

**MINUTES
REGULAR MEETING
BOROUGH OF SEA BRIGHT**

OCTOBER 5, 2021

SEA BRIGHT, NEW JERSEY

TO ATTEND THIS MEETING REMOTELY PLEASE USE THE FOLLOWING LINK:

<https://global.gotomeeting.com/join/638658293>

United States: +1 (646) 749-3335

Access Code: 638-658-293

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 Kevin Birdsall, Jefferey M. Booker, Sr., Samuel A. Catalano,
William J. Keeler, John M. Lamia, Jr., Marc A. Leckstein

OTHERS: Attorney Richard Shaklee, Clerk Christine Pfeiffer

REMARKS FROM THE AUDIENCE (limited to 3 minutes)

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

Murphy Anderson, 8 Center St, commented on the failed elevation project at 8 Center Street going through the events since inception and asked Council to look into this further and consider doing the right thing for the homeowners.

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:

Minutes

09-21-2021 Regular Meeting

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

Resolutions

Res No. 166-2021 Authorizing Receipt of Bids for Summer Businesses to Operate on the Sea Bright Municipal Beach

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

WHEREAS, the Borough Council is desirous of receiving bids for the following businesses to operate on the Municipal Beach during the summer season:

- 1) Skim Board Camp
- 2) Outdoor Workout Classes on Basketball Court
- 3) Surf Camp
- 4) Yoga
- 5) Volleyball

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 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 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, Booker, Catalano, Keeler, Lamia, Leckstein
 Yes Yes Yes Yes Yes Yes

Res No. 167-2021 **Approving the Settlement Agreement Between S&S Roofing, Inc. ("S&S" Or "Plaintiff") and Kelso Construction Company, Inc. ("Kelso"), The Borough of Sea Bright ("Sea Bright") and Travelers Casualty and Surety Company of America ("Travelers")**

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

WHEREAS, the Plaintiff and Kelso entered into a contract for work to be performed at the Sea Bright Pavilion pursuant to a contract between Kelso and Sea Bright (the "Project"); and

WHEREAS, Kelso and S&S entered into a Subcontract relating to, inter alia, certain siding and insulation work regarding the Project ("Subcontract"); and

WHEREAS, a dispute has arisen between the parties regarding work under the contract, which resulted in the institution of a lawsuit captioned S & S Roofing, Inc. v. Kelso Construction Co., Inc., the Borough of Sea Bright, and The Travelers Indemnity Company, pending in the Superior Court of New Jersey, Monmouth County, bearing Docket number MON-L-1412-20 ("the Action"); and

WHEREAS, Travelers issued a certain Labor and Material Bond, Bond No. 106619171, on behalf of Kelso, as principal, in favor of Sea Bright, as obligee, to secure Kelso's performance under the Contract and payment by Kelso to those parties supplying labor and/or materials to Kelso in connection with the Project ("Payment Bond"); and

WHEREAS, on or about October 25, 2019, S&S filed a lien with Sea Bright in the principal amount of \$96,864.43 as to the Project ("Lien"); and

WHEREAS, Travelers filed with Sea Bright a Lien Discharge Bond, Bond No. 107430859, in the principal amount of \$193,728.86, discharging the Lien; and

WHEREAS, the Parties have conferred and they wish to resolve their dispute amicably, without the need for further proceedings; and

WHEREAS, the Parties have come to a Settlement Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey that the Borough Council approves the Settlement Agreement between the parties.

NOW, THEREFORE, BE IT FURTHER RESOLVED, the Mayor is authorized to sign and the Clerk to attest the said Settlement Agreement.

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

INDIVIDUAL ACTION/New Business:

Vouchers: \$421,225.56

Councilmember Keeler offered a motion to approve the Voucher List dated October 5, 2021 as submitted by the Finance Manager; seconded by Councilmember Booker:

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

02227	APOLLO SEWER & PLUMBING, INC.				
21-00458	04/15/21	BEACH-	MAINTENANCE & REPAIRS	Open	350.00
21-00459	04/15/21	BEACH-	MAINTENANCE & REPAIRS	Open	425.00
21-00900	08/04/21	BEACH-	MAINT. & REPAIRS	Open	375.00
21-00901	08/04/21	BEACH-	MAINTENANCE & REPAIRS	Open	450.00
21-00902	08/04/21	BEACH-	MAINTENANCE & REPAIRS	Open	850.00
21-00903	08/04/21	BEACH0	MAINTENANCE & REPAIRS	Open	425.00
21-01068	09/14/21	BEACH-	MAINT OF EQUIPMENT	Open	725.00
21-01160	09/28/21	SEWER-	MAINT. OF OTHER EQUIP.	Open	175.00
21-01162	09/28/21	BEACH-	MAINTENANCE & REPAIR	Open	475.00

					4,250.00

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2593	ASSOCIATION OF N.J. RECYCLERS		
21-01156	09/28/21 STREETS- CONFERENCE & MEETINGS	Open	125.00
2626	AUTOMATIC PROTECTION SYSTEMS		
21-01151	09/28/21 B&G- FIRE/SAFETY	Open	320.00
21-01152	09/28/21 B&G- FIRE/SAFETY	Open	320.00

			640.00
01631	BOROUGH OF OCEANPORT		
21-01175	09/29/21 COURT	Open	6,500.00
01939	BROWNS POINT MARINE SERV, LLC		
21-01070	09/14/21 Repairs - M43	Open	476.47
00230	CERTIFIED SPEEDOMETER		
21-01134	09/17/21 POLICE	Open	667.00
2555	CJM ASSOC. OF SEA BRIGHT		
21-01172	09/29/21 LEASE	Open	500.00
2777	CME ASSOCIATES		
21-01053	09/07/21 ENGINEER	Open	1,431.50
2386	CRANEY INTERPRETING SERVICE		
21-01163	09/28/21 COURT	Open	100.00
00088	CROWN TIRE MART		
21-00253	03/02/21 STREETS- VEHICLE MAINTENANCE	Open	846.00
02172	CUSTOM BANDAG		
21-01148	09/28/21 New Tires - 4377	Open	2,585.88
2286	DIFRANCESCO, BATEMAN, KUNZMAN		
21-01144	09/28/21 LEGAL	Open	2,280.00
2587	EASTERN JANITORIAL CO.		
21-01158	09/28/21 BEACH- CONTRACTUAL	Open	1,050.00
01817	FINEGAN, GEORGE		
21-01167	09/29/21 ANIMAL	Open	547.21
00979	GIBBONS, P.C.		
21-01179	09/30/21 LEGAL	Open	2,048.89
2281	GRAINGER		
20-00526	05/01/20 POLICE	Open	106.50
02252	GRAINGER, INC.		
21-01155	09/28/21 STREETS- MINOR TOOLS & HRDWRE.	Open	90.80
01887	HEIM ELECTRONICS, INC.		
21-01182	09/30/21 ALARMS	Open	140.97
2700	HIGHWAY EQUIPMENT OF NJ, INC.		
21-01149	09/28/21 BEACH- VEHICLE MAINTENANCE	Open	1,298.69
21-01157	09/28/21 STREETS- MAINT. OF EQUIPMENT	Open	915.85

			2,214.54
2710	HOLMDEL TOWNSHIP		
21-01170	09/29/21 FISCAL OFFICER	Open	3,312.50
2297	INTEGRATED TECHNICAL SYSTEMS		
21-01145	09/28/21 PARKING	Open	540.00
2783	JDR HOME REPAIR & MAINTENANCE		
21-01159	09/28/21 STREETS- MAINTENANCE OF EQUIP.	Open	350.00
00297	JESSE A. HOWLAND & SONS, INC.		
21-01171	09/29/21 LEASE	Open	1,705.00
01784	JUNGLE LASERS, LLC		
21-01168	09/29/21 BLDG. DEPT	Open	150.00
2552	MANNING, TY		
21-01174	09/29/21 POLICE	Open	1,225.00
00688	MONMOUTH COUNTY POLICE ACADEMY		
21-01082	09/15/21 POLICE-EDUCATION AND TRAINING	Open	1,500.00
02045	MONMOUTH COUNTY SPCA		
21-01176	09/29/21 ANIMAL	Open	325.00
2382	MORGAN, MICHAEL		
21-01142	09/28/21 POLICE	Open	259.50
2473	NAYLORS AUTO PARTS		
21-01098	09/15/21 Parts - 4367	Open	170.56
01399	NEW JERSEY AMERICAN WATER		
21-01143	09/28/21 WATER	Open	4,706.07

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00113	NJ NATURAL GAS COMPANY		
21-01146	09/28/21 NATURAL GAS	Open	450.27
00894	NOLZE GARAGE DOOR, LLC		
21-01095	09/15/21 B&G- MAINTENANCE OF B&G	Open	180.00
2778	OCEAN CASINO RESORT		
21-01073	09/14/21 NJLOM Room Reservation	Open	336.00
00885	OCEAN TWP FIRE DISTRICT NO. 2		
21-01173	09/29/21 FIRE OFFICIAL	Open	300.00
01309	OCEANPORT BOARD OF EDUCATION		
21-00795	07/07/21 SCHOOL TAX	Open	72,010.00
2290	PORZIO, BROMBERG & NEWMAN		
21-01178	09/30/21 LEGAL	Open	525.41
00071	R.R. DONNELLEY & SONS COMPANY		
21-01016	08/30/21 CLERK	Open	105.00
01554	SEA BRIGHT SERVICE CENTER		
21-00916	08/04/21 Maintenance 4367	Open	122.40
21-01097	09/15/21 POLICE-VEHICLE MAINTINANCE	Open	883.90
21-01150	09/28/21 STREETS- VEHICLE MAINTENANCE	Open	58.45
21-01161	09/28/21 STREETS- VEHICLE MAINTENANCE	Open	53.45

			1,118.20
00053	SHORE REGIONAL HIGH SCHOOL		
21-00794	07/07/21 HIGH SCHOOL TAX	Open	180,818.00
02225	STAPLES ADVANTAGE		
21-00915	08/04/21 POLICE: OFFICE SUPPLIES	Open	203.55
21-01019	09/02/21 Podium for Pavilion	Open	83.99

			287.54
2779	THE PEDDLER OF LONG BRANCH		
21-01135	09/17/21 POLICE	Open	298.39
02114	TWO RIVERS WATER RECLAMATION		
21-01169	09/29/21 SEWER	Open	121,088.00
2291	VERIZON		
21-01166	09/29/21 FIOS	Open	89.04
2658	VERIZON		
21-01180	09/30/21 SEWER	Open	528.02

Total: \$419,415.26**Manual Checks**

21-01164	COFONE CONSULTING GROUP		\$1,260.00
9/28/2021	PLAN. BOARD:REVIEW/ESCROW ACCTS.		
21-01181	DAVID HODER ASSOCIATES		\$140.00
9/30/2021	PLAN. BOARD:ENGINEER REVIEW/ESCROW ACCT.		
21-01165	GANNETT NJ		\$15.30
9/28/2021	PLAN. BOARD:REVIEW/ESCROW ACCTS.		
21-01147	NJ DEPT. OF TRANSPORTATION		\$395.00
9/27/2021	HIGHWAY OCCUPANCY PERMIT		
		TOTAL:	\$1,810.30

GRAND TOTAL: \$421,225.56**ANNOUNCEMENT:**

The Borough Council is in receipt of the 2020 Municipal Audit.

MAYOR AND COUNCIL COMMITTEE COMMENTS

Councilman Lamia reported that he and Councilmembers Birdsall and Keeler walked the town with the NJDOT to evaluate the crosswalks throughout town. The DOT will compile the information for future discussions prior to making any changes and improvements.

Councilman Keeler reported he spoke to the Police Department about using the electronic sign boards to alert motorists and pedestrians of the high number of bike riders.

Councilman Booker reported he has been working with Borough administration to get an inventory of our insurance policies which are in place and the brokers we use as come to the year end so we know where we stand when appointing professionals next year.

Councilman Leckstein reported there was a story in the news today that the government was relieving many of our neighboring towns of their FEMA loans received after Superstorm Sandy and reported that Sea Bright’s loans were forgiven three years ago – thanks to the great work of our Administration.

EXECUTIVE SESSION:

Councilmember Birdsall offered a motion to enter in to Closed Session; second by Councilmember Keeler:

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 – Beach Club Tax Appeals

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

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

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

ADJOURNMENT

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

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