

**MINUTES
WORKSHOP MEETING
BOROUGH OF SEA BRIGHT**

OCTOBER 13, 2022 (Thursday)

SEA BRIGHT, NEW JERSEY

TO ATTEND THIS MEETING REMOTELY PLEASE USE THE FOLLOWING:

<https://meet.goto.com/369631269>

OR DIAL: +1 (872) 240-3212

Access Code: 369-631-269

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. 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 10, 2022. 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 Erwin Bieber, Kevin Birdsall, Jefferey M. Booker, Sr.,
Samuel A. Catalano, William J. Keeler, John M. Lamia, Jr.

OTHERS: Administrator Joseph L. Verruni, Attorney Richard Shaklee,
Engineer Gregory Blash, 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.

No one wished to be heard.

ITEMS FOR DISCUSSION:

SUBJECT: Capital Projects Update

ACTION: Administrator Verruni reported our backflow preventors for the downtown were held up because the contractor was completing a job in Oceanport however, we've been assured that it will be done within the next couple of weeks. Mr. Verruni also explained that we need a financing mechanism in place for the 2021/2022 road program as it is a reimbursement program - we will be introducing a bond ordinance at the next meeting. There are a few public works projects we are working on - the relining of the downtown sewer system and the viability of our River Street property for a future public works building. Mr. Verruni also reported there is a subdivision project on Mountainview Way which requires a developer's agreement because of the public improvements. Attorney Shaklee explained that the developer has requested the Borough authorize the agreement and are looking to get their bonding in place so they can begin construction since it was previously delayed due to CAFRA permits. A resolution will be prepared for Tuesday night's meeting for approval.

SUBJECT: Public Safety Update (Chiefs of Police and Fire)

ACTION: Police Chief Friedman reported the final revenue from the parking kiosks was \$897,604.32 and the total amount of tickets issued (as of 9/30/22) was 2,196. He explained September was a busy month but things seem to be slowing down. We lost a police officer to a neighboring town and are in the process of hiring a new officer to be sworn in at Tuesday's Council meeting. Fire Department Chief Murphy reported 425 calls for service to date. The open house this past weekend was a success and had a larger attendance than anticipated. The Chief reported they had the State inspection yesterday and were officially approved as a certified training site. He has been coordinating with Recreation Director Don Klein and is all set for the trunk or treat and parade on October 29th. Councilman Lamia explained that Trunk or Treat will begin at noon and the parade will follow. At 4:00 pm, the 10-year Sandy anniversary event will begin with speakers, music, and food - it will be a busy day. Chief Murphy stated that on October 22nd there will be a service for Pete Perrine Jr. Councilman Booker commended the Fire Department for the good job they did engaging with the public at their open house and encourages the Police Department to host a similar event.

SUBJECT: Business Insurance Registration

ACTION: Mayor Kelly explained that the State is making it mandatory for all businesses and rental units and homes in the Borough to carry a certain amount of insurance. Attorney Shaklee explained that the State has not given any guidance to the details within this ordinance, specifically the definition of "business". The Borough Clerk and the Building Department will need to initiate a permitting process for these types of licenses. Attorney Shaklee clarified that the Borough is not tasked with enforcing this - they are only tasked with collecting a fee, obtaining the insurance certificate, and issuing a permit. An ordinance will be prepared and introduced for Tuesday night's meeting.

SUBJECT: Short Term Rentals Ordinance

ACTION: Councilman Bieber explained that adopting a short-term rental ordinance is very common especially in the surrounding towns similar to ours. The final draft that was provided for this meeting has been reviewed by Council, the Attorneys, and CFO Michael Bascom. He would like any additional comments and recommendations by tomorrow so we can introduce this ordinance at Tuesday nights meeting so we can have it in place by January 1, 2023. Councilman Bieber explained that "short-term rental" is defined as anything that is rented 90 contiguous days or less. Council agreed that the minimum stay in a short term rental will be set at 3 consecutive days. This will limit the nightly rentals which will be better for our neighbors. There will be an annual registration fee of \$500 and they must obtain a certificate of occupancy. We will have 24/7 contact information for each property and proof of liability insurance which will be required during the annual application process. We will be implementing a 3% tax which is built into the online websites. We will also have fines in place for anyone in violation of the ordinance. Councilman Bieber estimates that we have about 40-60 short term rental properties in the Borough which should raise about \$100,000 in revenue. Councilman Bieber has spoken to the Administrator about administering and monitoring this within the Borough and they feel it shouldn't be too much of a burden. Councilman Booker would like to discuss further the funding and budget aspects which Mr. Verruni explained won't be in effect until next year. Councilman Bieber explained the main objective of this ordinance is not to generate revenue but to get this situation under control.

SUBJECT: 5G Small Node Ordinance

- Munisite Networks Right-of-Way application

ACTION: Mr. Verruni stated that we received an application from Munisite to install nodes within the Borough. Attorney Shaklee explained we are seeking clarification from Munisite whether they want to establish poles or attached to existing poles. Verizon has also requested a meeting with the Borough. We have an ordinance prepared for introduction at Tuesday's meeting which will organize the process and provide regulations moving forward.

SUBJECT: Committee Report on Cannabis

ACTION: Councilman Bieber distributed a report prepared by the cannabis committee. He thanked Borough Clerk Christine Pfeiffer and Michelle Ketcham for their support at the meetings, the Chief of Police, Cannabis Committee members Lamia and Birdsall, and most importantly all the Sea Bright residents and business owner who came out to have their voices heard. He provided a summary of the report – over 80 people attended the open meeting forums and he received 25 comments via emails. After all the meetings there was an overwhelming majority of people who were strongly against the governing body reversing the ordinance that currently prohibits cannabis sales. However, there were 2 people who expressed their opinion of being in favor of cannabis sales in town explaining that the majority of the residents in Sea Bright voted to legalize marijuana. The committee also met with a number of business owners who were 100% against cannabis sales – fear it would change the feel of the town. They met with the Chief of Police who did not feel that Sea Bright is a good location for a dispensary. The committee met with officials from Neptune Township where there are two operating dispensaries which was very helpful and insightful and although they do not have factual numbers they provided estimated revenues. Lastly, they met with three potential cannabis businesses who provided a great amount of information and ways they would mitigate resident concerns. Overall, the committee agrees there are three ways to move forward – 1) maintain the existing ordinance prohibiting cannabis sales, 2) the Governing Body develops a new ordinance allowing for cannabis sales which will ultimately be voted on by Council and, 3) the Governing Body elects to put the question on the ballot for voters to decide. At this time the Mayor and Council will review the entire document and will determine how to proceed at the Tuesday night council meeting. Committee member Lamia commented on the insightfulness of the meetings and that he feels they are ready to make a decision. Council member Birdsall added that Neptune approved allowing cannabis sales with a Council vote and have not had any bad feedback.

SUBJECT: 2023 Beach Fees

ACTION: Mr. Verruni asked Council if they would like to make any changes to the 2023 beach fee schedule – Council agreed to keep the fees the same and a resolution will be prepared for Tuesday night's meeting for approval.

SUBJECT: RFP for 2023 Professionals (add/delete any positions)

ACTION: Mr. Verruni asked if anyone would like to add or delete a position to the RFP list. It will be advertised sometime in November and proposals will be due in the beginning of December. A resolution authorizing the RFPs will be prepared for Tuesday night's meeting for approval.

SUBJECT: 2023 Beach Businesses (skim camp and umbrellas/chair rentals)

ACTION: Mr. Verruni explained that the contracts for skim camp and the beach umbrella rentals and chairs are up and we are going to be going out to bid for 1-5 year contracts. A resolution authorizing going out to bid will be prepared for Tuesday night's meeting for approval.

SUBJECT: Appointing Alt. Public Defender

ACTION: Mr. Verruni stated our current Public Defender Bob Holden is retiring and has recommended an individual to appoint as Alternate Public Defender to get us through the end of the year. A resolution will be prepared for Tuesday night's meeting for approval.

SUBJECT: Redevelopment Resolution

ACTION: Mr. Verruni explained this is actually a closed session item - there is an issue with our redevelopment ordinance - two Borough owned lots were omitted from the proposal - Council needs to make a decision on how to resolve. Discussion carried to closed session.

SUBJECT: Bond Ordinance - 2021 and 2022 Road Programs

ACTION: Mr. Verruni explained that we need to introduce a bond ordinance to get temporary funding in place for the 2021/2022 road programs which - we will be reimbursed \$350,000 in grant funds. An ordinance will be prepared for introduction at Tuesday night's meeting.

SUBJECT: Beach Replenishment

ACTION: Mr. Verruni stated that we were scheduled to receive sand nourishment from the State and Army Corps but they have recently removed us from the plan due to lack of funding. The Borough does pay a percentage of the cost and the County subsidizes our payment. Councilman Catalano explained that we have only received one complete sand nourishment and one partial since Sandy and will reach out to Congressman Pallone to stress the importance of Sea Bright receiving sand replenishment. Councilman Bieber asked about sand berming and Mr. Verruni responded that we are looking into it - as it is a process, permits are required, etc. Councilman Birdsall added we should urge the Senators to try to get the Army Corps to do a new sand nourishment study - the last one was in the 80's and so much has changed with the currents, tides, etc.

SUBJECT: Resolutions

1. Monmouth County SPCA 2023 Contract
2. Authorizing Hiring Police Officer SLEO Class II
3. Halloween Curfew
4. Accepting Bid of Chris Wood on Behalf of Woody's Ocean Properties LLC for a Portion of B 23, L 1
5. Approving a Final Payment, Change Order No. 2 and Acceptance of Maintenance Guarantee for Sanitary Sewer Lateral Improvements Located on Route 36 - Lima Charlie Construction, Inc.

ACTION: The above resolutions will be prepared for the October 18th meeting for approval.

EXECUTIVE SESSION:

Councilmember Bieber offered a motion to enter in to Closed Session; second by Councilmember Booker:

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. Potential Litigation
2. Personnel

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:	Bieber,	Birdsall,	Booker,	Catalano,	Keeler,	Lamia
	Yes	Yes	Yes	Yes	Yes	Yes

ADJOURNMENT:

Councilmember Bieber offered a motion to Adjourn the Workshop meeting; seconded by Councilmember Booker:

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

Respectfully submitted,

Christine Pfeiffer
Borough Clerk