#### MINUTES SPECIAL MEETING BOROUGH OF SEA BRIGHT

#### JUNE 30, 2021 (Wednesday)

**SEA BRIGHT, NEW JERSEY** 

## THIS MEETING WILL BE HELD REMOTELY TO ATTEND, PLEASE USE THE FOLLOWING LINK:

https://global.gotomeeting.com/join/383015189
OR DIAL: (646) 749-3335
Access Code: 383-015-189

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

**Mayor Kelly** read the following Compliance Statement:

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

Good Morning Ladies and Gentlemen,

#### **48 Hour Notice Requirement:**

This meeting is now called to order. In line with the Borough of Sea Bright's longstanding policy of open government, and in compliance with the "Open Public Meetings Act", I wish to advise you that the 48-hour notice requirement for this meeting has been met. A copy of the agenda was sent to the Asbury Park Press and other local newspapers on June 21, 2021 and posted on the bulletin board in the Borough office. This meeting is open to the public.

**PRESENT:** Mayor Brian P. Kelly

Councilmember's Kevin Birdsall, Jefferey M. Booker, Sr., Samuel A. Catalano, William J. Keeler, Marc A. Leckstein

**ABSENT:** Councilmember John M. Lamia, Jr.

**OTHERS:** Administrator Joseph Verruni, Deputy Clerk Michelle Ketcham

#### **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.

#### **CONSENT AGENDA**

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

#### **Resolutions:**

1343-33-019-014

### No. 133-2021 Renewal of the 2021-2022 Liquor Licenses

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

**WHEREAS,** as directed by the New Jersey Division of Alcoholic Beverage Control (ABC), 2021-2022 annual renewal applications are submitted via the ABC's web-based licensing portal called POSSE ABC; and

**WHEREAS**, the liquor license listed below has been accepted by POSSE ABC, all State and Municipal renewal fees have been paid and a Retail Tax Clearance Certificate, pursuant to Chapter 161, Laws of NJ 1995, has been granted by the Division of Taxation for the 2021-2022 license term; and

HOTEL/MOTEL LICENSE: RENEWAL FEE: \$2,500.00

1343-36-010-009 Seabright Hospitality Group LLC

t/a Beachwalk Resort, Beachwalk BBQ, Beachwalk Bar

344 Ocean Avenue

**WHEREAS**, the liquor license listed below has been accepted by POSSE ABC, all State and Municipal renewal fees have been paid and Retail Tax Clearance Certificates, pursuant to Chapter 161, Laws of NJ 1995, have been granted by the Division of Taxation for the 2021-2022 license term and is being considered for renewal pursuant to having received a 12.39 special ruling from the Division of Alcohol Beverage Control - Department of Law and Public Safety; and

RETAIL CONSUMPTION LICENSES: RENEWAL FEE: \$2,500.00

Sea Bright Caterers LLC t/a Sea Bright Caterers 280 Ocean Avenue SPECIAL MEETING JUNE 30, 2021

**NOW, THEREFORE, BE IT RESOLVED**, that the Governing Body of the Borough of Sea Bright, County of Monmouth, State of New Jersey does hereby authorize the renewal, effective July 1, 2021, of the aforesaid liquor licenses for the license term 2021-2022; and

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

- 1. Chief of Police
- 2. Licensees
- 3. Division of Alcoholic Beverage Control

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

## No. 134-2021 Renewal of the Alcoholic Beverage License of 1124 Ocean Ave Liquor t/a Rory's Pub for the 2021-2022 License Term

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

**WHEREAS,** the 1124 Ocean Ave Liquor, t/a Rory's Pub has submitted a complete application form for the renewal of alcoholic beverage license no. 1343-33-005-003 and has paid the annual fees to both the Borough of Sea Bright and the State of New Jersey, Division of ABC; and

**WHEREAS,** the Borough Council has received and reviewed the recommendations of the Police Department pertaining to the aforesaid alcoholic beverage license; and

**WHEREAS,** the Borough Council finds that the aforesaid license should be renewed only upon a special condition necessary to ensure the public health, safety and welfare;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, that license number 1343-33-005-003 held by 1124 Ocean Ave Liquor, t/a Rory's Pub be and is hereby renewed for the annual license term commencing July 1, 2021 based upon the following special condition:

"No amplified live or recorded music shall be played in the courtyard of the licensed premises after 10:00 pm daily."

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

- 1. Chief of Police
- 2. Licensee
- 3. Division of Alcoholic Beverage Control

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

## No. 135-2021 Grace Period Extension for Payment of 3<sup>rd</sup> Quarter 2021 Taxes

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

**WHEREAS,** the Tax Collector has informed the Mayor and Borough Council that the Monmouth County Board of Taxation is delayed in forwarding necessary information for the preparation and mailing of final tax bills to the real estate taxpayers of the Borough of Sea Bright for the year 2021/2022; and

**WHEREAS**, the Borough Council has agreed that it would be unfair and unreasonable to impose a penalty for a delinquent payment when the amount of the payment is unknown.

**WHEREAS,** the present statute requires the imposition of a late charge if  $3^{rd}$  quarter 2021 taxes are not paid by the  $10^{th}$  of August; and

**NOW, THEREFORE BE IT RESOLVED** the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey authorizes:

That the Tax Collector is hereby ordered and directed in accordance with <u>Public Law 1994</u>, <u>Chapter 72</u>, <u>signed July 14</u>, <u>1994</u>, that if tax bills are not delivered or mailed at least 25 (twenty-five) calendar days prior to the standard due date, then the delinquency date for 3<sup>rd</sup> quarter 2021 taxes shall be established as the twenty-fifth (25) calendar days after the date the tax bill was delivered or mailed. The tax bills will contain the date on which interest shall start accruing.

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

1. Patricia Spahr, Tax Collector

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

# No. 136-2021 Consideration of Award - 2021 Lease Agreement for Workout Classes on the Borough Basketball Court

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

**WHEREAS,** the Borough Council authorized by resolution for the Borough Clerk to duly advertise for a vendor to conduct workout classes for a seasonal lease agreement for the use of the basketball court during the 2021 summer season; and

**WHEREAS**, the Borough Clerk did duly advertise on June 18, 2021 to receive bids by 12 noon on June 29, 2021, for a vendor to conduct workout classes on the basketball court for a minimum bid amount of \$100.00; and

**WHEREAS**, in connection therewith one (1) bid was received by the Borough Clerk from Perspirology, Sea Bright, NJ in the amount of \$110.00; and

**WHEREAS,** the Borough Administrator recommended that a lease agreement be awarded to Perspirology, Sea Bright, New Jersey as per the bid proposal in the amount of \$110.00; and

**NOW, THEREFORE, BE IT RESOLVED** that the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey does hereby authorize a 2021 seasonal lease agreement to operate workout classes on the basketball court to Perspirology, Sea Bright, New Jersey in the amount of \$110.00; and

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

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

- 1. Finance Manager
- 2. Police Department
- 3. Beach Manager
- 4. Borough Attorney
- 5. Perspirology

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

Councilman Keeler questioned the schedule of the workout classes on the basketball court. Deputy Clerk Michelle Ketcham clarified that workout classes will be held Mondays and Thursdays from 9:30am to 10:30am which will be included in their contract.

## **EXECUTIVE SESSION**

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

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

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

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

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

A. Litigation

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

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

Roll Call: Birdsall Booker Catalano Keeler Lamia Leckstein

Yes Yes Yes Absent Yes

## **ADJOURNMENT**

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

Roll Call: Birdsall Booker Catalano Keeler Lamia Leckstein

Yes Yes Yes Absent Yes

Prepared by:

Christine Pfeiffer, Borough Clerk