

**AGENDA
REGULAR MEETING
BOROUGH OF SEA BRIGHT**

DECEMBER 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/299589893>

DIAL-IN

United States: 571-317-3116

Access Code: 299-589-893

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.

CONSENT AGENDA

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

Minutes

11-12-2020	Workshop Meeting
11-12-2020	Executive Session
11-17-2020	Regular Meeting
11-17-2020	Executive Session

Resolutions:

No. 196-2020	Consideration of Proposal Received for Real Property Data Collection and Verification Services in Accordance with the Assessment Demonstration Program
No. 197 -2020	Authorizing an Agreement with NW Financial for Financial Advisory Services in Connection with Bond and Note Sales for 2021
No. 198-2020	Consideration of Award Lease Agreement for Skim Board Camp

- No. 199-2020** **Consideration of Award Lease Agreement for the Use of Beach Front Locations for the Rental of Umbrellas and Beach Chairs**

- No. 200-2020** **Authorizing the Borough of Sea Bright through the Sea Bright Police Department to Participate in the Defense Logistics Agency, Law Enforcement Support Office, 1033 Program to Enable the Sea Bright Police Department to Request and Acquire Excess Department of Defense Equipment**

- No. 201-2020** **Approving Maser Consulting Proposal for Engineering Services GIS Stormwater Outfall Mapping**

- No. 202-2020** **Authorize the Release of Maintenance Bond for LoBiondo Townhouses 1260 Ocean Avenue - Block 3, Lot 20**

- No. 203-2020** **2020 Budget Authorizing the Transfer of Funds in accordance with N.J.S.A. 40A:5-58**

- No. 204-2020** **Resolution Providing for the Change of Text and Title of an Appropriation in the Budget of the Borough of Sea Bright Pursuant to N.J.S.A. 40A:4-85**

- No. 205-2020** **Confirming the Sale of \$7,000,000 General Obligation Bonds, Series 2020 of the Borough of Sea Bright, in the County of Monmouth, New Jersey to the Monmouth County Improvement Authority**

- No. 206-2020** **Hiring Volunteer Firefighter Borough of Sea Bright Fire Department**

Roll Call: Birdsall___ Catalano___ Keeler___ Leckstein ___ Rooney___ Schwartz___

ORDINANCE(s):

Public Hearing: Mayor Kelly to read the ordinance by title:

ORDINANCE NO. 11-2020
AN ORDINANCE AMENDING CHAPTER 130, "LAND USE," ARTICLE IX, "DESIGN STANDARDS," §130-59H, "BULKHEAD MAINTENANCE," OF THE CODE OF THE BOROUGH OF SEA BRIGHT

Monmouth County Planning Board Acknowledgement Received 11/25/2020
Sea Bright Planning Board Acknowledgement Received 12/10/2020

Councilmember _____ offered a motion to open the public hearing on Ordinance No. 11-2020; seconded by Councilmember _____

Roll Call: Birdsall___ Catalano___ Keeler___ Leckstein ___ Rooney___ Schwartz___

Public Hearing (Ord. No. 11-2020)

Councilmember _____ offered a motion to close the public hearing on Ordinance No. 11-2020; seconded by Councilmember _____

Roll Call: Birdsall___ Catalano___ Keeler___ Leckstein ___ Rooney___ Schwartz___

Councilmember _____ offered a motion to adopt Ordinance No. 11-2020 and advertise according to law; seconded by Councilmember _____

Roll Call: Birdsall____ Catalano____ Keeler____ Leckstein ____ Rooney____ Schwartz____

Public Hearing: Mayor Kelly to read the ordinance by title:

ORDINANCE NO. 12-2020
AN ORDINANCE ADOPTING A REVISION AND CODIFICATION OF THE ORDINANCES OF THE BOROUGH OF SEA BRIGHT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

Monmouth County Planning Board Acknowledgement Received 11/25/2020
Sea Bright Planning Board Acknowledgement Received 12/10/2020

Councilmember _____ offered a motion to open the public hearing on Ordinance No. 12-2020; seconded by Councilmember _____

Roll Call: Birdsall____ Catalano____ Keeler____ Leckstein ____ Rooney____ Schwartz____

Public Hearing (Ord. No. 12-2020)

Councilmember _____ offered a motion to close the public hearing on Ordinance No. 12-2020; seconded by Councilmember _____

Roll Call: Birdsall____ Catalano____ Keeler____ Leckstein ____ Rooney____ Schwartz____

Councilmember _____ offered a motion to adopt Ordinance No. 12-2020 and advertise according to law; seconded by Councilmember _____

Roll Call: Birdsall____ Catalano____ Keeler____ Leckstein ____ Rooney____ Schwartz____

INDIVIDUAL ACTION/New Business:

Vouchers: \$419,755.41

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

Roll Call: Birdsall____ Catalano____ Keeler____ Leckstein ____ Rooney____ Schwartz____

MUNICIPAL CONSENT HEARING – COMCAST

This hearing is being held for the purpose of evaluating the application of Comcast for the renewal of its municipal consent to own, operate, extend and maintain a cable television and cable communications system in the Borough of Sea Bright.

Councilmember _____ offered a motion to open the public hearing;
seconded by Councilmember _____

Roll Call: Birdsall____ Catalano____ Keeler____ Leckstein ____ Rooney____ Schwartz____

Public Hearing

Councilmember _____ offered a motion to close the public hearing;
seconded by Councilmember _____

Roll Call: Birdsall____ Catalano____ Keeler____ Leckstein ____ Rooney____ Schwartz____

**HEARING ON ALCOHOLIC BEVERAGE APPLICATIONS OF S. KELLY CORPORATION
D/B/A MAD HATTER**

Councilmember _____ offered a motion to open the public hearing;
seconded by Councilmember _____

Roll Call: Birdsall____ Catalano____ Keeler____ Leckstein ____ Rooney____ Schwartz____

Public Hearing

Councilmember _____ offered a motion to close the public hearing;
seconded by Councilmember _____

Roll Call: Birdsall____ Catalano____ Keeler____ Leckstein ____ Rooney____ Schwartz____

Resolutions:

**No. 190-2020 Authorize Issuance of a "New" Liquor License for the 2019/2020
License Term S. Kelly Corporation – The Mad Hatter**

No. 191-2020 2020/2021 Annual Renewal Liquor License S. Kelly Corporation

MAYOR AND COUNCIL COMMITTEE COMMENTS

EXECUTIVE SESSION

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

Resolution to discuss: Contracts

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. 197-2020
AUTHORIZING AN AGREEMENT WITH
NW FINANCIAL FOR FINANCIAL ADVISORY SERVICES
IN CONNECTION WITH BOND AND NOTE SALES FOR 2021

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

WHEREAS, the Borough of Sea Bright ("Sea Bright") wishes to engage NW Financial Group, LLC with offices located at 2 Hudson Place, Hoboken, New Jersey, for the purpose of providing professional financial advisory services related to the Borough's financial operations; and

WHEREAS, NW Financial Group, LLC are qualified and experienced financial advisors who will provide services to assure the Borough's compliance with Security Exchange Commission regulations and continuing disclosure in connection with Bond and Note sales; and

WHEREAS, it is the recommendation of the Borough Chief Financial Officer that the contract from NW Financial Group, LLC dated January 1, 2021 be authorized according to the scope and services as outlined therein for the 2021 calendar year.

CERTIFICATION OF FUNDS

I, Michael J. Bascom, Chief Financial Officer of the Borough of Sea Bright, have certified that funds are available in Budget Line Item No. 0-01-20-100-228 for the purpose stated herein.

Michael J. Bascom

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey that the Mayor and Borough Clerk are hereby authorized to execute a contract with NW Financial Group, LLC in Hoboken, New Jersey to provide financial advisory services to the Borough as outlined in the contract attached hereto effective January 1, 2021 through December 31, 2021; and

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

1. Chief Financial Officer
3. Finance Manager
4. NW Financial Group, LLC

Vote: Birdsall, Catalano, Keeler, Leckstein, Rooney, Schwartz

December 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 December 15, 2020.

Christine Pfeiffer, Borough Clerk

CONTRACT FOR PROFESSIONAL FINANCIAL

SERVICES BY AND BETWEEN

THE BOROUGH OF SEA BRIGHT

AND

NW FINANCIAL GROUP, LLC

THIS CONTRACT, dated as of January 1, 2021, by and between The Borough of Sea Bright ("Client") with its principal offices located at 1167 Ocean Avenue, Sea Bright, New Jersey 07760 and NW FINANCIAL GROUP, LLC with offices located at 2 Hudson Place Hoboken, New Jersey 07030 ("Financial Advisors").

WITNESSETH:

WHEREAS, Client wishes to engage the Financial Advisors as Consultants for the purposes hereinafter described in Paragraph 1 hereof; and

WHEREAS, the Financial Advisors agree to provide professional financial advisory services related to the Client's financial operations and other related activities as set forth in the aforesaid scope of services; and

WHEREAS, the Financial Advisors are qualified and experienced in the area of financial advisory services.

NOW THEREFORE, the parties hereto, each intending to be legally bound herein, do mutually agree as follows:

1. SCOPE OF SERVICES:

Financial Advisory – financial assistance and analysis on Client matters including developing financial strategies for optimal use of the Client's financial resources, review and analysis of bond refunding opportunities, project loan refinancing reviews, and such other financial analysis as the Client may require.

Bond and Note Sales – proposing a financing structure, development of bond sizing models, review and evaluation of feasibility studies, rating agency and bond insurer strategies and negotiations, developing presentations, assistance with negotiated sales and general assistance in connection with any bond issue.

Lease Purchase Agreements – initial modeling to determine cost and tax impact, preparing the bid solicitation documents, marketing of the proposed lease to potential providers, reviewing and performing analysis to determine the lowest cost, assisting bond counsel with the preparation of the lease agreement and with the closing of the lease transaction.

Continuing Disclosure – A review of requirements of prior secondary market disclosure undertakings, provide on-going alerts to the Client to ensure data is completed by Client and posted by NW Financial by filing deadlines, monitor and post any rating agency upgrades or downgrades (including for any insured deals), file any material events specific to any outstanding bond transaction.

*Note that the Client will have to provide NW Financial with required pertinent information on the material events and rating agency upgrades or downgrades of the Client's credit rating that are specific to an outstanding transaction for purposes of posting the event on EMMA.

2. PERSONNEL:

- a) Financial Advisors represent that they have or will secure at their own expense, all personnel required in performing the services under this Contract.
- b) Personnel shall not be employees of the Client.
- c) All of the services required by the Financial Advisors will be performed under the direct supervision of a Principal of NW Financial Group, LLC acceptable to the client
- d) None of the work or services covered by this Contract shall be subcontracted without the prior written approval of the Client.

3. TIME OF PERFORMANCE: It is understood and agreed by and between the parties hereto, that this Contract shall begin effective January 1, 2021 and continuing through December 31, 2021, during which time the Financial Advisors agree to perform their services in such sequence as to assure their expeditious completion in light of the purpose of this Contract.

4. COMPENSATION:

- a) Except with respect to matters that are performed related to the issuance of bonds or notes, as provided herein, the Client agrees to pay Financial Advisors for financial advisory services provided on the basis of hourly time charges as specified in Schedule A.
- b) With respect to any financing or proposed financing to be undertaken by the Client, the Client may request that the Financial Advisors perform such financial advisory services on the basis of a fixed fee. Such fixed fee shall be as specified in Schedule A or otherwise mutually acceptable to the Client and the Financial Advisors and shall be agreed-to prior to the provision of financial advisory services with respect to such proposed financing.
- c) Vouchers and Itemized Billing Statements shall be submitted to the Client monthly in coordination with the Clients monthly board meetings.

5. SERVICE AND DOCUMENT APPROVALS: All services rendered and documents prepared by the Financial Advisors shall strictly conform to all laws, statutes and ordinances and the applicable rules and regulations, methods and procedures of all governmental boards, bureaus, offices and commissions and other agencies in effect when the services are rendered and the documents are prepared.

All of the services required of the Financial Advisors by the Client shall be performed to the satisfaction of and with the approval of the Client, which approval shall not be unnecessarily withheld.

6. TERMINATION: The Client reserves the right to terminate this Contract, at its sole discretion, by giving at least sixty (60) days prior written notice to the Financial Advisors of such termination and specifying the effective date therefore. Upon any termination of the Contract, the Financial Advisors shall be paid in full for all services rendered to the Client in accordance with the terms of this Contract as of the date of termination.

a) Upon payment for all services rendered to the Client as of the date of termination, all finished or unfinished documents, data, studies, agreements and/or reports prepared or obtained by the Financial Advisors under this Contract, shall be promptly delivered to the Client.

b) Any outstanding payments due to the Financial Advisor shall be made prior to the date of termination.

7. ASSIGNMENT: This Contract shall not be assigned or assignable, either by action of the Financial Advisors or by law unless prior approval in writing is obtained from the Client.

8. ERRORS AND OMISSIONS: The Client reserves the right to deny payment of the part of any fee which is based on an increase in costs in the preparation of documents or services resulting from an error or omission of the Financial Advisors.

9. LITIGATION: In the event the Client becomes involved in any litigation with third parties concerning or relating in any way to the Financial Advisors services, whether such litigation occurs during or after the term of this agreement, the Financial Advisors agree, at no additional fees other than the hourly rates called for in this agreement to make its members and employees available to the Client to consult, assist and cooperate in any such litigation to the extent such consultation, assistance and cooperation may be required by the Client.

10. FIRM HISTORY: The Financial Advisors represent that no corporation, partnership, individual or association, officer, director, employee, manager, parent, subsidiary, affiliate or principal shareholder of said Financial Advisors, has been adjudicated in violation of any state or federal anti-trust or other similar statute within the preceding five years, or previously adjudged in contempt of any court order enforcing any such law, or has an operating history which shows a recurring pattern of flagrant and consistent violation of prohibited or illegal acts.

11. AUTHORITY REPRESENTATIONS AND WARRANTIES: The Client represents and warrants that this Contract has been duly authorized by its board membership, and when executed by its Executive Director, Chairman or Vice Chairman shall be valid and binding upon the Client and shall be in full force and effect.

12. GOVERNING LAW: This Contract shall be governed by the laws of the State of New Jersey.

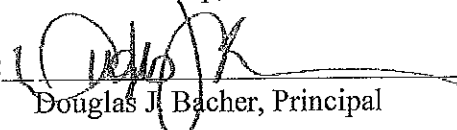
13. SEVERABILITY: A waiver or breach of any term condition or covenant by either party shall not constitute a waiver or breach of any other term condition or covenant. If any court of competent jurisdiction declares a provision of the Contract to be invalid, illegal or otherwise unenforceable, the remaining provisions of the contract shall remain in full force and effect.

IN WITNESS WHEREOF, the Client has caused these presents to be duly executed and the Financial Advisors have caused these presents to be duly executed, as of the day and year first above written.

Borough of Sea Bright

By: _____
Authorized Signatory

NW Financial Group, LLC

By: 
Douglas J. Bacher, Principal

**Schedule A
Compensation**

For financial advisory services rendered in connection with the sale of bonds and notes, NW Financial shall be compensated based on the following schedule:

1. Notes:

For the issuance of general obligation note(s) in an amount up to \$10,000,000 NW Financial proposes to be compensated a flat fee of \$4,500. For the issuance of general obligation note(s) in an amount over \$10,000,000, NW Financial proposes to be compensated a flat fee of \$6,000. This amount shall be payable at the closing of the proposed note issuance.

2. Bonds:

For the issuance of general obligation bonds, refunding bonds, short-term notes, NW Financial proposes to be compensated a flat fee of \$12,500 for any bond issuance up to \$15,000,000. For bond issuance over \$15,000,000, NW Financial proposes a flat fee of \$14,500. This amount shall be payable at the closing of the proposed bond/refunding issuance.

If it is determined that a financing is completed through the Monmouth County Improvement Authority, the NW fee will be determined utilizing the NW/Authority contract. The client will not be invoiced independently for services rendered (i.e. there is no double invoicing for services rendered).

3. Continuing Disclosure:

NW Financial proposes to provide continuing disclosure services at a flat fee of \$1500.

4. Other Consulting:

For financial consulting services not related to the issuance of bonds and notes, NW Financial proposes that compensation be based upon the hourly rates established below.

<u>Position</u>	<u>Hourly Rate (\$/hour)</u>
Principal	\$225
Managing Director	\$200
Senior Vice President	\$180
Vice President	\$170
Analyst	\$150

**CERTIFICATE IN CONNECTION
WITH RULE G-42 OF THE
MUNICIPAL SECURITIES RULEMAKING BOARD**

We are writing this to provide you, the Borough of Sea Bright, Monmouth County, (the “Issuer”), with certain disclosures relating to Continuing Disclosure (the “Project”), as required by Municipal Securities Rulemaking Board (“MSRB”) Rule G-42 in accordance with MSRB Notice 2016-03 (January 13, 2016), which became effective June 23, 2016 for transactions that price on or after such date. The Issuer has engaged NW Financial Group, LLC (the “Municipal Advisor”) to serve as an municipal advisor in connection with the issuance of the Project.

The undersigned, a duly authorized representative of the Municipal Advisor, HEREBY CERTIFIES, in accordance with Rule G-42 of the Municipal Securities Rulemaking Board, and in connection with the issuance of the Project, that:

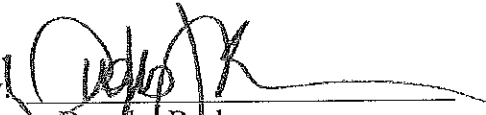
- (i) There are no known material conflicts of interest known to the Municipal Advisor in connection with the Scope of Services.
- (ii) The Municipal Advisor shall deal fairly with all persons and shall not engage in any deceptive, dishonest, or unfair practice
- (iii) There are no legal or disciplinary events that are material to the Issuer’s evaluation of the Municipal Advisor or the integrity of the Municipal Advisor’s management or advisory personnel disclosed, or that should be disclosed, on any Form MA or Form MA-I filed with the SEC
- (iv) The Municipal Advisor has not made any material legal or disciplinary event disclosures on Form MA or any Form MA-I filed with the SEC
- (v) As required by MSRB Rule G-42, this letter may be supplemented or amended, from time to time as needed, to reflect changed circumstances resulting in new conflicts of interest or changes in conflicts of interest described above, or to provide updated information with regard to any legal or disciplinary events of the Municipal Advisor. The Municipal Advisor will provide the Issuer with any such supplement or amendment as it becomes available throughout the term of the Agreement.
- (vi) NW Capital Markets Inc. (“NW Capital”), an affiliate company of NW Financial Group, LLC, is a broker/dealer which from time to time underwrites municipal bonds for a variety of issuers. However, at this time, NW Capital does not have any pending transactions which would be conflicts of interest for the Issuer.

If you have any questions or concerns about these disclosures, please make those questions or concerns known immediately to the undersigned. In addition, you should consult with your legal advisors, as applicable, to the extent you deem appropriate. It is our understanding that you have the authority to bind the Issuer by contract with us, and that you are not a party to any conflict of interest relating to the subject transaction. If our understanding is incorrect, please notify the undersigned immediately.

We are required to seek your acknowledgement that you have received this letter. Accordingly, please sign and return the enclosed copy of the letter. Depending on the structure of the transaction that the Issuer decides to pursue, or if additional potential or actual material conflicts are identified, we may be required to send you additional disclosures. At that time, we also will seek your acknowledgement of receipt of any such additional disclosures.

IN WITNESS WHEREOF, I have hereunto set my hand this 9th day of November 2020.

NW Financial Group, LLC

By: 
Douglas Bacher
Principal

Acknowledged as of the date hereof:

MUNICIPALITY, NEW JERSEY

By: _____

Title: _____

RESOLUTION NO. 198-2020
CONSIDERATION OF AWARD
LEASE AGREEMENT FOR SKIM BOARD CAMP

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

WHEREAS, the Borough Council authorized by resolution for the Borough Clerk to duly advertise for vendors to conduct a skim board camp with the option of a one or two-year lease agreement for the use of a portion of property on the Sea Bright Municipal Beach during the 2021 and/or 2022 summer season; and

WHEREAS, the Borough Clerk did duly advertise on October 29, 2020 to receive bids no later than 12 noon on December 9, 2020, for vendors to conduct a skim board camp on the Sea Bright Municipal Beach with the option of a one or two-year lease agreement for a minimum bid amount of \$1,000.00 for the first year and \$1,500 for the second year; and

WHEREAS, in connection therewith one (1) bid was received by the Borough Clerk from Jersey Shore Skim Camp, Felecia Stratton, Sea Bright, NJ for a one-year lease in the amount of \$1,000.00; and

WHEREAS, the Beach Manager recommended that a one-year lease agreement be awarded to Jersey Shore Skim Camp, Felecia Stratton of Sea Bright, New Jersey as per the bid proposal; 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 a 2021 seasonal lease agreement to operate a skim board camp on the Sea Bright Municipal Beach to Jersey Shore Skim Camp, Felecia Stratton of Sea Bright, New Jersey in the amount of \$1,000.00; and

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are hereby authorized and directed to execute a contract for said lease agreement, a copy of which shall be maintained by the Borough Clerk; and

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

1. Finance Manager
2. Police Department
3. Beach Manager
4. Borough Attorney
5. Jersey Shore Skim Camp

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

December 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 December 15, 2020.

Christine Pfeiffer, Borough Clerk

RESOLUTION NO. 199-2020
CONSIDERATION OF AWARD
LEASE AGREEMENT FOR THE USE OF BEACH FRONT LOCATIONS
FOR THE RENTAL OF UMBRELLAS AND BEACH CHAIRS

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

WHEREAS, the Borough Council authorized by resolution for the Borough Clerk to duly advertise for vendors to rent umbrellas and beach chairs with the option of a one or two-year lease agreement for the use of a portion of property on the Sea Bright Municipal Beach during the 2021 and/or 2022 summer season; and

WHEREAS, the Borough Clerk did duly advertise on October 29, 2020 to receive bids no later than 12 noon on December 9, 2020, for a vendor to rent umbrellas and beach chairs on the Sea Bright Municipal Beach with the option of a one or two-year lease agreement with a minimum bid of \$1,000.00 for the first year and \$1,500.00 for the second year; and

WHEREAS, in connection therewith one (1) bid was received by the Borough Clerk from Christopher Spahr, Eatontown, NJ for a two-year lease in the amount of \$1,000.00 for 2021 and \$1,500.00 for 2022; and

WHEREAS, the Beach Manager recommended that a two-year lease agreement be awarded to Christopher Spahr, Eatontown, NJ as per the bid proposal; 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 a two-year lease agreement to operate a beach umbrella and chair rental business on the beachfront between Center Street and Chapel Beach Club to Christopher Spahr, Eatontown, NJ in the amount of \$1,000.00 for 2021 and \$1,500.00 for 2022; and

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are hereby authorized and directed to execute a contract for said lease agreements, copies of which shall be maintained by the Borough Clerk; and

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

1. Finance Manager
2. Police Department
3. Beach Manager
4. Borough Attorney
5. Christopher Spahr

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

December 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 December 15, 2020.

Christine Pfeiffer, Borough Clerk

RESOLUTION NO. 200-2020
**AUTHORIZING THE BOROUGH OF SEA BRIGHT THROUGH THE
SEA BRIGHT POLICE DEPARTMENT TO PARTICIPATE IN THE DEFENSE
LOGISTICS AGENCY, LAW ENFORCEMENT SUPPORT OFFICE, 1033
PROGRAM TO ENABLE THE SEA BRIGHT POLICE DEPARTMENT TO
REQUEST AND ACQUIRE EXCESS DEPARTMENT OF DEFENSE EQUIPMENT**

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

WHEREAS, the United States Congress authorized the Defense Logistics Agency (DLA) Law Enforcement Support Office (LESO) 1033 Program to make use of excess Department of Defense personal property by making that personal property available to municipal, county and State law enforcement agencies (LEAs); and

WHEREAS, DLA rules mandate that all equipment acquired through the 1033 Program remain under the control of the requesting LEA; and

WHEREAS, participation in the 1033 Program allows municipal and county LEAs to obtain property they might not otherwise be able to afford in order to enhance community preparedness, response and resiliency; and

WHEREAS, although property is provided through the 1033 Program at no cost to municipal and county LEAs, these entities are responsible for the costs associated with delivery, maintenance, fueling, and upkeep of the property, and for specialized training on the operation of any acquired property; and

WHEREAS, N.J.S.A. 40A:5-30.2 requires that the governing body of the municipality or county approve, by a majority of the full membership, both enrollment in, and the acquisition of any property through, the 1033 Program; and

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey that the Sea Bright Police Department is hereby authorized to enroll in the 1033 Program for no more than a one-year period, with authorization to participate beginning January 1, 2021 through December 31, 2021; and

NOW THEREFORE BE IT FURTHER RESOLVED that Sea Bright Police Department is hereby authorized to acquire items of non-controlled property designated "DEMIL A," which may include office supplies, office furniture, computers, electronic equipment, generators, field packs, non-military vehicles, clothing, traffic and transit signal systems, exercise equipment, farming and moving equipment, storage devices and containers, tools, medical and first aid equipment and supplies, personal protection equipment and supplies, construction materials, lighting supplies, beds and sleeping mats, wet and cold weather equipment and supplies, respirators, binoculars, and any other supplies or equipment of a non-military nature identified by the LEA, if it shall become available in the period of time for which this resolution authorizes, based on the needs of the Sea Bright Police Department, without restriction; and

BE IT FURTHER RESOLVED that the Sea Bright Police Department is hereby authorized to acquire the following "DEMIL B through Q" property, if it shall become available in the period of time for which this resolution authorizes; and

BE IT FURTHER RESOLVED that the "DEMIL B through Q" controlled 3-page property list in its entirety is hereby approved and hereto attached to this resolution; and

BE IT FURTHER RESOLVED that the Sea Bright Police Department shall develop and implement a full training plan and policy for the maintenance and use of the acquired property; and

BE IT FURTHER RESOLVED that the Sea Bright Police Department shall provide a quarterly accounting of all property obtained through the 1033 Program which shall be available to the public upon request; and

BE IT FURTHER RESOLVED that this resolution shall take effect immediately and shall be valid to authorize requests to acquire "DEMIL A" property and "DEMIL B through Q" property that may be made available through the 1033 Program during the period of time for which this resolution authorizes; with Program participation and all property request authorization beginning January 1, 2021 through December 31, 2021.

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

1. NJ State Police
2. Sea Bright Police Department
3. Sea Bright Finance Manager
4. Sea Bright CFO

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

December 15, 2020

CERTIFICATION

I, Christine Pfeiffer, do hereby certify that this is a true copy of a resolution approved by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, at a Council Meeting held on December 15, 2020.

Christine Pfeiffer, Borough Clerk

ITEM NAME	DEMI CODE								
	A	B	C	D	E	F	G	H	Q
FACESHIELD, RIOT CONTROL									3
FACESHIELD, RIOT CONTROL	1								
FORCED ENTRY AND RESCUE EQUIPMENT, AIRCRAFT CRASH	1								
GLIDERS			1						
GOGGLES, PROTECTION, RIOT CONTROL	5								
GRENADE, HAND							1		
GRENADE, HAND, NON-LETHAL							2		
GROUND SENSOR SURVEILLANCE VEHICLE			1						
GUN, PORTABLE RIOT CONTROL				1					
HATBOX, RIOT CROWD	2								
HELICOPTER, FLIGHT TRAINER			1						
HELICOPTER, FLIGHT TRAINER TH55A		1							
HELICOPTER, MEDEVAC			1						
HELICOPTER, OBSERVATION			3						
HELICOPTER, SEARCH AND RESCUE		2							
HELICOPTER, UTILITY		1	3						
HELMET, POLICE	1								
HELMET, SAFETY	1								
KIT, MECHANICAL BREA	2								
KIT, RIOT PROTECTION	1								
LIGHT ARMORED VEHICLE			17	26					
MINE CLEARING VEHICLE				1					
MINE DETECTOR SYSTEM, VEHICLE MOUNTED			3	2		1			
MINE RESISTANT VEHICLE			63	3					
MISCELLANEOUS WEAPONS - LOGSA LSN		1							
MODIFICATION KIT, GUN, WEAPON				1					
MUNITION, CROWD CONTROL MODULAR, NON-LETHAL							2		
No Item Name Available			1						
NON-BALLISTIC BODY SHIELD	1								1
NON-LETHAL WEAPONS CAPABILITIES SET		2							
ONLY COMPLETE COMBAT/ASSAULT/TACTICAL WHEELED VEHICLES				1					1
PROTECTIVE SHIELD, T	1								
RAM, BATTERING	1								
RAM, DOOR, MINI	1								
RIOT CONTROL SHIELD	1								
SECURITY VEHICLE			1						

ITEM NAME	DEMIL CODE									
	A	B	C	D	E	F	G	Q		
SHIELD,PERSONAL PROTECTIVE				1					3	
SHIELD,SELF-PROTECTION									6	
SHOP EQUIPMENT,CONTACT MAINTENANCE	1		2							
SHOP SET,CONTACT MAINTENANCE, TRUCK MOUNTED (ENGINEER)	1									
SHOP SET,CONTACT MAINTENANCE, TRUCK MOUNTED (ORDNANCE)	1									
SIGHT, THERMAL				1						
SLEDGE HAMMER	1									
TOOL,BREAKER,HINGE	1									
TRAINING KIT,DEMOLITION		1								
TRUCK TRACTOR			4			5			7	
TRUCK,AMBULANCE			9							
TRUCK,ARMORED			3							
TRUCK,BOLSTER						2			1	
TRUCK,BOMB SERVICE			2			2				
TRUCK,CARGO		3	28			17			30	
TRUCK,CARRYALL			22						1	
TRUCK,COMMAND RECONNAISSANCE			2							
TRUCK,DUMP			2			6			7	
TRUCK,MAINTENANCE						3				
TRUCK,MATERIALS HANDLING-CONTAINER HOISTING			1							
TRUCK,PALLETIZED LOADING			8						2	
TRUCK,PANEL			2							
TRUCK,STAKE									2	
TRUCK,TANK			5			13			8	
TRUCK,UTILITY			84						4	
TRUCK,VAN		1				14			1	
TRUCK,WRECKER		1	2			3			2	
TRUCKS AND TRUCK TRACTORS, DEMIL C			1						1	
UNMANNED AIRCRAFT			1							
UNMANNED VEHICLE			1							
UP ARMORED NTVS			1							
UTILITY VEHICLE,OFF ROAD		1	2	1	1	1	1	1	1	

RESOLUTION NO. 201-2020
APPROVING MASER CONSULTING PROPOSAL
FOR ENGINEERING SERVICES
GIS STORMWATER OUTFALL MAPPING

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

WHEREAS, as part of the NJDEP MS4 Tier A Permit, the Borough of Sea Bright is required to provide the GPS location of each stormwater outfall in the Borough; and

WHEREAS, in connection therewith, the Borough received two proposals for professional engineering, GIS stormwater outfall mapping from 1) Maser Consulting, Red Bank, New Jersey in the amount of \$11,640.00, and 2) T&M Associates, Middletown, New Jersey in the amount of \$13,050.00; and

WHEREAS, the Borough Administrator has reviewed the proposals and recommends Council approve the proposal received from Maser Consulting, attached hereto.

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 \$11,640.00 will be available in General Engineering #0-01-20-165-228 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 Maser Consulting dated September 28, 2020 for professional engineering services associated with GIS stormwater outfall mapping, for the sum of \$11,640.00; and

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

1. William White – Maser Consulting
2. Department of Public Works

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

December 15, 2020

Certification

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

Christine Pfeiffer, Borough Clerk



Engineers
Planners
Surveyors
Landscape Architects
Environmental Scientists

Corporate Headquarters
331 Newman Springs Road, Suite 203
Red Bank, NJ 07701
T: 732.383.1950
F: 732.383.1984
www.maserconsulting.com

September 28, 2020

VIA E-MAIL

Joseph Verunni, Borough Administrator
Borough of Sea Bright
1099 Ocean Avenue
Sea Bright, NJ 07760

Re: Proposal for Professional Services
Stormwater Outfall Inventory and Inspection
Borough of Sea Bright, Monmouth County, New Jersey
MC Proposal No. SEA-203P

Dear Mr. Verunni:

Maser Consulting is pleased to submit this proposal to provide professional services for Global Positioning System (GPS) and Geographic Information Systems (GIS) mapping of the Borough's stormwater outfall structures. Our team will utilize drone and GIS/GPS technology to locate and inspect the Borough's stormwater outfall assets. The project deliverable will satisfy the NJDEP requirement of having your outfalls map by means of GPS data collection and inspection.

Utilizing drone technology our team will be able to access the outfalls that are along waterbodies that are not accessible by foot.

This proposal is divided into four sections as follows:

- Section I – Scope of Services
- Section II – Business Terms and Conditions
- Section III – Technical Staff Hourly Rate Schedule and Reimbursable Expenses
- Section IV – Client Contract Authorization

SECTION I – SCOPE OF SERVICES

Based on our conversations and information noted above, we propose to complete the following:

TASK 1.0 STORMWATER OUTFALL MAPPING AND INSPECTIONS

To ensure compliance with mapping requirements, Maser Consulting will complete a field inventory and inspection of stormwater outfalls and prepare a GIS dataset and digital map that will meet the NJDEP stormwater outfall mapping requirements. In lieu of watercraft, an Unmanned Aerial System (drone) bearing a 20MP camera will be employed to support the collection of location data. The aircraft will employ photography to visually identify outfalls obscured by docks



or other structures preventing direct observation. If the surface is inaccessible by foot, the aircraft's geolocation capabilities will be used to aid in the capture of the x,y location of the outfall.

Each outfall will be inspected and documented with an inspection form and accompanying pictures. The purpose of this inspection will be to document current conditions at the outfall structure and the surrounding area to determine if stream scouring or erosion are occurring. All inspections will be completed after a minimum of 72-hours of dry weather in order to observe any evidence of dry weather flow.

We understand that most of the Borough's outfall structures are tidally influenced and that they may be full of water. We will schedule the field work to be completed during optimal tidal range conditions to the best extent possible to limit the potential that an outfall will be filled with water upon inspection. If an outfall is filled with water upon the initial inspection attempt, we will attempt to revisit those outfalls one additional time. If those outfalls are found to be full of water upon the second inspection attempt, we will note "Unable to inspect due to water present" within the database deliverable. If partially visible we will acquire the x,y location and photograph the structure.

We anticipate mapping up to 65 outfall locations based on the current available mapping "Stormwater Outfall Map" prepared by T&M Associates (2019). The outfall inspection report will contain the following information:

- What is the type of outfall?
- Where does the outfall discharge?
- Is the outfall suspended?
- What is the outfall cover?
- What is the type of protection at the outfall?
- What is the shape of the pipe?
- What is the material?
- Measured pipe height
- Measured pipe width
- Is there flow during dry conditions?
- Is there intermittent flow?
- Is there an odor emanating from the outfall?
- What color is the discharge?
- What is the turbidity?
- What kind of floatables are found in the discharge?
- Has the discharge stained the discharge point?
- What is the amount of vegetation?
- Is there any damage?
- Does the outfall have possible illicit connections?
- What is the overall condition of the outfall?
- Photo of outfall
- Outfall ID

We will prepare a large format map showing the location of the outfalls with ID labels. Available GIS datasets from Monmouth County and New Jersey Office of GIS, such as parcels, roads, streams, lakes, and municipal boundaries, will be used as the base map.



We will provide the Borough with a digital PDF file of the outfall map, a GIS file geodatabase of outfall locations, an Excel file of inspection results, and digital inspection photos.

PROJECT DELIVERABLES

- GIS file geodatabase of outfall locations, and upload to NJDEP site
- PDF map booklet of outfall locations
- Excel file of inspection results and outfall ID
- Digital inspection photos

SCHEDULE OF FEES

This Contract Fee Schedule and Business Terms and Conditions are based upon the Maser Consulting Engineering services contract. Delivery, mileage, printing and reproduction, overnight mail service and postage costs are not included in the lump sum fees and will be added to each monthly invoice.

Task 1.0 Lump Sum Fee **\$11,640.00**

EXCLUSIONS AND UNDERSTANDINGS

Maser Consulting has prepared this proposal and cost estimate based on the following assumptions:

- Submerged outfalls and outfalls originating from surrounding towns are not included in this proposal.
- Outfalls on private property will require the Borough to notify the private owners of our need for accessing outfalls prior to our visit.
- This proposal does not include traffic control fees if required in high traffic locations of the project site.

SECTION II – CLIENT CONTRACT AUTHORIZATION

I hereby declare that I am duly authorized to sign binding contractual documents. I also declare that I have read, understand, and accept this contract.

Signature

Date

Printed Name

Title



If you find this proposal acceptable, **please sign where indicated above in Section II, and return one signed copy to this office.** Invoices are due within 30 days. This proposal is valid until November 30, 2020.

We very much appreciate the opportunity of submitting this proposal and look forward to performing these services for you.

Very truly yours,

MASER CONSULTING, INC.

A handwritten signature in black ink, appearing to read 'Suzanne M. Zitzman'.

Suzanne M. Zitzman, GISP
Manager of Asset Management Services

SZ/clf

cc: David Bahrle, Director of Public Works, Borough of Seabright (via e-mail)
Leonardo E. Ponzio, PLS, Maser Consulting (via e-mail)

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RESOLUTION No. 202-2020
Authorize the Release of Maintenance Bond for
LoBiondo Townhouses
1260 Ocean Avenue - Block 3, Lot 20

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

WHEREAS, the Municipal Land Use Law (N.J.S.A. 40:55D-53) provides for the posting of maintenance guarantees with the governing body after final acceptance of improvements when said improvements have been certified as complete; and

WHEREAS, on December 27, 2018, JCP Developers, LLC heretofore deposited with the Borough of Sea Bright an all cash maintenance bond in the amount of 15% (\$3,102.75) of the cost of the improvements on premises known as Block 3, Lot 20 known as 1260 Ocean Avenue for a two year period; and

WHEREAS, David J. Hoder, P.E., P.P., C.M.E., Borough Consulting Engineer, has advised the Borough Clerk by letter dated November 12, 2020, a copy of which is on file in the Office of the Borough Clerk, that the bonded improvements have been satisfactorily completed in accordance with the approved site plan and remain in good condition, therefore recommending the release of the aforementioned maintenance bond.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sea Bright, County of Monmouth, that the maintenance bond in the amount of \$3,102.75 is hereby released, canceled and discharged and authorize the release of any and all remaining escrow, engineering and inspection fees subject to any outstanding fees due.

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

1. Fiscal Officer
2. Construction Official
3. Planning Board Secretary
4. JCP Developers, LLC

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

December 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 December 15, 2020.

Christine Pfeiffer, Borough Clerk

RESOLUTION NO. 203-2020
2020 Budget
Authorizing the Transfer of Funds in
accordance with N.J.S.A. 40A:5-58

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

WHEREAS, there exists a need to transfer budget balances in certain line item appropriations of the 2020 budget; and

WHEREAS, N.J.S.A. 40A:5-58 authorizes the transfer of appropriations, during the last two (2) months of the calendar year, to said budget where adopted heretofore by the governing body by two-thirds vote thereof.

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Sea Bright, County of Monmouth, (not less than 2/3 of all members of the Governing Body concurring) that the Borough Administrator and Chief Financial Officer are hereby authorized to make the following transfers in accordance with the annexed schedule for the Current, Sewer and Beach Utility Funds:

Schedule of Budget Transfers – December 15, 2020

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

1. Director of Finance
2. Borough Auditor
3. Fiscal Officer

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

December 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 December 15, 2020.

Christine Pfeiffer, Borough Clerk

**BOROUGH OF SEA BRIGHT
SCHEDULE OF BUDGET TRANSFERS
DECEMBER 15, 2020**

<u>CURRENT FUND</u>		<u>TO</u>		<u>FROM</u>
CLERK	OE		\$	10,000.00
LEGAL	OE	\$ 11,000.00		
ENGINEERING	OE		\$	13,000.00
VOLUNTEER FIRE COMPANY	OE	\$ 12,000.00		
		\$ 23,000.00	\$	23,000.00

RESOLUTION NO. 204-2020
RESOLUTION PROVIDING FOR THE CHANGE
OF TEXT AND TITLE OF AN APPROPRIATION
IN THE BUDGET OF THE BOROUGH OF SEA BRIGHT
PURSUANT TO N.J.S.A. 40A:4-85

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

WHEREAS, N.J.S.A. 40A:4-85 provides that the Director of the Division of Local Government Services may, at the request of, or with the consent of, the governing body of any county or municipality, make such correction of the title, text or amount of any appropriation appearing in the budget as may be necessary to make said item of appropriation available for the purpose or purposes required for the needs of any such county or municipality; and

NOW, THEREFORE, BE IT RESOLVED that in accordance with the provisions of N.J.S.A. 40A:4-85, the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, hereby requests the Director of the Division of Local Government Services to make the following corrections in the 2020 budget:

That the appropriation provided for in the approved budget entitled Financial Administration - Other Expenses be reduced by the sum of \$3,701.10 and an appropriation in the like amount of \$8,281.28 be added to the budget entitled Interlocal - Holmdel Township - Fiscal Officer Services.

BE IT FURTHER RESOLVED that the foregoing correction is, in the opinion of the governing body, warranted and authorized by the statute referred to, and is necessary for the reasons hereinafter set forth:

The Borough entered into a shared services agreement, pursuant to which the Township of Holmdel shall provide the Borough of Sea Bright with services as Fiscal Officer. The above correction will provide for the said legal provision.

AND, BE IT FURTHER RESOLVED that the Borough Clerk shall submit two copy of the Certification for Chapter 85 Change of Text and Title to the Director of the Division of Local Government Services for approval.

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

December 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 December 15, 2020.

Christine Pfeiffer, Borough Clerk

RESOLUTION NO. 205-2020

**CONFIRMING THE SALE OF \$7,000,000 GENERAL OBLIGATION BONDS,
SERIES 2020 OF THE BOROUGH OF SEA BRIGHT, IN THE COUNTY OF
MONMOUTH, NEW JERSEY TO THE MONMOUTH COUNTY
IMPROVEMENT AUTHORITY**

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

WHEREAS, pursuant to the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, the Borough adopted a resolution on November 4, 2020 (the "Authorization Resolution"), providing for the issuance and sale of bonds to The Monmouth County Improvement Authority (the "Authority") in an aggregate amount not to exceed \$8,300,214 to be issued as three series designated as General Improvement Bonds, Series 2020, Beach Utility Bonds, Series 2020 and Sewer Utility Bonds, Series 2020 (the "Bonds"); and

WHEREAS, pursuant to the Authorization Resolution, the terms of the Bonds shall be confirmed by the provisions set forth herein (the "Confirming Resolution").

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH OF SEA BRIGHT, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) that:

SECTION 1. Ordinances. There shall be issued bonds of the Borough in the following principal amounts pursuant to the following bond ordinances:

- A. \$836,964 bonds, being bonds authorized by an ordinance entitled: (Ord. No. 16-2016):

"BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$7,900,000 FOR CONSTRUCTION OF MUNICIPAL COMPLEX FOR AND BY THE BOROUGH OF SEA BRIGHT IN THE COUNTY OF MONMOUTH, NEW JERSEY AND, AUTHORIZING THE ISSUANCE OF \$3,942,500 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION."

heretofore finally adopted. The average period of usefulness is 30 years.

- B. \$66,957 bonds, being bonds authorized by an ordinance entitled: (Ord. No. 13-2018):

"BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$200,000 FOR THE RECONSTRUCTION OF EAST OCEAN AVENUE AND MOUNTAINVIEW WAY FOR AND BY THE BOROUGH OF SEA BRIGHT IN THE COUNTY OF MONMOUTH, NEW JERSEY AND, AUTHORIZING THE ISSUANCE OF \$40,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.

as amended on May 7, 2019 by an ordinance entitled (Ordinance No. 10-2019)

BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER 2018-13 FINALLY ADOPTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF SEA BRIGHT, NEW JERSEY ON DECEMBER 18, 2018.”

heretofore finally adopted. The average period of usefulness is 20 years.

- C. \$119,267 bonds, being bonds authorized by an ordinance entitled: (Ord. No. 11-2019):

“BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$150,000 FOR ACQUISITION OF VEHICLES AND EQUIPMENT FOR THE POLICE DEPARTMENT, DEPARTMENT OF PUBLIC WORKS AND FIRE DEPARTMENT FOR AND BY THE BOROUGH OF SEA BRIGHT IN THE COUNTY OF MONMOUTH, NEW JERSEY AND, AUTHORIZING THE ISSUANCE OF \$142,500 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.”

heretofore finally adopted. The period of usefulness is 6.08 years.

- D. \$55,658 bonds, being bonds authorized by an ordinance entitled: (Ord. No. 12-2019):

“BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$170,000 FOR IMPROVEMENTS TO RIVERSIDE PARK FOR AND BY THE BOROUGH OF SEA BRIGHT IN THE COUNTY OF MONMOUTH, NEW JERSEY AND, AUTHORIZING THE ISSUANCE OF \$66,500 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.”

heretofore finally adopted. The average period of usefulness is 15 years.

- E. \$79,511 bonds, being bonds authorized by an ordinance entitled: (Ord. No. 14-2019):

“BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$100,000 FOR THE BEACH WAY STORM WATER PIPE EXTENSION PROJECT FOR AND BY THE BOROUGH OF SEA BRIGHT IN THE COUNTY OF MONMOUTH, NEW JERSEY AND, AUTHORIZING THE ISSUANCE OF \$95,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.”

heretofore finally adopted. The average period of usefulness is 40 years.

- F. \$248,738 bonds, being bonds authorized by an ordinance entitled: (Ord. No. 10-2012):

“BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$1,850,000 FOR THE HAZARD MITIGATION PROJECT – BULKHEADS AND PUMP STATION FOR AND BY THE BOROUGH OF SEA BRIGHT, IN THE COUNTY OF MONMOUTH, NEW JERSEY AND; AUTHORIZING THE ISSUANCE OF \$452,235 BONDS OR

NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.”

As amended by a bond ordinance adopted on March 17, 2015 and entitled: (#02-2015)

“AMENDING BOND ORDINANCE NUMBER 10-2012 FINALLY ADOPTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF SEA BRIGHT, NEW JERSEY ON AUGUST 7, 012.”

heretofore finally adopted. The average period of usefulness is 24.40 years.

- G. \$270,453 bonds, being bonds authorized by an ordinance entitled: (Ord. No. 15-2016):

“BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$1,400,000 FOR CONSTRUCTION OF THE COMMUNITY CENTER FOR AND BY THE BOROUGH OF SEA BRIGHT IN THE COUNTY OF MONMOUTH, NEW JERSEY AND; AUTHORIZING THE ISSUANCE OF \$332,500 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.”

heretofore finally adopted. The average period of usefulness is 30 years.

- H. \$120,048 bonds, being bonds authorized by an ordinance entitled: (Ord. No. 14-2017):

“BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$150,000 FOR THE ACQUISITION OF VARIOUS CAPITAL ITEMS FOR AND BY THE BOROUGH OF SEA BRIGHT IN THE COUNTY OF MONMOUTH, NEW JERSEY AND; AUTHORIZING THE ISSUANCE OF \$142,500 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.”

heretofore finally adopted. The average period of usefulness is 12.73 years.

- I. \$68,027 bonds, being bonds authorized by an ordinance entitled: (Ord. No. 07-2018):

“BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$85,000 FOR ACQUISITION OF VARIOUS CAPITAL EQUIPMENT FOR AND BY THE BOROUGH OF SEA BRIGHT IN THE COUNTY OF MONMOUTH, NEW JERSEY AND; AUTHORIZING THE ISSUANCE OF \$80,750 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.”

heretofore finally adopted. The average period of usefulness is 5 years.

- J. \$116,319 bonds, being bonds authorized by an ordinance entitled: (Ord. No. 14-2015):

“BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$175,000 FOR ACQUISITION OF VARIOUS CAPITAL EQUIPMENT

FOR AND BY THE BOROUGH OF SEA BRIGHT IN THE COUNTY OF MONMOUTH, NEW JERSEY AND, AUTHORIZING THE ISSUANCE OF \$166,250 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.”

heretofore finally adopted. The average period of usefulness is 20 years.

K. \$427,492 bonds, being bonds authorized by an ordinance entitled: (Ord. No. 21-2013):

“BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$600,000 FOR THE IMPROVEMENTS TO MUNICIPAL FACILITIES FOR AND BY THE BOROUGH OF SEA BRIGHT IN THE COUNTY OF MONMOUTH, NEW JERSEY AND, AUTHORIZING THE ISSUANCE OF \$570,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.”

heretofore finally adopted. The average period of usefulness is 14 years.

L. \$133,058 bonds, being bonds authorized by an ordinance entitled: (Ord. No. 11-2015):

“BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$380,000 FOR VARIOUS GENERAL IMPROVEMENTS FOR AND BY THE BOROUGH OF SEA BRIGHT IN THE COUNTY OF MONMOUTH, NEW JERSEY AND, AUTHORIZING THE ISSUANCE OF \$171,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.”

heretofore finally adopted. The average period of usefulness is 20 years.

M. \$1,144,500 bonds, being bonds authorized by an ordinance entitled: (Ord. No. 18-2013):

“BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$1,800,000 FOR ROADWAY AND PUBLIC PARKING LOT IMPROVEMENTS FOR AND BY THE BOROUGH OF SEA BRIGHT, IN THE COUNTY OF MONMOUTH, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$1,710,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.”

heretofore finally adopted. The average period of usefulness is 20 years.

N. \$278,006 bonds, being bonds authorized by an ordinance entitled: (Ord. No. 06-2020):

“BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$600,000 FOR VARIOUS ROAD IMPROVEMENTS FOR AND BY THE BOROUGH OF SEA BRIGHT IN THE COUNTY OF MONMOUTH, NEW JERSEY AND, AUTHORIZING THE ISSUANCE OF \$330,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.”

heretofore finally adopted. The average period of usefulness is 20 years.

- O. \$697,038 bonds, being bonds authorized by an ordinance entitled: (Ord. No. 12-2012):

“BOND ORDINANCE FOR THE BEACH UTILITY PROVIDING AN APPROPRIATION OF \$1,200,000 FOR THE SAND REPLENISHMENT PROJECT FOR AND BY THE BOROUGH OF SEA BRIGHT, IN THE COUNTY OF MONMOUTH, NEW JERSEY AND; AUTHORIZING THE ISSUANCE OF \$1,140,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.”

heretofore finally adopted. The average period of usefulness is 15 years.

- P. \$397,423 bonds, being bonds authorized by an ordinance entitled: (Ord. No. 19-2013):

“BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$600,000 FOR BEACH UTILITY IMPROVEMENTS FOR AND BY THE BOROUGH OF SEA BRIGHT IN THE COUNTY OF MONMOUTH, NEW JERSEY AND, AUTHORIZING THE ISSUANCE OF \$570,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.”

heretofore finally adopted. The average period of usefulness is 15 years.

- Q. \$132,203 bonds, being bonds authorized by an ordinance entitled: (Ord. No. 02-2014):

“BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$200,000 FOR BEACH UTILITY IMPROVEMENTS FOR AND BY THE BOROUGH OF SEA BRIGHT IN THE COUNTY OF MONMOUTH, NEW JERSEY AND, AUTHORIZING THE ISSUANCE OF \$190,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.”

heretofore finally adopted. The period of usefulness is 15 years.

- R. \$1,233,335 bonds, being bonds authorized by an ordinance entitled: (Ord. No. 17-2016):

“BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$3,600,000 FOR CONSTRUCTION OF BUILDING FOR THEB EACH UTILITY FOR AND BY THE BOROUGH OF SEA BRIGHT IN THE COUNTY OF MONMOUTH, NEW JERSEY AND; AUTHORIZING THE ISSUANCE OF \$1,486,750 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.”

heretofore finally adopted. The average period of usefulness is 30 years.

- S. \$322,051 bonds, being bonds authorized by an ordinance entitled: (Ord. No. 15-2017):

“BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$400,000 FOR SEWER UTILITY IMPROVEMENTS FOR AND BY THE BOROUGH OF SEA BRIGHT IN THE COUNTY OF MONMOUTH, NEW JERSEY AND, AUTHORIZING THE ISSUANCE OF \$380,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.”

heretofore finally adopted. The average period of usefulness is 35.31 years.

T. \$252,949 bonds, being bonds authorized by an ordinance entitled: (Ord. No. 01-2014):

“BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$350,000 FOR SEWER UTILITY IMPROVEMENTS FOR AND BY THE BOROUGH OF SEA BRIGHT, IN THE COUNTY OF MONMOUTH, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$309,931 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.”

heretofore finally adopted. The average period of usefulness is 15 years.

SECTION 2. Amount of Bonds. The Bonds in the principal amount of \$7,000,000 are hereby issued and sold in accordance with the provisions of the Authorization Resolution and the provisions of this Confirming Resolution. The Bonds shall constitute and shall be designated “General Improvement Bonds, Series 2020,” “Beach Utility Bonds, Series 2020” and “Sewer Utility Bonds, Series 2020,” respectively.

SECTION 3. Average Useful Life. It is hereby found, determined and declared ,that the average period of usefulness of the improvements or purposes for which the said General Improvement Bonds, Series 2020 are to be issued, taking into consideration the amount of such General Improvement Bonds, Series 2020 to be issued for said improvements or purposes, is 21.85 years. It is hereby found, determined and declared ,that the average period of usefulness of the improvements or purposes for which the said Beach Utility Bonds, Series 2020 are to be issued, taking into consideration the amount of such Beach Utility Bonds, Series 2020 to be issued for said improvements or purposes, is 22.52 years. It is hereby found, determined and declared ,that the average period of usefulness of the improvements or purposes for which the said Sewer Utility Bonds, Series 2020 are to be issued, taking into consideration the amount of such Sewer Utility Bonds, Series 2020 to be issued for said improvements or purposes, is 26.37 years.

SECTION 4. Description of the Bonds.

(a) Terms of the Bonds. The Bonds shall be dated and shall bear interest from the date of delivery at the rates, and shall mature, subject to prepayment as herein provided, on December 1 in the year and in the principal amount set opposite such year in the following table:

General Improvement Bonds, Series 2020

<u>Year</u>	<u>Principal Amount</u>	<u>Interest</u>
2021	\$130,000	4.00%
2022	135,000	4.00
2023	140,000	5.00
2024	145,000	5.00
2025	150,000	5.00
2026	160,000	5.00
2027	165,000	5.00
2028	175,000	5.00
2029	185,000	5.00
2030	195,000	5.00
2031	205,000	5.00
2032	215,000	4.00
2033	220,000	4.00
2034	230,000	3.00
2035	240,000	3.00
2036	245,000	3.00
2037	250,000	3.00
2038	260,000	3.00
2039	260,000	3.00
2040	260,000	3.00

Beach Utility Bonds, Series 2020

<u>Year</u>	<u>Principal Amount</u>	<u>Interest</u>
2021	\$ 85,000	4.00%
2022	85,000	4.00
2023	85,000	5.00
2024	90,000	5.00
2025	95,000	5.00
2026	100,000	5.00
2027	105,000	5.00
2028	105,000	5.00

<u>Year</u>	<u>Principal Amount</u>	<u>Interest</u>
2029	115,000	5.00
2030	120,000	5.00
2031	125,000	5.00
2032	130,000	4.00
2033	135,000	4.00
2034	140,000	3.00
2035	145,000	3.00
2036	150,000	3.00
2037	155,000	3.00
2038	160,000	3.00
2039	165,000	3.00
2040	170,000	3.00

Sewer Utility Bonds, Series 2020

<u>Year</u>	<u>Principal Amount</u>	<u>Interest</u>
2021	\$20,000	4.00%
2022	20,000	4.00
2023	20,000	5.00
2024	25,000	5.00
2025	25,000	5.00
2026	25,000	5.00
2027	25,000	5.00
2028	25,000	5.00
2029	30,000	5.00
2030	30,000	5.00
2031	30,000	5.00
2032	35,000	4.00
2033	35,000	4.00
2034	35,000	3.00
2035	35,000	3.00
2036	40,000	3.00
2037	40,000	3.00

<u>Year</u>	<u>Principal Amount</u>	<u>Interest</u>
2038	40,000	3.00
2039	40,000	3.00

(b) Form of the Bonds. The Bonds shall be in substantially the form set forth in the Authorization Resolution, which form is by this reference incorporated in full as if set forth herein, with such omissions, insertions and variations as are properly required and which are not contrary to any of the provisions of the Authorization Resolution or any of the provisions of this Confirming Resolution.

SECTION 5. Redemption of the Bonds.

The Bonds maturing on or before December 1, 2030 shall not be subject to redemption prior to their respective maturity dates. The Bonds maturing on or after December 1, 2031 shall be subject to redemption prior to their respective maturity dates, on or after December 1, 2030 at the option of the Borough upon notice as described in a bond resolution adopted by the Authority on November 5, 2020, either in whole or in part by lot within a single maturity from maturities selected by the Borough, on any date, at a redemption price equal to 100% of the principal amount thereof (the "Redemption Price") and accrued interest thereon to the date of redemption.

SECTION 6. Award of the Bonds. The Bonds are authorized to be sold and awarded to the Authority at a purchase price of \$8,426,910.55 for the Bonds. The terms and conditions of such offer are set forth in a bond purchase agreement, dated December 9, 2020 (the "Bond Purchase Agreement"), a copy of which is attached hereto as Exhibit A and which by this reference is made a part hereof as if set forth in full herein. Settlement for the Bonds will be made in immediately available funds on December 23, 2020.

SECTION 7. Additional Acts. On behalf of the Borough, the appropriate representatives of the Borough are authorized and directed to take all steps which are necessary or convenient to effectuate the terms of the Authorization Resolution and the terms of this Confirming Resolution with respect to the issuance, sale and delivery of the Bonds.

SECTION 8. Effective Date. This Confirming Resolution shall take effect upon adoption hereof.

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

December 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 December 15, 2020.

Christine Pfeiffer, Borough Clerk

RESOLUTION NO. 206-2020
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

Vincent Faustini

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

December 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 December 15, 2020.

Christine Pfeiffer, Borough Clerk

ORDINANCE NO. 11-2020

AN ORDINANCE AMENDING CHAPTER 130, "LAND USE," ARTICLE IX, "DESIGN STANDARDS," §130-59H, "BULKHEAD MAINTENANCE," OF THE CODE OF THE BOROUGH OF SEA BRIGHT

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

"§ 130-59H Bulkhead maintenance.

(1) Indications that a bulkhead has deteriorated shall include but shall not be limited to:

i. Members which are bowed-bent, leaning or leaking;

(2) Inspection by Borough Engineer.

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~~ 60 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)~~ ninety (90) days.

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

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

SECTION FOUR: This Ordinance shall take effect immediately upon its passage and publication as required by 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 November 17, 2020 and will be further considered after a Public Hearing to be held remotely on December 15, 2020 at 7:00 pm.

INTRODUCED: November 17, 2020

PUBLIC HEARING: December 15, 2020

ADOPTED:

Witness

BOROUGH OF SEA BRIGHT,

CHRISTINE PFEIFFER, CLERK

BRIAN KELLY, MAYOR

ORDINANCE NO. 12-2020

AN ORDINANCE ADOPTING A REVISION AND CODIFICATION OF THE ORDINANCES OF THE BOROUGH OF SEA BRIGHT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

Be it ordained and enacted by the Mayor and Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, as follows:

§ 1-2. Code adopted; existing ordinances continued.

Pursuant to N.J.S.A. 40:49-4, the ordinances of the Borough of Sea Bright of a general and permanent nature adopted by the Mayor and Council of the Borough of Sea Bright, as revised and codified and consisting of Chapters 1 through 207, together with an Appendix, are hereby approved, adopted, ordained and enacted as the Code of the Borough of Sea Bright, hereinafter referred to as the "Code." The provisions of the Code, insofar as they are substantively the same as those of the ordinances in force immediately prior to the enactment of the Code by this ordinance, are intended as a continuation of such ordinances and not as new enactments. This ordinance and the Code adopted hereby shall supersede and replace the 1998 Code of the Borough of Sea Bright, as amended and supplemented.

§ 1-3. Code on file; additions and amendments.

- A. A copy of the Code has been filed in the office of the Borough Clerk and shall remain there for use and examination by the public until final action is taken on this ordinance. Following adoption of this ordinance, such copy shall be certified to by the Clerk of the Borough of Sea Bright by impressing thereon the Seal of the Borough, as provided by law, and such certified copy shall remain on file in the office of the Borough Clerk, to be made available to persons desiring to examine the same during all times while said Code is in effect.
- B. Additions or amendments to the Code, when adopted in such form as to indicate the intent of the Mayor and Council to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the "Code of the Borough of Sea Bright" shall be understood and intended to include such additions and amendments.

§ 1-4. Notice; publication.

The Clerk of the Borough of Sea Bright shall cause notice of the passage of this ordinance to be given in the manner required by law. The notice of passage of this ordinance coupled with filing of the Code in the office of the Borough Clerk as provided in § 1-3 shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-5. Severability.

Each section of this ordinance and of the Code and every part of each section is an independent section or part of a section, and the holding of any section or part thereof to be unconstitutional,

void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

§ 1-6. Repealer.

- A. Ordinances or parts of ordinances inconsistent with the provisions contained in the Code adopted by this ordinance are hereby repealed; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the Borough of Sea Bright which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect.
- B. The following ordinances have been removed from the Code and are specifically repealed:
 - (1) Ordinance No. 107-99 (Chapter 134, Library, Article I, Fines for Overdue Materials), as amended by Ordinance No. 9-2003.
 - (2) Ordinance No. 114-99 (Chapter 134, Library, Article II, Use of Meeting Room), as amended by Ordinance No. 9-2003.
 - (3) Ordinance No. 21-00 (Chapter 134, Library, Article III, Nonresident Library Use), as amended by Ordinance No. 9-2003.
 - (4) Ordinance No. 5-2009 (Chapter 44, Retirement, Article I, Defined Contribution Retirement Program).

§ 1-7. Ordinances saved from repeal.

The adoption of this Code and the repeal of ordinances provided for in § 1-6 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any ordinance adopted subsequent to September 1, 2020.
- B. Any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability.
- C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision or any penalty, punishment or forfeiture which may result therefrom.
- D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this ordinance, brought pursuant to any legislative provision.
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred.
- F. Any ordinance providing for the laying out, opening, altering, widening, relocating, straightening, establishing of grade, changing of name, improvement, acceptance or

vacation of any right-of-way, easement, street, road, highway, park or other public place or any portion thereof.

- G. Any ordinance or resolution appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond or other instruments or evidence of the Borough's indebtedness.
- H. Ordinances authorizing the purchase, sale, lease or transfer of property or any lawful contract, agreement or obligation.
- I. The levy or imposition of taxes, assessments or charges or the approval of the municipal budget.
- J. The dedication of property or approval of preliminary or final subdivision plats.
- K. All currently effective ordinances pertaining to the rate and manner of payment of salaries and compensation of officers and employees.
- L. Any ordinance adopting or amending the Zoning Map.
- M. Any ordinance relating to or establishing a pension plan or pension fund for municipal employees.
- N. Ordinance Nos. 72-98 and 83-98 pertaining to the establishment of handicapped parking spaces in front of specific properties and any ordinances of this nature adopted in the future.

§ 1-8. Changes in previously adopted ordinances.

- A. In preparing the revision and codification of the Borough's ordinances pursuant to N.J.S.A. 40:49-4, certain minor grammatical and nonsubstantive changes were made in one or more of said ordinances. It is the intention of the Mayor and Council that all such changes be adopted as part of the Code as if the ordinances so changed had been formally amended to read as such.
- B. In addition, the changes, amendments or revisions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this ordinance. (Chapter and section number references are to the ordinances as they have been renumbered and appear in the Code.)
- C. Throughout the Code:
 - (1) References to "Finance Officer" and "Treasurer" are amended to read "Chief Financial Officer."
 - (2) References to "Chairman" and "Chair" are amended to "Chairperson."
 - (3) References to "Superintendent of Public Works" are amended to "Director of Public Works."

(4) References to "Construction Code Official" and "Building Inspector" are amended to "Construction Official."

(5) References to "Plumbing Inspector" are amended to "Plumbing Subcode Official."

§ 1-9. Titles and headings; editor's notes.

- A. Chapter and article titles, headings and titles of sections and other divisions of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.
- B. Editor's notes indicating sources of sections, giving other information or referring to the statutes or to other parts of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.

§ 1-10. Altering or tampering with Code; violations and penalties.

It shall be unlawful for anyone to change, alter or tamper with the Code in any manner which will cause the laws of the Borough of Sea Bright to be misrepresented thereby. Anyone violating this section shall be subject, upon conviction, to one or more of the following penalties: a fine of not more than \$2,000, imprisonment for not more than 90 days or a period of community service not exceeding 90 days, in the discretion of the Judge imposing the same.

§ 1-11. When effective.

This ordinance shall take effect immediately upon final passage and publication as provided by 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 November 17, 2020 and will be further considered after a Public Hearing to be held remotely on December 15, 2020 at 7:00 pm.

INTRODUCED: November 17, 2020

PUBLIC HEARING: December 15, 2020

ADOPTED:

Witness

BOROUGH OF SEA BRIGHT,

CHRISTINE PFEIFFER, CLERK

BRIAN KELLY, MAYOR

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

00218	ALICE'S KITCHEN		
	20-01412 12/08/20 PUBLIC EVENTS	Open	300.00
02113	AMERICAN WATER		
	20-01374 12/01/20 SEWER	Open	331.58
01241	BAIN'S HARDWARE, INC.		
	20-01393 12/04/20 HARDWARE	Open	157.89
01957	BENEMAX BENEFIT MANAGEMENT CO.		
	20-01385 12/04/20 HEALTH INS	Open	672.00
01631	BOROUGH OF OCEANPORT		
	20-01376 12/02/20 COURT	Open	6,500.00
01974	BOROUGH OF SEA BRIGHT COURT		
	20-01396 12/08/20 COURT	Open	240.54
2680	CINTAS		
	20-01364 12/01/20 BEACH-MATERIALS & SUPPLY	Open	73.72
	20-01365 12/01/20 BULD. & GRDS.-MATERIALS & SUP	Open	129.41

			203.13
2555	CJM ASSOC. OF SEA BRIGHT		
	20-01379 12/02/20 LEASE	Open	500.00
00256	CLEARY, GIACOBBE, ALFIERI &		
	20-01391 12/04/20 LEGAL	Open	510.40
01493	COOPERATIVE INDUSTRIES, L.L.C.		
	20-01373 12/01/20 NATURAL GAS	Open	205.44
2528	DCH FORD		
	20-01356 11/17/20 STREETS- VEHICLE MAINT.	Open	61.74
2655	DE SESA ENGINEERING CO.		
	20-01363 11/30/20 BUILDINGS & GROUNDS	Open	632.00
2286	DIFRANCESCO, BATEMAN, KUNZMAN		
	20-01370 12/01/20 LEGAL	Open	5,010.00
2540	DOG WASTE DEPOT		
	20-01355 11/17/20 STREETS- MATERIALS & SUPPLIES	Open	1,655.06
2587	EASTERN JANITORIAL CO.		
	20-01366 12/01/20 STREETS & ROADS- MAT. & SUPP.	Open	1,599.40
2631	ECO-CLEAN		
	20-01368 12/01/20 STREETS & RDS. MAINT. OF OTHER	Open	3,000.00
00711	FOLEY/CAT, INC.		
	20-01144 09/30/20 DPW	Open	2,297.58
	20-01352 11/17/20 DPW:VEHICLE MAINTENANCE	Open	1,156.46

			3,454.04
00257	FOSTER AND COMPANY, INC.		
	20-01105 09/21/20 DPW	Open	794.82
2406	FP MAILING SOLUTIONS		
	20-01424 12/09/20 POSTAGE METER	Open	126.00
00575	GALLS, INC.		
	20-01190 10/14/20 POLICE	Open	454.71
02101	GANNETT NJ		
	20-01372 12/01/20 CLERK	Open	36.00
	20-01429 12/10/20 CLERK	Open	83.70
	20-01430 12/10/20 PLAN. BRD	Open	153.90

			273.60
02181	GATEWAY PRESS		
	20-01175 10/07/20 POLICE	Open	176.00

02219	GOODYEAR AUTO CENTER 20-01354 11/17/20 POLICE:VEH. MAINTENANCE	Open	288.00
2281	GRAINGER 20-01249 10/27/20 POLICE	Open	242.00
2710	HOLMDEL TOWNSHIP 20-01377 12/02/20 FISCAL OFFICER	Open	3,312.50
2561	INTRON TECHNOLOGY SOLUTIONS 20-01444 12/11/20 TECH	Open	3,011.26
2573	JCP & L 20-01415 12/09/20 ELECTRIC	Open	6,314.40
00297	JESSE A. HOWLAND & SONS, INC. 20-01378 12/02/20 LEASE	Open	1,705.00
01784	JUNGLE LASERS, LLC 20-01431 12/10/20 BLDG DEPT	Open	420.00
2442	KINTECH, INC. 20-01433 12/10/20 TAX COLLECTOR	Open	337.61
2678	LANDMARK SUPPLY, INC. 20-01401 12/08/20 BLDGS. & GRDS. - MAT. & SUPPL.	Open	1,020.66
00108	LEON S. AVAKIAN, INC. 20-01383 12/02/20 ENGINEER	Open	12,716.25
2708	LETIZIA M.D., MATTHEW 20-01445 12/11/20 BEACH	Open	240.00
01801	MASER CONSULTING, P.A. 20-01381 12/02/20 ENGINEER	Open	1,630.00
2278	MCLAUGHLIN, STAUFFER & SHAKLEE 20-01384 12/04/20 LEGAL	Open	5,215.81
2724	MIDDLETOWN TRAILER SUPPLY 20-01388 12/04/20 STREETS & RDS.-DPW WRK EQUIP.	Open	6,140.00
02229	MONMOUTH COUNTY PUBLIC WORKS 20-01426 12/10/20 FIRE	Open	238.21
02045	MONMOUTH COUNTY SPCA 20-01436 12/10/20 ANIMAL CONTROL 20-01446 12/11/20 ANIMAL CONTROL	Open Open	316.00 215.00
			----- 531.00
01397	MURPHY, CHARLES 20-01435 12/10/20 POLICE	Open	913.00
00339	NAPA AUTO PARTS CENTER 20-01313 11/09/20 STREETS & ROADS	Open	100.15
01399	NEW JERSEY AMERICAN WATER 20-01375 12/01/20 WATER	Open	3,970.15
00113	NJ NATURAL GAS COMPANY 20-01371 12/01/20 NATURAL GAS	Open	1,390.40
00894	NOLZE GARAGE DOOR, LLC 20-01390 12/04/20	Open	250.00
01309	OCEANPORT BOARD OF EDUCATION 20-00807 07/15/20 SCHOOL TAX	Open	52,042.00
00046	ONE CALL CONCEPTS, INC. 20-01437 12/10/20 SEWER	Open	72.93
01737	PENGUIN MANAGEMENT, INC. 20-01419 12/09/20 FIRE DEPT	Open	1,074.00

2525	POOR JOHNS PORTABLE TOILETS		
	20-01319 11/09/20 BEACH	Open	2,516.00
	20-01413 12/08/20 BLDGS & GRDS	Open	2,301.00

			4,817.00
00164	RAIN, WILLIAM		
	20-01398 12/08/20 HEALTH INS.	Open	144.60
02141	RELIANCE GRAPHICS, INC.		
	20-01380 12/02/20 ELECTION	Open	764.00
00026	ROWAN'S GAS APPLIANCE		
	20-01369 12/01/20 A&E	Open	5,000.00
2627	SCHINDLER ELEVATOR CORP.		
	20-01441 12/10/20 MUNICIPAL COMPLEX	Open	3,844.17
00408	SCHWAAB, INC.		
	19-00345 03/20/19 PLANNING BOARD	Open	156.24
01554	SEA BRIGHT SERVICE CENTER		
	20-01292 11/03/20 DPW-VEHICLE MAINTENANCE	Open	145.85
00985	SEABOARD FIRE/SAFETY EQUIP CO.		
	20-01417 12/09/20 POLICE	Open	104.00
00027	SEABOARD WELDING SUPPLY, INC.		
	20-01425 12/10/20 DPW	Open	14.50
00053	SHORE REGIONAL HIGH SCHOOL		
	20-00809 07/15/20 SCHOOL TAX	Open	193,570.00
2535	SUBURBAN DISPOSAL, INC.		
	20-01420 12/09/20 LANDFILL	Open	8,072.75
	20-01421 12/09/20 TRASH	Open	21,069.24

			29,141.99
00973	THE TWO RIVER TIMES		
	20-01438 12/10/20 LIBRARY	Open	30.00
2438	THOMAS, SHAWN		
	20-01357 11/17/20 STREETS & ROADS	Open	48.94
	20-01358 11/17/20 STREETS & ROADS	Open	21.27

			70.21
2711	TRAFFIC PLAN		
	20-01360 11/17/20 STREETS	Open	3,956.00
2726	TREASURER, COUNTY OF MONMOUTH		
	20-01427 12/10/20 FLOOD WARNING	Open	1,500.00
2487	UNIMAK, LLC		
	20-01449 12/11/20 MUNICIPAL COMPLEX	Open	29,966.73
01747	UNIVERSAL COMPUTING		
	20-01308 11/09/20 COURT	Open	288.20
2658	VERIZON		
	20-01422 12/09/20 PHONE	Open	225.34
	20-01423 12/09/20 SEWER	Open	513.36

			738.70
02061	VERIZON WIRELESS		
	20-01439 12/10/20 POLICE	Open	1,149.13
01164	WATCHUNG SPRING WATER CO, INC.		
	20-01440 12/10/20 WATER	Open	252.60
01063	WEST MARINE		
	20-01442 12/10/20 FIRE	Open	506.58
	20-01443 12/11/20 BEACH	Open	280.10

			786.68
0077	WEX BANK		
	20-01394 12/07/20 GASOLINE	Open	4,460.98

TOTAL: \$411,105.26

Manual Checks:

12/9/2020 20-01418	AMCK, LLC/Constantina Katechis Return of Cash Maintenance Bond and Escrow Funds	\$3,959.75
12/8/2020 20-01397	David Hoder Associates Plan. Brd:Engineer-Review & Inspctns/Escrow Accts.	\$3,190.00
12/10/2020 20-01428	Gannet NJ Plan Brd:Legal Ad/Escrow Acct.	\$16.20
12/2/2020 20-01382	Leon S. Avakian, Inc. Engineer:Plot Plan/Escrow Accts.	\$655.00
12/9/2020 20-01416	McKenna,Dupont, Higgins & Stone Plan.Brd:Legal Revie/Escrow Acct.	\$400.00
12/4/2020 20-01392	NJ Dept. Of Health Monthly Dog License Report	\$4.20
12/8/2020 20-01395	NJ Dept. of Transportation Highway Occupancy Application	\$395.00
12/10/2020 20-01434	Treasurer, State of New Jersey Clerk:Notary Public Renewal	\$30.00

TOTAL: \$ 8,650.15

GRAND TOTAL: \$419,755.41

RESOLUTION No. 190-2020
Authorize Issuance of a "New" Liquor License
For the 2019/2020 License Term
S. Kelly Corporation – The Mad Hatter

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

WHEREAS, pursuant to N.J.S.A. 33:1-12.18, a Verified Petition was submitted to the Division of Alcoholic Beverage Control of the State of New Jersey by S. Kelly Corporation (License No.1343-33-011-007), for a special ruling to authorize the issuance of a "new" license based upon failure to renew due to circumstances beyond licensee's control or other extraordinary circumstances; and

WHEREAS, in connection therewith, the owner of said license filed the 12-page application, received tax clearance and has paid all the required Plenary Retail Consumption License fees for the 2019-2020 license term; and

WHEREAS, this licensee has also requested relief pursuant to N.J.S.A. 33:1-12.39 to allow for the renewal of an inactive license for the 2019-2020, 2020-2021 and 2021-2022 license term(s); and

WHEREAS, on November 6, 2020, the Borough of Sea Bright received a copy of the ruling from the Acting Director, Department of Law and Public Safety, Division of Alcoholic Beverage Control granting the relief sought in the Verified Petition allowing the 2019-2020 license term to be considered for a new license and granting relief for inactive status for the license terms 2019-2020, 2020-2021 and 2021-2022; and

WHEREAS, it is within the purview of the local issuing authority to either grant or deny said application for a "new" license in the reasonable exercise of its discretion; and

WHEREAS, the Governing Body has considered the foregoing.

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 following Class C Plenary Retail Consumption License be issued for the 2019-2020 license term pursuant to the special rulings granted by the Acting Director, Department of Law and Public Safety, Division of Alcoholic Beverage Control:

License No. 1343-33-011-007
Licensee: S. Kelly Corporation t/a The Mad Hatter
Borough of Sea Bright, Monmouth County, New Jersey
Status: Inactive

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

1. Division of Alcoholic Beverage Control
2. Department of Police
3. S. Kelly Corporation

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

December 15, 2020

CERTIFICATION

I, Christine Pfeiffer, do hereby certify that this is a true copy of a resolution approved by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, at a Council Meeting held on December 15, 2020.

Christine Pfeiffer, Borough Clerk

RESOLUTION No. 191-2020
2020/2021 Annual Renewal Liquor License
S. Kelly Corporation

Councilmember _____ introduced and offered the following resolution for its adoption;
seconded by Councilmember _____ :

WHEREAS, pursuant to N.J.S.A. 33:1-12.39, an application was made to the Division of Alcoholic Beverage Control of the State of New Jersey by S. Kelly Corporation d/b/a/ The Mad hatter for a special ruling to permit the renewal of inactive license No.1343-33-011-007; and

WHEREAS, in connection therewith, the owner of said license filed the necessary annual renewal application for a Class C License, received tax clearance and has paid all the required fees to renew their 2020-2021 Plenary Retail Consumption License; and

WHEREAS, on November 6, 2020, the Borough of Sea Bright received a copy of a letter from the Division of Alcoholic Beverage Control signed by James B. Graziano, Acting Director of the Department of Law and Public Safety, enclosing a Special Ruling permitting the filing and consideration of a annual renewal application for the above referenced inactive license for the 2019-2020, 2020-2021 and 2021-2022 license terms. This Ruling merely determined that good cause exists for the issuing authority to consider the application for renewal; and

WHEREAS, it is within the purview of the local issuing authority to either grant or deny an application for renewal in the reasonable exercise of its discretion; and

WHEREAS, the Governing Body has considered the foregoing.

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 following Class C Plenary Retail Consumption License be renewed for a one-year license term, 2020-2021 as follows:

License No. 1343-33-011-007
Licensee: S. Kelly Corporation
Borough of Sea Bright, Monmouth County, New Jersey
Status: Inactive

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

1. Division of Alcoholic Beverage Control
2. Department of Police
3. S. Kelly Corporation

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

December 15, 2020

CERTIFICATION

I, Christine Pfeiffer, do hereby certify that this is a true copy of a resolution approved by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, at a Council Meeting held on December 15, 2020.

Christine Pfeiffer, Borough Clerk