

**AGENDA  
REGULAR MEETING  
BOROUGH OF SEA BRIGHT**

**SEPTEMBER 15, 2020**

**SEA BRIGHT, NEW JERSEY**

DUE TO THE CORONAVIRUS AND THE NEED FOR SOCIAL DISTANCING, THIS MEETING WILL BE HELD REMOTELY AND OPEN TO THE PUBLIC BY FOLLOWING THE INSTRUCTIONS BELOW.

**PUBLIC ACCESS LINK**

<https://global.gotomeeting.com/join/238891301>

**DIAL-IN**

United States (Toll Free): 866-899-4679

United States: 571-317-3116

Access Code: 238-891-301

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

**PLEDGE OF ALLEGIANCE**

**COMPLIANCE STATEMENT (N.J.S.A. 10:4-18)**

Good Evening Ladies and Gentlemen. This Meeting Is Now Called to Order: In Line with The Borough of Sea Bright's Longstanding Policy of Open Government, And in Compliance with the "Open Public Meetings Act" I Wish to Advise You That Adequate Notice of This Regularly Scheduled Meeting Was Sent to the Asbury Park Press and other local newspapers on January 6, 2020. In each instance, the Date, Time, And Location of This Meeting Were Provided in The Notice. This Meeting Is Open to The Public."

**Councilmember(s)**      BIRDSALL\_\_\_\_ CATALANO\_\_\_\_ KEELER\_\_\_\_  
LECKSTEIN\_\_\_\_ ROONEY\_\_\_\_ SCHWARTZ\_\_\_\_  
**Mayor**                      KELLY \_\_\_\_\_

**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.

**Resolution(s):**

**No. 158-2020**              Authorizing Hiring of Full Time Patrol Officer - Sea Bright Police Department  
Sean H. Marelli

Councilmember                      offered a motion to adopt Resolution No. 158-2020,  
seconded by Councilmember

**Roll Call:** Birdsall\_\_\_\_ Catalano\_\_\_\_ Keeler\_\_\_\_ Leckstein \_\_\_\_ Rooney\_\_\_\_ Schwartz\_\_\_\_

**MAYOR KELLY TO ADMINISTER A VIRTUAL OATH OF OFFICE TO NEWLY APPOINTED PATROL OFFICER: SEAN H. MARELLI**  
**(Official Oath will be administered on September 16 in the SB Police Dept.)**

**CONSENT AGENDA**

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

**Minutes**

09-01-2020 Regular Meeting  
09-01-2020 Executive Session

**Resolutions:**

- No. 159-2020 Hiring Volunteer Firefighter Borough of Sea Bright Fire Department**
- No. 160-2020 Authorizing Additional Compensation for Beach Manager – Borough of Sea Bright**
- No. 161-2020 Borough Council Stipend**
- No. 162-2020 Extending the Effective Date of Ordinance No. 05-2020 Temporary Emergency Outdoor Dining Licenses**
- No. 163-2020 Donation of 2021 Beach Badges Borough of Sea Bright**
- No. 164-2020 Authorizing a Refund of Bid Deposit for the Lease Agreement for the Rental of Umbrellas & Chairs**
- No. 165-2020 Authorizing Receipt of Bids for Various Services within the Borough of Sea Bright**
- No. 166-2020 Renewal of the 2020 -2021 Liquor License for Licensee who has met all Borough and State Requirements and Paid all Applicable Fees**
- No. 167-2020 Renewal of the Alcoholic Beverage License of Sea Horse LLC, t/a Driftwood Beach Club for the 2020-2021 License Term**

**Roll Call:** Birdsall\_\_\_\_ Catalano\_\_\_\_ Keeler\_\_\_\_ Leckstein \_\_\_\_ Rooney\_\_\_\_ Schwartz\_\_\_\_

**ORDINANCE(s):**

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

**ORDINANCE NO. 09-2020**

**AN ORDINANCE AMENDING CHAPTER 130, "LAND USE", ARTICLE IX, "DESIGN STANDARDS FOR SPECIFIC USES", OF THE CODE OF THE BOROUGH OF SEA BRIGHT, TO ESTABLISH BULKHEAD MAINTENANCE REGULATIONS.**

Councilmember \_\_\_\_\_ offered a motion to introduce Ordinance No. 09-2020 for a public hearing to be held on October 6, 2020 and advertise according to law; seconded by Councilmember \_\_\_\_\_

**Roll Call:** Birdsall\_\_\_\_ Catalano\_\_\_\_ Keeler\_\_\_\_ Leckstein \_\_\_\_ Rooney\_\_\_\_ Schwartz\_\_\_\_

**INDIVIDUAL ACTION/New Business:**

**Vouchers: \$ 117,421.15**

Councilmember \_\_\_\_\_ offered a motion to approve the Voucher List dated September 15, 2020 as submitted by the Finance Manager; seconded by Councilmember \_\_\_\_\_

**Roll Call:** Birdsall\_\_\_\_ Catalano\_\_\_\_ Keeler\_\_\_\_ Leckstein \_\_\_\_ Rooney\_\_\_\_ Schwartz\_\_\_\_

**MAYOR AND COUNCIL COMMITTEE COMMENTS**

**EXECUTIVE SESSION**

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

**Resolution to discuss: TBD**

**Roll Call:** Birdsall\_\_\_\_ Catalano\_\_\_\_ Keeler\_\_\_\_ Leckstein \_\_\_\_ Rooney\_\_\_\_ Schwartz\_\_\_\_

**ADJOURNMENT**

Councilmember \_\_\_\_\_ offered a motion to adjourn the meeting; seconded by Councilmember \_\_\_\_\_

**Roll Call:** Birdsall\_\_\_\_ Catalano\_\_\_\_ Keeler\_\_\_\_ Leckstein \_\_\_\_ Rooney\_\_\_\_ Schwartz\_\_\_\_

**RESOLUTION NO. 158-2020**  
**AUTHORIZING HIRING OF FULL TIME PATROL OFFICER**  
**SEA BRIGHT POLICE DEPARTMENT**

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

**WHEREAS**, the Borough Council of the Borough of Sea Bright was informed by the Sea Bright Police Chief that there exists a need of a full time employee in the Police Department due to the resignation of Daniel J. Chernavsky; and

**WHEREAS**, Chief Brett Friedman, submitted a letter dated September 1, 2020 recommending Sean H. Marelli be hired for the position of full-time Patrolman; and

**WHEREAS**, Chief Friedman has affirmed that Sean H. Marelli meets all hiring requirements and qualifications in accordance with Chapter 39-3. "Qualifications of Members"; and

**CERTIFICATION OF FUNDS**

I, Michael J. Bascom, Chief Financial Officer of the Borough of Sea Bright, do hereby certify that funds are available in Police S/W:

\_\_\_\_\_  
**Michael J. Bascom, CFO**

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, that Sean H. Marelli has met all of the requirements, and further authorizes that he be hired as a full time Patrolman with the Borough of Sea Bright Police Department, as per Chapter 39 entitled "Police Department" of the General Code and Ordinance No. 22-2019 Fixing Salaries and Compensation of Officers and Employees.

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

- 1. Sean H. Marelli**
- 2. Chief of Police**
- 3. Finance Manager**

Roll Call: Birdsall, Catalano, Keeler, Leckstein, Rooney, Schwartz

September 15, 2020

**CERTIFICATION**

I, Christine Pfeiffer, Borough Clerk, do hereby certify that the foregoing is a Resolution adopted by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, at a Council Meeting held on September 15, 2020.

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

**RESOLUTION NO. 159-2020**  
**HIRING VOLUNTEER FIREFIGHTER**  
**BOROUGH OF SEA BRIGHT FIRE DEPARTMENT**

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

**WHEREAS**, Chapter 20, Section 20.4 of the General Code, Fire Department membership requires any person desiring membership in a volunteer fire department, shall complete an application; may be required to have a pre-appointment physical by a physician; and the Borough Council shall order a criminal background check to be conducted by the Chief of Police; and

**WHEREAS**, the Fire Department received an application and recommends hiring the following new member to serve as volunteer firefighter on the Sea Bright Fire/Rescue Department, as follows:

**Full Membership**  
Connor Reeves

**NOW, THEREFORE, BE IT RESOLVED** that the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, do hereby accept and approve the hiring of the above named individual to serve as a 2020 full time member on the Sea Bright Fire Department; and

**BE IT FURTHER RESOLVED** that the Borough Clerk is hereby authorized to send a copy of this resolution, certified to be a true copy, be forwarded to the following:

1.      Borough of Sea Bright Fire Chief
2.      Individual Member

**Roll Call:** Birdsall,      Catalano,      Keeler,      Leckstein,      Rooney,      Schwartz

September 15, 2020

**CERTIFICATION**

I, Christine Pfeiffer, Borough Clerk do hereby certify that the foregoing is a Resolution adopted by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, at a Council Meeting held on September 15, 2020.

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

**RESOLUTION NO. 160-2020**  
**Authorizing Additional Compensation for**  
**Beach Manager - Borough of Sea Bright**

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

**WHEREAS**, Don Klein is the Beach Manager in Borough of Sea Bright during the beach season from Memorial Day through Labor Day; and

**WHEREAS**, the Borough Council approved Resolution No. 157-2020 on September 1, 2020, authorizing an extension of the 2020 beach season to operate through September 30, 2020; and

**WHEREAS**, Mr. Klein has assumed the responsibilities associated with the extension of the 2020 beach season through the end of September; and

**WHEREAS**, for his additional service, the Borough Council wishes to compensate Mr. Klein, Beach Manager, as follows:

**Extension of the 2020 Beach Season:     \$ 5,000.00**

**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 \$5,000.00 are available in the Beach S&W for the purposes stated herein.

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**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 authorize additional compensation of \$5,000.00 to Don Klein, Beach Manager, for assuming the responsibilities associated with the extension of the 2020 beach season; and

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

1. Finance Manager
2. Beach Manager

Roll Call: Birdsall,   Catalano,   Keeler,   Leckstein,   Rooney,   Schwartz

September 15, 2020

**CERTIFICATION**

I, Christine Pfeiffer, do hereby certify that the foregoing is a Resolution adopted by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, at a Council meeting held on September 15, 2020.

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Christine Pfeiffer, Borough Clerk

**RESOLUTION NO. 161-2020**  
**BOROUGH COUNCIL STIPEND**

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

**WHEREAS**, pursuant to §3-14, Stipends for Elected Officials, of Chapter 3 of the Borough's General Code, annual stipends for the Mayor, Council President and other members of the Borough Council who are elected to terms commencing on or after January 1, 2021 or appointed to fill vacancies thereafter are to be established by Council Resolution; and

**WHEREAS**, the Borough Council wishes to establish annual stipends referenced above as follows:

|                          |                   |
|--------------------------|-------------------|
| <b>Mayor</b>             | <b>\$3,000.00</b> |
| <b>Council President</b> | <b>\$2,500.00</b> |
| <b>Council Member</b>    | <b>\$2,500.00</b> |

**NOW, THEREFORE, BE IT RESOLVED** that the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, do hereby authorize stipend amounts as stated herein for the Mayor, Council President and Council Members elected to terms commencing on or after January 1, 2021 or appointed to fill vacancies thereafter; and

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

1. CFO
2. Finance Manager
3. Governing Body

Roll Call: Birdsall, Catalano, Keeler, Leckstein, Rooney, Schwartz

September 15, 2020

**CERTIFICATION**

I, Christine Pfeiffer, Borough Clerk do hereby certify that the foregoing is a Resolution adopted by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, at a Council meeting held on September 15, 2020.

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

**RESOLUTION NO. 162-2020**  
**EXTENDING THE EFFECTIVE DATE OF ORDINANCE NO. 05-2020**  
**TEMPORARY EMERGENCY OUTDOOR DINING LICENSES**

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

**WHEREAS**, the Borough Council adopted Ordinance No. 05-2020 on June 12, 2020 providing for temporary emergency outdoor dining licenses and temporary outdoor dining areas on public property in the Borough due to the COVID-19 pandemic; and,

**WHEREAS**, temporary emergency outdoor dining licenses have been issued and successfully utilized by businesses in the Borough; and

**WHEREAS**, Section 6 of the aforesaid Ordinance provides that the licenses issued thereunder shall expire on September 30, 2020 unless extended by Resolution of the Borough Council; and

**WHEREAS**, the Borough Council finds that the conditions of the COVID-19 pandemic continue to exist and that it would be in the best interest of the Borough of Sea Bright and its residents to extend the provisions of Ordinance 05-2020 and the licenses issued thereunder;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Sea Bright, County of Monmouth in the State of New Jersey that the effective date of all licenses and of the remaining provisions of Ordinance No. 05-2020 be and the same are hereby extended through December 31, 2020.

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

1. Chief of Police
2. Department of Public Works
3. Outdoor Dining License Holders

Roll Call: Birdsall, Catalano, Keeler, Leckstein, Rooney, Schwartz

September 15, 2020

**CERTIFICATION**

I, Christine Pfeiffer, Borough Clerk do hereby certify that the foregoing is a Resolution adopted by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, at a Council meeting held on September 15, 2020.

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



**RESOLUTION NO. 163-2020**  
**DONATION OF 2021 BEACH BADGES**  
**BOROUGH OF SEA BRIGHT**

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

**WHEREAS**, the Governing Body of the Borough of Sea Bright wish to support the fundraising efforts for the local organization listed below by donating two (2) 2021 beach badges as requested:

1. Monmouth County SPCA **2 Badges**  
Fur Ball Gift Auction – November 8, 2020

**WHEREAS**, the Borough Auditor has been informed and advised that a resolution should be considered in order to donate 2021 Season Beach Badges.

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey authorize the donation of two (2) 2021 Season Beach Badges to the aforementioned charitable organization; and

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

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

**Roll Call:** Birdsall, Catalano, Keeler, Leckstein, Rooney, Schwartz

September 15, 2020

**CERTIFICATION**

I, Christine Pfeiffer, Borough Clerk, do hereby certify that the foregoing is a resolution adopted by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, at a Council Meeting held on September 15, 2020.

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

**RESOLUTION NO. 164-2020**  
**AUTHORIZING A REFUND OF**  
**BID DEPOSIT FOR THE LEASE AGREEMENT**  
**FOR THE RENTAL OF UMBRELLAS & CHAIRS**

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

**WHEREAS**, on March 3, 2020, Christopher Spahr, Eatontown, NJ, was awarded a two-year lease agreement for the rental of umbrellas and chairs on the Sea Bright Municipal Beach; and

**WHEREAS**, a bid deposit was collected in the amount of \$110.00 for year one; and

**WHEREAS**, due to COVID -19 restrictions, Mr. Spahr was unable to operate his business for the 2020 season and advised he was withdrawing his bid; and

**WHEREAS**, said deposit of \$110.00 shall be refunded.

**NOW, THEREFORE, BE IT RESOLVED** that the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey hereby authorize refunding the bid deposit in the amount of \$110.00 to:

Christopher Spahr

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

1. Finance Manager
2. Beach Manager
3. Christopher Spahr

**Roll Call:** Birdsall,    Catalano,    Keeler,    Leckstein,    Rooney,    Schwartz

September 15, 2020

**CERTIFICATION**

I, Christine Pfeiffer, do hereby certify that the foregoing is a resolution adopted by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, at a Council Meeting held on September 15, 2020.

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

**RESOLUTION NO. 165-2020**  
**AUTHORIZING RECEIPT OF BIDS**  
**FOR VARIOUS SERVICES WITHIN THE BOROUGH OF SEA BRIGHT**

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

**WHEREAS**, the Borough Council is desirous of receiving bids for the following:

- a) Cleaning/Janitorial Services for Municipal Buildings
- b) HVAC Maintenance Services for Municipal Buildings
- c) Vehicle Repair Services for Borough Vehicles

**WHEREAS**, specifications for the aforesaid items will be on file in the Borough Clerk's Office, and will be available for inspection.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, that it does hereby authorize the Borough Clerk to advertise for bids for the aforesaid services as per the specifications on file and to be received by the Borough Administrator at the Municipal Building, 1099 Ocean Avenue, Sea Bright, New Jersey on a date to be determined.

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

1. Finance Manager
2. CFO
3. Deputy Director – Department of Public Works

Roll Call: Birdsall, Catalano, Keeler, Leckstein, Rooney, Schwartz

September 15, 2020

**CERTIFICATION**

I, Christine Pfeiffer, Borough Clerk, do hereby certify that the foregoing is a Resolution adopted by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey at a Council Meeting held on September 15, 2020.

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Christine Pfeiffer, Borough Clerk

**RESOLUTION NO. 166-2020**  
**RENEWAL OF THE 2020 -2021 LIQUOR LICENSE FOR  
LICENSEE WHO HAS MET ALL BOROUGH AND STATE  
REQUIREMENTS AND PAID ALL APPLICABLE FEES**

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

**WHEREAS**, as directed by the New Jersey Division of Alcoholic Beverage Control (ABC), 2020-2021 annual renewal applications are submitted via the ABC's web-based licensing portal called POSSE ABC; and

**WHEREAS**, the liquor license renewal application listed below has been accepted by POSSE ABC, all State and Municipal renewal fees have been paid and the Retail Tax Clearance Certificate, pursuant to Chapter 161, Laws of NJ 1995, has been granted by the Division of Taxation for the 2020-2021 license term; and

**RETAIL CONSUMPTION LICENSES:** **RENEWAL FEE: \$2,400.00**

1343-33-013-005

Shipmasters, Inc.  
t/a Even Tide Grille  
1400 Ocean Avenue

**NOW, THEREFORE, BE IT RESOLVED**, that the Governing Body of the Borough of Sea Bright, County of Monmouth, State of New Jersey does hereby authorize the renewal, effective October 1, 2020, of the aforesaid liquor license for the license term 2020-2021; and

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

1. Chief of Police
2. Division of Alcoholic Beverage Control
3. Licensee

Roll Call: Birdsall, Catalano, Keeler, Leckstein, Rooney, Schwartz

September 15, 2020

**CERTIFICATION**

I, Christine Pfeiffer, Borough Clerk, do hereby certify that the foregoing is a Resolution adopted by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, at a Council Meeting held on September 15, 2020.

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

**RESOLUTION NO. 167-2020**  
**RENEWAL OF THE ALCOHOLIC BEVERAGE LICENSE OF**  
**SEA HORSE LLC, t/a DRIFTWOOD BEACH CLUB**  
**FOR THE 2020-2021 LICENSE TERM**

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

**WHEREAS**, the Sea Horse LLC, t/a Driftwood Beach Club has submitted a complete application form for the renewal of alcoholic beverage license no. 1343-33-004-004 and has paid the annual fees to both the Borough of Sea Bright and the State of New Jersey, Division of ABC; and

**WHEREAS**, the Borough Council has received and reviewed the recommendations of the Police Department pertaining to the aforesaid alcoholic beverage license; and

**WHEREAS**, the Borough Council finds that the aforesaid license should be renewed only upon a special condition necessary to ensure the public health, safety and welfare;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, that license number 1343-33-004-004 held by Sea Horse LLC, t/a Driftwood Beach Club be and is hereby renewed for the annual license term commencing October 1, 2020 based upon the following special condition:

"No sale, service or consumption of any alcoholic beverage shall be permitted in the parking lot areas of the property. The parking lot areas of the property are not to be considered as part of the licensed premises."

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

1. Chief of Police
2. Fiscal Officer
3. Division of Alcoholic Beverage Control

Roll Call: Birdsall, Catalano, Keeler, Leckstein, Rooney, Schwartz

September 15, 2020

CERTIFICATION

I, Christine Pfeiffer, Borough Clerk, do hereby certify that the foregoing is a Resolution adopted by the Borough of Sea Bright, County of Monmouth, State of New Jersey at a Council Meeting held September 15, 2020.

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

ORDINANCE NO. 09-2020

**AN ORDINANCE AMENDING CHAPTER 130, "LAND USE", ARTICLE IX, "DESIGN STANDARDS FOR SPECIFIC USES", OF THE CODE OF THE BOROUGH OF SEA BRIGHT, TO ESTABLISH BULKHEAD MAINTENANCE REGULATIONS.**

**WHEREAS**, pursuant to N.J.S.A. § 40:48-1 and N.J.S.A. § 40:68-4, the governing body of every municipality may make, amend, repeal and enforce ordinances pertaining to the construction and maintenance of bulkheads; and

**WHEREAS**, the Borough of Sea Bright has a substantial interest in protecting the health, safety and welfare of its residents; preserving the public use and enjoyment of navigable waterways and waterfront property; and in limiting erosion by tidal forces in the Borough; and

**WHEREAS**, the existing Borough regulations are currently insufficient to ensure the maintenance of safe and protective bulkheads in the Borough of Sea Bright;

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

**SECTION ONE.**

Chapter 130, "Land Use", Article IX "Design Standards", of the Code of the Borough of Sea Bright be and the same is hereby amended and supplemented by the addition thereto of the following section:

"§ 130-59H Bulkhead maintenance.

(1) Maintenance and duty to repair.

- A. The owner of any property upon which any bulkhead has been or will be constructed hereafter along any navigable waters within the Borough shall keep and maintain the same in such a state of repair so that it shall not pose a danger to the public health, safety and welfare or to the public use of navigable waterways.
- B. All bulkheads shall be kept in a state of repair which will prevent erosion or damage to abutting, adjoining, or adjacent properties or to the navigable waterway on which it fronts.
- C. The owner of any such property shall make necessary repairs and maintain the bulkhead, including but not limited to, filling in of land around and about the same to the grade above mean high tide as established in that area so as to prevent tidal erosion and damage thereto.

- D. Indications that a bulkhead has deteriorated shall include but shall not be not limited to:
- i. Members which are bowed, bent, leaning or leaking;
  - ii. Holes in the sheet piles;
  - iii. Settlement or sinkholes in the ground landward of the bulkhead;
  - iv. Bulkhead backfill deposited in the lagoon seaward of the bulkhead; and
  - v. Any other indications that it is structurally unsafe or unsound.
- E. Whenever a bulkhead has deteriorated to such a degree that it poses a danger to the property or to abutting, adjacent, or adjoining properties, or to the navigable waterway on which it fronts, the owner shall be required to make necessary repairs to correct such conditions.

(2) Inspection by Borough Engineer.

- A. It shall be the duty of the Borough Engineer, from time to time, to inspect all waterfront bulkheads in the Borough and to report to the Council and notify the owners and occupants of the property on which the bulkhead is located of the existence of any dangerous or defective condition therein; thereafter, it shall be the duty of the owner of said property to replace, remedy or repair any such dangerous and defective condition.
- B. When notified by the Borough Engineer of a defective or deteriorated bulkhead, the property owner shall submit a plan of corrective action to the Borough Engineer no later than 30 days from the receipt of the notice.
- C. Upon approval of the plan of corrective action, the property owner shall complete all necessary repairs within sixty (60) days.
- D. If permits are required from state or federal government agencies, such permits shall be immediately applied for, prior to Township approval. In the event the property owner fails to submit a corrective action plan or fails to implement such plan following approval by the Township, he shall be liable for the penalties and violations contained herein.
- E. Upon the neglect or failure of any such owner to repair or remedy such dangerous or defective condition within a reasonable time to be determined by the Borough Engineer, the Borough Engineer shall give written notice of the work required to be done to the owner or owners of such lands by mail, if their address be known, or if not known, then by posting such notice upon the property affected thereby, or by leaving the same with any occupant thereof;

or by personal service, if the owner be a resident of and present within the Borough.

- F. Such notice shall provide for allowing the owner sixty (60) days' within which to perform the work thereby required. In the event that the owner is required to obtain a permit or approval from the New Jersey Department of Environmental Protection (NJ DEP), the owner must provide proof within the sixty-day period that such permit or approval is required and that the appropriate permit has been applied for. The owner must further provide documentation to the Borough that any required permits are being diligently pursued. Failure to complete the required repairs within thirty (30) days after receipt of the appropriate permit from the NJ DEP shall constitute a violation of this article.

(3) Repair by Borough; costs established as a lien.

- A. If the owner in question fails to abate the condition described in a notice from the Borough Engineer, after receipt of notice and within the timeframes herein established, the Borough Engineer shall cause the condition to be abated and shall certify the cost to the Borough Council, which shall examine the certificate and, if it is correct, cause the cost as shown thereon to be charged against the lands. The amount so charged shall become a lien upon the lands and shall be added to and become a part of the taxes next to be assessed and levied upon the lands, shall bear interest at the same rate as taxes, and shall be collected and enforced by the same officer and in the same manner as taxes.
- B. The costs of abatement shall be in addition to any penalties imposed for any violation of this section. In addition to the actual costs incurred by the Borough for labor and the use of Borough equipment, or the costs of contractors procured by the Borough, the lien shall also include an administrative fee in the amount of \$2,500, which shall be included in said lien to cover the Borough's administrative and legal costs in addressing and abating the aforesaid conditions.

(4) Violations and penalties. Any person violating any of the provisions of this section shall be subject of a fine not to exceed the sum of \$2,000 and/or imprisonment not to exceed ninety (90) days for each violation. Each day of a violation shall be a separate offense and shall be punishable as a separate offense.

(5) Appeals. Any person aggrieved by any ruling of the Construction Department may appeal from any such ruling to the Borough Council, within thirty (30) days from the date of the ruling."

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



SECTION THREE. Should any section, paragraph, clause or other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect or impair the remainder of this Ordinance.

SECTION FOUR. This Ordinance shall take effect 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 September 15, 2020 and will be further considered after a Public Hearing at the virtual meeting of the Borough Council held on October 6, 2020 at 7:00 pm. Meeting access instructions will be published accordingly.

INTRODUCED: September 15, 2020

PUBLIC HEARING: October 6, 2020

ADOPTED:

Witness

BOROUGH OF SEA BRIGHT,

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

\_\_\_\_\_  
BRIAN KELLY, MAYOR

**VOUCHER LIST  
SEPTEMBER 15, 2020  
BOROUGH OF SEA BRIGHT**

|       |                                 |      |          |
|-------|---------------------------------|------|----------|
| 2597  | AT&T MOBILITY                   |      |          |
|       | 20-01032 09/08/20 BEACH         | Open | 155.74   |
| 00210 | ATLANTIC PLUMBING SUPPLY CORP.  |      |          |
|       | 20-00983 08/24/20 DPW           | Open | 49.87    |
| 01494 | ATLANTIC TACTICAL, INC.         |      |          |
|       | 20-00682 06/11/20 POLICE        | Open | 5,755.20 |
| 01241 | BAIN'S HARDWARE, INC.           |      |          |
|       | 20-01040 09/08/20 HARDWARE      | Open | 440.69   |
| 01974 | BOROUGH OF SEA BRIGHT COURT     |      |          |
|       | 20-01063 09/10/20 COURT         | Open | 210.48   |
| 2706  | BROAD WAVERLY STAFFING          |      |          |
|       | 20-00986 08/24/20 BEACH         | Open | 2,153.25 |
|       | 20-01035 09/08/20 BEACH         | Open | 2,136.75 |
|       |                                 |      | -----    |
|       |                                 |      | 4,290.00 |
| 02115 | C & L SWEEPER SERVICE           |      |          |
|       | 20-01068 09/10/20 DPW           | Open | 853.00   |
| 2680  | CINTAS                          |      |          |
|       | 20-00869 07/20/20 BLDGS & GRDS  | Open | 1,168.14 |
|       | 20-00871 07/21/20 BEACH         | Open | 1,259.09 |
|       | 20-00872 07/21/20 BEACH         | Open | 921.52   |
|       | 20-00873 07/21/20 BEACH         | Open | 1,310.53 |
|       |                                 |      | -----    |
|       |                                 |      | 4,659.28 |
| 00256 | CLEARY, GIACOBBE, ALFIERI &     |      |          |
|       | 20-01051 09/09/20 LEGAL         | Open | 165.00   |
| 01493 | COOPERATIVE INDUSTRIES, L.L.C.  |      |          |
|       | 20-01047 09/09/20 NATURAL GAS   | Open | 196.13   |
| 02231 | COUSINS LANDSCAPING             |      |          |
|       | 20-00982 08/24/20 BLDGS & GRDS  | Open | 1,850.00 |
| 2528  | DCH FORD                        |      |          |
|       | 20-01036 09/08/20 DPW           | Open | 106.56   |
| 02101 | GANNETT NJ                      |      |          |
|       | 20-01050 09/09/20 CLERK         | Open | 18.90    |
| 00979 | GIBBONS, P.C.                   |      |          |
|       | 20-01067 09/10/20 LEGAL         | Open | 1,050.00 |
| 01194 | GLENCO SUPPLY, INC.             |      |          |
|       | 20-00984 08/24/20 DPW           | Open | 210.00   |
| 01838 | HOLMAN, FRENIA, ALLISON, P.C.   |      |          |
|       | 20-01049 09/09/20 AUDIT         | Open | 850.00   |
| 2561  | INTRON TECHNOLOGY SOLUTIONS     |      |          |
|       | 20-01072 09/10/20 IT SERVICES   | Open | 2,897.38 |
|       | 20-01073 09/10/20 IT SERVICES   | Open | 2,753.68 |
|       |                                 |      | -----    |
|       |                                 |      | 5,651.06 |
| 2573  | JCP & L                         |      |          |
|       | 20-01052 09/09/20 ELECTRIC      | Open | 9,268.23 |
| 02041 | KANEN PSYCHOLOGICAL ASSOCIATES  |      |          |
|       | 20-01064 09/10/20 POLICE        | Open | 285.00   |
| 02110 | KLEIN, DON                      |      |          |
|       | 20-01060 09/09/20 BEACH         | Open | 671.84   |
| 2278  | MCLAUGHLIN, STAUFFER & SHAKLEE  |      |          |
|       | 20-01030 09/08/20 LEGAL         | Open | 6,567.69 |
| 01399 | NEW JERSEY AMERICAN WATER       |      |          |
|       | 20-01039 09/08/20 HYDRANTS      | Open | 2,530.00 |
| 00502 | NJ STATE LEAGUE/MUNICIPALITIES  |      |          |
|       | 20-01028 09/04/20 CLERK         | Open | 75.00    |
|       | 20-01046 09/08/20 A&E           | Open | 49.00    |
|       | 20-01074 09/10/20 REGISTRATIONS | Open | 330.00   |
|       |                                 |      | -----    |
|       |                                 |      | 454.00   |

|       |   |                      |                                    |
|-------|---|----------------------|------------------------------------|
| 02226 | ORIGINAL WATERMEN<br>20-00778 07/01/20 BEACH  | Open                 | 359.95                             |
| 00164 | RAIN, WILLIAM<br>20-01059 09/09/20 HEALTH INS.  | Open                 | 144.60                             |
| 00027 | SEABOARD WELDING SUPPLY, INC.<br>20-01071 09/10/20 DPW  | Open                 | 29.00                              |
| 01933 | SKYLANDS AREA FIRE EQUIPMENT<br>20-00756 06/23/20 FIRE  | Open                 | 14,342.44                          |
| 2712  | SPAHR, CHRISTOPHER<br>20-01045 09/08/20 REFUND  | Open                 | 110.00                             |
| 01515 | STALKER RADAR<br>20-00730 06/12/20 POLICE   | Open                 | 50.00                              |
| 2535  | SUBURBAN DISPOSAL, INC.<br>20-01041 09/08/20 TRASH<br>20-01042 09/08/20 TRASH<br>20-01043 09/08/20 LANDFILL | Open<br>Open<br>Open | 5,122.81<br>21,384.26<br>11,192.10 |
|       |   |                      | -----<br>37,699.17                 |
| 00083 | T & M ASSOCIATES<br>20-01054 09/09/20 ENGINEER  | Open                 | 291.00                             |
| 01285 | THE HOME DEPOT<br>20-00400 03/26/20 SEWER<br>20-00528 05/01/20 BEACH<br>20-00530 05/01/20 BLDGS & GRDS      | Open<br>Open<br>Open | 20.97<br>185.77<br>26.76           |
|       |   |                      | -----<br>233.50                    |
| 01560 | TOSHIBA BUSINESS SOLUTIONS, INC<br>20-00884 07/23/20 POLICE   | Open                 | 2,385.46                           |
| 2658  | VERIZON<br>20-01057 09/09/20 PHONE<br>20-01058 09/09/20 PHONE   | Open<br>Open         | 439.35<br>598.18                   |
|       |   |                      | -----<br>1,037.53                  |
| 2291  | VERIZON<br>20-01070 09/10/20 FIOS   | Open                 | 542.09                             |
| 01164 | WATCHUNG SPRING WATER CO, INC.<br>20-01065 09/10/20 SPRING WATER  | Open                 | 1,010.84                           |
| 00077 | WEX BANK<br>20-01044 09/08/20 GASOLINE  | Open                 | 5,305.20                           |
| 02150 | WRIGHT NATIONAL FLOOD<br>20-01033 09/08/20 FLOOD INS.<br>20-01069 09/10/20 FLOOD INS                        | Open<br>Open         | 2,280.00<br>1,164.00               |
|       |   |                      | -----<br>3,444.00                  |

**TOTAL: \$113,273.45**

**Manual Checks**

|          |  |            |
|----------|--|------------|
| 20-01056 | DAVID HODER ASSOCIATES                   | \$3,290.00 |
| 9/9/2020 | PLAN.BRD:ENGINEER REVIEW/ESCROW ACCTS.   |            |
| 20-01048 | NJ DEPT. OF LABOR & WORKFORCE DVLPMNT.   | \$196.50   |
| 9/8/2020 | 2019 UNEMPLOYMENT COMBINED ASSESSMENT    |            |
| 20-01062 | NJ DEPT OF HEALTH                        | \$1.20     |
| 9/9/2020 | MONTHLY DOG LICENSE REPORT               |            |
| 20-01031 | UNITED STATES POSTAL SERVICE             | \$660.00   |
| 9/8/2020 | TAX COLLECTER:2020-2021 TAX BILL MAILING |            |

**TOTAL: \$4,147.70**

**GRAND TOTAL: \$117,421.15**