

**MINUTES  
REGULAR MEETING  
BOROUGH OF SEA BRIGHT**

**OCTOBER 2, 2018**

**SEA BRIGHT, NEW JERSEY**

**CALL MEETING TO ORDER: 7:00pm**

**Councilman Keeler** called the meeting to order at 7:00 pm and requested those present to join 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 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:** Councilmember's Kevin Birdsall, William J. Keeler, Brian P. Kelly, Marc A. Leckstein, Charles H. Rooney III, Jon Schwartz

**ABSENT:** Mayor Dina Long

**OTHERS:** Attorney Roger McLaughlin, Engineers Claire Petruzzella and 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.

Kim Rey, 2 Marius Lane, expressed her concern about the pet waste on the seawall and sidewalks and also addressed dogs on the beach without leashes – this is a problem - and suggested the police walk around the town and talk to people more. Captain Friedman said that he will post more officers on the wall to patrol and said they need better signage and urged Ms. Rey to call the Police Department when she sees these things happening. She also suggested making the signage clearer that dogs are not allowed on the seawall walkway.

**CONSENT AGENDA**

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

**Minutes**

09-13-2018 Special Meeting  
09-13-2018 Workshop Meeting  
09-13-2018 Executive Session  
09-18-2018 Regular Meeting  
09-18-2018 Executive Session

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

**Resolutions:**

**No. 151-2018 Authorizing Halloween Curfew**

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

**WHEREAS**, a request has been received for a Halloween Curfew in the Borough of Sea Bright from Police Captain Friedman.

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

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



**ORDINANCE(s):**

**Introduction:** Councilman Keeler to read the ordinance by title:

**ORDINANCE NO. 10-2018**

**AN ORDINANCE OF THE BOROUGH COUNCIL IN THE BOROUGH OF SEA BRIGHT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AMENDING CHAPTER 115, FLOOD DAMAGE PREVENTION and CHAPTER 130, LAND USE**

Councilman Leckstein explained that he went over and revised this ordinance with the Floodplain Manager, Mary Tangolics, for housekeeping purposes to clean up typos and other inconsistencies.

Councilman Keeler asked if Council would consider different requirements for new construction vs. existing homes below the BFE as he is concerned about the cost factor. It would be much less costly for an existing home one foot below BFE to raise one foot rather than four feet. Councilman Leckstein explained that making a change of this type would be a separate ordinance and would be happy to sit down to discuss at another time.

Councilmember Leckstein offered a motion to introduce Ordinance No. 10-2018 for a public hearing to be held on October 16, 2018 and advertise according to law; seconded by Councilmember Birdsall:

<b>Roll Call:</b>	Birdsall,	Keeler,	Kelly,	Leckstein,	Rooney,	Schwartz
	Yes	Yes	Yes	Yes	Yes	Yes

**WHEREAS** in furtherance of the Mayor and Council of the Borough of Sea Bright’s continuing efforts to better refine the flood damage prevention ordinances;

**NOW, THEREFORE, BE IT NOW ORDAINED** by the Mayor and Council of the Borough of Sea Bright that the following revisions to Chapter 115, Flood Damage Prevention and Chapter 130, Land Use be made:

**SECTION ONE:** The entirety of Chapter 130, Section 130-47 shall be deleted and replaced with the following language: “All issues related to Flood Damage Prevention shall be governed by the provisions of Chapter 115. Flood Damage Prevention of the Borough Code.”

**SECTION TWO:** The language of Chapter 130, Sections 150(A)(6)(a), 150(A)(6)(b) and 159(A)(6)(a) which currently read “minimum of two feet above the base flood elevation” shall be replaced with “minimum of three [3] feet above the base flood elevation”.

**SECTION THREE:** The definition of “Base Flood Elevation (BFE)” contained at Chapter 115, Section 115-5 shall be deleted and replaced with the following language:

The elevation of surface water resulting from a flood that has a one-percent chance of equaling or exceeding that level in any given year. The BFE is promulgated by the Federal Emergency Management Agency (FEMA) and delineated on the Digital Flood Insurance Rate Map (DFIRM). However, if FEMA has released Advisory Base Flood Elevations (ABFEs) or Preliminary Work Maps (PWMs) post release of the official DFIRM, and if those ABFEs or PWMs contain stricter standards, those stricter standards shall be recognized by the Borough instead of those contained on the official DFIRM and shall be recognized by the Borough as the official BFEs. In the event any property within the Borough has not been delineated with an elevation on the DFIRM, ABFE or PWM, whichever is prevailing at the time, then the Borough shall recognize that property's BFE as being the same as the elevation delineated within the nearest adjacent "AE" Zone.

**SECTION FOUR:** The definition for “Digital Flood Insurance Rate Map (DFIRM)” contained at Chapter 115, Section 115-5 shall be deleted and replaced with the following language:

The official map on which the Federal Emergency Management Agency (FEMA) has delineated the areas of special flood hazards and the risk premium zones applicable to the community. However, if FEMA has released Advisory Base Flood Elevations (ABFEs) or Preliminary Work Maps (PWMs) post release of the official DFIRM, and if those ABFEs or PWMs contain stricter standards, those stricter standards shall be recognized by the Borough instead of those contained on the official DFIRM. The definition of DFIRM shall be interchangeable with the Flood Insurance Rate Map (FIRM) for the purposes of this chapter.

**SECTION FIVE:** The definition for “Prevailing NFIP Flood Map” contained at Chapter 115, Section 115-5 shall be deleted and replaced with the following language:

Prevailing NFIP Flood Map - The Digital Flood Insurance Rate Map (DFIRM) as defined by this chapter with Advisory Base Flood Elevations (ABFEs) or Preliminary Work Maps (PWM), whichever contains the most stringent standards.

**SECTION SIX:** The language of Chapter 115, Sections 115-17(A)(1)(a)(1), 115-17(B)(1)(a)(1) and 115-17(C)(2), 115-18(B)(1) which currently read “minimum of two feet above the base flood elevation” shall be replaced with “minimum of three [3] feet above the base flood elevation”.

**SECTION SEVEN:** The language of Chapter 115, Section 115-17(A)(1)(a)(2) and Section 115-17(B)(1)(a)(2) which currently reads “at least two additional feet above the depth number specified in feet (at least two feet if no depth number is specified)” shall be replaced with “at least three [3] additional feet above the depth number specified in feet (at least three [3] feet if no depth number is specified)”

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

**SECTION NINE:** 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 TEN:** 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 October 2, 2018 and will be further considered after a Public Hearing held on October 16, 2018 at the Municipal Building at 7 pm.

**INDIVIDUAL ACTION/New Business:**

**Vouchers: \$506,594.38 (Revised - see below \$574,614.22\*)**

Councilmember Kelly offered a motion to approve the Voucher List dated October 2, 2018 as submitted by the Finance Manager; seconded by Councilmember Birdsall:

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

**VOUCHER LIST  
 OCTOBER 2, 2018  
 BOROUGH OF SEA BRIGHT**

01005	ADP, INC. 18-01215 09/18/18 PAYROLL PROCESSING	Open	588.67
02260	ADT SECURITY SERVICES 18-01251 09/26/18 LIBRARY	Open	42.18
01835	ALLEN, RANDALL 18-01242 09/25/18 BEACH	Open	45.78
02113	AMERICAN WATER 18-01225 09/20/18 WATER USAGE	Open	325.46
00519	ANTONIDES AND SIMONE CPA's 18-01216 09/20/18 FISCAL OFFICER	Open	3,312.50
01984	AVAYA FINANCIAL SERVICES 18-01255 09/27/18 POLICE	Open	145.29
2402	BHMG CORPORATE CARE 18-01076 08/16/18 POLICE	Open	365.00
01631	BOROUGH OF OCEANPORT 18-01217 09/20/18 COURT	Open	6,372.45
02115	C & L SWEEPER SERVICE 18-01260 09/27/18 DPW	Open	5,280.00
01546	C.I.T. TECHNOLOGY FIN SERV, INC 18-01222 09/20/18 COPIER	Open	157.00

**REGULAR MEETING MINUTES**

**OCTOBER 2, 2018**

00230	CERTIFIED SPEEDOMETER 18-01079 08/21/18 POLICE	Open	670.00
01594	CHERNAVSKY, DANIEL 18-01228 09/20/18 POLICE	Open	60.00
2390	COSTA, VALERIA 18-01254 09/27/18 BLDGS & GRDS	Open	1,950.00
2400	DIEGNAN & BROPHY, LLC 18-01240 09/25/18 COURT	Open	350.00
01992	DOGS AND CATS, INC. 18-01219 09/20/18 BEACH	Open	1,600.00
01068	EDWARD J. ALBERT & SON, INC. 18-01042 08/07/18 SEWER	Open	1,108.69
02168	EVOQUA WATER TECHNOLOGIES, LLC 18-01103 08/27/18 SEWER	Open	1,848.00
00506	FARMER, JANE 18-01241 09/25/18 LIBRARY	Open	117.99
00288	FIRST UNITED METHODIST CHURCH 18-01220 09/20/18 LIBRARY	Open	1,000.00
02101	GANNETT NJ 18-01239 09/25/18 CLERK	Open	126.50
02181	GATEWAY PRESS 18-01231 09/21/18 PRINTING	Open	173.00
	18-01232 09/21/18 PRINTING	Open	364.00
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			537.00
2538	GREENBAUM, ROWE, SMITH & DAVIS 18-01244 09/26/18 LEGAL	Open	2,966.25
01526	JCP & L 18-01257 09/27/18 ELECTRIC	Open	690.16
00297	JESSE A. HOWLAND & SONS, INC. 18-00762 06/14/18 DPW	Open	835.00
	18-00763 06/14/18 FIRE DEPT	Open	3,845.00
	18-01218 09/20/18 GARAGE RENTAL	Open	500.00
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			5,180.00
2442	KINTECH, INC. 18-01183 09/12/18 CLEAN COMMUNITIES	Open	387.35
02110	KLEIN, DON 18-01211 09/17/18 BEACH	Open	263.20
	18-01212 09/17/18 BEACH	Open	214.20
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			477.40
00971	LANG, STEVEN 18-01256 09/27/18 COMPUTERS	Open	250.00
2417	MARLIN BUSINESS BANK 18-01252 09/26/18 A&E	Open	47.00
00106	MGL FORMS-SYSTEMS, LLC 18-01184 09/12/18 FINANCE	Open	280.00
00176	MODULAR SPACE CORPORATION 18-01253 09/26/18 TRAILERS	Open	435.25
00011	MONMOUTH COUNTY CLERK 18-01235 09/21/18 CLERK	Open	3,300.00
00137	MUNICIPAL CAPITAL CORPORATION 18-01221 09/20/18 COPIER	Open	224.73
00339	NAPA 18-01236 09/24/18 SEWER	Open	217.99
00696	NEW JERSEY FIRE EQUIPMENT CO. 18-00849 06/28/18 FIRE DEPT	Open	1,279.02
	18-01154 09/05/18 FIRE DEPT	Open	77.00
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			1,356.02
00019	NJ AMERICAN WATER 18-01243 09/25/18 WATER	Open	1,253.26
2532	OARHOUSE 18-01159 09/10/18 BEACH	Open	930.00
01309	OCEANPORT BOARD OF EDUCATION 18-00756 06/13/18 GRADE SCHOOL TAX	Open	43,033.75
00081	PERRY'S TROPHY CO., INC. 18-01074 08/16/18 PLANNING BOARD	Open	14.00
01022	PITNEY BOWES SUPPLY LINE 18-01259 09/27/18 POSTAGE METER	Open	38.97
2330	RAW POWER GENERATOR SERVICE 18-01163 09/10/18 SEWER/BLDGS & GRDS	Open	951.00
01554	SEA BRIGHT SERVICE CENTER 18-01156 09/10/18 POLICE	Open	1,496.79

**REGULAR MEETING MINUTES**

**OCTOBER 2, 2018**

00053	SHORE REGIONAL HIGH SCHOOL 18-00754 06/13/18 HIGH SCHOOL TAX	Open	253,691.00
2434	STROKER'S DELI & SUBS 18-01209 09/17/18 BEACH	Open	293.25
2438	THOMAS, SHAWN 18-01206 09/17/18 DPW	Open	50.00
	18-01227 09/20/18 DPW	Open	62.13
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			112.13
02114	TWO RIVERS WATER RECLAMATION 18-00414 04/06/18 TWO RIVERS	Open	117,228.25
02061	VERIZON WIRELESS 18-01261 09/27/18 POLICE	Open	277.82
	18-01262 09/27/18 CELL PHONES	Open	170.41
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			448.23
01409	WARSHAUER ELECTRIC SUPPLY 18-01213 09/17/18 PARKING KIOSKS	Open	108.45
01164	WATCHUNG SPRING WATER CO, INC. 18-01258 09/27/18 WATER	Open	468.79
01063	WEST MARINE 18-01178 09/11/18 BEACH	Open	493.60
01671	WINNER FORD OF CHERRY HILL 18-00081 01/23/18 POLICE	Open	42,493.00

**Amount: \$504,869.13**

**Manual Checks**

9/21/2018	Alta Dance, Inc.	\$150.00
18-1234	Library:Latin Dance Program	
6/19/2018	Aspen Development Partners, Inc.	\$251.25
18-00808	Plan. Brd:Escrow Refund/Review	
9/12/2018	Bentley Jewelers	\$225.00
18-01182	A&E:Retirement Gift/Chief Sorrentino	
6/28/2018	Franco,Kathleen	\$671.80
18-00840	Plan. Brd:Escrow Refund/Review	
9/17/2018	Klein, Donald	\$263.20
18-01211	Beach:Reimb. Vinyl Decals for Vehicles	
6/19/2018	Parker,Timothy	\$164.00
18-00803	Plan. Brd:Escrow Refund/Review	

TOTAL: \$1,725.25

**TOTAL: \$506,594.38**

**FOR DISCUSSION:**

**SUBJECT:** 2017 & 2018 Road Improvement Program Proposal from T&M Associates

**ACTION:** Administrator Verruni explained that if Council agrees, a resolution is prepared to approve T&M's proposal to provide engineering services for the 2017 & 2018 Road and Sewer Improvement Program. This proposal is for the design and bidding process for East Ocean Avenue, Mountainview Way, Church Street and East New Street reconstruction. This was originally held up because the sewer line needed repair on East Ocean Avenue which T&M added to their current proposal for an additional approximately \$1, 800.00. The total cost of engineering would be \$72,850.00. Councilman Birdsall expressed his concerns about the need for future street opening on properties where homes have not yet been built on those streets. Engineer Fran Mullan explained that he advise those property owners that utility connections will be installed behind the curb line so they can easily connect in advance of the final paving. Residents will be prohibited from opening up the road for five years after paving. Councilman Birdsall would like to review the Borough's ordinance that refers to street moratoriums and discuss it further at the next workshop meeting.

**\*No. 154-2018 Approving Proposal for Engineering Services 2017 & 2018 Road and Sewer Improvement Programs East Ocean Avenue, Montainview Way, Church Street, East New Street**

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

**WHEREAS,** the Governing Body of the Borough of Sea Bright approved Resolution 32-2017 on January 17, 2017 authorizing the submission of a grant application to the New Jersey Department of Transportation's (NJDOT) Fiscal Year 2017 Municipal Aid Program for East Ocean Avenue and Various Roadway improvements (Mountainview Way); and

**WHEREAS,** the Mayor received a letter dated May 17, 2017 from the NJDOT that the Borough was selected to receive funding from the Fiscal Year 2017 Municipal Aid Program in the amount of \$155,626.00; and

**WHEREAS,** the Governing Body of the Borough of Sea Bright approved Resolution 163-2017 on October 3, 2017 authorizing the submission of a grant application to the New Jersey Department of Transportation's (NJDOT) Fiscal Year 2018 Municipal Aid Program for Church Street and East New Street; and

**WHEREAS,** the Mayor received a letter dated February 21, 2018 from the NJDOT that the Borough was selected to receive funding from the Fiscal Year 2017 Municipal Aid Program in the amount of \$187,000.00; and

**WHEREAS,** T & M Associates submitted a proposal dated October 1, 2018, (attached hereto) recommending the Borough combine the two grants indicated above into one project for efficiency with a Scope and Fee Estimate for Professional Services in the amount of \$72,850.00 at the current billing rate for 2018; and

**CERTIFICATION OF FUNDS:** I, Michael J. Bascom, Chief Financial Officer of the Borough of Sea Bright, do hereby certify that funds in the amount of \$72,850.00 will be available in Bond Ordinance No. 07-2018 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 the Borough Council hereby approves the proposal submitted by T & M Associates dated October 2, 2018 for Engineering Design, Construction Administration and Inspection Services for the 2017 and 2018 Road and Sewer Improvement Programs, for the sum of \$72,850.00; and

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

- 1. T&M Associates
- 2. NJ Department of Transportation

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

**SUBJECT:** Beach Pavilion Siding Color

**ACTION:** Administrator Verruni would like to move this item to closed session due to possible litigation. However, he would like to discuss the concrete layout for the walkway in front of the pavilion. The original plan had concrete the entire length of the front and two steps which only met the minimum requirement for handicap access. Mr. Verruni offered two alternatives to remedy the issue which would be minor changes. Council agreed on option 2 – Councilman Leckstein recused himself as he could not view the options.

**SUBJECT:** Solid Waste Contract

**ACTION:** Mr. Verruni explained that our solid waste contract with Roselle, the new company who took over for M&S, allows us to extend our contract for an additional year. Mr. Verruni said Highland's solid waste contract is up at the end of the year as well as asked if Council would be willing to go out to bid with the Highlands as we would get a better price for a larger population. Council agreed.

**SUBJECT:** Edgewater Beach Club Fundraiser

**ACTION:** Mr. Verruni reported Edgewater Beach Club is having a fundraiser and asked if they could have the band play until 10:30pm instead of 10:00pm. Councilman Leckstein does not believe we should give permission to violate the nuisance ordinance. Council agreed not to take any action and if there are any complaints, the police department will handle.

**SUBJECT:** CDBG Application for the Handicap Access Platform at the end of Osborne

**ACTION:** Councilman Keeler explained that we did very well and came in second for the overall vote. We were approved for \$46,000 but it may take some time before the Federal Government approves the funds. Councilman Keeler thanked Mr.Verruni for making the presentation and speaking with other representatives.

**EXECUTIVE SESSION**

Councilmember Birdsall 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:
  - 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.

<b>Roll Call:</b>	Birdsall,	Keeler,	Kelly,	Leckstein,	Rooney,	Schwartz
	Yes	Yes	Yes	Yes	Yes	Yes

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

**INDIVIDUAL ACTION:**

Councilman Keeler offered a motion to pay Kelso Construction \$69,000.00 which increases the total amount of the October 2, 2018 Voucher List to **\$574,614.22**; seconded by Councilmember Birdsall:

<b>Roll Call:</b>	Birdsall,	Keeler,	Kelly,	Leckstein,	Rooney,	Schwartz
	Yes	Yes	Yes	Yes	Yes	Yes

**ADJOURNMENT**

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

<b>Roll Call:</b>	Birdsall,	Keeler,	Kelly,	Leckstein,	Rooney,	Schwartz
	Yes	Yes	Yes	Yes	Yes	Yes

Respectfully submitted,

Christine Pfeiffer  
Borough Clerk