

**MINUTES  
REGULAR MEETING  
BOROUGH OF SEA BRIGHT**

**JANUARY 19, 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**

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**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 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."**

**PRESENT:** Mayor Brian P. Kelly  
Councilmember's Jefferey M. Booker, Sr., Samuel A. Catalano,  
William J. Keeler, John M. Lamia, Jr., Marc A. Leckstein

**ABSENT:** Councilmember Kevin Birdsall

**OTHERS:** Attorney Roger McLaughlin, Administrator Joseph Verruni,  
Clerk Christine Pfeiffer, CFO Michael J. Bascom

**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.

**INDIVIDUAL ACTION/Minutes**

Councilmember Leckstein offered a motion to approve the 2020 Meeting Minutes listed below; seconded by Councilmember Catalano:

12-10-20 Workshop Meeting  
12-10-20 Executive Session  
12-15-20 Regular Meeting

<b>Roll Call:</b>	Birdsall,	Booker,	Catalano,	Keeler,	Lamia,	Leckstein
	Absent	Abstain	Yes	Yes	Abstain	Yes

**CONSENT AGENDA**

Councilman Keeler stated that after receiving a letter from the property owner at 154 Ocean Avenue he would like to pull Resolution No. 35-2021 off the consent agenda. Attorney McLaughlin stated that he invited the property owner to join the meeting tonight. Councilman Leckstein does not feel that we need to carry this item because this has been going on for so long and the owner was given the opportunity to attend tonight's meeting and did not. It was agreed to leave the Resolution No. 35-2021 on the consent agenda.

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

**Minutes**

01-02-21 Reorganization Meeting

<b>Roll Call:</b>	Birdsall,	Booker,	Catalano,	Keeler,	Lamia,	Leckstein
	Absent	Yes	Yes	No	Yes	Yes

**Resolutions:**

<b>No. 35-2021</b>	<b>A Resolution of the Borough Council of the Borough of Sea Bright, Authorizing the Demolition of a Structure Unfit for Human Habitation Located At 154 Ocean Avenue</b>
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Councilmember Leckstein offered the following resolution for approval; seconded by Councilmember Catalano:

**WHEREAS**, there exists a structure on property located at 154 Ocean Avenue in the Borough, which property is also known and designated as Lot 2 in Block 34 on the Tax Assessment Map of the Borough of Sea Bright; and

**WHEREAS**, the aforesaid structure has been in a state of disrepair since 2010; has not been occupied as a residence since that time; was further damaged during Superstorm Sandy in 2012; and has no connections to utilities; and

**WHEREAS**, the Code Enforcement Official of the Borough served property maintenance code violations and other notices upon the owner of the property, who resides outside of the Borough, as early as March 2010; and

**WHEREAS**, further notices were provided to the owner of the property by the Code Enforcement Official in 2013 and upon the failure of the owner to take appropriate remedial action, an abandoned property notice was served upon the owner which notice was dated June 8, 2015; and

**WHEREAS**, a hearing was scheduled for August 11, 2015 rescheduled to October 6, 2015, and to December 15, 2015 at the request of the property owner for the purpose of providing the owner with an opportunity to present testimony and other evidence as to why the property should not be determined abandoned and the property owner failed to appear at such hearings; and

**WHEREAS**, the owner was provided yet another opportunity for a hearing to be held on August 17, 2016 and, again, failed to appear; and

**WHEREAS**, on January 16, 2020, the Code Enforcement Official of the Borough determined, based on his inspection, that the structure at 154 Ocean Avenue was so deteriorated and dilapidated as to be dangerous, unsafe, insanitary and otherwise unfit for human habitation or occupancy and that it was in such a state of disrepair that it was unreasonable to expect the structure to be repaired and, therefore, ordered the property owner to demolish and remove the structure, said Order being issued on January 16, 2020; and

**WHEREAS**, a second Notice and Order that the structure was unfit for human occupancy and was dangerous, unsafe and must be demolished was served upon the property owner on February 5, 2020; and

**WHEREAS**, the Borough Council in August, 2020 authorized the Code Enforcement Official to obtain quotations for demolition of the structure and only after such quotations were obtained did the property owner contact the Code Enforcement Official; and

**WHEREAS**, since September, 2020, the Code Enforcement Official has provided the property owner with every opportunity to demolish the structure or, in the alternative, provide proof that the owner had entered into an agreement for the repair, rehabilitation, restoration or rebuilding of the structure; and

**WHEREAS**, despite the property owner's representations that he was in the process of obtaining estimates for the demolition of the structure, he has provided no proof of same to the Borough nor has any action been taken to demolish the structure; and

**WHEREAS**, the Code Enforcement Official has advised the Borough Council that the structure remains unfit for human habitation, occupancy or use; is dangerous and unsafe and should be demolished; and

**WHEREAS**, the Borough Council hereby finds that the dilapidated appearance and condition of the property materially affects the safety and welfare, including the economic welfare, of the residents of the area in close proximity to the property and that the property owner has failed to take any reasonable and necessary measures to remedy the conditions or to demolish the structure; and

**WHEREAS**, under such circumstances the Borough is authorized by the Uniform Construction Code and by N.J.S.A.40:48-2.3 to demolish such a structure;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Sea Bright, County of Monmouth and State of New Jersey that the Code Enforcement Official and Borough Administrator be and are hereby authorized and directed to obtain updated proposals for the demolition of the aforesaid structure and, upon receipt of certification from the Chief Financial Officer that funds are available to pay the cost thereof, are hereby directed to enter into a contract for the immediate demolition of the structure located at 154 Ocean Avenue.

**BE IT FURTHER RESOLVED** that the Borough Clerk be and is hereby authorized and directed to provide copies of the Resolution to the property owner; the Code Enforcement Official; the Borough Administrator; the Chief Financial Officer; the Borough Attorney and the Chief of Police.

**Roll Call:** Birdsall,    Booker,    Catalano,    Keeler,    Lamia,    Leckstein  
                 Absent        Yes        Yes        No        Yes        Yes

**No. 36-2021                    Authorizing Submittal of an Application for 2021 FEMA Assistance to Firefighters Grant**

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

**WHEREAS**, the Federal Emergency Management Agency (FEMA) has launched the FY 2021 Assistance to Firefighters Grant; and

**WHEREAS**, the Borough of Sea Bright Fire Department is desirous to submit an application to FEMA requesting financial aid to assist in the acquisition Swift Water Rescue equipment and related training for ten (10) personnel; and

**WHEREAS**, the 2021 FEMA Assistance to Firefighters Grant is \$35,000.00, 5% of which (\$1,750.00) the Borough of Sea Bright is required to fund; and

**CERTIFICATION OF FUNDS**

I, Michael J. Bascom, Chief Financial Officer of the Borough of Sea Bright, hereby certify that funds will be available in the 2021 budget under Assistance to Firefighters Grant Program #01-41-705-001 for the 5% matching portion in the amount of \$1,750.00.

  
**MICHAEL J. BASCOM, CFO**

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Sea Bright, County of Monmouth that it does hereby authorize the Borough of Sea Bright Fire Department Chief to prepare and submit said Grant application and further authorizes the Mayor and Borough Clerk to execute any documents related to such application;

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

- 1. C. Murphy, Fire Chief
- 2. CFO
- 3. Finance Manager

Roll Call:   Birdsall,   Booker,   Catalano,   Keeler,   Lamia,   Leckstein  
                 Absent       Yes           Yes           No           Yes           Yes

**No. 37-2021                    Hiring Volunteer Firefighters Borough of Sea Bright Fire Department**

Councilmember Leckstein offered the following resolution for approval; seconded by Councilmember Catalano:

**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 four applications and recommends hiring the following new members to serve as volunteer firefighters on the Sea Bright Fire/Rescue Department, as follows:

**Full Membership**  
Nicholas Cirz  
John Curreri  
Luciano Pabon  
Justin Sonnenfeld

**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 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  
                 Absent       Yes           Yes           No           Yes           Yes

ORDINANCE(s):

Introduction: Mayor Kelly to read the ordinance by title:

ORDINANCE NO. 01-2021  
CALENDAR YEAR 2021  
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET  
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A: 4-45.14)

CFO Michael Bascom explained that this ordinance is about budget management and does not allow you to increase taxes any more than you are permitted prior to adopting this ordinance. It gives you flexibility within your budget to manage it yourself. This does not impact the levy cap (which determines the amount you are allowed to increase taxes – 2% cap) but provides another budget management tool to determine what is inside and outside the cap. Mr. Bascom will send an “infographic” explaining what this ordinance means. Councilman Booker asked Mr. Bascom to walk the Governing Body through what a cap bank is and Mr. Bascom explained that he will discuss this at the upcoming budget workshop meeting in more detail.

Councilmember Leckstein offered a motion to introduce Ordinance No. 01-2021 for a public hearing to be held on February 2, 2021 and advertise according to law; seconded by Councilmember Booker:

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

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 1.0% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Borough Council of the Borough of Sea Bright in the County of Monmouth finds it advisable and necessary to increase its CY 2021 budget by up to 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$127,038.28 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Sea Bright, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2021 budget year, the final appropriations of the Borough of Sea Bright shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$177,853.59. and that the CY 2021 municipal budget for the Borough of Sea Bright be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

INDIVIDUAL ACTION

Vouchers:    \$ 489,799.32

Councilmember Keeler offered a motion to approve the Voucher List dated January 19, 2021 as submitted by the Finance Manager; seconded by Councilmember Leckstein:

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

REGULAR MEETING

JANUARY 19, 2021

2703	ACTION UNIFORM CO.		
21-00053	01/15/21 POLICE: CLOTHING ALLOWANCE	Open	275.00
01835	ALLEN, RANDALL		
20-01468	12/28/20 DPW	Open	27.00
02113	AMERICAN WATER		
20-01472	12/29/20 SEWER	Open	327.33
2732	ARD APPRAISAL CO.		
21-00058	01/15/21 TX ASSESSOR	Open	13,600.00
01241	BAIN'S HARDWARE, INC.		
21-00016	01/13/21 HARDWARE	Open	209.20
01443	BENNETT, ERICH		
21-00003	01/11/21 POLICE	Open	1,225.00
01631	BOROUGH OF OCEANPORT		
21-00006	01/11/21 COURT	Open	6,500.00
00530	BULLET LOCK & SAFE CO., INC.		
21-00054	01/15/21 BUILS. & GRDS. - MAT. & SUPP.	Open	3.25
02115	C & L SWEEPER SERVICE		
21-00036	01/14/21 DPW	Open	1,153.00
2646	CAMPBELL SUPPLY CO.		
19-01457	12/06/19 FIRE DEPT	Open	48,855.54
20-01091	09/15/20 FIRE	Open	1,488.00
20-01453	12/18/20 FIRE DEPT	Open	1,831.22
			-----
			52,174.76
2680	CINTAS		
21000010	01/06/21 BLDGS & GRDS. MATERIAL & SUP.	Open	129.41
21000011	01/06/21 BLDGS, & GRDSS MAT. & SUPP.	Open	182.11
			-----
			311.52
2555	CJM ASSOC. OF SEA BRIGHT		
21-00005	01/11/21 LEASE	Open	500.00
00256	CLEARY, GIACOBBE, ALFIERI &		
21-00014	01/13/21	Open	300.00
01493	COOPERATIVE INDUSTRIES, L.L.C.		
21-00018	01/13/21 NATURAL GAS	Open	182.69
02231	COUSINS LANDSCAPING		
21000015	01/06/21 BUILDINGS \$ GROUNDS MAINT. OF	Open	735.00
2386	CRANEY INTERPRETING SERVICE		
21-00022	01/13/21 COURT	Open	220.00
02172	CUSTOM BANDAG		
20-01461	12/18/20 EMERGENCY REPAIRS - 4377	Open	1,260.50
2528	DCH FORD		
21-00051	01/15/21 BEACH- VEHICLE MAINT.	Open	171.79
2286	DIFRANCESCO, BATEMAN, KUNZMAN		
20-01466	12/23/20 LEGAL	Open	900.00
00419	DRAGER SAFETY DIAGNOSTICS, INC		
20-00764	06/24/20 POLICE	Open	120.00
20-00886	07/29/20 POLICE	Open	179.00
			-----
			299.00
2587	EASTERN JANITORIAL CO.		
21-00042	01/15/21 JANITORIAL	Open	1,320.00
21-00043	01/15/21 JANITORIAL	Open	18,770.00
			-----
			20,090.00
01754	EDMUNDS & ASSOCIATES, INC.		
21-00024	01/13/21 MAINTENANCE AGREEMENT	Open	12,571.25
01817	FINEGAN, GEORGE		
20-01478	12/30/20 ANIMAL CONTROL	Open	780.64
01720	FIREFIGHTER ONE, LLC		
20-01459	12/18/20 REPAIRS - 4377	Open	1,296.61
20-01460	12/18/20 REPAIRS - 4390	Open	1,474.69
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			2,771.30
2677	FLAGS IMPORTER.COM		
20-00392	03/19/20 BEACH	Open	88.00
00711	FOLEY/CAT, INC.		
20-01109	09/21/20 BLDGS & GRDS	Open	1,489.04
02101	GANNETT NJ		
20-01464	12/23/20 TAX COLLECTOR	Open	342.80
20-01471	12/29/20 CLERK	Open	52.65
21-00020	01/13/21 CLERK	Open	27.00
			-----
			422.45
00979	GIBBONS, P.C.		
21-00031	01/14/21 LEGAL	Open	4,021.31
01887	HEIM ELECTRONICS, INC.		
21-00027	01/14/21 ALARMS	Open	485.22

**REGULAR MEETING****JANUARY 19, 2021**

2700	HIGHWAY EQUIPMENT OF NJ, INC.		
20-01248	10/27/20 BEACH	Open	1,920.43
2710	HOLMDEL TOWNSHIP		
21-00001	01/08/21 FINANCE	Open	3,312.50
2561	INTRON TECHNOLOGY SOLUTIONS		
21-00034	01/14/21 COMPUTERS	Open	3,014.37
21-00035	01/14/21 LIBRARY	Open	400.00
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			3,414.37
01419	J. SWANTON FUEL OIL CO., INC.		
20-01465	12/23/20 GASOLINE	Open	423.10
01526	JCP & L		
21-00017	01/13/21 ELECTRIC	Open	8,807.36
00297	JESSE A. HOWLAND & SONS, INC.		
21-00004	01/11/21 LEASE	Open	1,705.00
01784	JUNGLE LASERS, LLC		
21-00015	01/13/21 BLDG DEPT	Open	250.00
2568	KELLY WINTHROP, LLC		
20-01450	12/11/20 STREETS & ROADS- OTHER EXPENSE	Open	102.00
2729	MARELLI, SEAN		
21-00050	01/15/21 POLICE: REIMBURSEMENT MARELLI	Open	275.18
2278	MCLAUGHLIN, STAUFFER & SHAKLEE		
21-00008	01/11/21 LEGAL	Open	4,091.94
00531	MIDDLESEX COUNTY FIRE ACADEMY		
20-01457	12/18/20 FF1 course - Reeves	Open	236.00
02045	MONMOUTH COUNTY SPCA		
21-00011	01/11/21 ANIMAL CONTROL	Open	325.00
21-00025	01/14/21 ANIMAL CONTROL	Open	50.00
			-----
			375.00
2382	MORGAN, MICHAEL		
21-00049	01/15/21 POLICE: POSTAGE REIMBURSEMENT	Open	28.30
21-00052	01/15/21 POLICE: DDEF REIMBURSEMENT	Open	34.80
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			63.10
00067	MOTOROLA SOLUTIONS, INC.		
20-01351	11/17/20 Police - Telecom/Radio	Open	426.00
01399	NEW JERSEY AMERICAN WATER		
20-01476	12/30/20 WATER	Open	2,908.53
00113	NJ NATURAL GAS COMPANY		
20-01467	12/28/20 NATURAL GAS	Open	2,378.84
00502	NJ STATE LEAGUE/MUNICIPALITIES		
20-01469	12/28/20 ADMIN	Open	165.00
01309	OCEANPORT BOARD OF EDUCATION		
20-00807	07/15/20 SCHOOL TAX	Open	52,042.00
00046	ONE CALL CONCEPTS, INC.		
21-00023	01/13/21 SEWER	Open	30.03
00163	OSWALD ENTERPRISES, INC.		
20-01389	12/04/20 SEWER-MAINT. OF OTHER EQUIP.	Open	600.00
2525	POOR JOHNS PORTABLE TOILETS		
21-00021	01/13/21 BEACH	Open	2,161.00
00164	RAIN, WILLIAM		
21-00002	01/11/21 HEALTH INS.	Open	144.60
2728	READY FRESH BY NESTLE		
20-01477	12/30/20 SPRING WATER	Open	150.87
2354	REALTY DATA SYSTEMS		
20-01470	12/29/20 TAX	Open	7,200.00
00053	SHORE REGIONAL HIGH SCHOOL		
20-00809	07/15/20 SCHOOL TAX	Open	193,570.00
02225	STAPLES ADVANTAGE		
20-01113	09/21/20 POLICE	Open	90.32
20-01414	12/09/20	Open	310.16
21000002	01/06/21 POLICE-MATERIAL AND SUPPLY	Open	146.05
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			546.53
2535	SUBURBAN DISPOSAL, INC.		
21-00039	01/15/21 TRASH	Open	21,827.92
21-00040	01/15/21 LANDFILL	Open	7,333.04
21-00041	01/15/21 DUMPSTERS	Open	1,787.98
			-----
			30,948.94
2349	TAYLOR COMMUNICATIONS		
20-00864	07/20/20 COURT	Open	366.00
01285	THE HOME DEPOT		
21000007	01/06/21 STREETS- MATERAIL & SUPPLIES	Open	299.55
21000013	01/06/21 STRS. & RDS. - MAT. & SUP.	Open	239.64
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			539.19
01243	TREASURER, STATE OF NEW JERSEY		
21-00007	01/11/21 TIDELANDS LICENSE FEE	Open	1,250.00

REGULAR MEETING

JANUARY 19, 2021

2457	UNITED STATES LIFESAVING ASSOC		
20-00234	02/18/20 BEACH	Open	500.00
2291	VERIZON		
20-01475	12/30/20 FIOS	Open	178.99
2658	VERIZON		
21-00032	01/14/21 SEWER	Open	501.60
21-00033	01/14/21 PHONE	Open	67.15
			-----
			568.75
2291	VERIZON		
21-00037	01/14/21 FIOS	Open	78.99
2658	VERIZON		
21-00038	01/14/21 PHONE	Open	225.34
02061	VERIZON WIRELESS		
20-01473	12/30/20 FIRE	Open	268.13
20-01474	12/30/20 CELLS	Open	197.92
			-----
			466.05
00077	WEX BANK		
21-00013	01/13/21 GASOLINE	Open	5,291.54
00877	WITMER ASSOCIATES, INC.		
19-01502	12/16/19 FIRE DEPT.	Open	13,742.00
20-01452	12/18/20 FIRE DEPT-MSA METER SVC PLAN	Open	885.00
			-----
			14,627.00
02109	ZUMU SOFTWARE		
21-00026	01/14/21 A&E	Open	1,600.00

TOTAL: \$467,034.42

MANUAL CHECKS:

21-00012	ADP	\$1,974.13
1/12/2021	Payroll Processing/December	
21-00029	David Hoder Associates	\$1,730.00
1/14/2021	Plan Brd:Review & Inspctn/Escrow Accts.	
21-00019	Fuze Eatery, LLC	\$1,704.64
1/13/2021	Plan Brd:Return Escrow Funds	
21-00028	Gannett NJ	\$22.50
1/14/2021	Plan. Brd. Review/Escrow Acct.	
21-00009	JCP Developers, LLC	\$12,496.32
1/11/2021	Return Cash Mntnc. Bond/Rvw. & Inspctn. Escrow Funds	
19-00898	Lefkort, Maurice	\$1,141.90
1/7/2021	Plan Brd:Return Escrow Funds	
21-00030	NJ Dept of Labor & Workforce Development	\$3,695.41
1/14/2021	Unemployment Adjusted Billing	

MANUAL CHECKS TOTAL: \$22,764.90

GRAND TOTAL: \$489,799.32

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

Councilmember Keeler offered a motion to open the public hearing; seconded by Councilmember Leckstein:

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

Public Hearing

Attorney McLaughlin explained that this is a continuation of the public hearing from the reorganization meeting concerning the liquor license renewal applications for the Mad Hatter Corporation based on the request of the Kelly’s. At the Council’s request he reached out to Mr. Mandia, legal Counsel for the Kelly’s, to come speak about the status of the financing for the completion of the project.

Mr. Mandia stated that the loan agreement was signed today and the funding of the initial round will be tomorrow. The plan is to address the towns concerns regarding the current state of the structure. The second round of funding is going to be after the liens are paid off. Then the final funding can be used to complete the construction. They need the subordination of the NJEDA loan but the funding documents were signed today, and we are moving forward.

Councilman Booker questioned if they would provide some type of document for proof of the closing. Mr. Mandia will send the documents to Attorney McLaughlin to review confidentially rather than to the Borough so they do not become Open Public Records – the Kelly's agreed to allow Mr. Mandia to release them to the Borough Attorney.

Administrator Verruni stated that the Borough has not gotten any calls about the redemption of the current tax lien on the property and requested that they look into this.

Mr. Mandia questioned the timeline of approving the liquor license since this is information that the lender would want to be aware of. Attorney McLaughlin stated he will need to review the documents and the next meeting to approve the resolutions is February 2<sup>nd</sup> which is only two weeks from tonight. Mr. Mandia explained that the lender wants to make sure they have a viable license as security which is part of the loan documents.

Chris Doxey, 9 Church Street, stated that at the December meeting Councilman Leckstein proposed the solution that if the Borough Attorney received the closing papers by the meeting that the liquor license would be able to go through and does not see why it would need to be held up any longer.

Tammy Kaiser, 2 East New Street, stated that she is happy to have the Mad Hatter but does not think we need another liquor license in town with 800-900 drinking people going in and out of all day. She also did not hear anything that they actually have the documents – it is not settled. Mr. Mandia responded that they do have the signed documents and the license could not be transferred to anyone else. Attorney McLaughlin explained that they are long passed the issue of not wanting or needing another license in town. The Council wants the license as long as the funding is there.

Ira Schussheim, 730 Ocean Avenue, believes it would be appropriate for the Kelly's or Mr. Mandia to provide the Borough with some sort of time frame to complete the project and provide the residents in the Borough that there is enough funding to complete the project. Mr. Mandia explained that the funding is a sufficient amount and is anticipating that it will take about 30 days to pay the liens but the NJEDA loan may take longer. Amy Kelly stated that it should take about 4 months to complete the project.

Tammy Kaiser, 2 East New Street, appreciates Mr. Schussheim's concerns but we are here about the liquor license and does not believe it is beneficial for the town to have this license and thinks it should lapse permanently. Mayor Kelly understands Ms. Kaiser's point but stated the Governing Body has made it clear they want the Mad Hatter to continue to have a license as long as they have the funding in place to complete the construction.

Irwin Bieber, 12 Tradewinds Lane, believes that the Council has done everything than can to help the Mad Hatter – they have been trying to get back on their feet since Sandy. We all hope that the Mad Hatter will be back operating soon.

Ira Schussheim, 730 Ocean Avenue, requested that the Council memorialize the 16 weeks in some way or acknowledge the Kelly's expectations. Attorney McLaughlin explained that it has been represented at a public meeting and it is not the Council's responsibility to monitor the construction of a project.

James Scholefield, 14 East Surf Street, questioned if anything is going to be done to secure the building – there are concrete boards and blue fabric coming off that he frequently needs to clean up off his property and in the middle of the street. Mr. Mandia explained that the cleaning up and securing of the building will be done with the release of the initial funding while we are waiting for the liens to be paid off and the final funding.

Emma Uk, Millstone Twp, questioned when construction will get started up again. Mr. Mandia responded that construction will begin in about 30 days – the liens need to be cleared up before the final funding is issued for the construction.

Councilman Booker questioned what recourse would Council have if we took action on these resolutions without being satisfied and confident that the closing documents are in place.

Attorney McLaughlin recommended to wait to approve the resolutions as there is not much recourse with regards to the liquor licenses – it is only two weeks until the next meeting and it will give him the opportunity review and ask any questions on the paperwork. Councilman Catalano asked if the clean-up would begin immediately and Mr. Kelly said that would be the first step. Mr. Kelly explained it is imperative to have the liquor license in place to move forward with the lender and if the Council doesn't approve the resolutions tonight it would jeopardize the funding. Attorney McLaughlin said the resolutions haven't been approved because we are waiting to receive documents from the Kelly's - the Council has asked for proof of financing and they are entitled to see that. Mr. Mandia requested that Council approve the resolutions "conditionally" based on Attorney McLaughlin's review of the documents.

Chris Doxey, 9 Church Street, asked the Kelly's what the problems would be if you did not have the liquor license tonight? Scott Kelly responded that they have been working with this lender for two years and are thrilled that they have reached the point of signing the documents and does not want any reason for this lender not to come through because of the status of the license.



Heather Gorman, 13 New Street, applauds Councilman Booker for trying to push through these resolutions but would encourage future applicants who are coming up against something like this to reach out to the legal team prior to the meeting deadline – an agreement probably could have been reached before now.

Councilman Leckstein said he likes Mr. Mandia's recommendation that we approve the resolutions conditioned upon the Borough Attorney's review of the documents and carry the resolutions to the next meeting for final approval with the removal of the conditions – Mr. Mandia can give the representation to the lender that the resolutions have been approved conditioned upon the Attorney's review.

Councilmember Booker offered a motion to close the public hearing; seconded by Councilmember Catalano:

<b>Roll Call:</b>	Birdsall,	Booker,	Catalano,	Keeler,	Lamia,	Leckstein
	Absent	Yes	Yes	Yes	Yes	Yes

**Resolutions:**

**No. 33-2021      Authorize Issuance of a "New" Liquor License for the 2019/2020 License Term S. Kelly Corporation – The Mad Hatter**

**No. 34-2021      2020/2021 Annual Renewal Liquor License S. Kelly Corporation**

Councilmember Leckstein offered a motion to conditionally approve Resolutions No. 33-2021 and 34-2021 subject to the review of the financing documents by the Borough Attorney; seconded by Councilmember Booker:

<b>Roll Call:</b>	Birdsall,	Booker,	Catalano,	Keeler,	Lamia,	Leckstein
	Absent	Yes	Yes	Yes	Yes	Yes

**MAYOR AND COUNCIL COMMITTEE COMMENTS**

Mayor Kelly stated that the cell tower construction on the existing tower has officially begun and the temporary tower will be removed soon. We are also working with the restaurants and State to get outdoor dining accommodations approved for the upcoming season as there will continue to be COVID related issues throughout the year.

Councilman Leckstein really wants to get back to in-person meetings – we have to figure it out. Mayor Kelly said that if Council meets in person the public has to be allowed to attend in person which could be a problem with social distancing regulations. Attorney McLaughlin agreed and stated that you have to comply with all the new COVID regulations and at times it can be difficult. Councilman Catalano and Councilman Booker agree that we should try to get back to meeting in the pavilion.

Councilman Keeler reported he spoke with Judge Sonnenblick and she stated that Rumson is fine with letting us continue to use their facilities. Councilman Keeler reported we passed a resolution tonight hiring 4 additional firefighters and we now have about 60 active firefighters which is the most we ever had – they are doing a very good job. The Forsman Family has donated a significant amount to redo the tanker and wants to set up a formal recognition presentation at some point when the family is available.

Councilman Booker stated that this past Friday we had a first responders' luncheon at the firehouse hosted by Crawford Pennington and his mother, Ann Pennington, honoring those who serve us – it was a great event. Councilman Booker reported he has received a draft budget for the Fire Department and looks forward to beginning the budget process.

**EXECUTIVE SESSION**

Executive session not held.

**ADJOURNMENT**

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

<b>Roll Call:</b>	Birdsall,	Booker,	Catalano,	Keeler,	Lamia,	Leckstein
	Absent	Yes	Yes	Yes	Yes	Yes

Respectfully Submitted,

Christine Pfeiffer  
Borough Clerk