

**AGENDA
REGULAR MEETING
BOROUGH OF SEA BRIGHT**

April 6, 2021

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/474536861>

United States: +1 (312) 757-3121

Access Code: 474-536-861

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 4, 2021. In each instance, the Date, Time, And Location of This Meeting Were Provided in The Notice. This Meeting Is Open To The Public.”

ROLL CALL:

Councilmember(s)	BIRDSALL _____	BOOKER _____	CATALANO _____
	KEELER _____	LAMIA _____	LECKSTEIN _____
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 _____

Resolutions:

- No. 80-2021 2020 Recycling Tonnage Grant**
- No. 81-2021 Public Relations Advisory Committee Appointments**
- No. 82-2021 Recreation Committee Appointments**
- No. 83-2021 Hiring Part-Time Building Department Secretary**
- No. 84-2021 Hiring Volunteer Firefighters Borough of Sea Bright Fire Department**

No. 85-2021 Authorizing Agreement with JNM Holdings, Inc. for use of Parking Lot at 1139 Ocean Avenue – Block19, Lots 2 & 2.01 for the 2021 Summer Season

No. 86-2021 A Resolution Authorizing the Mayor to Sign an Agreement with Travelers Casualty and Surety Company of America And Unimak, LLC for Completion of Work at the New Beach Pavilion and for Travelers to Release of all Rights to Completion Funds of the Project

Roll Call: Birdsall___ Booker___ Catalano___ Keeler___ Lamia___ Leckstein ___

ORDINANCE(s):

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

**BOND ORDINANCE NO. 03-2021
BOND ORDINANCE AMENDING BOND ORDINANCE
NUMBER 12-2019 FINALLY ADOPTED BY THE BOROUGH
COUNCIL OF THE BOROUGH OF SEA BRIGHT, NEW JERSEY
ON JUNE 18, 2019**

Councilmember _____ offered a motion to open the public hearing on Ordinance No. 03-2021; seconded by Councilmember _____

Roll Call: Birdsall___ Booker___ Catalano___ Keeler___ Lamia___ Leckstein ___

Public Hearing (Ord. No. 03-2021)

Councilmember _____ offered a motion to close the public hearing on Ordinance No. 03-2021; seconded by Councilmember _____

Roll Call: Birdsall___ Booker___ Catalano___ Keeler___ Lamia___ Leckstein ___

Councilmember _____ offered a motion to adopt Ordinance No. 03-2021 and advertise according to law; seconded by Councilmember _____

Roll Call: Birdsall___ Booker___ Catalano___ Keeler___ Lamia___ Leckstein ___

INDIVIDUAL ACTION/New Business:

Vouchers: \$450,226.69

Councilmember _____ offered a motion to approve the Voucher List dated April 6, 2021 as submitted by the Finance Manager; seconded by Councilmember _____

Roll Call: Birdsall___ Booker___ Catalano___ Keeler___ Lamia___ Leckstein ___

MAYOR AND COUNCIL COMMITTEE COMMENTS

EXECUTIVE SESSION

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

Resolution to discuss: Potential Litigation

Roll Call: Birdsall____ Booker____ Catalano____ Keeler____ Lamia____ Leckstein ____

ADJOURNMENT

Councilmember _____ offered a motion to adjourn the meeting; seconded
by Councilmember _____

Roll Call: Birdsall____ Booker____ Catalano____ Keeler____ Lamia____ Leckstein ____

RESOLUTION NO. 80-2021
2020 Recycling Tonnage Grant

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

WHEREAS, the Mandatory Source Separation and Recycling Act P.L. 1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulation imposes on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for 2020 recycling tonnage grant will memorialize the commitment of this municipality to recycling and to indicate the assent of the Mayor and Council of the Borough of Sea Bright to the efforts undertaken by the municipality and the requirements contained in the recycling act and recycling regulations; and

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, that the Borough of Sea Bright hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Shawn Thomas, Recycling Coordinator to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

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

1. New Jersey Department of Environmental Protection
2. Department of Public Works

Roll Call: Birdsall, Booker, Catalano, Keeler, Lamia, Leckstein

April 6, 2021

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 April 6, 2021.

Christine Pfeiffer, Borough Clerk

RESOLUTION NO. 81-2021
PUBLIC RELATIONS COMMITTEE APPOINTMENTS

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

WHEREAS, pursuant to § 3-7 of the Borough Code, empowers the governing body to appoint community advisory committees to assist in those aspects of government that require community involvement; and

WHEREAS, community advisory committee members are appointed annually by the governing body at the Re-organization meeting in January for the upcoming year; and

WHEREAS, due to scheduling conflicts, a member appointed to the Public Relations Advisory Committee in January is unable to serve; and

WHEREAS, Councilman John M. Lamia, Council Liaison of the Public Relations Advisory Committee recommends appointing the following individual to the Committee to fill the vacated seat for the remainder of 2021 which concludes on December 31, 2021;

Joann Bieber

NOW THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, that the aforementioned individual is hereby appointed as member of the Public Relations Advisory Committee for 2021 and the composition of the committee for the remainder of the year will be as follows:

John M. Lamia, Jr. Liaison
Joann Bieber
Linda Blevins
Kristine Kelly
Adrianna Polony-Sands
Felecia Stratton
Marc A. Leckstein, Councilman

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

1. Committee Liaison, Councilman Lamia
2. Joann Bieber

Roll Call: Birdsall, Booker, Catalano, Keeler, Lamia, Leckstein

April 6, 2021

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 April 6, 2021.

Christine Pfeiffer, Borough Clerk

RESOLUTION NO. 82-2021
RECREATION COMMITTEE APPOINTMENTS

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

WHEREAS, pursuant to § 3-7 of the Borough Code, empowers the governing body to appoint community advisory committees to assist in those aspects of government that require community involvement; and

WHEREAS, community advisory committee members are appointed annually by the governing body at the Re-organization meeting in January for the upcoming year; and

WHEREAS, Councilman John M. Lamia, Council Liaison of the Recreation Committee recommends appointing the following individual to the Committee for the remainder of 2021 which concludes on December 31, 2021;

Susana Markson

NOW THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, that the aforementioned individual is hereby appointed as member of the Recreation Committee for 2021 and the composition of the committee for the remainder of the year will be as follows:

John M. Lamia, Jr. Liaison
Peggy Bills
Linda Blevins
Don Klein
Susana Markson
Felecia Stratton
Robert Long

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

1. Committee Liaison, Councilman Lamia
2. Susana Markson

Roll Call: Birdsall, Booker, Catalano, Keeler, Lamia, Leckstein

April 6, 2021

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 April 6, 2021.

Christine Pfeiffer, Borough Clerk

RESOLUTION NO. 83-2021
HIRING PART-TIME BUILDING DEPARTMENT SECRETARY

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

WHEREAS, there exists a need for a part-time employee in the Building Department in the Borough of Sea Bright; and

WHEREAS, it is in the best interest of the Borough to hire Nancy O'Neil to fill said position and to receive the hourly rate of pay as specified in Ordinance No. 22-2019.

<u>PART-TIME BUILDING DEPARTMENT SECRETARY</u>	<u>RATE</u>
Nancy O'Neil	\$25.00/hr

CERTIFICATION OF FUNDS

I, Michael J. Bascom, Chief Financial Officer, of the Borough of Sea Bright, do hereby certify that funds are available in Building - Salaries & Wages for the purposes stated herein.

MICHAEL J. BASCOM, CFO

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey that Nancy O'Neil be hired to fill the position of Part-Time Building Department Secretary at the rate of \$25.00 per hour; and

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

1. Building Department
2. Finance Manager
3. Nancy O'Neil

Roll Call: Birdsall, Booker, Catalano, Keeler, Lamia, Leckstein

April 6, 2021

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 April 6, 2021.

Christine Pfeiffer, Borough Clerk

RESOLUTION NO. 84-2021
HIRING VOLUNTEER FIREFIGHTERS
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 two applications and recommends hiring the following new members to serve as volunteer firefighters on the Sea Bright Fire/Rescue Department, as follows:

Full Membership

Daniel Carney

Seasonal Membership

Leticia Lacerda

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 individuals to serve as 2021 full time and seasonal members on the Sea Bright Fire Department; and

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

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

Roll Call: Birdsall, Booker, Catalano, Keeler, Lamia, Leckstein

April 6, 2021

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 April 6, 2021.

Christine Pfeiffer, Borough Clerk

RESOLUTION NO. 85-2021
**AUTHORIZING AGREEMENT WITH JNM HOLDINGS, INC. FOR USE
OF PARKING LOT AT 1139 OCEAN AVENUE – BLOCK19, LOTS 2 & 2.01
FOR THE 2021 SUMMER SEASON**

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

WHEREAS, the Borough of Sea Bright recognizes the need to increase parking within the Borough of Sea Bright during the summer season to better serve the needs and convenience of residents and the general public; and

WHEREAS, the Borough of Sea Bright and JNM Holdings, Inc. have agreed to use the premises known as 1139 Ocean Avenue (Block 19, Lots 2 & 2.01) for additional parking pursuant to Chapter 130- 49F, " Temporary Uses," of the Code of the Borough of Sea Bright; and

WHEREAS, the Borough Administrator negotiated an agreement with JNM Holdings, Inc., attached hereto, outlining the terms and conditions for the use of 1139 Ocean Avenue; and

WHEREAS, the Borough Administrator proposed that the fee to park in said lot should be \$20.00 per day and all vehicles must be removed from the lot by 8:00 am the following day or will be subject to towing; and

WHEREAS, the Borough Council of the Borough of Sea Bright wish to enter into such an agreement, effective immediately, for the operation of a temporary municipal parking lot at the rate of \$20.00/per day.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey that it does hereby authorize the Borough Administrator to execute an agreement with JNM Holdings, Inc. for the use of the parking lot at 1139 Ocean Avenue according to the terms and conditions in the attached agreement during the 2021 summer season; and

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

1. Finance Manager
2. Beach Manager
3. Borough Attorney
4. JNM Holdings, Inc.

Roll Call: Birdsall, Booker, Catalano, Keeler, Lamia, Leckstein

April 6, 2021

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 April 6, 2021.

Christine Pfeiffer, Borough Clerk

**PARKING LOT AGREEMENT
WITH JNM HOLDINGS, INC.
BLOCK 19, LOTS 2 & 2.01 – 1139 OCEAN AVENUE**

FOR CONSIDERATION MUTUALLY EXCHANGED between JNM Holdings, Inc., 95 Avenue of Two Rivers, Rumson, New Jersey and the Borough of Sea Bright, this Agreement is made on this ___ day of April, 2021.

WHEREAS, both parties previously entered into an Agreement March 16, 2020 for the premises known as land which is designated as a portion of Block 19, Lots 2 & 2.01 on the Tax Map of the Borough of Sea Bright, at 1139 Ocean Avenue for parking and both parties desire to renew the Agreement for the 2021 summer season.

BOTH PARTIES AGREE, as follows:

1. The Borough will staff and utilize the lots for paid parking.
2. The Borough will stripe and provide signage.
3. The Borough will provide additionally named insured language for insurance purposes.
4. The Borough will reserve 10 (ten) parking spots for Chapel Beach Club staff and/or patrons each day until 12:00 o'clock noon or until an agreed upon time of mutual consent.
5. The cost of agreed upon expenses will be shared by both parties.
6. The parties will split the net proceeds equally.
7. The Borough will also add to our final payment to JNM Holdings, Inc., an amount equal to three months taxes. As agreed, we will revisit this issue if more usage occurs.

IN WITNESS WHEREOF, the parties have executed this agreement on the day and year first above written.

JNM Holdings, Inc.

Borough of Sea Bright

By: _____
Stephen Cutler

By: _____
Joseph L. Verruni, Borough Administrator

RESOLUTION NO. 86-2021

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT WITH TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA AND UNIMAK, LLC FOR COMPLETION OF WORK AT THE NEW BEACH PAVILION AND FOR TRAVELERS TO RELEASE OF ALL RIGHTS TO COMPLETION FUNDS OF THE PROJECT

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

WHEREAS, the Borough of Sea Bright (Borough) entered into a contract for Kelso Construction Company, Inc. (Kelso) to construct a project known as the New Beach Pavilion; and

WHEREAS, Kelso defaulted on such project as they did not complete the work; and

WHEREAS, Municipal Mechanic Liens were filed by subcontractors and one such lien, by S&S Roofing, Inc., has become the subject of litigation; and

WHEREAS, Travelers has arranged with Unimak, LLC to complete work on the New Beach Pavilion project for a price of \$39,760.25; and

WHEREAS, after expenditure of same, remaining contract funds are present in the amount of \$60,883.04 ("Completion Funds"); and

WHEREAS, the Borough wishes to enter into an agreement with Travelers whereby the work defined on Exhibit A of said Agreement will be completed and Travelers will release all rights to Completion Funds; and

WHEREAS, Travelers will release the Borough from any other obligations, liabilities and/or claims of any type; and

WHEREAS, Travelers also agrees to satisfy or bond the Municipal Mechanics Liens filed in connection with the Project by any subcontractor and/or vendors retained by Kelso and that Travelers will defend, hold harmless and indemnify the Borough as to any suits or claims by lienholders that were subcontractors and/or vendors retained by Kelso.

NOW, THEREFORE, BE IT RESOLVED,

1. The Mayor is authorized to execute the Agreement in the form attached including the Exhibit A detailing the scope of work.
2. A certified copy of this Resolution be delivered
 - a. Travelers Casualty Insurance Company of America
 - b. Unimak, LLC
 - c. Borough Attorney

Roll Call: Birdsall, Booker, Catalano, Keeler, Lamia, Leckstein

April 6, 2021

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 April 6, 2021.

Christine Pfeiffer, Borough Clerk

EXHIBIT A

Re:

Surety: Travelers Casualty and Surety Company of America

Principal: Kelso Construction Company, Inc.

Obligee: The Borough of Sea Bright

Project: New Beach Pavilion

Performance Bond No. 032-SB-106619171

Dear:

Travelers Casualty and Surety Company of America ("Travelers" or "Surety") issued a Statutory Performance – Labor and Material Bond ("Performance Bond") in connection with the above referenced matter. After a relatively extensive investigation, it has decided to undertake completion of the remaining work ("Remaining Work") on the Project, i.e. New Beach Pavilion, based upon the following terms and conditions. Please advise if this is agreeable. If it is, please so indicate by executing this letter on the last page where indicated. The parties hereto ("Parties", individually each is a "Party") consist of Travelers, The Borough of Sea Bright ("Owner" or "Obligee") and Unimak, LLC ("Unimak").

Surety is proposing to retain Unimak in order to complete the Remaining Work set forth on Exhibit A annexed hereto and incorporated herein. The Remaining Work is defined herein as the scope of work set forth on Exhibit A (highlighted in yellow) annexed hereto and incorporated herein. Unimak has agreed to complete all work set forth on Exhibit A for \$39,760.25 ("Unimak Price"). If Owner believes that any other work remains to be completed, the Parties agree that the remaining funds in excess of the Unimak Price far exceed the cost of same and said work will be performed by the Owner or by other means determined by the Owner.

The Surety will satisfy or bond the Municipal Mechanics' liens filed in connection with the Project by subcontractors and/or vendors retained by Kelso. Further, the Surety will defend, hold harmless and indemnify the Owner as to suits and claims by the lien holders as long as subcontractors and/or vendors retained by Kelso. This agreement to satisfy or bond the liens and/or to defend, hold harmless and indemnify the Owner does not apply to any person or entity retained by or on behalf of Owner to complete any work on the Project.

Completion of the scope of work on Exhibit A and releasing all of Surety's rights to the Completion Funds (as defined below) shall constitute full and complete fulfillment of all of Travelers' obligations pursuant to its Performance Bond and/or at law except as provided herein. Obligee hereby releases Travelers from any and all obligations, liabilities and/or claims of every type and/or manner, known and

unknown, with respect to the Performance Bond and/or the Project other than Travelers' obligations hereunder. Travelers releases the Oblige from any and all obligations, liabilities and/or claims of every type and/or manner, known and unknown, with respect to its Performance Bond and/or the Project, including but not limited to the Completion Funds (as defined below), other than Obligor's obligations hereunder.

Unimak agrees to perform the Remaining Work set forth on Exhibit A for payment in the amount of \$39,760.25; agrees to complete said Remaining Work within 45 days (weather permitting) of the date this Agreement is fully executed; agrees that it looks solely to Owner for payment and further agrees that it has no claim of any type whatsoever as against Travelers in connection with this agreement, its completion of the Remaining Work and/or the Project.

Travelers and Owner agree that Owner shall retain the remaining contract funds in the amount of \$60,883.04 ("Completion Funds") to pay to Unimak for completion of the Remaining Work and/or for any other purposes.

Payments from the Owner shall be made payable directly to Unimak .

This Agreement is solely for the benefit of the Owner, Travelers, and Unimak. Said Parties do not intend by any provision of this Agreement to create any third-party beneficiaries, nor to confer any benefit upon or enforceable rights under this Agreement or otherwise, upon anyone other than the Owner, Travelers and Unimak .

This Agreement constitutes the whole of the understanding and agreement by and between the Parties hereto. The Owner, Travelers and Unimak acknowledge and agree that there have been no oral, written or other agreements of any kind as a condition precedent to or to induce the execution and delivery of this Agreement. Any written or oral discussions conducted prior to the effective date of this Agreement shall not in any way vary or alter the terms of this Agreement and shall have been deemed to have merged into the Agreement. In the case of any conflict between the provisions of this Agreement and the Contract, this Agreement shall control. This Agreement may not be modified unless in writing and executed by the Parties hereto.

The Parties acknowledge that they have sought and received whatever competent advice and counsel as was necessary for them to form a full and complete understanding of all rights and obligations herein and that the preparation of this Agreement has been their joint effort. The language agreed to expresses their mutual intent and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the Parties than any other.

The Parties agree to execute all such further instruments, and to take all such further actions as may be reasonably required by any Party to fully effectuate the terms and provisions of this Agreement and the transactions contemplated herein.

The Parties hereto acknowledge and agree that this Agreement shall be interpreted and construed in accordance with and governed by the Laws of the State of New Jersey.

No Party to this Agreement shall assign or transfer in any way whatsoever the rights of that party hereunder, without the written consent of the other Parties, and no Party has assigned any rights which one has against any other.

This Agreement may be executed in one or more counterparts, each of which, when executed and delivered, shall be deemed to be an original, but such counterparts shall together constitute one and the same instrument.

The individuals who execute this Agreement represent and warrant that they have full authority to execute this Agreement on behalf of the respective Parties.

**TRAVELERS CASUALTY AND SURETY
COMPANY OF AMERICA**

BOROUGH OF SEA BRIGHT

By: _____
Name: _____
Title: _____
Date: _____

By: _____
Print: _____
Title: _____
Date: _____

UNIMAK,LLC

By: _____
Name: _____
Title: _____
Date: _____

BOND ORDINANCE NO. 03-2021
BOND ORDINANCE AMENDING BOND ORDINANCE
NUMBER 12-2019 FINALLY ADOPTED BY THE
BOROUGH COUNCIL OF THE BOROUGH OF SEA
BRIGHT, NEW JERSEY ON JUNE 18, 2019

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 the members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The Bond Ordinance of the Borough Council of the Borough of Sea Bright, in the County of Monmouth, New Jersey (the "Borough") entitled "Bond Ordinance Providing An Appropriation Of \$170,000 For Improvements To Shrewsbury Riverside Park And Various Other Recreation Areas 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" finally adopted on June 18, 2019 (the "Ordinance") is hereby incorporated by reference in its entirety.

Section 2. Section 1 of the Ordinance is amended in its entirety as follows:

"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 \$216,296, such sum includes the sum of (a) \$100,000 expected to be received as a Monmouth County Open Space Grant, (b) \$46,296 expected to be received as a Monmouth County Community Development Block Grant and (c) \$3,500 as the down payment (the "Down Payment") 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"). The Down Payment is now available by virtue of provisions in one or more previously adopted budgets for down payments for capital improvement purposes."

The Ordinance is hereby further amended by deleting the reference of "\$170,000" for the appropriation and estimated cost and substituting in lieu therefor "\$216,296".

Section 3. 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 resolutions 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 of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 4. This Section 4 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 the 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 \$66,500. All other provisions of the Ordinance shall remain unchanged.

Section 5. This amendatory bond ordinance shall take effect twenty days after the first publication thereof after final adoption as provided by Local Bond Law.

I HEREBY CERTIFY this to be a true and correct Bond Ordinance No. 03-2021 of the Mayor and Borough Council of the Borough of Sea Bright, introduced on March 16, 2021 and will be further considered after a Public Hearing held on April 6, 2021 at a virtual meeting of the Borough Council at 7:00 pm. Meeting access instructions will be published with the public hearing notice and will be available on the Borough website.

INTRODUCED: March 16, 2021

Public Hearing: April 6, 2021

ADOPTED:

Witness

BOROUGH OF SEA BRIGHT,

CHRISTINE PFEIFFER, Borough Clerk

BRIAN P. KELLY, Mayor

**VOUCHER LIST
APRIL 6, 2021
BOROUGH OF SEA BRIGHT**

01489	A.M.G. MARINE CONTRACTING, INC		
21-00331	03/23/21 STREETS- CONTRACTUAL SERVICES	Open	4,800.00
02113	AMERICAN WATER		
21-00330	03/19/21 SEWER	Open	327.50
01631	BOROUGH OF OCEANPORT		
21-00366	03/24/21 COURT	Open	6,500.00
00530	BULLET LOCK & SAFE CO., INC.		
21-00338	03/23/21 BLDGS. & GRDS.-MAT. & SUPPLIES	Open	37.50
2680	CINTAS		
20-01234	10/20/20 BLDGS & GRDS	Open	412.76
20-01361	11/30/20 BUILDINGS & GROUNDS	Open	246.00
21-00076	01/20/21 BLDGS. & GRDS. MAT. 7 SUPPLIES	Open	128.11
21-00077	01/20/21 BLDGS. & GRDS. MAT. & SUPPLIES	Open	129.41
21-00078	01/20/21 BEACH - MATERIALS & SUPPLIES	Open	73.72
21-00079	01/20/21 BEACH- MATERIALS & SUPPLIES	Open	127.13
21-00080	01/20/21 BLDGS. & GRDS. MAT. & SUPPLIES	Open	276.71
21-00099	01/27/21 BEACH-MATERIALS & SUPPLIES	Open	73.72
21-00122	01/28/21 B & G-JANITORIAL	Open	182.11
21-00265	03/05/21 BEACH- MATERIALS & SUPPLIES	Open	39.52
21-00266	03/05/21 BEACH- MATERIALS & SUPPLIES	Open	65.90
21-00339	03/23/21 BEACH-MATERIALS & SUPPLIES	Open	84.19
21-00340	03/23/21 BLDG. & GRDS.-JANITORIAL	Open	240.09
21-00341	03/23/21 BEACH- MATERIALS & SUPPLIES	Open	36.41
21-00342	03/23/21 BLDGS. & GRDS.- JANITORIAL	Open	95.39
21-00343	03/23/21 BLDGS. & GRDS.-JANITORIAL	Open	144.58
21-00344	03/23/21 BEACH-MATERIALS & SUPPLIES	Open	68.96

			2,424.71
2555	CJM ASSOC. OF SEA BRIGHT		
21-00361	03/24/21	Open	1,000.00
01801	COLLIER ENGINEERING & DESIGN		
21-00377	03/30/21 ENGINEER	Open	3,277.50
01493	COOPERATIVE INDUSTRIES, L.L.C.		
21-00371	03/25/21 NATURAL GAS	Open	1,202.20
2286	DIFRANCESCO, BATEMAN, KUNZMAN		
21-00375	03/26/21 LEGAL	Open	1,980.00
02168	EVOQUA WATER TECHNOLOGIES, LLC		
21-00372	03/25/21 SEWER	Open	2,430.00
2742	FIS		
21-00390	03/31/21 BEACH	Open	185.00
00575	GALLS, INC.		
20-00976	08/17/20 POLICE	Open	115.00
21-00386	03/30/21 POLICE-MATERIALS AND SUPPLIES	Open	80.57
21-00387	03/30/21 POLICE-MATERIALS AND SUPPLIES	Open	35.31
21-00388	03/30/21	Open	102.45
21-00389	03/30/21 POLICE-CLOTHING ALLOWANCE	Open	36.32

			369.65
02101	GANNETT NJ		
21-00373	03/26/21 CLERK	Open	117.00
21-00376	03/30/21 CLERK	Open	232.10

			349.10

02181	GATEWAY PRESS		
	21-00329 03/18/21 PARKING	Open	2,270.00
2281	GRAINGER		
	20-00525 05/01/20 SEWER	Open	131.80
	20-00794 07/14/20 DPW	Open	148.32

			280.12
01887	HEIM ELECTRONICS, INC.		
	21-00352 03/23/21 ALARMS	Open	140.97
2710	HOLMDEL TOWNSHIP		
	21-00365 03/24/21 FISCAL	Open	3,312.50
2561	INTRON TECHNOLOGY SOLUTIONS		
	21-00396 04/01/21	Open	3,181.22
01526	JCP & L		
	21-00393 03/31/21 ELECTRIC	Open	5,659.87
2488	JERSEY SHORE POWERSPORTS		
	21-00328 03/18/21 BEACH- MAINT. OF OTHER EQUIP.	Open	827.11
00297	JESSE A. HOWLAND & SONS, INC.		
	21-00362 03/24/21 LEASE	Open	3,410.00
01784	JUNGLE LASERS, LLC		
	21-00392 03/31/21 BLDG DEPT	Open	200.00
00202	KAY PRINTING & ENVELOPE CO, INC		
	21-00358 03/23/21 BLDG DEPT	Open	259.64
00444	LAWMEN SUPPLY CO OF NJ, INC.		
	21-00102 01/27/21 LAWMEN SUPPLY-BODY ARMOUR	Open	1,009.98
01900	MCKENNA, DUPONT, HIGGINS &		
	21-00397 04/01/21 PLAN. BRD	Open	100.00
00106	MGL FORMS-SYSTEMS, LLC		
	21-00348 03/23/21 HOMESTEAD REBATE FORMS	Open	137.00
00263	MITCHELL, CANDACE		
	21-00353 03/23/21 PLAN BOARD	Open	106.99
00110	MONM CNTY REGIONAL HEALTH		
	21-00401 04/01/21 HEALTH FEE	Open	15,341.53
00457	MONMOUTH COUNTY ASSESSORS ASSN		
	21-00380 03/30/21 TAX ASSESSOR	Open	150.00
01854	MONMOUTH COUNTY BOARD/TAXATION		
	21-00369 03/24/21 TAX ASSESSOR	Open	469.35
02229	MONMOUTH COUNTY PUBLIC WORKS		
	21-00270 03/05/21 STREETS- MATERIALS & SUPPLIES	Open	291.42
	21-00332 03/23/21 FIRE APPARATUS REPAIRS	Open	2,742.86

			3,034.28
02045	MONMOUTH COUNTY SPCA		
	21-00363 03/24/21 ANIMAL CONTROL	Open	325.00
00339	NAPA AUTO PARTS CENTER		
	21-00303 03/11/21 STREETS- MAINT. OF OTHER EQUIP	Open	53.49
	21-00304 03/11/21 STREETS -MAINT. OF OTHER EQUIP	Open	49.95

			103.44

01399	NEW JERSEY AMERICAN WATER		
21-00391	03/31/21 WATER	Open	3,697.43
00113	NJ NATURAL GAS COMPANY		
21-00374	03/26/21 NATURAL GAS	Open	2,964.48
00502	NJ STATE LEAGUE/MUNICIPALITIES		
21-00316	03/12/21 A&E	Open	135.00
00885	OCEAN TWP FIRE DISTRICT NO. 2		
21-00364	03/24/21 FIRE MARSHAL	Open	300.00
01309	OCEANPORT BOARD OF EDUCATION		
20-00807	07/15/20 SCHOOL TAX	Open	52,042.00
00046	ONE CALL CONCEPTS, INC.		
21-00317	03/16/21 SEWER	Open	21.45
00081	PERRY'S TROPHY CO., INC.		
21-00263	03/03/21 A&E	Open	15.00
2290	PORZIO, BROMBERG & NEWMAN		
21-00367	03/24/21 LEGAL	Open	2,557.67
00164	RAIN, WILLIAM		
21-00370	03/24/21 HEALTH	Open	144.60
2728	READY FRESH BY NESTLE		
21-00355	03/23/21 A&E	Open	118.87
2354	REALTY DATA SYSTEMS		
21-00399	04/01/21 TAX ASSESSOR	Open	5,785.00
2627	SCHINDLER ELEVATOR CORP.		
21-00346	03/23/21 BEACH- CONTRACTUAL SERVICES	Open	1,100.00
01554	SEA BRIGHT SERVICE CENTER		
21-00336	03/23/21 POLICE-VEHICLE MAINTINANCE	Open	1,531.34
00053	SHORE REGIONAL HIGH SCHOOL		
20-00809	07/15/20 SCHOOL TAX	Open	193,570.00
02225	STAPLES ADVANTAGE		
20-01233	10/20/20 DPW	Open	124.13
21-00335	03/23/21 POLICE-MATERIALS AND SUPPLIES	Open	268.62
21-00349	03/23/21 OFFICE SUPPLIES	Open	144.33

			537.08
00083	T & M ASSOCIATES		
21-00394	03/31/21 ENGINEER	Open	1,892.25
00656	TAYLOR FENCE CO., INC.		
21-00075	01/20/21 DUNES	Open	1,060.29
01285	THE HOME DEPOT		
21000005	01/06/21 POLICE-HOME DEPOT	Open	274.96
02114	TWO RIVERS WATER RECLAMATION		
21-00351	03/23/21 SEWER	Open	110,392.00
2291	VERIZON		
21-00378	03/30/21 FIOS	Open	78.99
2658	VERIZON		
21-00379	03/30/21 PHONE	Open	525.92
21-00402	04/01/21 PHONE	Open	76.42

			602.34

02061 VERIZON WIRELESS
21-00324 03/16/21 FIRE
21-00325 03/16/21 CELLS

Open 268.07
Open 233.13

TOTAL: \$445,502.89

MANUAL CHECKS:

21-00356	DAVID HODER ASSOCIATES	\$560.00
3/23/2021	PLAN BRD:ENGINEER REVIEW/ESCROW ACCTS.	
21-00217	CARVINART, LLC	\$2,500.00
3/18/2021	"WELCOME TO SEA BRIGHT" SIGN	
21-00398	McKenna, Dupont, Higgins & Stone	\$900.00
4/1/2021	Plan. Board:Legal Review/Escrow Accts.	
21-00395	NJ DEPT OF HEALTH	\$13.80
4/1/2021	MONTHLY DOG LICENSE REPORT	
21-00326	NJ NATURAL GAS COMPANY	\$750.00
3/17/2021	SERVICE DISCONNECT FEE/154 OCEAN AVENUE	

TOTAL: \$ 4,723.80

GRAND TOTAL: \$450,226.69