPT		Open	261.00	
			1,007.99	
02061 VERIZON WIRELESS 18-00512 04/24/18 POLICE 18-00524 04/27/18 POLICE		Open Open	38.01 969.98	
2394 VERIZON BUSINESS 18-00487 04/23/18 POLICE		Open	95.97	
00439 TREASURER, COUNTY 0 18-00495 04/23/18 COUNTY 1		Open	30,650.52	
00523 TREASURER, COUNTY (18-00494 04/23/18 OPEN SPA		Open	25,696.89	
00223 TREASURER, COUNTY (18-00493 04/23/18 COUNTY (Open	437,385.29	
00973 THE TWO RIVER TIMES 18-00401 04/04/18 DPW	5	Open	70.00	

Release of Surety Bond

Regan, John & Patricia Release of Funds/Escrow

TOTAL MANUALS: \$12,457.20 GRAND TOTAL: \$1,341,674.26

\$457.20

Councilman Leckstein stated that he has received two complaints from two residents on Center Street about their mail delivery from the post office - their mail is being delivered to Center Street in Rumson. Administrator Verruni said he would reach out to the post master to try and resolve this issue.

EXECUTIVE SESSION

4/23/2018

18-00492

4/23/2018

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, Leckstein, Rooney, Schwartz Yes Yes Absent Yes Yes Yes

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

ADJOURNMENT

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

Roll Call:	Birdsall	Keeler	Kelly	Leckstein	Rooney	Schwartz
	Yes	Yes	Ahsent	Yes	Yes	Yes