

**AGENDA  
REGULAR MEETING  
BOROUGH OF SEA BRIGHT**

**OCTOBER 6, 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/690924797>

**DIAL-IN**

**United States (Toll Free): 877-309-2073**

**United States: 646-749-3129**

**Access Code: 690-924-797**

**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."

**ROLL CALL:**

<b>Councilmember(s)</b>	BIRDSALL _____	CATALANO _____	KEELER _____
	LECKSTEIN _____	ROONEY _____	SCHWARTZ _____
<b>Mayor</b>	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.

**ANNOUNCEMENTS:**

**Council is in Receipt of the 2019 Municipal Audit.**

**CONSENT AGENDA**

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

**Minutes**

09-10-2020	Workshop Meeting
09-10-2020	Executive Session
09-15-2020	Regular Meeting
09-29-2020	Special Meeting

**Resolutions:**

- No. 170-2020**      **COMPLIANCE WITH PROMULGATION OF LOCAL FINANCE BOARD OF THE STATE OF NEW JERSEY ACCEPTING THE BOROUGH OF SEA BRIGHT 2019 ANNUAL AUDIT**
- No. 171-2020**      **CORRECTIVE ACTION PLAN FOR 2019 ANNUAL AUDIT BOROUGH OF SEA BRIGHT**
- No. 172-2020**      **AUTHORIZING DISPOSAL OF SURPLUS PROPERTY BOROUGH OF SEA BRIGHT**
- No. 173-2020**      **AUTHORIZING ADDENDUM TO EXTEND 2010 U.S. FISH AND WILDLIFE HABITAT RESTORATION AGREEMENT FOR AN ADDITIONAL TEN YEARS**
- No. 174-2020**      **PROJECT COMPLETION – CLOSING STATEMENT SHREWSBURY RIVER RIVERFRONT PARK IMPROVEMENTS – PHASE I**
- No. 175-2020**      **RESCINDING REDEVELOPER DESIGNATION FOR LOTS 2, 3, AND 4 IN BLOCK 15**

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

**ORDINANCE(s):**

**Public Hearing:**    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.**

**Monmouth County Planning Board Acknowledgement Received 9/21/2020  
(Sea Bright Planning Board Acknowledgement Has Not Been Received -  
Adoption of this Ordinance is Carried to October 20, 2020 Meeting)**

Councilmember \_\_\_\_\_ offered a motion to open the public hearing on Ordinance No. 09-2020; seconded by Councilmember \_\_\_\_\_

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

**Public Hearing (Ord. No. 09-2020)**

Councilmember \_\_\_\_\_ offered a motion to close the public hearing on Ordinance No. 09-2020; seconded by Councilmember \_\_\_\_\_

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

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

**ORDINANCE NO. 10-2020**

**AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF SEA BRIGHT TO ADOPT THE REDEVELOPMENT PLAN FOR THE PROPERTY KNOWN AS SHREWSBURY RIVER PROPERTIES, BLOCK 13, LOTS 13, 14, 15, 18, 20, 21 and 22; BLOCK 14, LOTS 12 and 14; and BLOCK 15, LOTS 5, 8, 10, 11 and 12**

Councilmember \_\_\_\_\_ offered a motion to introduce Ordinance No. 10-2020 for a public hearing to be held on October 20, 2019 and advertise according to law; seconded by Councilmember \_\_\_\_\_

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

**INDIVIDUAL ACTION/New Business:**

**Vouchers: \$594,206.20**

Councilmember \_\_\_\_\_ offered a motion to approve the Voucher List dated October 6, 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. 170-2020**  
**Compliance with Promulgation of Local Finance Board  
of the State of New Jersey accepting the  
Borough of Sea Bright 2019 Annual Audit**

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

**WHEREAS**, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

**WHEREAS**, the Annual Report of Audit for the year 2019 has been filed by a Registered Municipal Accountant with the Municipal Clerk of the Borough of Sea Bright pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

**WHEREAS**, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

**WHEREAS**, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, at a minimum, the sections of the annual audit entitled "**COMMENTS and RECOMMENDATIONS**"; and

**WHEREAS**, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "**COMMENTS and RECOMMENDATIONS**" as evidenced by the group affidavit form of the governing body attached hereto; and,

**WHEREAS**, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

**WHEREAS**, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

**WHEREAS**, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

**R.S. 52:27BB-52:** "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

**NOW, THEREFORE BE IT RESOLVED**, that the Borough Council of the Borough of Sea Bright in the County of Monmouth, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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

October 6, 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 October 6, 2020.

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Christine Pfeiffer, Borough Clerk

**RESOLUTION NO. 171-2020**  
**CORRECTIVE ACTION PLAN FOR 2019 ANNUAL AUDIT**  
**BOROUGH OF SEA BRIGHT**

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

**WHEREAS**, N.J.S.A. 40A:5-4. states the governing body of every local unit shall cause an annual audit of its books, accounts and financial transactions to be made and completed within six months after the close of its fiscal year; and

**WHEREAS**, the 2019 Audit Report for the Borough of Sea Bright was submitted by Robert W. Allison, Registered Municipal Accountant, of Holman, Frenia, Allison P.C on September 18, 2020; and

**WHEREAS**, certain comments and recommendations were made in the 2019 audit and a corrective action plan has been submitted by the Chief Financial Officer of the Borough of Sea Bright and is attached hereto; and

**WHEREAS**, it is the desire of the Mayor and Council of the Borough of Sea Bright to implement the corrective action plan in response to comments and recommendations contained in the 2019 audit report.

**NOW, THEREFORE, BE IT RESOLVED**, that the Corrective Action Plan of the Borough of Sea Bright for 2019 Annual Audit be and is hereby accepted and is authorized for submission to the Division of Local Government Services; and

**BE IT FURTHER RESOLVED**, that two certified copies of this resolution be forwarded to the Division of Local Government Services and the Chief Financial Officer.

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

October 6, 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 October 6, 2020.

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

**RESOLUTION NO. 172-2020**  
**AUTHORIZING DISPOSAL OF SURPLUS PROPERTY**  
**BOROUGH OF SEA BRIGHT**

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

**WHEREAS**, the Borough of Sea Bright is the owner of certain property which is beyond its serviceable life and is no longer needed for public use; and

**WHEREAS**, the Borough Council is desirous of selling said surplus property in an "as is" condition without express or implied warranties; and

**WHEREAS**, Borough officials would like to utilize a public auction platform for the sale of said surplus property.

**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 the sale of the aforementioned surplus property by way of public auction; and

**BE IT FURTHER RESOLVED**, that any remaining surplus items will be disposed of accordingly; and

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

1. Finance Manager
2. Department of Public Works

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

October 6, 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 October 6, 2020.

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Christine Pfeiffer, Borough Clerk

**RESOLUTION NO. 173-2020**  
**AUTHORIZING ADDENDUM TO EXTEND 2010 U.S. FISH AND WILDLIFE  
HABITAT RESTORATION AGREEMENT FOR AN ADDITIONAL TEN YEARS**

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

**WHEREAS**, the Borough Council approved Resolution No. 113-2010 on May 18, 2010 authorizing the Borough to execute a ten-year habitat restoration agreement with U.S. Fish and Wildlife Service to carry out certain wildlife management practices and habitat developments, including a beach restoration project to control Asiatic sand sedge on property owned by the Borough of Sea Bright; and

**WHEREAS**, said agreement has expired and the Borough wishes to continue working with the U.S. Fish and Wildlife Service to continue the restoration project to preserve the natural vegetation in coastal dune areas; and

**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 the Borough to execute an addendum to extend the 2010 Agreement with the U.S. Fish and Wildlife Service for the wildlife habitat restoration project for an additional ten years; and

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

1. Finance Manager
2. Department of Public Works
3. U.S. Fish and Wildlife Service

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

October 6, 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 October 6, 2020.

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



**RESOLUTION NO. 174-2020**  
**Project Completion – Closing Statement**  
**Shrewsbury River Riverfront Park Improvements – Phase I**

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

**WHEREAS**, the Monmouth County Board of Chosen Freeholders has approved an Open Space Trust Fund and established a Municipal Open Space Program to provide Program Grant funds in connection with municipal acquisition of lands for County park, recreation, conservation and farmland preservation purposes, as well as for County recreation and conservation development and maintenance purposes; and

**WHEREAS**, the Borough of Sea Bright entered into a Municipal Open Space Program Grant Agreement with the County of Monmouth on December 13, 2017 that provided \$100,000.00 for improvements to the Shrewsbury River Riverfront Park under Application No. 16-08 that required certain conditions be met by the Borough of Sea Bright prior to receipt of the aforesaid funds; and

**WHEREAS**, the Monmouth County Park System requires a certified copy of a resolution of the governing body determining that the project aforesaid was finally complete and a closing statement of "Final Change Order" adopted by the governing body.

**NOW, THEREFORE, BE IT RESOLVED** by the governing body of Borough of Sea Bright, County of Monmouth, State of New Jersey, that all conditions of the December 13, 2017 Grant Agreement have been satisfied by the Borough of Sea Bright and that Phase I of the project has been completed; and

**BE IT FURTHER RESOLVED** that the Borough of Sea Bright made final payments to the contractors per the Project Manager, Frank Lawrence, and that payment was made per voucher as indicated below and attached hereto and also on file in the Municipal Clerk's Office:

<b>NAME</b>	<b>PAYMENT DATE</b>	<b>CHECK NUMBER</b>
Capela Construction #1	03-17-2020	#32128
Capela Construction #2	05-06-2020	#32317
Vinyl Fence Wholesalers	06-17-2020	#32449
Under the Sun #1	06-17-2020	#32439
Under the Sun #2	08-19-2020	#32610
Cousins Landscaping	06-17-2020	#32421
The Parks & Facilities	10-06-2020	

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 true copy of 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.

In Witness Whereof, I have hereunder set my hand and Official seal of the municipality this 16th day of September, 2020.

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

**RESOLUTION No. 175-2020**  
**A RESOLUTION RESCINDING REDEVELOPER DESIGNATION**  
**FOR LOTS 2, 3, AND 4 IN BLOCK 15**

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

**WHEREAS**, the area known as the Downtown Properties Redevelopment Area, Block 15, Lots 2, 3 and 4 on the Sea Bright Tax Map was deemed to be an area in need of redevelopment by the Borough Council in Resolution 135-2016, adopted on November 14, 2016, pursuant to a report prepared by Cofone Consulting Group, LLC, entitled "Condemnation Redevelopment Investigation – Downtown Properties"; and

**WHEREAS**, on February 4, 2020, the Mayor and Council of the Borough of Sea Bright ("Borough") adopted a Resolution designating The Break at Sea Bright, LLC as the redeveloper of Block 15, Lots 2, 3 and 4, collectively the ("Redevelopment Area"); and

**WHEREAS**, on September 2, 2020, the redeveloper notified the Borough in writing that it no longer wanted to be the developer of the Redevelopment Area; and

**WHEREAS**, on August 19, 2020, the redeveloper notified that Borough in writing that it only wanted to develop Block 15, Lot 3, which is a portion of the Redevelopment Area that it owns and that it will prepare for its Planning Board presentation; and

**WHEREAS**, based on the decision made by the Redeveloper, it is no longer practical to develop the lots that constitute the Redevelopment Area on a unified basis by a single redeveloper; and

**WHEREAS**, it is more practical for the current owners of the lots that comprise the Redevelopment Area to individually develop their respective properties; and

**WHEREAS**, based on those practical considerations, it is in the best interests of the Borough to rescind the redeveloper status of The Break at Sea Bright, LLC; and

**WHEREAS**, it is in the best interests of the Borough to rescind the Redevelopment Area designation of Block 15, Lots 2, 3 and 4; and

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

- 1) The designation and status of The Break at Sea Bright, LLC as the Redeveloper of Block 15, Lots 2, 3 and 4 be and the same is hereby rescinded.
- 2) The Redevelopment Zone designation previously given to Block 15, Lots 2, 3 and 4 be and the same is hereby rescinded.

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

October 6, 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 October 6, 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

**ORDINANCE NO. 10-2020**

**BOROUGH OF SEA BRIGHT**

**AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF SEA BRIGHT  
TO ADOPT THE REDEVELOPMENT PLAN FOR THE PROPERTY KNOWN AS  
SHREWSBURY RIVER PROPERTIES, BLOCK 13, LOTS 13, 14, 15, 18, 20, 21 and 22;  
BLOCK 14, LOTS 12 and 14; and BLOCK 15, LOTS 5, 8, 10, 11 and 12**

**WHEREAS**, on May 21, 2019, the Mayor and Council of the Borough of Sea Bright ("Borough") adopted a Resolution declaring the real property known as Block 13, Lots 13, 14, 15, 18, 20, 21 and 22; Block 14, Lots 12 and 14; and Block 15, Lots 5, 8, 10, 11 and 12 as shown on the tax map of the Borough of Sea Bright ("River Properties") as an area in need of redevelopment ("Redevelopment Area"); and

**WHEREAS**, on February 4, 2020, the Mayor and Council adopted a Resolution designating Brooks Real Estate Development, LLC ("Brooks") as the redeveloper of the Redevelopment Area; and

**WHEREAS**, the Mayor and Council retained Christine A. Nazzaro Cofone, AICP, PP (the "Planner") to prepare a redevelopment plan for the Redevelopment Area; and

**WHEREAS**, the Planner prepared a redevelopment plan entitled "Sea Bright River Properties Redevelopment Plan" ("Redevelopment Plan"); and

**WHEREAS**, on June 16, 2020, the Mayor and Council adopted a Resolution referring the Redevelopment Plan to the Planning Board and asking it to hold a public hearing as to whether the Redevelopment Plan is consistent with the Borough's Master Plan; and

**WHEREAS**, on August 25, 2020, the Planning Board adopted a Resolution declaring that the Redevelopment Plan was consistent with the Master Plan of the Borough; and

**WHEREAS**, it is in the best interests of the Borough that the Redevelopment Area should be developed in compliance with the Redevelopment Plan;

**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 1.** The Code of the Borough of Sea Bright, Part II, "General Legislation", be and the same is hereby amended and supplemented by the addition thereto of the following new Chapter:

**"CHAPTER 131. SHREWSBURY RIVER PROPERTIES REDEVELOPMENT AREA".**

### **§ 131-1. PURPOSE**

Pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., the Planning Board has previously determined that the Shrewsbury River Properties Redevelopment Area is an area in need of redevelopment and the Borough Council has previously determined the Shrewsbury River Properties Redevelopment Area to be a redevelopment area. The purpose of this chapter is to adopt the Sea Bright River Properties Redevelopment Plan to provide for the planning, redevelopment and rehabilitation of that area of the Borough.

### **§ 131-2. Adoption of redevelopment plan.**

The Sea Bright River Properties Redevelopment Plan, prepared by Cofone Consulting Group, LLC and dated April, 2020, be and the same is hereby adopted as the redevelopment plan for the Shrewsbury River Properties Redevelopment Area, as that area is defined therein. The entire contents of the Sea Bright River Properties Redevelopment Plan shall be incorporated as an appendix to the Code of the Borough.

### **§ 131-3. Use, bulk and design requirements.**

The use, bulk, and design requirements for development in the Shrewsbury River Properties Redevelopment Area shall be as set forth in "Shrewsbury River Properties Redevelopment Area, a/k/a "River Properties" Block 13, Lots 13, 14, 15, 18, 20, 21 and 22; Block 14, Lots 12 and 14; and Block 15, Lots 5, 8, 10, 11 and 12 "Use, Bulk, Design Requirements", which shall be incorporated as Schedule A to the aforesaid Redevelopment Plan.

### **§ 131-4. Redevelopment plan to supersede land use.**

The Sea Bright River Properties Redevelopment Plan shall supersede any provision of Chapter 130, Land Use, of the Code of the Borough of Sea Bright inconsistent with the provisions of the redevelopment plan.

### **§ 131-5. Amendment to Zoning Map.**

The Zoning Map of the Borough of Sea Bright dated as revised April 28, 2011, be and the same is hereby amended to incorporate all of the lots and blocks set forth in the Sea Bright River Properties Redevelopment Plan into a Zoning Map district entitled, "Shrewsbury River Properties Redevelopment Area," and all such properties shall be removed from any prior Zoning Map designation.

### **§ 131-6. Amendments to redevelopment plan.**

The Sea Bright River Properties Redevelopment Plan may be amended from time to time by the Borough Council pursuant to the applicable provisions of the Local Redevelopment and Housing Law.



**§ 131-7. Designation of redevelopment entity.**

For all purposes under the Sea Bright River Properties Redevelopment Plan and the Local Redevelopment and Housing Law, the redevelopment agency for the Shrewsbury River Properties Redevelopment Area shall be the Borough Council of the Borough of Sea Bright.”

**Section 2.** All Ordinances, or parts thereof, inconsistent with the provisions of this Ordinance shall be and the same are hereby repealed to the extent of such inconsistency.

**Section 3.** Should any section, paragraph, clause or other portion of this Ordinance be adjudged by a court of competent jurisdiction to be invalid, such judgement shall not affect or impair the remainder of this Ordinance.

**Section 4.** A copy of this Ordinance; the Redevelopment Plan and Schedule A, Use, Bulk Design Requirements shall be available for public inspection at the office of the Borough Clerk during regular business hours.

**Section 5.** This Ordinance shall become effective upon its passage and publication according to law, and upon filing of a certified copy thereof 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 October 6, 2020 and will be further considered after a Public Hearing at the virtual meeting of the Borough Council held on October 20, 2020 at 7:00 pm. Meeting access instructions will be published accordingly.

INTRODUCED:           October 6, 2020  
PUBLIC HEARING:    October 20, 2020  
ADOPTED:

Witness

BOROUGH OF SEA BRIGHT,

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CHRISTINE PFEIFFER, CLERK

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BRIAN KELLY, MAYOR

**VOUCHER LIST  
OCTOBER 6, 2020  
BOROUGH OF SEA BRIGHT**

02113	AMERICAN WATER		
20-01141	09/30/20 SEWER	Open	326.82
02227	APOLLO SEWER & PLUMBING, INC.		
20-01076	09/15/20 MUNICIPAL COMPLEX	Open	2,200.00
20-01099	09/17/20 BEACH	Open	195.00
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			2,395.00
00384	AT & T MOBILITY		
20-01171	10/02/20 BEACH	Open	204.08
01631	BOROUGH OF OCEANPORT		
20-01133	09/24/20 COURT	Open	6,500.00
2706	BROAD WAVERLY STAFFING		
20-01077	09/15/20 BEACH	Open	2,232.00
20-01112	09/21/20 BEACH	Open	1,521.00
20-01146	09/30/20 BEACH	Open	1,082.25
20-01151	10/01/20 BEACH	Open	468.00
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			5,303.25
2715	CAPE MAY CTY MUNC CLERKS ASSOC		
20-01093	09/17/20 CLERK	Open	15.00
2680	CINTAS		
20-01055	09/09/20 BEACH	Open	3,457.95
20-01075	09/15/20 BLDGS & GRDS.	Open	505.38
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			3,963.33
2555	CJM ASSOC. OF SEA BRIGHT		
20-01132	09/24/20 LEASE	Open	500.00
00198	COMCAST		
20-01167	10/01/20 LIBRARY	Open	448.71
2390	COSTA, VALERIA		
20-01163	10/01/20 BLDGS & GRDS	Open	800.00
00088	CROWN TIRE MART		
20-01037	09/08/20 DPW	Open	229.95
2286	DIFRANCESCO, BATEMAN, KUNZMAN		
20-01142	09/30/20 LEGAL	Open	140.00
20-01148	09/30/20 LEGAL	Open	690.00
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			830.00
2267	EMERGENCY REPORTING		
20-00529	05/01/20 FIRE	Open	1,931.60
2241	EVERBRIDGE		
20-01114	09/22/20 POLICE	Open	1,639.09
2634	EXEMPLIS/SIT ON IT SEATING		
20-00493	04/24/20 MUNICIPAL COMPLEX	Open	940.06
01720	FIREFIGHTER ONE, LLC		
20-01087	09/15/20 FIRE	Open	3,042.75
00978	FRIEDMAN, BRETT		
20-01095	09/17/20 POLICE	Open	412.10
02101	GANNETT NJ		
20-01097	09/17/20 CLERK	Open	15.30
20-01138	09/30/20 CLERK	Open	18.90
20-01158	10/01/20 A&E	Open	182.25
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			216.45
01549	GENERAL CODE, LLC		
20-01128	09/24/20 A&E	Open	2,960.00
01887	HEIM ELECTRONICS, INC.		
20-01168	10/02/20 BLDGS & GRDS	Open	1,997.63
2710	HOLMDEL TOWNSHIP		
20-01129	09/24/20 FISCAL OFFICER	Open	3,312.52
2297	INTEGRATED TECHNICAL SYSTEMS		
20-01119	09/22/20 PARKING	Open	540.00

01419	J. SWANTON FUEL OIL CO., INC.		
20-01164	10/01/20 FUEL	Open	227.35
01526	JCP & L		
20-01156	10/01/20 ELECTRIC	Open	5,579.14
00297	JESSE A. HOWLAND & SONS, INC.		
20-01130	09/24/20 LEASE	Open	500.00
20-01131	09/24/20 DPW	Open	1,705.00
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			2,205.00
01784	JUNGLE LASERS, LLC		
20-01094	09/17/20 BLDG. DEPT.	Open	590.00
20-01140	09/30/20 BLDG. DEPT.	Open	220.00
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			810.00
2265	LEE'S GARAGE		
20-01084	09/15/20 POLICE	Open	750.00
01603	M & N VENTURES, LLC		
20-01102	09/21/20 BEAUTIFICATION	Open	881.00
2552	MANNING, TY		
20-01111	09/21/20 POLICE	Open	367.60
01801	MASER CONSULTING, P.A.		
20-01116	09/22/20 ENGINEER	Open	351.32
02229	MONMOUTH COUNTY PUBLIC WORKS		
20-01125	09/22/20 FIRE DEPT	Open	1,395.73
20-01169	10/02/20 BEAUTIFICATION	Open	14,279.95
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			15,675.68
00339	NAPA AUTO PARTS CENTER		
20-01100	09/17/20 BEACH	Open	55.96
01399	NEW JERSEY AMERICAN WATER		
20-01139	09/30/20 HYDRANTS	Open	2,530.00
00019	NJ AMERICAN WATER		
20-01120	09/22/20 WATER	Open	1,952.85
00113	NJ NATURAL GAS COMPANY		
20-01118	09/22/20 NATURAL GAS	Open	643.49
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
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			454.00
01309	OCEANPORT BOARD OF EDUCATION		
20-00807	07/15/20 SCHOOL TAX	Open	52,042.00
02019	OMEGA GRAPHICS		
20-01089	09/15/20 BEACH	Open	860.00
00046	ONE CALL CONCEPTS, INC.		
20-01159	10/01/20 SEWER	Open	41.47
00081	PERRY'S TROPHY CO., INC.		
20-01082	09/15/20 PLAN.BRD.	Open	15.00
2525	POOR JOHNS PORTABLE TOILETS		
20-01117	09/22/20 BEACH	Open	2,161.00
2290	PORZIO, BROMBERG & NEWMAN		
20-01149	09/30/20 LEGAL	Open	49,230.11
02255	POWER DMS		
20-01053	09/09/20 POLICE	Open	3,479.50
00164	RAIN, WILLIAM		
20-01160	10/01/20 HEALTH	Open	144.60
2330	RAW POWER GENERATOR SERVICE		
20-01038	09/08/20 SEWER	Open	450.00
00463	RUTGERS, THE STATE UNIVERSITY		
20-01061	09/09/20 PLAN. BRD.	Open	798.00
01088	RYSER'S LANDSCAPE SUP YARD, INC		
20-01078	09/15/20 BLDGS & GRDS	Open	46.86

2620	SCOLES FLOORSHINE IND.		
	20-01104 09/21/20 BLDGS & GRDS	Open	91.06
01554	SEA BRIGHT SERVICE CENTER		
	20-01081 09/15/20 POLICE	Open	2,107.83
00053	SHORE REGIONAL HIGH SCHOOL		
	20-00809 07/15/20 SCHOOL TAX	Open	193,570.00
02225	STAPLES ADVANTAGE		
	20-01011 08/27/20 POLICE	Open	136.91
	20-01098 09/17/20 OFFICE	Open	309.54
	20-01103 09/21/20 BLDGS & GRDS	Open	1,038.06
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			1,484.51
01285	THE HOME DEPOT		
	20-01080 09/15/20 BLDGS & GRDS	Open	45.44
	20-01106 09/21/20 BLDGS & GRDS	Open	55.95
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			101.39
2705	THE PARK & FACILITIES CATALOG		
	20-00870 07/21/20 PUBLIC PARKS	Open	7,736.00
2438	THOMAS, SHAWN		
	20-00987 08/24/20 SEWER	Open	50.00
2711	TRAFFIC PLAN		
	20-01034 09/08/20 DPW	Open	3,530.00
01403	TREASURER, STATE OF NEW JERSEY		
	20-01170 10/02/20 MARRIAGE LIC	Open	225.00
02114	TWO RIVERS WATER RECLAMATION		
	20-01137 09/24/20 SEWER	Open	110,392.00
2487	UNIMAK, LLC		
	20-01157 10/01/20 MUNICIPAL COMPLEX	Open	89,822.65
2658	VERIZON		
	20-01136 09/24/20 SEWER	Open	38.38
	20-01166 10/01/20 PHONE	Open	469.51
	20-01172 10/02/20 PHONE	Open	224.78
	20-01173 10/02/20 PHONE	Open	69.94
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			802.61
2291	VERIZON		
	20-01174 10/02/20 FIOS	Open	183.99
02061	VERIZON WIRELESS		
	20-01096 09/17/20 POLICE	Open	1,210.31
	20-01135 09/24/20 PARKING	Open	301.24
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			1,511.55
01164	WATCHUNG SPRING WATER CO, INC.		
	20-01165 10/01/20 WATER	Open	525.44

**TOTAL: \$ 592,394.30**

### Manual Checks

20-01134	Conover Beyer Associates, Inc.	\$1,708.00
9/24/2020	Volunteers Accident Insurance Premium	
20-01126	Gannett NJ	\$27.90
9/24/2020	Plan Brd:Legal Ad-Review/Escrow Accts.	
20-01161	State of New Jersey	\$76.00
10/1/2020	Elevator Registration Permit-Munc. Complex	

**TOTAL: \$1,811.90**

**GRAND TOTAL: \$594,206.20**