

**MINUTES
SPECIAL MEETING
BOROUGH OF SEA BRIGHT**

July 30, 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/486066285>

DIAL-IN

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

United States: 571-317-3117

Access Code: 486-066-285

Mayor Kelly called the meeting to order at 8:30 a.m. and requested those present to join in the Pledge of Allegiance.

Mayor Kelly read the following Compliance Statement:

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

48 Hour Notice Requirement:

Good Morning 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 the 48-hour notice requirement for this meeting has been met. A copy of the agenda was sent to the Asbury Park Press and other local newspapers on July 27, 2020 and posted on the bulletin board in the Borough office. This meeting is open to the public.

PRESENT:

Mayor Brian P. Kelly

Councilmember's Kevin Birdsall, Samuel A. Catalano

William J. Keeler, Marc A. Leckstein, Charles H. Rooney, Jon Schwartz

OTHERS:

Attorney Roger McLaughlin, Administrator Joseph L. Verruni,

Clerk Christine Pfeiffer

REMARKS FROM THE AUDIENCE: (limited to 3 minutes)

The Public Comment portion of this meeting allows members of the audience to bring their concerns or comments to the Mayor and Council's attention. Pursuant to Borough Ordinance 3-2011, a member of the public who wishes to speak shall give his/her name and address for the record and may have up to three minutes to state his/her comments to the Mayor and Council as a Body. If additional time or information is requested, an appointment can be made with the Administrator's office during regular business hours.

No one wished to be heard.

ORDINANCE(s):

Introduction: Mayor Kelly to read the ordinance by title:

BOND ORDINANCE 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.**

Councilmember Leckstein offered a motion to introduce Ordinance No. 06-2020 for a public hearing to be held on August 13, 2020 and advertise according to law; seconded by Councilmember Keeler:

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

BE IT ORDAINED, BY THE BOROUGH COUNCIL OF THE BOROUGH OF SEA BRIGHT, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1:

The improvements described in Section 3 of this bond ordinance (the "Improvements") are hereby authorized to be undertaken by the Borough of Sea Bright, New Jersey (the "Borough") as general improvements. For the said Improvement there is hereby appropriated the amount of \$600,000, such sum includes the sum of \$270,000 expected to be received as a grant from the New Jersey Department of Transportation Trust Fund. No down payment is required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the "Local Bond Law") as the purpose authorized herein involve a project funded by a State grant from the New Jersey Department of Transportation as permitted under N.J.S.A. 40A:2-11c.

SECTION 2:

In order to finance the cost of the Improvements, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$330,000 pursuant to the provisions of the Local Bond Law (the "Bonds"). In anticipation of the issuance of the Bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes of the Borough are hereby authorized to be issued in the principal amount not exceeding \$330,000 pursuant to the provisions of the Local Bond Law (the "Bond Anticipation Notes" or "Notes").

SECTION 3:

(a) The Improvements authorized and the purpose for the financing of which said obligations are to be issued is for various road improvements, including the reconstruction of Riverview Place, Shrewsbury Way, Henry Lane and River Way to include roadway reconstruction, curbing, drainage and other ancillary improvements, including all work and materials necessary therefor and incidental thereto, and as shown on and in accordance with the plans and specifications on file with the Borough Clerk.

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvements is \$330,000.

(c) The estimated cost of the Improvements is \$600,000 which amount represents the initial appropriation made by the Borough.

SECTION 4:

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Borough (the "Chief Financial Officer"); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of Section 8(a) of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the Borough Council of the Borough at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

SECTION 5:

The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Borough Clerk and is available for public inspection.

SECTION 6:

The following additional matters are hereby determined, declared, recited and stated:

(a) The Improvements described in Section 3 of this bond ordinance are not current expenses, and are capital improvements or properties that the Borough may lawfully make or acquire as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the Improvements, within the limitations of the Local Bond Law, and according to the reasonable life thereof computed from the date of the Bonds authorized by this bond ordinance, is 20 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Borough, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this bond ordinance by \$330,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$90,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

SECTION 7:

Any funds received from time to time by the Borough as contributions in aid of financing the purposes described in Section 3 of this Ordinance (funds are expected to be received from the Federal Emergency Management Agency) shall be used for financing said Improvements by application thereof either to direct payment of the cost of said Improvements or to the payment or reduction of the authorization of the obligations of the Borough authorized therefor by this Bond Ordinance. Any such funds received may, and all such funds so received which

are not required for direct payment of the cost of said Improvements shall, be held and applied by the Borough as funds applicable only to the payment of obligations of the Borough authorized by this Bond Ordinance.

SECTION 8:

The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

SECTION 9:

The Chief Financial Officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 10:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Borough reasonably expects to pay expenditures with respect to the Improvements prior to the date that Borough incurs debt obligations under this Bond Ordinance. The Borough reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Borough under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$330,000.

SECTION 11:

This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

I HEREBY CERTIFY this to be a true and correct Bond Ordinance No. 06-2020 of the Mayor and Borough Council of the Borough of Sea Bright, introduced on July 30, 2020 and will be further considered after a Public Hearing held on August 13, 2020 at a virtual meeting of the Borough Council at 8:30 am. Meeting access instructions will be published.

Introduction: Mayor Kelly to read the ordinance by title:

BOND ORDINANCE NO. 07-2020
BOROUGH OF SEA BRIGHT
AN ORDINANCE PROVIDING FUNDING FOR COVID RELATED EXPENSES FOR THE BOROUGH OF SEA BRIGHT AND APPROPRIATING \$100,000 FOR SUCH PURPOSE.

Councilmember Leckstein offered a motion to introduce Ordinance No. 07-2020 for a public hearing to be held on August 13, 2020 and advertise according to law; seconded by Councilmember Keeler:

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

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF SEA BRIGHT, IN THE COUNTY OF MONMOUTH AND STATE OF NEW JERSEY, AS FOLLOWS:

Section 1. The Borough of Sea Bright, in the County of Monmouth, New Jersey, authorizes COVID related expenses, including facility improvements, equipment and supplies to prepare for and respond to a pandemic for the Borough of Sea Bright, to be funded from the sources specified in Section 2 of the Ordinance.

Section 2. The amount of \$100,000 is hereby appropriated for the purposes stated in Section 1 of the Ordinance and which amount was funded from the CARES Act from the County of Monmouth,

Section 3. In connection with the purpose and the amount authorized in Sections 1 and 2 hereof, the Borough determines the purpose described in Section 1 hereof is not a Current Expense and is an improvement which the Borough of Sea Bright may lawfully make as a general improvement.

Section 4. All ordinances or parts of ordinances which are inconsistent with the terms of this Ordinance be and the same are hereby repealed to the extent of their inconsistency.

Section 5. This Ordinance shall take effect immediately upon due passage and publication according to law.

I HEREBY CERTIFY this to be a true and correct Bond Ordinance No. 07-2020 of the Mayor and Borough Council of the Borough of Sea Bright, introduced on July 30, 2020 and will be further considered after a Public Hearing held on August 13, 2020 at a virtual meeting of the Borough Council at 8:30 am. Meeting access instructions will be published.

DISCUSSION ITEM(s):

SUBJECT: Eliminating some parking along Ocean Avenue to assist businesses expanding into the roadway

ACTION: Mayor Kelly explained that we are looking for ways to maximize safety while expanding outdoor dining areas. The NJDOT has approved barricading portions of parking areas on Ocean Avenue and it is up to Council to determine what areas should be expanded. Councilman Rooney reported on the blocks that will be affected and said all the business owners have been contacted and are in agreement. There was a lengthy discussion about who will be paying for the barricades – the businesses or the Borough – both are eligible for reimbursement from COVID related funding and grants. Councilman Keeler requested we let the JIF know our plan so we are covered. Council agreed to move forward with the barricades but alert that the businesses utilizing them that they will be responsible for 50% of the cost.

RESOLUTION(s):

Res No. 140-2020 Authorizing the Borough to Obtain Jersey-Type Barriers to Allow For the Expansion of Outdoor Dining Areas

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

WHEREAS, the Borough of Sea Bright allows restaurants to utilize Borough property for outdoor dining; and

WHEREAS, due to the COVID-19 pandemic restrictions impacting indoor dining, restaurant owners are in need of expanding their outdoor dining areas; and

WHEREAS, the Borough is desirous of assisting restaurant owners and other local businesses through this challenging time; and

NOW, THEREFORE BE IT RESOLVED, the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey does hereby authorize the Borough Administrator to obtain Jersey-type barriers for placement along Ocean Avenue to allow for the expansion of outdoor dining areas while enhancing the safety of dining patrons and pedestrians; and

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

1. Finance Manager
2. Police Chief
3. Director of Public Works

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

**Subject to the Borough receiving 100% funding to cover the costs; if not, the businesses utilizing the barriers will be responsible to cover 50% of the costs.*

EXECUTIVE SESSION

Councilmember Leckstein offered a motion to enter in to Closed Session; seconded by Councilmember Birdsall:

WHEREAS, Section 8 of the Open Public Meeting Act, N.J.S.A. 10:4-12 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, it is recommended by the Borough Attorney and Administrator that the Borough Council go into executive session to discuss matters set forth hereinafter which are permissible for discussion in executive session.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, that they meet in closed session to discuss the issues as herein set forth:

1. The general nature of the subject matters to be discussed are as follows:

A. Personnel

BE IT FURTHER RESOLVED, minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes can be made public; and

BE IT FURTHER RESOLVED, that the Mayor and Council may come back into Regular Session to conduct additional business.

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

ADJOURNMENT:

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

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

Respectfully Submitted,

Christine Pfeiffer
Borough Clerk