

**MINUTES
REGULAR MEETING
BOROUGH OF SEA BRIGHT**

OCTOBER 20, 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/830954381>

DIAL-IN

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

United States: 646-749-3129

Access Code: 830-954-381

Mayor Kelly called the meeting to order at 7:00 p.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)

**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 7, 2019. In each instance, the Date, Time, And Location of
This Meeting Were Provided In The Notice. 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

Mayor Kelly asked that comments about Ordinance No. 10-2020 be held until the public hearing portion on the agenda.

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.

Desiree Pierce, 19 New Street, had questions regarding the proposed riverfront redevelopment - firetruck access, sewage maintenance, parking, and DOT allowance of building at the end of New Street. Mayor Kelly said he does not recall a discussion in the past about extending New Street to the river. Christine Cofone, Borough Planner, explained that these questions would be addressed at the site plan stage when it is before the Planning Board. Ms. Peirce asked for clarification on the height and placement of the structures and Ms. Cofone explained the height of all the buildings is approximately 42 feet and the only thing on top of the structure would be the elevator shaft. Ms. Cofone said the plan actually provides the public with more access to the river than exists now. Ms. Cofone responded that there will be off-street parking for the residential development and 11 spaces for public parking.

Mike Cobern, 1246 Ocean Avenue, expressed his support of the riverfront project. The area is in need of a facelift and the bulkhead needs repair to help with flooding and believes it will take our town to the next level.

Kate Leibfried, 10 New Street, questioned if there is a website for the project. Mayor Kelly explained that the project is listed on the Borough website: www.seabrightnj.org. She also expressed her concerns with the building height. Ms. Cofone repeated that the plan is very clear that the buildings can only be 42 feet high (with a flat roof) and only the elements listed in the plan i.e. elevator, cupolas, can go above the 42 feet.

Richard, 17 Church Street, explained that regarding the building height and renderings on the website it appears that there are several bulkheads and fixed pergolas on the roof which he thought those structures were only supposed to take up 50% of the roof area. Ms. Cofone clarified by explaining that it is only an artist rendering, not an engineered plan. He also is concerned about privacy and noise specifically in reference to the proposed pool and the location of the dumpsters. Ms. Cofone explained that these items will be addressed during site plan approval at the Planning Board.

Joe, Waterview Way, stated that he is in favor of the project and believes that bringing in construction will benefit our businesses and hopefully offset some loss that our businesses had due to COVID.

Kate Leibfried, 10 New Street, wants assurance that the developer will finish the project unlike what happened with the Mad Hatter building. Ms. Cofone stated that this is a viable area and the developer is very experienced and believes he will proceed with this project in its entirety.

Jack Gotti, 11 River Street, questioned if there will be a tax break for the affected residents during the construction and is the Borough going to fix the flooding problems on River Street. Mayor Kelly stated that there will not be a direct tax break but it will bring a lot of new ratables to the town. Another benefit is that the bulkhead will be replaced along with the check valves at the end of the streets. Mr. Gotti stated that nothing about the flooding issues have changed in 33 years – the issue is the water coming from the municipal parking lot and it has not been addressed by the Borough. Councilman Rooney stated that the water does run off our lot and there should be a pump station at the end of River Street and hopefully it will happen with this new development. Mr. Gotti fears the development will move forward without the flooding problems being addressed.

Gail Nachbaur, 10 Village Road, questioned what a “redevelopment area” means. Ms. Cofone explained that a redevelopment area is an area that supersedes the underlying zoning – this area is going from a BR (Business/ Residential) zone to a R(Residential) zone.

Desire Pierce, 19 New Street, is concerned about the number of units being built. Mayor Kelly explained that originally there were over 100 units proposed and now there are 44 units – each unit will have off-street parking and there will be some public parking. Councilman Rooney stated that this project is proposing 44 units on 3 acres of property and 1 acre will be for the residents of Sea Bright for a park – For reference Councilman Rooney stated that Sea Bright Village has 62 units on 3 acres.

CONSENT AGENDA

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

Minutes

10-06-2020 Regular Meeting

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

Resolutions:

No. 176-2020 Request for Proposals/Qualifications for Various 2021 Professional Services

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

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

Various Professional Services for the year 2021

WHEREAS, specifications for the aforesaid services will be on file and available in the Borough Clerk’s Office during regular business hours and on the Borough website: www.seabrightnj.org.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey does hereby authorize the Borough Clerk to advertise for proposals/qualifications for the aforesaid services as per the specifications on file to be received by the Borough Clerk, 1099 Ocean Avenue, Sea Bright, NJ 07760, no later than 12:00 noon on December 4, 2020 for Council consideration; and

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

- 1. Finance Manager
- 2. CFO

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

No. 177-2020 Authorizing Receipt of Bids for 2021 and 2022 Summer Businesses on the Sea Bright Municipal Beach

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

WHEREAS, the Borough Council is desirous of receiving bids for the following businesses to be held on the Municipal Beach for a one or two year lease during the summer of 2021/2022:

- 1) Skim Board Camp
- 2) Umbrella/Chair Rentals

WHEREAS, specifications for the aforesaid will be on file and available in the Borough Clerk’s Office during regular business hours and on the Borough website: www.seabrightnj.org.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey does hereby authorize the Borough Clerk to advertise for bids for the aforesaid items as per the specifications on file and will be received by the Borough Clerk, 1099 Ocean Avenue, Sea Bright, New Jersey on a date to be determined; and

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

- 1. Finance Manager
- 2. Beach Manager
- 3. CFO

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

No. 178-2020 Authorizing 2021 Beach Fee Schedule

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

WHEREAS, the Borough Council of the Borough of Sea Bright established by Ordinance of the Borough Code, Section 66-20.1. Fees. The fees and charges of the Municipal Beach Authority shall be established annually by resolution of the Governing Body, and

WHEREAS, the Borough Council have recommended the following beach fee schedule as follows:

2021 BEACH FEES (per person)	AMOUNT
SEASON BEACH BADGE (December 1-31, 2020)	\$ 50.00
SEASON BEACH BADGE (beginning January 1, 2021)	\$ 100.00
SEASON SENIOR 65+ BADGE	\$ 35.00
SEASON DISABLED BADGE	\$ 35.00
DAILY BEACH BADGE (May 29, 2021 - September 6, 2021)	\$ 8.00
CHILDREN UNDER THE AGE OF 12	FREE
ACTIVE MILITARY & FAMILY MEMBERS/PERSONNEL	FREE
BEACH LOCKERS: LARGE LOCKER	\$ 350.00
SMALL LOCKER	\$ 300.00

- **NO REPLACEMENT OR REFUND OF BEACH BADGES**
- **NO REFUND ON BEACH LOCKERS**

NOW, THEREFORE, BE IT RESOLVED that the 2021 Beach Fee Schedule is hereby authorized as indicated above.

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

- 1. Finance Manager
- 2. Beach Manager

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

No. 179-2020 Authorizing Transfer of Title Emergency Management Vehicle to Sea Bright Fire Department

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

WHEREAS, the Borough of Sea Bright Office of Emergency Management is in possession of a 1971 Green AMG Truck (VIN: O4K087710522628); and

WHEREAS, the Sea Bright Fire Department is desirous of receiving the above referenced vehicle to maintain and for use during high-water/flooding events; and

NOW, THEREFORE, IT BE RESOLVED by the Borough Council of the Borough of Sea Bright in the County of Monmouth, State of New Jersey that the transfer of the above-referenced vehicle to Sea Bright Fire Department is hereby approved; and

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

- 1. Sea Bright Office of Emergency Management
- 2. Borough Fire Chief
- 3. Monmouth County JIF Insurance Fund

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

No. 180-2020 Authorizing Refund for Junior Lifeguard Program Fee

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

WHEREAS, established in 2004, the Sea Bright Junior Lifeguard Program has provided a safe and fun way for children to learn about beach and ocean safety, improve upon their swimming abilities and develop high confidence levels in the surf and open water; and

WHEREAS, the Borough of Sea Bright received \$375.00 from Kathleen Hoeker as payment for her daughter to attend all three Junior Lifeguard sessions (\$125.00 each) during the 2020 summer season; and

WHEREAS, Beach Manager, Don Klein, requested that Kathleen Hoeker be refunded her payment of \$375.00 as her daughter participated as a volunteer instructor; and

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey hereby authorize refunding the \$375.00 Junior Lifeguard Registration fees for the 2020 summer season to Kathleen Hoeker of Colts Neck, New Jersey; and

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

1. Finance Manager
2. Beach Manager
3. K. Hoeker

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

No. 181-2020 Halloween Curfew Borough of Sea Bright

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

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

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

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

No. 182-2020 Refund of 2019 Tax Overpayment Block 4.03, Lot 35

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

WHEREAS, an overpayment was made by Pamela A. Jelinski for 2019 property taxes in the amount of \$999.48 for Block 4.03, Lot 35, 7 Sandpiper Lane; and

WHEREAS, the tax overpayment should be refunded to Pamela A. Jelinski; and

BLOCK	LOT	PAYER NAME	AMOUNT	REASON
4.03	35	Pamela A. Jelinski	\$999.48	Overpayment

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, that it does hereby authorize the Tax Collector and the Finance Manager to refund the said 2019 tax overpayment of \$999.48 to Pamela A. Jelinski, and

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

1. Tax Collector
2. Finance Manager
3. Pamela A. Jelinski

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

ORDINANCE(s):

Adoption: Mayor Kelly to read the ordinance by title:

ORDINANCE NO. 09-2020

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

**Monmouth County Planning Board Acknowledgement Received 9/21/2020
Sea Bright Planning Board Acknowledgement Received 10/16/2020
Public Hearing was held October 6, 2020**

Councilman Keeler stated that we received several recommendations from the Planning Board and wants to incorporate them into the ordinance prior to tonight’s adoption. Councilman Leckstein recommends adopting the ordinance tonight and amending the ordinance to include the Planning Board’s recommendations at the next meeting.

Councilmember Leckstein offered a motion to adopt Ordinance No. 09-2020 and advertise according to law; seconded by Councilmember Schwartz:

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

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

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

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

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

SECTION ONE.

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

"§ 130-59H Bulkhead maintenance.

(1) Maintenance and duty to repair.

- A. The owner of any property upon which any bulkhead has been or will be constructed hereafter along any navigable waters within the Borough shall keep and maintain the same in such a state of repair so that it shall not pose a danger to the public health, safety and welfare or to the public use of navigable waterways.
- B. All bulkheads shall be kept in a state of repair which will prevent erosion or damage to abutting, adjoining, or adjacent properties or to the navigable waterway on which it fronts.
- C. The owner of any such property shall make necessary repairs and maintain the bulkhead, including but not limited to, filling in of land around and about the same to the grade above mean high tide as established in that area so as to prevent tidal erosion and damage thereto.
- D. Indications that a bulkhead has deteriorated shall include but shall not be not limited to:
 - i. Members which are bowed, bent, leaning or leaking;
 - ii. Holes in the sheet piles;
 - iii. Settlement or sinkholes in the ground landward of the bulkhead;
 - iv. Bulkhead backfill deposited in the lagoon seaward of the bulkhead; and
 - v. Any other indications that it is structurally unsafe or unsound.
- E. Whenever a bulkhead has deteriorated to such a degree that it poses a danger to the property or to abutting, adjacent, or adjoining properties, or to the navigable waterway on which it fronts, the owner shall be required to make necessary repairs to correct such conditions.

(2) Inspection by Borough Engineer.

- A. It shall be the duty of the Borough Engineer, from time to time, to inspect all waterfront bulkheads in the Borough and to report to the Council and notify the owners and occupants of the property on which the bulkhead is located of the existence of any dangerous or defective condition therein; thereafter, it shall be the duty of the owner of said property to replace, remedy or repair any such dangerous and defective condition.
- B. When notified by the Borough Engineer of a defective or deteriorated bulkhead, the property owner shall submit a plan of corrective action to the Borough Engineer no later than 30 days from the receipt of the notice.
- C. Upon approval of the plan of corrective action, the property owner shall complete all necessary repairs within sixty (60) days.
- D. If permits are required from state or federal government agencies, such permits shall be immediately applied for, prior to Township approval. In the event the property owner
- E. fails to submit a corrective action plan or fails to implement such plan following approval by the Township, he shall be liable for the penalties and violations contained herein.
- F. Upon the neglect or failure of any such owner to repair or remedy such dangerous or defective condition within a reasonable time to be determined by the Borough Engineer, the Borough Engineer shall give written notice of the work required to be done to the owner or owners of such lands by mail, if their address be known, or if not known, then by posting such notice upon the property affected thereby, or by leaving the same with any occupant thereof; or by personal service, if the owner be a resident of and present within the Borough.
- G. Such notice shall provide for allowing the owner sixty (60) days' within which to perform the work thereby required. In the event that the owner is required to obtain a permit or approval from the New Jersey Department of Environmental Protection (NJ DEP), the owner must provide proof within the sixty-day period that such permit or approval is required and that the appropriate permit has been applied for. The owner must further provide documentation to the Borough that any required permits are being diligently pursued. Failure to complete the required repairs within thirty (30) days after receipt of the appropriate permit from the NJ DEP shall constitute a violation of this article.

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

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

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

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

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

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

SECTION FOUR. This Ordinance shall take effect upon its passage and publication according to law.

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

ORDINANCE NO. 10-2020
BOROUGH OF SEA BRIGHT

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

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

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

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

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

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

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

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

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

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

"CHAPTER 131. SHREWSBURY RIVER PROPERTIES REDEVELOPMENT AREA".

§ 131-1. PURPOSE

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

§ 131-2. Adoption of redevelopment plan.

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

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

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

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

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

§ 131-5. Amendment to Zoning Map.

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

§ 131-6. Amendments to redevelopment plan.

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

§ 131-7. Designation of redevelopment entity.

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

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

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

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

Section 5. This Ordinance shall become effective upon its passage and publication according to law, and upon filing of a certified copy thereof with the Monmouth County Planning Board.

**Monmouth County Planning Board Acknowledgement Received 10/13/2020
Sea Bright Planning Board Acknowledgement Received 10/16/2020**

Councilman Birdsall stated that he has no issues with this project but wanted to put on the record that the project originally started due to the negligence and disrepair of a number of houses as a result of Sandy that all had different owners. By declaring this a redevelopment zone it would allow the Borough to set guidelines for what they wanted to see happen to this area as a whole. Since that initial process has started all the properties are now owned by a single entity thus negating the need for a redevelopment zone. Councilman Birdsall feels, as a town we only did the minimum requirements to notify the affected residents who were at the time distracted by COVID and dealing with the pandemic, we should not be rushing this project. Councilman Birdsall explained that the Mayor stated that we will be getting a continuous bulkhead which is only half true – we just adopted Ordinance 09-2020 which requires bulkhead maintenance by the property owner in a timely manner – which means we can get this project done without this redevelopment. There are more negatives to this project, additional vehicles, building height issues, etc. than benefits. These units will create an imposing wall of units along the riverfront and feels if this development was proposed in the north or south ends of the Borough, other Councilmembers would be opposed. Councilman Birdsall thanked everyone for their time.

Councilmember Leckstein offered a motion to open the public hearing on Ordinance No. 10-2020; seconded by Councilmember Catalano:

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

Public Hearing (Ord. No. 10-2020)

Desire Pierce, 19 New Street, thinks it would be a good idea to have a community meeting.

Kate Leibfried, 10 New Street, supports Councilman Birdsall’s comments - we have been distracted by COVID and believes that a broader discussion would be beneficial. Ms. Leibfried reiterated her concerns about the height and access to the river.

Dina Long, 20 New Street, expressed her disappointed in the Council’s decision to move forward with the redevelopment plan and refusing to take neighborhood concerns into account even though the developer was willing to listen. Ms. Long stated for the record two objections: first, the process - the plans have been around for a long time but the details have not. The only public meeting in 2019 was a town hall meeting which was followed by the concept posters that were put on display in the old Borough Hall. In 2020, town hall operations have moved to a new building that is not

open to the public because of the pandemic. The only public notice that was sent out since 2019 was the one required by the Planning Board for their July meeting to discuss this concept plan. This is a pandemic during extraordinary times and no extraordinary measures have been taken to inform the residents. Borough Hall has been closed since March and there has been no opportunity for the residents to come in and see the actual plans with real numbers. From a Planning Board meeting, held on the computer in July with no specifics to a finished redevelopment plan ordinance introduction in October - Ms. Long said she objects to such a process. Secondly, Ms. Long reiterated her position that this plan in its current form is not consistent of the character of the downtown village of Sea Bright and pointed out that with the adoption of a new bulkhead ordinance, a property owner will now be required to maintain their bulkheads - we do not need overdevelopment to get a new bulkhead. Ms. Long said she believes Council is underestimating how the businesses will hurt by adding that many cars to such a small area resulting in a lack of available parking. Ms. Long suggested considering the impact of fire suppression on 52-foot structures and asked Council to seriously consider mandating an owner-occupied percentage for the new units in the redevelopment zone to prevent the unintended consequence that is going to result on side streets of investor owned properties - meaning rentals.

Erwin Bieber, 12 Tradewinds Lane, stated that he personally attended a numerous amount of meetings pre-COVID to learn more about the redevelopment project and since the virtual meetings began there has been quite a lot of detail provided on this project. Mr. Bieber thanked the Developer, the Council, and the Planning Board for all the details that have been provided. Mr. Bieber stated that overall, the benefits significantly outweigh the negatives - we are converting an area that is an eyesore to something we all should be very proud of and the bulkhead improvement will be help protect everyone in the town. The project will create a beautiful space and residents will be able to enjoy the area and have the potential to significantly increase tax revenue. This will be helpful to the merchants in our town during the offseason when they tend to struggle without the summer crowds. Mr. Bieber does not believe that the additional volume of cars and traffic will be significant and thinks that the traffic patterns that are proposed will alleviate traffic flow. If the builder works consistently with the plans proposed it will result in an overall benefit to the town. Mr. Bieber questioned if there have been any significant changes that would cause such an uproar this late in the game from the community because he has not seen any changes. Borough Planner, Christine Cofone, stated that there have not been any significant changes to the proposed plans. Mr. Bieber added the plan must be economically viable to the planner and beneficial to the town.

Drew Miller, 16 Church Street, appreciates everyone's perspective but thinks there is a lot of issues and is in favor of an outdoor public hearing similar to after Superstorm Sandy in the bleachers at Rumson High School. The virtual meetings make it difficult for the residents to be heard effectively and Mr. Miller feels strongly that the town needs to air their concerns at an outdoor public hearing.

Gerry Dewitt, 8 Church Street, just moved into Sea Bright and said during his investigation of Sea Bright he never saw anything about this project on the website - he heard about it when he received a letter in his mailbox urging him to attend the meeting. Mayor Kelly explained that this project has been public for a while and is sorry he did not know about the project.

Bill O'Mara, 6 Front Street, explained that his property will be the most affected by this project, hears the concerns from the surrounding residents, but overall believes it is in the best interest of everyone involved to move forward with this project.

Chris Doxey, 9 Church Street, stated that the project will be right at the end of her street and thinks that there are more positives than negatives. She is in favor of the redevelopment, attended the meetings and viewed the sketches and renderings at Borough Hall. Additionally, she requested a copy of the redevelopment plan and received one in color from Borough Hall. Ms. Doxey feels that there were many opportunities for people to get involved and it doesn't seem like anyone did it. This project has been around for years and we need to get on with it.

Trip Brooks, Developer, stated that he is the Master Developer of the project and feels it is important to speak on the plans. The property was purchased over 50 years ago by Mike Stavola and this project was primarily generated by his son and grandson and reflects the families ongoing commitment to the Borough. Mr. Brooks said he got involved in 2017 to help with the concept of the project, work with the DEP to find a solution to benefit both the community and the developer. During the past three years he has worked closely with the town to accommodate the community's needs - they downsized the project, moved it further north, put the single family houses on the southern end, proposed green space off Beach Street, and redesigned the "modern look" to more of a "beach look". In the public park area, there will be a 900-foot walkway, a dog park, public parking, a fish cleaning station, and a kayak launch. There will also be seven affordable housing units. The tax revenue in the area will increase from \$90,000 to \$500,000. Our engineers have been working on the storm water system to come up with a solution prior to going to the Planning Board. As the Developer, he wanted to express that he has tried to understand the issues surrounding the stormwater system, the use of the riverfront, etc. and make it financially viable for the developer and the community. Mr. Brooks said he and the property owners remain committed to Sea Bright and cannot wait to get busy and make this a reality.

Leslie Johnson, 15 River Street, expressed her concerns with the number of units and South Street becoming a one-way street. Ms. Johnson doesn't believe that we should rush the project since it has been in the works since the 1970's and now that it is considered a redevelopment zone it is getting pushed along faster. She has looked at these buildings her entire life and is in no rush to see something get done – she wants it done correctly and wants it to fit with our town and attract year-round residents. Ms. Johnson said she lives next to the sewer plant and wants to make sure we have adequate infrastructure and looks forward to seeing more meetings in the future.

Rob Long, 20 New Street, thanked Council for the opportunity to speak and for all they do for our town. From a process standpoint, the last time we spoke about this project in this way was at a town hall meeting. His expectation was that we would be seeing final plans in another town hall setting. He is encouraged by the Developer and is hopeful that he will listen to the residents who are most impacted by the project. Mr. Long said his fear is that the line-up of the houses along the riverfront will create a wall. He believes that there are many positives of the proposed project and it is not a matter of stopping it but instead would like to see some final changes either at the Council lever or the Planning Board level.

Steve Gardella, Ocean Avenue, stated that allowing the maximum height of 45-50 feet is not setting a good precedent in town because what is going to stop other property owners such as himself from wanting to redevelop his building up to 50 feet - he doesn't want it to get out of control. He is also concerned about losing the employee parking since right now we are fortunate to be renting the lot at the end of Church Street which is part of the project zone.

Richard, 17 Church Street, questioned if the public was ever presented renderings of what is allowed by as of rights and an explanation as to why that is not a financially viable option. Richard stated that the comments about the lots being an eyesore is dependent on your perspective - he is going from having views of the river to views of condos, houses, parking, and a pool. He is sacrificing a lot and is not seeing the gain of this project. Ms. Cofone explained that there is no such thing as precedent when you go to the Planning Board so there should be no concerns about that – also, you are not entitled to a view of the river over someone else's property unless you have an easement.

Chris Doxey, 9 Church Street, questioned if Church Street would become strictly residential – Councilman Birdsall explained that this zone change would be only for the redevelopment zone properties.

Lou Raffetto, 1136 Ocean Avenue, (comments were not audible)... we need to look at what is better for the town and not focus on the negatives. We have an opportunity to upgrade the riverfront and bring in tax revenue.

Heather Gorman, 13 New Street, explained that as a downtown resident we should all be aware that these comments and concerns will be addressed in the site plan stage at the Planning Board as Borough Planner, Christine Cofone, previously stated. Ms. Gorman thinks that based upon the downtown community's response they feel that they have not been heard enough and maybe there is a better way to communicate when the Planning Board meeting will be held. Councilman Leckstein explained that once this is brought to the Planning Board it will be required that everyone within 200 feet be noticed. Councilman Birdsall would like more than the residents within 200 feet to be noticed since this is going to affect more than the downtown residents – we need to go above and beyond with this notification process.

Councilmember Rooney offered a motion to close the public hearing on Ordinance No. 10-2020; seconded by Councilmember Leckstein:

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

Councilmember Leckstein offered a motion to adopt Ordinance No. 10-2020 and advertise according to law; seconded by Councilmember Schwartz:

Councilman Keeler explained that the comments were very good but what it comes down to is that most of these questions will be solved by the Planning Board. He is requesting that we carry this forward without approving it and have a discussion with the Planning Board to make sure we are on the same page. This project will have a major impact on residents in the downtown and is not comfortable with sending these unanswered questions to the Planning Board.

Councilman Rooney stated that when he was first on Council in 2014 this development was proposing over 100 units and now there will be 44 units. He feels confident about this project and assured everyone that "we" have done our homework. We have fixed our sunrises on the east side on sea wall and now we need to take care of our sunsets on the river. Councilman Rooney is looking forward to this project.

Roll Call: Birdsall, Catalano, Keeler, Leckstein, Rooney, Schwartz
No Yes No Yes Yes Yes

INDIVIDUAL ACTION/New Business:**Vouchers: \$772,921.25**

Councilmember Keeler offered a motion to approve the Voucher List dated October 20, 2020 as submitted by the Finance Manager; seconded by Councilmember Leckstein:

Roll Call:	Birdsall,	Catalano,	Keeler,	Leckstein,	Rooney,	Schwartz
	Yes	Yes	Yes	Yes	Yes	Yes
2703 ACTION UNIFORM CO. 20-01154 10/01/20 POLICE				Open	174.00	
01835 ALLEN, RANDALL 20-01212 10/16/20 BLDGS & GRDS				Open	30.00	
01241 BAIN'S HARDWARE, INC. 20-01223 10/16/20 HARDWARE				Open	459.14	
2717 BOROUGH OF ATLANTIC HIGHLANDS 20-01127 09/24/20 POLICE				Open	6,833.29	
01974 BOROUGH OF SEA BRIGHT COURT 20-01180 10/13/20 COURT				Open	162.19	
02115 C & L SWEEPER SERVICE 20-01115 09/22/20 DPW 20-01211 10/16/20 DPW				Open Open	353.00 3,177.00	
					----- 3,530.00	
2680 CINTAS 20-01101 09/17/20 BLDGS & GRDS 20-01107 09/21/20 BEACH 20-01108 09/21/20 BLDG & GRDS 20-01150 10/01/20 BLDGS & GRDS 20-01176 10/07/20 DPW				Open Open Open Open Open	138.37 151.76 279.81 235.50 264.10	
					----- 1,069.54	
00256 CLEARY, GIACOBBE, ALFIERI & 20-01192 10/14/20 LEGAL				Open	375.00	
01493 COOPERATIVE INDUSTRIES, L.L.C. 20-01198 10/14/20 NATURAL GAS				Open	402.95	
02101 GANNETT NJ 20-01204 10/15/20 CLERK				Open	19.35	
02181 GATEWAY PRESS 20-01179 10/07/20 PRINTING				Open	606.00	
01194 GLENCO SUPPLY, INC. 20-01147 09/30/20 DPW				Open	957.50	
2714 HERSHEY, JOEL 20-01088 09/15/20 A&E				Open	25.00	
2323 INTEGRATED SYSTEMS & SERVICES 20-01153 10/01/20 POLICE				Open	326.00	
2561 INTRON TECHNOLOGY SOLUTIONS 20-00317 03/03/20 FIRE DEPT. 20-01218 10/16/20 IT SERVICE 20-01219 10/16/20 COMPUTER & PHONE				Open Open Open	810.00 2,963.57 2,984.36	
					----- 6,757.93	
01526 JCP & L 20-01217 10/16/20 ELECTRIC				Open	3,925.82	
2719 JELINSKI, PAMELA 20-01220 10/16/20 TAXES				Open	999.48	
2475 KEMPTON FLAG 20-00931 08/10/20 BLDGS & GRDS				Open	726.00	
00015 LANIGAN ASSOCIATES, INC. 20-01155 10/01/20 POLICE				Open	518.00	
2417 MARLIN BUSINESS BANK 20-01222 10/16/20 A&E				Open	94.00	
2278 MCLAUGHLIN, STAUFFER & SHAKLEE 20-01181 10/13/20 LEGAL SERVICES				Open	4,989.40	
2619 MONMOUTH COUNTY U.S.L.A. 20-01183 10/13/20 BEACH				Open	1,225.00	
2382 MORGAN, MICHAEL 20-01182 10/13/20 POLICE				Open	185.57	
00067 MOTOROLA SOLUTIONS, INC. 20-01029 09/08/20 POLICE				Open	11,553.40	
01399 NEW JERSEY AMERICAN WATER 20-01205 10/15/20 WATER				Open	1,277.10	
00671 NJ DEPT OF COMMUNITY AFFAIRS 20-01216 10/16/20 BLDG. DEPT				Open	997.00	
00502 NJ STATE LEAGUE/MUNICIPALITIES 20-01224 10/16/20 A&E				Open	110.00	

00894	NOLZE GARAGE DOOR, LLC		
20-00910	08/03/20 BLDGS & GRDS	Open	190.00
2525	POOR JOHNS PORTABLE TOILETS		
20-01194	10/14/20 BEACH	Open	1,526.00
01554	SEA BRIGHT SERVICE CENTER		
20-01110	09/21/20 POLICE	Open	499.02
00027	SEABOARD WELDING SUPPLY, INC.		
20-01197	10/14/20 DPW	Open	14.50
01027	SHORE BUSINESS SOLUTIONS		
20-00479	04/20/20 POLICE	Open	126.00
20-01221	10/16/20 POLICE	Open	687.75

			813.75
2535	SUBURBAN DISPOSAL, INC.		
20-01200	10/14/20 LANDFILL	Open	8,207.54
20-01201	10/14/20 TRASH	Open	21,616.86
20-01202	10/14/20 DUMPSTERS	Open	2,877.83

			32,702.23
01285	THE HOME DEPOT		
20-01186	10/14/20 BLDGS & GRDS	Open	61.35
2698	THE PUBLIC SAFETY STORE, LLC		
20-00790	07/07/20 FIRE	Open	168.00
2711	TRAFFIC PLAN		
20-01177	10/07/20 DPW	Open	2,990.00
00223	TREASURER, COUNTY OF MONMOUTH		
20-01206	10/15/20 COUNTY TAX	Open	563,759.77
00523	TREASURER, COUNTY OF MONMOUTH		
20-01207	10/15/20 OPEN SPACE TAX	Open	66,481.84
00439	TREASURER, COUNTY OF MONMOUTH		
20-01208	10/15/20 LIBRARY TAX	Open	41,637.70
2291	VERIZON		
20-01213	10/16/20 FIOS	Open	184.65
02061	VERIZON WIRELESS		
20-01195	10/14/20 CELL SERVICE	Open	453.78
20-01196	10/14/20 FIRE DEPT	Open	536.18
20-01199	10/14/20 POLICE	Open	702.93

			1,692.89
01164	WATCHUNG SPRING WATER CO, INC.		
20-01214	10/16/20 WATER	Open	9.99
00077	WEX BANK		
20-01215	10/16/20 GASOLINE	Open	4,758.60

TOTAL: \$ 765,818.95

Manual Checks

10/16/2020	Bathgate, Wegener & Wolf	\$2,196.75
20-01210	Legal Services/Redevelopment/Escrow Accts.	
20-01203	David Hoder Associates	\$4,570.00
10/15/2020	Plan. Brd-Engineer Review & Inspctn./Escrow Accts.	
20-01185	Gannett NJ	\$35.55
10/14/2020	Plan Brd: Legal Ads-Review/Escrow Accts.	
20-01184	United States Postal Service	\$300.00
10/8/2020	3/Q Sewer Billing	

TOTAL: \$7,102.30

GRAND TOTAL: \$ 772,921.25

Councilman Schwartz commented that \$671,879.31 is going to the County so the next time we need sand we should ask them to pay for it.

DISCUSSION: Best Practices Inventory Results

Administrator Verruni reported Michael Bascom, CFO completed the best practices survey distributed by the Division of Local Government Services for the Borough of Sea Bright. Mr. Bascom provided the following summary for Mr. Verruni: the maximum score is 25 and Sea Bright scored 24. The only point we missed was that we do not have an official social media account. We did very well on the survey and will be receiving all our State Aid.

MAYOR AND COUNCIL COMMITTEE COMMENTS

Councilman Leckstein stated that what we did tonight is going to be good for the town and all the issues that the residents have can and will be addressed at the Planning Board during site plan review.

Councilman Rooney reported that within the next few weeks we have beach replenishment starting from Edgewater Beach Club to Center Street.

Councilman Keeler stated that the JIF sent out a memo requiring training that needs to be completed by the end of the year he will pass it out to all.

Councilman Schwartz reported that we ordered 5,000-7,000 plants to put on the dunes and is looking for some volunteers. He will post it on the website when they come in.

Mayor Kelly thanked everyone for joining the meeting tonight.

EXECUTIVE SESSION

Not held.

ADJOURNMENT

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

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

Respectfully Submitted,

Christine Pfeiffer
Borough Clerk