

**MINUTES
REGULAR MEETING
BOROUGH OF SEA BRIGHT**

NOVEMBER 15, 2021

SEA BRIGHT, NEW JERSEY

TO ATTEND THIS MEETING REMOTELY PLEASE USE THE FOLLOWING LINK:

<https://global.gotomeeting.com/join/248969701>

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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 Kevin Birdsall, Jefferey M. Booker Sr.
Samuel A. Catalano, Marc A. Leckstein

ABSENT: Councilmember's William J. Keeler, John M. Lamia, Jr.,

OTHERS: Administrator Joseph Verruni, 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 Street, expressed his frustration with the way 8 Center Street has been handled and urged Council to "do the right thing". Mr. Murphy stated the amount offered by T&M Associates to remedy the condition of the home was insufficient and lacked any compensation for punitive damages.

CONSENT AGENDA

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

Minutes

10-13-2021 Workshop Meeting
10-13-2021 Executive Session
10-19-2021 Regular Meeting

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

Resolutions:

No. 176-2021 2021 Budget Authorizing the Transfer of Funds in Accordance with N.J.S.A. 40A:5-58

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

WHEREAS, there exists a need to transfer budget balances in certain line item appropriations of the 2021 budget; and

WHEREAS, N.J.S.A. 40A:5-58 authorizes the transfer of appropriations, during the last two (2) months of the calendar year, to said budget where adopted heretofore by the governing body by two-thirds vote thereof.

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Sea Bright, County of Monmouth, (not less than 2/3 of all members of the Governing Body concurring) that the Borough Administrator and Chief Financial Officer are hereby authorized to make the following transfers in accordance with the annexed schedule for the Current and Beach Utility Funds:

Schedule of Budget Transfers – November 15, 2021

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

1. Director of Finance
2. Township Auditor
3. Fiscal Officer

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

SCHEDULE OF BUDGET TRANSFERS

<u>CURRENT FUND</u>		<u>TO</u>	<u>FROM</u>
GENERAL ADMIN	SW		\$ 4,000.00
GENERAL ADMIN	OE		\$ 15,000.00
CLERK	S&W	\$ 2,600.00	
CLERK	OE		\$ 8,000.00
FINANCE	S&W	\$ 2,200.00	
FINANCE	OE		\$ 16,000.00
AUDIT	OE		\$ 6,000.00
COMPUTER INFORMATION	OE	\$ 8,000.00	
TAX COLLECTOR	S&W	\$ 1,100.00	
TAX COLLECTOR	OE		\$ 1,000.00
ENGINEERING	OE	\$ 5,000.00	
PLANNING BOARD	S&W		\$ 12,500.00
UNIFORM CONSTRUCTION CODE	S&W	\$ 7,500.00	
UNIFORM CONSTRUCTION CODE	OE		\$ 1,000.00
EMPLOYEE HEALTH INSURANCE	OE	\$ 25,300.00	
FIRE HYDRANTS	OE	\$ 1,000.00	
STREETS & ROADS	S&W	\$ 5,000.00	
STREETS & ROADS	OE	\$ 5,500.00	
BUILDINGS AND GROUNDS	OE		\$ 5,000.00
PUBLIC HEALTH SERVICES	OE	\$ 300.00	
GASOLINE	OE	\$ 5,000.00	
		\$ 68,500.00	\$ 68,500.00

<u>BEACH UTILITY</u>		<u>TO</u>	<u>FROM</u>
BEACH	S&W		\$ 11,000.00
BEACH	OE	\$ 11,000.00	
		\$ 11,000.00	\$ 11,000.00

**No. 177-2021 Authorize the Release of Maintenance Bond for MacKal Ventures, LLC
 14 East New Street - Block 20, Lot 5**

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

WHEREAS, the Municipal Land Use Law (N.J.S.A. 40:55D-53) provides for the posting of maintenance guarantees with the Borough after final acceptance of improvements when said improvements have been certified as complete; and

WHEREAS, MacKal Ventures, LLC, the developer of the property at 14 East New Street (also known as Block 20, Lot 5), heretofore deposited with the Borough of Sea Bright an all-cash maintenance bond in the amount of 15% (\$1,288.50) of the cost of the improvements on premises for a two year period; and

WHEREAS, David J. Hoder, P.E., P.P., C.M.E., Borough Consulting Engineer, has advised the Borough Clerk by letter dated October 29, 2021, a copy of which is on file in the Office of the Borough Clerk, that the bonded improvements have been satisfactorily completed in accordance with the approved site plan and remain in good condition, therefore recommending the release of the aforementioned maintenance bond.

WHEREAS, the Borough Council agrees with said recommendation.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sea Bright, County of Monmouth, that the maintenance bond in the amount of \$1,288.50 is hereby released, canceled and discharged and authorize the release of any and all remaining escrow, subject to the payment of any outstanding engineering and inspection fees due.

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

- 1. Fiscal Officer
- 2. Construction Official
- 3. Planning Board Secretary
- 4. MacKal Ventures, LLC

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

No. 178-2021 Amending Personnel Policies and Procedures Borough of Sea Bright

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

WHEREAS, it is the policy of the Borough of Sea Bright to treat employees and prospective employees in a manner consistent with all applicable Federal and State employment laws and regulations; and

WHEREAS, on May 7, 1996 the Borough Council adopted Ordinance No. 39-1996 establishing the personnel Policies and Procedures Manual/Handbook for Borough employees; and

WHEREAS, the Borough of Sea Bright is a member of the Monmouth County Municipal Excess Liabilities (MEL) Fund; and

WHEREAS, the MEL requires its members to adopt certain personnel practices and policies and further requires that its members regularly update their personnel practices at least every two years or when otherwise needed to address a significant change in policy or procedure; and

WHEREAS, the Borough's Labor Counsel has amended our Personnel Policies and Procedures Manual that conforms with the current policies of the MEL.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey that the amended Personnel Policies and Procedures Manual is hereby adopted in its entirety; and

BE IT FURTHER RESOLVED that these personnel policies and procedures shall apply to all Borough officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail; and

BE IT FURTHER RESOLVED that this manual is intended to provide guidelines covering public service by Borough employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Mayor and Council; and

BE IT FURTHER RESOLVED that the Borough Administrator is responsible for these employment practices and the Municipal Clerk and Finance Manager shall assist the Borough Administrator in the implementation of the policies and procedures in this manual.

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

No. 179-2021 Authorizing Hiring of Police Officer Designation of Special Law Enforcement Officer - Class II

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

WHEREAS, there exists a need for a Class II Special Officer in the Police Department in the Borough of Sea Bright; and

WHEREAS, Chief Brett Friedman requested that the following be appointed as a Class II Special Police Officer after fulfilling the required training at the Monmouth County Police Academy.

CLASS II SPECIAL POLICE OFFICERS:
 Dana R. McQuade

CERTIFICATION OF FUNDS

I, Michael J. Bascom, Chief Financial Officer of the Borough of Sea Bright, do hereby certify that funds are available in Police S/W for the purpose 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 Class II Special Officer, Dana R. McQuade, be paid at an hourly rate as specified in Ordinance No. 04-2021 and complete the required training; and

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

- 1. Khristi Jacobs, Finance Manager
- 2. Brett Friedman, Police Chief
- 3. Dana R. McQuade

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

**No. 180-2021 Borough of Sea Bright PBA Memorandum of Agreement
January 1, 2022 - December 31, 2025**

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

WHEREAS, the Sea Bright Police contract between the Borough of Sea Bright and the New Jersey State Policemen's Benevolent Association, Sandy Hook Local No. 48 (PBA) will expire by its terms on December 31, 2021; and

WHEREAS, the PBA Contract Negotiation Committee, Borough Administrator, Chief Financial Officer and Public Safety Committee Chairman have engaged in good faith negotiation meetings, relative to rates of pay, hours of work and other conditions of employment within the Sea Bright Police Department; and

WHEREAS, the Borough and the PBA have reached agreement on the terms of a new contract beginning January 1, 2022 through December 31, 2025; and

WHEREAS, the Mayor and Council of the Borough of Sea Bright find that it is in the best interests of the Borough to approve the contract as negotiated and agreed to by the parties.

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 Mayor and Borough Clerk to execute a Memorandum of Agreement outlining the agreed upon terms of negotiation for a successor four-year contract (January 1, 2022-December 31, 2025) between the Borough of Sea Bright and New Jersey State Policemen's Benevolent Association, Sandy Hook Local No. 48; and

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

- 1. Sea Bright Policemen's Benevolent Association, Local No. 48
- 2. Finance Manager
- 3. Chief Financial Officer
- 4. Chief of Police
- 5. Public Employment Relations Commission

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

No. 181-2021 Monmouth County SPCA 2022 Contract

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

WHEREAS, the Borough Council of the Borough of Sea Bright is in need of animal control services within the Borough, and

WHEREAS, the Borough of Sea Bright wishes to retain the services of the Monmouth County Society for the Prevention of Cruelty to Animals (MCSPCA) for animal control for a period beginning the 1st day of January, 2022 and ending on the 31st day of December, 2022; and

WHEREAS, the Borough Council is in receipt of the 2022 Agreement (attached hereto) which outlines the scope of services to be provided, including an animal control officer, for a sum of \$3,900.00 to be prorated on a monthly basis of \$325.00; and

WHEREAS, the Borough has previously entered into a Memorandum of Understanding with the MCSPCA for the purpose of TNR (Trap, Neuter, Release Program) and wishes to continue that program at the rate of \$37.50 per cat.

CERTIFICATION OF FUNDS

Michael J. Bascom, Chief Financial Officer of the Borough of Sea Bright, has certified that funds are available in the Animal Control Trust Fund for the purposes stated herein.


MICHAEL J. BASCOM, CFO

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, hereby authorize the animal control services with the Monmouth County SPCA for the year 2022 at a rate of \$3,900.00 per the attached agreement and authorize the continuation of the Memorandum of Understanding with the Monmouth County SPCA required to participate in the Trap, Neuter and Release Program; and

BE IT FURTHER RESOLVED that this agreement is made pursuant to N.J.S.A. 40:48-5.1.

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

- 1. Monmouth County SPCA
- 2. Police Department
- 3. Finance Manager

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

No. 182-2021 Borough of Sea Bright Approving Hiring Joseph Tomaino as an Expert Consulting Architect

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

WHEREAS, the Borough of Sea Bright ("The Borough") constructed a new Municipal Complex ("The Complex"); and

WHEREAS, the Borough encountered the need for numerous Change Orders in the course of construction of the Complex; and

WHEREAS, the Borough needs an expert consulting architect to review and evaluate these items; and

WHEREAS, Joseph Tomaino, AIA, is qualified as an Expert Consulting Architect.

CERTIFICATION OF FUNDS

Michael J. Bascom, Chief Financial Officer of the Borough of Sea Bright, has certified that funds are available in Legal Services No. 101-20-155-000 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 the Borough Council approves the hiring of Joseph Tomaino, AIA, as an Expert Consulting Architect.

BE IT FURTHER RESOLVED, the Mayor is authorized to sign and the Clerk to attest the said contract.

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

- 1. Borough Attorney
- 2. Finance Manager
- 3. Joseph Tomaino

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

ORDINANCE(s):

Introduction: Mayor Kelly to read the ordinance by title:

ORDINANCE NO. 15-2021
BOROUGH OF SEA BRIGHT
COUNTY OF MONMOUTH, STATE OF NEW JERSEY
AN ORDINANCE CREATING CHAPTER 141 OF THE BOROUGH CODE
TO BE ENTITLED "BOARDING AND ROOMING HOUSES"

Councilmember Leckstein offered a motion to introduce Ordinance No. 15-2021 for a public hearing to be held on December 21, 2021 and advertise according to law; seconded by Councilmember Birdsall (Councilman Leckstein made note of the language added to Section 141-16):

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

WHEREAS, N.J.S.A. 40:52-10 authorizes a governing body to make, amend, repeal and enforce ordinances to license and regulate rooming and boarding houses within a municipality which are consistent with rules and regulations promulgated pursuant to N.J.S.A. 55:13B-1 *et seq.*, so long as the municipality notifies the Commissioner of the Department Community Affairs; and

WHEREAS, Rooming and Boarding houses are not permitted uses within the Borough, but to the extent that same, including Cooperative Sober Living Residences, are or may be mandated uses by Federal or State law or are permitted by variance, licensing and regulations should occur; and

WHEREAS, N.J.S.A. 40:48-2 authorizes a municipality to make, amend, repeal and enforce such ordinances and regulations as it may deem necessary and proper for the good government, order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants.

NOW, THEREFORE, BE IT ORDAINED, by the BOROUGH COUNCIL OF THE BOROUGH OF SEA BRIGHT, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY that Borough Code is hereby amended so as to create a new Chapter 141 which shall be entitled "Boarding and Rooming Houses" and read as follows:

SECTION ONE.

Chapter 141 of the Code of the Borough of Sea Bright is added as follows:

CHAPTER 141 BOARDING AND ROOMING HOUSES

§ 141-1 Purpose

The purpose of this section is to protect the public health and welfare by licensing rooming and boarding houses, pursuant N.J.S.A 40:52-10.

§ 141-2 Definitions

COOPERATIVE SOBER LIVING RESIDENCE

Shall mean a cooperative sober living residence licensed pursuant to N.J.S.A. 55:13B-1, *et seq.* and as defined in N.J.A.C. 5:27-2.1 and holding a Class F license from the Bureau of Rooming and Boarding House Standards in the Division of Codes and Standards of the Department of Community Affairs (the Bureau).

LICENSING AUTHORITY

Shall mean the Borough Council of the Borough of Sea Bright.

OPERATOR

Shall mean any person, including for the purposes of this section, any corporation or association of persons or any agency or instrumentality of state or local government, which operates or proposes to operate a rooming or boarding house.

OWNER

Shall mean the holder of title in fee simple to premises and any lessor or sublessor of whom an operator is or proposes to become a sublessor in connection with an application for a license, or renewal thereof, pursuant to this section.

POPULATION

Shall mean the most recent population count reported by the Department of Labor.

ROOMING OR BOARDING HOUSE

Shall mean a rooming or boarding house licensed pursuant to N.J.S.A. 55:13B-1 *et seq.* A rooming house is further defined as a boarding house wherein no personal nor financial services are provided to the residents (N.J.S.A. 55:13B-3(h)). It shall include all classes of premises applying for a license as defined in N.J.A.C 5:27-6.

§141-3 License Required

- a. Except as provided in paragraph b of this section, no rooming or boarding house shall hereafter be located or operated in the Borough except upon premises licensed for that purpose by the Licensing Authority.

- b. Any rooming or boarding house that is in lawful operation on the date of enactment of this section shall be entitled to continue in operation for one year from the date of enactment and, if the owner of the premises applies for licensure not later than the 60th day next preceding the expiration of that year, until a final determination is made upon that application.

§141-4 License Application

Application for a license under this section shall be made to the Council. The application shall be by a form which can be obtained from the Borough Clerk.

- a. The application must be accompanied by an application fee of \$200 or such fee as may be prescribed by resolution. The application shall be filed with the Municipal Clerk, who will be required to place the application upon the agenda of the next available meeting of the Council.
- b. The form of application shall require the submission of information and supporting documentation, which will provide a basis upon which the Council may conduct the investigation and reach the conclusions required under this section for the issuance or denial of a license.
- c. It shall be the responsibility of the applicant/owner to obtain information required by this application and to exercise due care and diligence to insure its completeness and accuracy.
- d. All information required from the operator must be duly sworn to by the operator in order to form a valid part of the application.
- e. If the application filed pursuant to this section is denied, 90% of the application fee shall be refunded to the applicant, and 10% retained by the Borough in defraying the expenses of the Licensing Authority in carrying out its functions under this section.
- f. All applications by a natural person, partnership or unincorporated association of natural persons shall be duly sworn to by each of the applicants. An application by a corporation shall be duly sworn to by the president or vice president of the corporation. All statements in the application shall be deemed material, and any person who knowingly misstates any material fact therein shall be guilty of a crime of the fourth degree.
- g. Each application shall designate an operator/manager of the premises. That person must meet the requirements for licensure by the NJ Department of Community Affairs and requirements for licensure of a natural person. There shall be a \$25 fee for a background check on the designated operator/manager. Said fee will apply each time the operator/manager changes.

§141-5 Required Notice

Every applicant for a license shall, after filing the application, cause notice of the pendency of the application to be published once per week for two weeks successively in a newspaper, printed in the English language, published and circulated in Monmouth County. The notice shall include the time and place of the Public hearing before the Council, the name of the owner of the premises, the name of the operator of the boarding house, the name of the boarding house, the address of the boarding house, and the business name of the boarding house.

The second publication thereof shall be made not less than one week nor more than two weeks prior to the date for the public hearing.

§141-6 Investigation

The Borough Administrator shall, upon receipt of application, cause the following inspections to take place:

- a. With respect to the premises for which a license is sought: (1) that they are in compliance with all applicable building, housing, health and safety codes and regulations; (2) that the location of the premises will not, in conjunction with the proximity of other rooming and boarding houses, lead to an excessive concentration of such facilities in the municipality or a particular section thereof;
- b. With respect to the owner or owners of the premises: (1) if a natural person or persons, that he or they are 21 years of age or older, citizens of the United States and residents of the State of New Jersey, and never convicted, in this State or elsewhere, of a crime involving moral turpitude, or of any crime under any law of this State licensing or regulating rooming or boarding houses, and have never had a license required pursuant to P.L. 1979, c. 496(C. SS:13B-1 *et seq.*) revoked; (2) if a corporation, that all officers and members of the Board of Directors, and every stockholder holding 10% or more of the stock of the corporation, directly or indirectly having a beneficial interest therein, have the same qualifications as set forth in this subsection for an applicant who is a natural person;

- c. With respect to the operator or proposed operator, that he meets the requirements for licensure by the Department of Community Affairs;
- d. That the owner and operator, either individually or jointly, shall have established sufficient guarantee of financial and other responsibility to assure appropriate relocation of the residents of the rooming and boarding house to suitable facilities in the event that the licensure is subsequently revoked or its renewal denied. The Department of Community Affairs shall determine in the case of each type of rooming and boarding house under this jurisdiction, what constitutes suitable facilities for this purpose. Said guarantee of financial responsibility shall be in the form of a surety bond in favor of the Borough. The amount for said bond shall be determined by the Borough Administrator at the time of the hearing on the application, by multiplying the number of the maximum allowable licensed beds at the rooming and boarding house in question by the maximum relocation costs allowed by the Department of Community Affairs (including both the maximum moving expenses and rental assistance allowed by the Department) and then by adding an additional 10% of said total for administrative costs and expenses in the event of relocation. Said bond shall be in form and substance acceptable to the Borough Attorney and for a period of one year;
- e. The applicant has complied with the regulations stated herein and possesses a valid applicable License from the Bureau. An inspection performed by a municipal enforcement agent under a contractual agreement with the Department of Community Affairs pursuant to N.J.S.A. 55:13B-1 *et seq.* may be deemed by the Licensing Authority to satisfy the investigation requirements of this section; such inspection shall be performed by and be under the jurisdiction of the Licensing Authority; and
- f. The Owner has paid all municipal property taxes due and owing on the rooming and boarding house, or in the case of an initial application, the applicant has paid all municipal property taxes due and owing on any other rooming and boarding house located within the Borough and owned by the applicant, provided that the owner has received written notice of any payment delinquency which has remained unpaid for more than 120 days. The provision of this subsection shall not be construed as denying or limiting the rights of any displaced residents to relocation assistance in accordance with N.J.S.A. 20:4-1 *et seq.*

§141-7 Public Hearing

The Council shall hold a public hearing, at which the applicant, the operator or proposed operator and all other parties in interest including members of the general public, shall be entitled to be heard upon the merits of the application and the suitability of the premises proposed for licensing. The time and place of the public hearing shall be determined within 30 days of receipt of the application, and shall be communicated to the applicant in sufficient time to enable compliance with the publication requirement of this section.

§141-8 Restrictions

- a. No license shall be issued which would result in increasing the total number of persons authorized to be residents in rooming and boarding houses within the Borough to more than 100 people; but nothing in this subsection shall warrant refusal of a license or license renewal for premises where a rooming or boarding house has been in lawful operation prior to the enactment of this section.
- b. No license shall be issued for premises when any part of the boundary line of the premises is within 1,000 feet of the boundary line of any other premises for which a license is in force; but nothing in this subsection shall warrant refusal of a license or license renewal for premises where a rooming or boarding house has been in lawful operation prior to the enactment of this section.
- c. No license shall be issued until all real estate taxes, sewer, water and all other municipal liens and charges are current up to and including the quarter within which the application shall take place. The applicant will be disqualified for applying for a license until all aforementioned charges are brought current.
- d. Owner or owners of the premises shall never have had a license required pursuant to N.J.S.A. 55:13B-1 *et seq.* revoked.
- e. Except as otherwise provided in the Rehabilitated Convicted Offenders Act (N.J.S.A. 2A:168A-1 *et seq.*), no license shall be issued to any person who has at any time been convicted of forgery, embezzlement, obtaining money under false pretenses, extortion, criminal conspiracy to defraud, crimes against the person or other like offense or offenses, or to any partnership of which such person is a member, or to any association or corporation of which said person is an officer, director or employee or in which as a stockholder such person has or exercises a controlling interest either directly or indirectly.

- f. No license shall be issued to any person if the Council determines that the issuance of a license to such person would be contrary to the best interests of the residents of any rooming or boarding house or of the public generally.
- g. No owner shall employ any person not licensed as an operator to operate any rooming or boarding house. A separate operator shall be required for every building occupied by residents other than an accessory building.
- h. No license shall be issued to any person who has previously been denied a license by either the Department of Health or the Department of Human Services for reason of personal unfitness or who has had a license revoked by either the Department of Health or the Department of Human Services.
- i. No license shall be issued to, or shall continue to be held by, any person, who, in a final adjudication by a court of record or by the Division on Civil Rights, has been found to have discriminated against any resident or prospective resident on the basis of race, color, creed, national origin or ancestry.
- j. A Class D license shall specify the type of facility for which it is issued. Except as otherwise provided in this chapter, any service which may be provided under a Class C license may be provided under a Class D license and any facility operated under a Class D license shall conform to all standards that would be applicable to the facility where it operated under a Class C license.
- k. No license to own or operate a boarding house shall be issued to, or shall be continued to be held by, any person who has not completed a training course approved by the Department of Community Affairs. This subsection shall not apply to persons holding or applying for only Class A (rooming house) licenses or Class F (cooperative sober living residence) licenses and shall only be effective so long as there exists a training program funded by the Department of Human Services.
- l. No license to operate a rooming or boarding house shall be issued prior to receipt of a certification that the building does not have any outstanding violations of the Uniform Fire Code N.J.A.C. 5:70.
- m. No person shall own or operate a rooming or boarding house that offers or advertises or holds itself out as offering personal care services to residents with special needs, including, but not limited to, persons with Alzheimer's disease and related disorders or other forms of dementia, hold out a building as available for rooming or boarding house occupancy for such residents, or apply for any necessary construction or planning approvals related to the establishment of a rooming or boarding house for such residents without first having a Class C or Class D license with an endorsement allowing such services to be offered and provided at the facility.

§141-9 Term of License

- a. After the public hearing, the Licensing Authority shall determine in accordance with the requirements of this section, whether to grant the license. A license when issued shall be valid for one year from the date of issuance and until such time as the Licensing Authority has acted upon an application for renewal, unless sooner terminated by revocation pursuant to the terms of this section.
- b. Not later than the sixtieth day preceding the anniversary date of issuance, the holder of a license shall make application to the Licensing Authority for its renewal. Application for a renewal shall follow the same procedure and requirements as prescribed for a new application and shall necessitate de novo consideration and determination by the Licensing Authority in the same manner as a new application.

§141-10 Revocation

The Licensing Authority may revoke a license granted under this section for any of the following reasons:

- a. A finding that there was any misstatement of material fact in the application upon which the license was issued.
- b. The occurrence of any fact which, had it occurred and been known to the Licensing Authority before the issuance of the license, would have resulted in the denial of the application.
- c. Repeated violations, or prolonged failure to correct any violation, of any applicable building, housing, health or safety code or regulations for at least 30 days.

- d. Refusal to allow access to any portion of the licensed premises at all reasonable time, with or without advance notice in order that officers or agents of the Licensing Authority, or any official charged with enforcement within the municipality of any building, housing, health or safety code or regulations applicable to the premises may determine compliance with such codes or regulations.
- e. Revocation by the Department of Community Affairs of the operator's license or other authorization to operate a rooming or boarding house on the premises.
- f. Notification by the Department of Community Affairs that the premises are not, or are no longer suitable for operation of a rooming or boarding house on the premises.
- g. Failure or refusal to comply with any lawful regulation or Order of the Licensing Authority.
- h. A determination by the Licensing Authority that the issuance or renewal of a license to such a person would be contrary to the best interests of the residents of any rooming or boarding house or the public generally based upon the regulations and conditions set forth in this chapter.

§141-11 Notice of Revocation

A license shall not be revoked until five days' prior notice of the grounds therefor has been served upon the licensee, either personally or by certified mail addressed to the licensee at the licensed premises, and a reasonable opportunity given to the licensee to be heard thereon.

§141-12 Appeal

Upon determination by the Licensing Authority to refuse the granting or renewal of a license, or to revoke a license, the licensee affected shall be entitled to appeal to the Commissioner of Community Affairs for a review of that determination. Said appeal is to be filed within 30 days of a final decision of the Licensing Authority. Said appeal to be filed in writing with the Director of Licensing and inspections; the Commissioner shall have the authority to reverse the Licensing Authorities determination if it concludes that the application was improperly denied, or the revocation improperly imposed. Such review shall be in conformity with the provisions of the "Administrative Procedures Act" P.L. 1968, c. 410 (N.J.S.A. 52:14B- 1 *et seq.*). The decision of the Commissioner in such cases shall be subject to appeal to the Appellate Division of the Superior Court. If an applicant for a license renewal has made timely and sufficient application for a renewal in accordance with the provisions of this section, and the rules of the licensing pursuant thereto, his license shall not expire until any appeals under this section have been finally determined and disposed of.

§141-13 Authority to Act

The Licensing Authority shall be the Borough Council. All decisions of the Licensing Authority shall be by a majority of the quorum present for the public hearing as prescribed by subsection.

§141-14 Violations and Penalties

Any person, firm or corporation who violates or neglects to comply with any provision of this chapter or any rule, regulation or directive promulgated pursuant thereto shall be penalized by a civil penalty of not less than \$50 and not to exceed \$2,000.

§141-15 Inspections

- a. There shall be an annual inspection for each rentable room enumerated on license to own and/or operate a rooming or boarding house issued by the Licensing Authority.
- b. The initial annual inspection fee shall be \$30 per rentable room, regardless of the number of changes in tenancy. During the initial annual inspection, the entire property will be inspected including all common areas, and the exterior of the property.
- c. Any reinspection will require the fee of \$20 per rental room requiring reinspection, \$50 for the reinspection of any common area and a \$50 reinspection fee for the exterior of the property 141-16 Relation to Borough Land Use Developments and Zoning Provisions.

§141-16 Relation to Borough Land Use Developments and Zoning Provisions

Nothing herein shall be construed to permit or allow as a permitted or conditional use a rooming or boarding house, including a cooperative sober living residence in any zone or District in the Borough Land Use Development or Zoning Ordinances. **In fact, such uses remain specifically prohibited under the Borough Ordinances. This Ordinance is being adopted as a precaution in the event that any boarding house is or may become a mandated use by Federal or State law or may become permitted by variance.**

SECTION TWO.

All other Ordinances or provisions of the Code of the Borough of Sea Bright or parts thereof, which are inconsistent with any provisions in this Ordinance, are hereby repealed to the extent of such conflict or inconsistency.

SECTION THREE.

If any provision or portion of this Chapter is held to be unconstitutional, preempted by Federal or State Law or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this chapter shall not be invalidated.

SECTION FOUR.

This Ordinance shall take effect upon its passage and publication as required by law.

SECTION FIVE.

Upon passage, the Clerk shall provide a copy of the Ordinance to the Commissioner of the Department of Community Affairs pursuant to N.J.S.A. 40:52-10.

I HEREBY CERTIFY this to be a true and correct Ordinance of the Mayor and Borough Council of the Borough of Sea Bright, introduced on November 15, 2021 and will be further considered after a Public Hearing held on December 21, 2021.

INDIVIDUAL ACTION/New Business:

Vouchers: \$412,601.53

Councilmember Booker offered a motion to approve the Voucher List dated November 15, 2021 as submitted by the Finance Manager; seconded by Councilmember Birdsall:

Roll Call:	Birdsall,	Booker,	Catalano,	Keeler,	Lamia,	Leckstein
	Yes	Yes	Yes	Absent	Absent	Yes
01062 ALL HANDS FIRE EQUIPMENT, LLC 21-01303 11/02/21 Training				Open		250.00
2786 ALLSTATE REPAIR 21-01282 10/20/21 BEACH-MAINTENANCE OF EQUIPMENT				Open		1,050.00
02113 AMERICAN WATER 21-01324 11/08/21 SEWER				Open		328.52
02227 APOLLO SEWER & PLUMBING, INC. 21-01272 10/20/21 B&G-MAINTENANCE OF B&G 21-01311 11/02/21 BEACH - MAINT. & REPAIRS				Open Open		235.00 135.00
						----- 370.00
00757 ARIAS, JOHN 21-01265 10/20/21 POLICE: MAINT OF EQUIP				Open		249.00
00384 AT & T MOBILITY 21-01347 11/10/21 BEACH				Open		520.98
01241 BAIN'S HARDWARE, INC. 21-01359 11/12/21 HARDWARE				Open		303.34
2640 BATHGATE, WEGENER & WOLF 21-01358 11/12/21 LEGAL				Open		1,527.62
2521 BELSON OUTDOORS 21-00773 07/01/21 BEAUTIFICATION				Open		1,413.14
01957 BENEMAX BENEFIT MANAGEMENT CO. 21-01339 11/09/21 HEALTH				Open		336.00
00273 BORGATA HOTEL & CASINO 21-00698 06/09/21 NJLOM Conf. Room Reservations				Open		1,075.00
01631 BOROUGH OF OCEANPORT 21-01332 11/09/21 COURT				Open		6,500.00
2646 CAMPBELL SUPPLY CO. 21-01216 10/12/21 FIRE DEPT.				Open		415.00
2680 CINTAS 21-00442 04/15/21 BEACH-MATERIALS & SUPPLIES 21-00443 04/15/21 BLDGS. & GRDS.-MAT. & SUPPLIES 21-00827 07/13/21 BEACH-MATERIALS & SUPPLIES 21-01202 10/12/21 B&G- MATERIALS & SUPPLIES 21-01225 10/12/21 B&G- MATERIALS & SUPPLIES 21-01226 10/12/21 BEACH- MATERIALS & SUPPLIES 21-01227 10/12/21 BEACH- MATERIALS & SUPPLIES 21-01228 10/12/21 B&G- MATERIALS & SUPPLIES 21-01232 10/12/21 B&G- MATERIALS & SUPPLIES 21-01305 11/02/21 BEACH- MATERIALS & SUPPLIES 21-01306 11/02/21 BLDGS. & GRDS.-MAT. & SUPPLIES 21-01313 11/02/21 BLDGS. & GRDS. MAT. & SUPPLIES 21-01316 11/02/21 BEACH - MATERIALS & SUPPLIES				Open Open Open Open Open Open Open Open Open Open Open Open Open Open		120.03 211.19 374.00 132.88 126.58 45.74 50.29 185.58 176.58 45.74 132.88 185.58 50.29
						----- 1,837.36
2555 CJM ASSOC. OF SEA BRIGHT 21-01335 11/09/21 LEASE				Open		500.00
00256 CLEARY, GIACOBBE, ALFIERI & 21-01326 11/08/21 LEGAL				Open		432.00
01801 COLLIER ENGINEERING & DESIGN 21-01338 11/09/21 ENGINEER				Open		4,504.75

REGULAR MEETING

NOVEMBER 15, 2021

01988	COMPTON, BARBARA		
21-01317	11/08/21 CLERK	Open	35.00
01493	COOPERATIVE INDUSTRIES, L.L.C.		
21-01345	11/10/21 NATURAL GAS	Open	206.70
2386	CRANEY INTERPRETING SERVICE		
21-01349	11/10/21	Open	200.00
2787	CYCLE PASSIONS, LLC		
21-01278	10/20/21 BEACH-VEHICLE MAINTENANCE	Open	415.45
21-01280	10/20/21 BEACH-VEHICLE MAINTENANCE	Open	720.40
21-01281	10/20/21 BEACH-VEHICLE MAINTENANCE	Open	359.95

			1,495.80
2528	DCH FORD		
21-01271	10/20/21 BEACH-VEHICLE MAINTENANCE	Open	65.53
2286	DIFRANCESCO, BATEMAN, KUNZMAN		
21-01356	11/10/21 LEGAL	Open	500.00
2267	EMERGENCY REPORTING		
21-00797	07/07/21 Annual Subscription	Open	2,221.34
2780	FISH WINDOW CLEANING		
21-01233	10/12/21 B&G- MAINTENACE OF B&G	Open	890.00
21-01234	10/12/21 BEACH- MAINTENACE & REPAIRS	Open	1,140.00

			2,030.00
00978	FRIEDMAN, BRETT		
21-01337	11/09/21 POLICE	Open	533.32
02101	GANNETT NJ		
21-01355	11/10/21 CLERK	Open	209.25
02181	GATEWAY PRESS		
21-01205	10/12/21 TA-SEWER-MISCELLANEOUS RECEIPT	Open	132.00
01549	GENERAL CODE, LLC		
21-01351	11/10/21 CODE	Open	3,612.56
2281	GRAINGER		
20-00264	02/25/20 POLICE	Open	1,197.79
02252	GRAINGER, INC.		
21-01224	10/12/21 SEWER- MAINT. OF EQUIPMENT	Open	205.14
21-01314	11/02/21 STREETS- UNIFORMS/SHOES/CLOTH.	Open	800.82

			1,005.96
01887	HEIM ELECTRONICS, INC.		
21-01348	11/10/21 ALARMS	Open	563.00
2381	HENDRICKS, ANDREW		
21-01298	11/02/21 POLICE-CLOTHING ALLOWANCE	Open	204.00
2700	HIGHWAY EQUIPMENT OF NJ, INC.		
21-01299	11/02/21 BEACH - MAINT. OF OTHER EQUIP.	Open	1,431.53
01285	HOME DEPOT CREDIT SERVICES		
21-01274	10/20/21 SEWER-MATERIALS & SUPPLIES	Open	41.88
21-01352	11/10/21 DPW	Open	74.86

			116.74
2637	HT HALL, INC.		
20-00633	05/29/20 BEAUTIFICATION	Open	3,725.00
2791	HUDSON ENERGY SERVICES		
21-01346	11/10/21 ELECTRIC	Open	138.97
2561	INTRON TECHNOLOGY SOLUTIONS		
21-01363	11/12/21 COMPUTERS	Open	4,493.38
2470	JAX LLC NW SHIRT SHOP		
21-01342	11/09/21 BEACH	Open	4,085.16
21-01343	11/09/21 BEACH	Open	7,485.75

			11,570.91
01526	JCP & L		
21-01341	11/09/21 ELECTRIC	Open	6,225.52
2488	JERSEY SHORE POWERSPORTS		
21-01269	10/20/21 VEHICLE MAINTENANCE	Open	2,574.65
00297	JESSE A. HOWLAND & SONS, INC.		
21-01334	11/09/21 LEASE	Open	1,705.00
01784	JUNGLE LASERS, LLC		
21-01319	11/08/21 BLDG. DEPT	Open	440.00
01603	M & N VENTURES, LLC		
21-01275	10/20/21 STREETS-MATERIALS & SUPPLIES	Open	383.85
2278	MCLAUGHLIN, STAUFFER & SHAKLEE		
21-01325	11/08/21 LEGAL	Open	13,879.11
00106	MGL FORMS-SYSTEMS, LLC		
21-00711	06/09/21 2022 Dog Tags	Open	165.00
00531	MIDDLESEX COUNTY FIRE ACADEMY		
21-01267	10/20/21 FIRE:TRAINING	Open	361.00
2724	MIDDLETOWN TRAILER SUPPLY		
21-00048	01/15/21 STREETS- MATERIALS & SUPPLY	Open	173.80

REGULAR MEETING

NOVEMBER 15, 2021

01854	MONMOUTH COUNTY BOARD/TAXATION		
21-01290	10/26/21 TAX ASSESSOR	Open	500.00
00688	MONMOUTH COUNTY POLICE ACADEMY		
21-01213	10/12/21 POLICE-EDUCATION AND TRAINING	Open	75.00
02229	MONMOUTH COUNTY PUBLIC WORKS		
21-01217	10/12/21 FIRE:VEHICLE REPAIRS	Open	683.22
02045	MONMOUTH COUNTY SPCA		
21-01331	11/09/21 ANIMAL CONTROL	Open	325.00
00462	MUNICIPAL MAINTENANCE COMPANY		
21-01268	10/20/21 SEWER-MANTENANCE OF EQUIPMENT	Open	1,290.00
00339	NAPA AUTO PARTS CENTER		
21-00956	08/10/21 BILDGS. & GRDS. - MAT. & SUPPL	Open	61.64
01399	NEW JERSEY AMERICAN WATER		
21-01327	11/08/21 WATER	Open	4,226.59
00671	NJ DEPT OF COMMUNITY AFFAIRS		
21-01320	11/08/21 BLDG. DEPT	Open	1,359.00
00113	NJ NATURAL GAS COMPANY		
21-01287	10/26/21 NATURAL GAS	Open	518.17
01309	OCEANPORT BOARD OF EDUCATION		
21-00795	07/07/21 SCHOOL TAX	Open	72,010.00
00046	ONE CALL CONCEPTS, INC.		
21-01340	11/09/21 SEWER	Open	40.04
01662	OTC BRANDS, INC		
21-01183	10/01/21 Recreation	Open	399.91
2372	PAYARGO, INC.		
21-01354	11/10/21	Open	96.90
00081	PERRY'S TROPHY CO., INC.		
21-01195	10/12/21 BEAUTIFICATTON	Open	30.80
2525	POOR JOHNS PORTABLE TOILETS		
21-01357	11/12/21 BEACH	Open	526.00
01463	PUMPING SERVICES, INC.		
21-01229	10/12/21 SEWER- MAINT. OF OTHER EQUIP.	Open	1,204.00
00164	RAIN, WILLIAM		
21-01323	11/08/21 HEALTH	Open	144.60
2330	RAW POWER GENERATOR SERVICE		
21-01292	11/02/21 SEWER--CONTRACTUAL	Open	1,618.75
21-01293	11/02/21 SEWER-CONTRACTUAL	Open	1,618.75

			3,237.50
01554	SEA BRIGHT SERVICE CENTER		
21-00045	01/15/21 POLICE: TIRES, OIL, & WIPERS	Open	160.65
21-00318	03/16/21 POLICE-VEHICLE MAINTINANCE	Open	102.91
21-00323	03/16/21 POLICE: VEHICLE MAINTENANCE	Open	82.95
21-01199	10/12/21 POLICE: VEHICLE MAINTENANCE	Open	174.40
21-01214	10/12/21 POLICE:VEHICLE REPAIRS	Open	957.90
21-01218	10/12/21 POLICE:VEHICLE REPAIRS	Open	679.24
21-01301	11/02/21 POLICE-VEHICLE MAINTINANCE	Open	524.60
21-01307	11/02/21 STREETS- VEHICLE MAINTENANCE	Open	148.85
21000003	01/06/21 POLICE-VEHICLE	Open	1,920.08
21000006	01/06/21 POLICE-VEHICLE MAINTINANCE	Open	1,217.62

			5,969.20
01027	SHORE BUSINESS SOLUTIONS		
21-01336	11/09/21 POLICE	Open	436.00
00053	SHORE REGIONAL HIGH SCHOOL		
21-00794	07/07/21 HIGH SCHOOL TAX	Open	180,818.00
00260	SODON'S ELECTRIC, INC.		
21-01273	10/20/21 STREETS-MAINTENANCE OF EQUIP.	Open	916.00
21-01310	11/02/21 B&G-MAINT. OF B & G	Open	1,076.00

			1,992.00
02225	STAPLES ADVANTAGE		
21-01263	10/20/21 Office Supplies	Open	605.13
2585	STATE TOXICOLOGY LABORATORY		
21-01212	10/12/21 POLICE-OTHER PROFESSIONAL SERV	Open	90.00
01742	STATE TREASURER		
21-01297	11/02/21 RMC Certification Renewal	Open	50.00
2535	SUBURBAN DISPOSAL, INC.		
21-01328	11/09/21 LANDFILL TIPPING	Open	7,030.74
21-01329	11/09/21 DUMPSTERS	Open	2,358.61
21-01330	11/09/21 TRASH	Open	19,614.88

			29,004.23
00083	T & M ASSOCIATES		
21-01360	11/12/21 ENGINEER	Open	362.73
2349	TAYLOR COMMUNICATIONS		
21-01350	11/10/21 COURT	Open	385.00
00656	TAYLOR FENCE CO., INC.		
21-01300	11/02/21 DUNES	Open	1,577.60

REGULAR MEETING**NOVEMBER 15, 2021**

2438	THOMAS, SHAWN		
21-01312	11/02/21 STREETS - MATERIALS & SUPPLIES	Open	140.92
2487	UNIMAK, LLC		
21-01048	09/07/21 BEACH PAVILION	Open	7,952.05
2658	VERIZON		
21-01361	11/12/21 PHONE	Open	298.63
2291	VERIZON		
21-01362	11/12/21 FIOS	Open	93.99
00077	WEX BANK		
21-01322	11/08/21 GASOLINE	Open	5,817.06

TOTAL: \$405,530.33**Manual Checks**

21-01344	COFONE CONSULTING GROUP		\$490.00
11/10/2021	PLAN. BOARD:PLANNER-REVIEW/ESCROW ACCT.		
21-01321	DAVID HODER ASSOCIATES		\$1,940.00
11/8/2021	PLAN. BOARD:ENGINEER REVIEW & INSPECTION/ESCROW ACCTS		
21-01286	GANNETT NJ		\$37.70
10/26/2021	PLAN. BOARD:LEGAL AD/ESCROW ACCTS.		
21-01283	GANNETT NJ		\$19.90
10/22/2021	PLAN. BOARD:LEGAL AD/ESCROW ACCT.		
21-01318	NJ DEPARTMENT OF HEALTH		\$3.60
11/8/2021	MONTHLY DOG LICENSE FEE/OCTOBER		
21-01261	NJ DEPARTMENT OF TRANSPORTATION		\$1,580.00
10/19/2021	HWY. OCCUPANCY PERMIT FEE/SEWER LATERAL		
21-01262	NJ DEPARTMENT OF TRANSPORTATION		\$3,000.00
10/19/2021	ESCROW FEE/SEWER LATERAL		

TOTAL: \$7,071.20**GRAND TOTAL: \$412,601.53****MAYOR AND COUNCIL COMMITTEE COMMENTS**

Mayor Kelly reported he and some of the Governing Body and Borough staff will be attending the annual League of Municipalities Conference this week in Atlantic City. The Mayor also noted the school regionalization survey results have been published and are available on our website.

Councilman Booker stated that he met with the Chief of Police and is very pleased with their operations and their finances are in good shape.

EXECUTIVE SESSION**Executive session not held.****ADJOURNMENT**

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

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

Prepared by:

 Christine Pfeiffer, Borough Clerk