

**AGENDA
SPECIAL MEETING
BOROUGH OF SEA BRIGHT**

APRIL 30, 2024 (Tuesday)

SEA BRIGHT, NEW JERSEY

TO ATTEND THIS MEETING REMOTELY PLEASE USE THE FOLLOWING:

<https://meet.goto.com/975268005>

OR DIAL: +1 (872) 240-3412

Access Code: 975-268-005

CALL MEETING TO ORDER: 7:00 PM

PLEDGE OF ALLEGIANCE

COMPLIANCE STATEMENT (N.J.S.A. 10:4-18) - 48 Hour Notice Requirement

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 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 April 22, 2024 and posted on the bulletin board in the Borough office. This meeting is open to the public.

ROLL CALL:

Councilmember(s) BIEBER ___ CATALANO ___ GORMAN ___
 KEELER ___ LAMIA ___ LECKSTEIN ___
Mayor KELLY ___

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.

CONSENT AGENDA

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

Resolutions:

No. 92-2024 Authorizing Request for Proposals for Professional Appraisal Services to Defend the 2024 State Tax Court Appeals

No. 93-2024 Authorizing the Purchase of Personal Protective Equipment for the Sea Bright Fire Department

No. 94-2024 Authorizing the Public Display of Fireworks on July 5, 2024 in the Borough Of Sea Bright

No. 95-2024 Consideration of Award of Contract for the 2023 Road Improvement Program (WILL BE FORTHCOMING)

Roll Call: Bieber ___ Catalano ___ Gorman ___ Keeler ___ Lamia ___ Leckstein ___

ORDINANCE(s)

Introduction: Mayor Kelly to read the ordinance by title:

ORDINANCE NO. 06-2024
**AN ORDINANCE OF THE BOROUGH OF SEA BRIGHT, IN THE COUNTY OF MONMOUTH,
STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 201 OF THE
BOROUGH CODE REGARDING MOTORIZED VEHICLES**

Councilmember _____ offered a motion to introduce Ordinance No. 06-2024 for a public hearing to be held on May 21, 2024 and advertise according to law; seconded by Councilmember _____

Roll Call: Bieber____ Catalano____ Gorman____ Keeler____ Lamia____ Leckstein____

EXECUTIVE SESSION

Councilmember _____ offered a motion to enter in to Closed Session;
seconded by Councilmember _____

Resolution to discuss: TBD

Roll Call: Bieber____ Catalano____ Gorman____ Keeler____ Lamia____ Leckstein____

ADJOURNMENT:

Councilmember _____ offered a motion to Adjourn the Workshop meeting;
seconded by Councilmember _____

Roll Call: Bieber____ Catalano____ Gorman____ Keeler____ Lamia____ Leckstein____

Time: _____am

RESOLUTION NO. 92-2024
AUTHORIZING REQUEST FOR PROPOSALS
FOR PROFESSIONAL APPRAISAL SERVICES
TO DEFEND THE 2024 STATE TAX COURT APPEALS

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

WHEREAS, the Borough Council is desirous of receiving proposals for the following:

- a) Professional Appraisal Services to Defend the 2024 State Tax Court Appeals

WHEREAS, specifications for the aforesaid items will be on file in the Borough Clerk's Office and will be available for inspection.

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 Clerk to advertise for requests for proposals for the aforesaid items as per the specifications on file and will be received by the Borough Tax Assessor, 1099 Ocean Avenue, Sea Bright, New Jersey at a date and time to be determined; and

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

- 1. Finance Manager
- 2. CFO
- 3. Tax Assessor

Roll Call: Bieber, Catalano, Gorman, Keeler, Lamia, Leckstein

April 30, 2024

CERTIFICATION

I, Christine Pfeiffer, do hereby certify that the foregoing is a resolution adopted by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, at a Council Meeting held on April 30, 2024.

Christine Pfeiffer, Borough Clerk

RESOLUTION NO. 93-2024
AUTHORIZING THE PURCHASE OF
PERSONAL PROTECTIVE EQUIPMENT
FOR THE SEA BRIGHT FIRE DEPARTMENT

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

WHEREAS, the Sea Bright Fire Department is in need of additional personal protective equipment; and

WHEREAS, in accordance with the requirements of the Local Public Contract Law, N.J.S.A. 40:11-12 et seq., and the regulations promulgated thereunder, the purchase of goods and services by local contracting units without competitive bids is authorized from vendor(s) with state contracts; and

WHEREAS, the Sea Bright Fire Department wishes to purchase equipment under State Contract No. 17-FLEET-00810 specified in the proposal attached hereto from Skylands Area Fire Equipment and Training, LLC of Riverdale New Jersey for the total amount of \$71,529.46 and

WHEREAS, the Borough of Sea Bright Fire Department received a grant from the New Jersey Department of Community Affairs for \$70,000 for the acquisition of protective gear.

CERTIFICATION OF FUNDS

I, Michael J. Bascom, Chief Financial Officer of the Borough of Sea Bright, have certified that funds in the amount of \$70,000.00 are available in American Rescue Plan Firefighter Grant and funds in the amount of \$1,529.46 are available in budget line item #4-01-25-265-230 for the purpose 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, does hereby authorize the aforementioned equipment be purchased through State Contract No. 17-FLEET-00810 from Skylands Area Fire Equipment & Training, LLC for a total amount of \$71,529.46; and

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

1. Fire Department Chief
2. Finance Manager
3. Skylands Area Fire Equipment & Training, LLC

Roll Call: Bieber, Catalano, Gorman, Keeler, Lamia, Leckstein

April 30, 2024

CERTIFICATION

I, Christine Pfeiffer, do hereby certify that the foregoing is a resolution adopted by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, at a Council Meeting held on April 30, 2024.

Christine Pfeiffer, Borough Clerk

RESOLUTION NO. 94-2024
AUTHORIZING THE PUBLIC DISPLAY OF FIREWORKS
JULY 5, 2024 IN THE BOROUGH OF SEA BRIGHT

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

WHEREAS, N.J.S.A. 21:3-3 permits the governing body of a municipality, by resolution, to "grant a permit" for the public display of fireworks when such display is to be handled by a competent operator, to be approved by the chiefs of the police and fire departments of the municipality; and

WHEREAS, such displays shall be of such a character, and so located, discharged, or fired, as in the opinion of the chiefs of the police and fire departments, after proper inspection, shall not be hazardous to property or endanger any person or persons.

WHEREAS, such displays in the Borough of Sea Bright must be approved by the US Fish and Wildlife Service and the NJ Division of Fish and Wildlife so as not to endanger any form of wildlife nesting on the beaches; and

WHEREAS, the Borough of Sea Bright is desirous of presenting a fireworks display on July 5, 2024 on the municipal beach in front of the Sea Bright Beach Pavilion; and

WHEREAS, the Police Chief will coordinate the effort on behalf of the Borough in all aspects of public safety and work closely with the Borough's Fire Marshall and the Beach Manager to ensure compliance with all fire safety regulations; and

WHEREAS, the Police Chief advised that the cost to the Borough for the fireworks display will not exceed \$18,000.00; and

CERTIFICATION OF FUNDS

I, Michael J. Bascom, Chief Financial Officer of the Borough of Sea Bright, do hereby certify that funds in the amount of \$18,000.00 will be available in the 2024 Budget – Line Item #4-01-28-372-201 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 a display of fireworks is hereby authorized to be held on July 5, 2023, on the Municipal Beach pending the approval of the above-mentioned officials, the US Fish and Wildlife Service and the NJ Division of Fish and Wildlife; and

BE IT FURTHER RESOLVED that the Police Chief, Fire Official and Borough Clerk shall ensure that all applicable regulations are enforced, all required permits are obtained and all necessary insurance documents are filed; and

BE IT FURTHER RESOLVED that the fireworks display will be paid for by Chapel Beach Club; and

BE IT FURTHER RESOLVED that the Borough's Type 3 Fireworks Display Permit Fee in the sum of \$427.00 shall be waived; and

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

1. S. Mulheren, Chapel Beach Club
2. B. Friedman, Police Chief
3. Tom Haege, Fire Marshall
4. U.S. Fish and Wildlife Services

Roll Call: Bieber, Catalano, Gorman, Keeler, Lamia, Leckstein

April 30, 2024

CERTIFICATION

I, Christine Pfeiffer, Borough Clerk, do hereby certify that the foregoing is a Resolution adopted by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, at a Council Meeting held on April 30, 2024.

Christine Pfeiffer, Borough Clerk

ORDINANCE NO. 06-2024

AN ORDINANCE OF THE BOROUGH OF SEA BRIGHT, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 201 OF THE BOROUGH CODE REGARDING MOTORIZED VEHICLES

BE IT ORDAINED by the Borough Council of the Borough of Sea Bright in the County of Monmouth, State of New Jersey, as follows:

SECTION ONE: Chapter 201 is amended and supplemented to add thereto Article XIII. "Low Speed Electric Vehicles: Low-Speed Electric Bicycle (LSEB) and Low-Speed Vehicles (LSV)", to read, in full as follows:

Article XIII Low Speed Electric Vehicles: Low-Speed Electric Bicycle (LSEB) and Low Speed Vehicles (LSV)

§ 201-90 Definitions.

- A. **"Low-Speed Electric Bicycle (LSEB)"** means a two or three-wheeled vehicle with fully operable pedals and an electric motor of less than 750 watts, that meets the requirements of one of the following classifications: "class 1 low-speed electric bicycle" which means a low-speed electric bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour; or "class 2 low-speed electric bicycle" which means a low-speed electric bicycle equipped with a motor that may be used exclusively to propel the bicycle, and that is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour. "Low-speed electric scooter" means a scooter with a floorboard that can be stood upon by the operator, with handlebars, and an electric motor that is capable of propelling the device with or without human propulsion at a maximum speed of less than 19 miles per hour.
- B. **"Low-Speed Vehicle (LSV)"** is a four-wheeled vehicle with an attainable speed of more than 20 miles per hour, but no more than 25 miles per hour on paved surface. It cannot be powered by gas or diesel fuel and must comply with federal safety standards as noted in 49 CFR 571.500.
- C. **"Multi-Use Path (Splash Pad)"** Cement pedestrian/cyclist path located east of Ocean Avenue, between the coastal protection zone and sea wall, which extends from the northern border of 801 Ocean Avenue (Ship Ahoy Beach Club) to Sea Bright's border with Gateway National Recreation Area, Sandy Hook.
- D. **"Public Safety Vehicle"** Any vehicle operating for or on behalf of the municipality so as to provide police, fire, medical, security or code enforcement services for the municipality.

§ 201-91 Low Speed Electric Bicycles (LSEB).

A. Prohibited Vehicles

- (1) Any motorized bicycle with an electric motor greater than 750 watts is not to be considered a "Low-Speed Electric Bicycle (LSEB)" and shall be effectively prohibited from operation in the Borough of Sea Bright, unless such vehicle is specifically authorized by the New Jersey Motor Vehicle Code, and is properly registered and insured, and operated by a licensed operator.

B. Low Speed Electric Bicycles Rules and Regulations

1. *Rights and Duties of Persons on Low-Speed Electric Bicycle (LSEB)*: Every person riding a LSEB upon a roadway shall obey the instructions of official traffic control signals, signs and other control devices applicable to vehicles, unless otherwise directed by a police officer.
2. *Helmet*: Persons are not permitted to operate a LSEB unless they wear a protective helmet.
3. *Passengers*: It shall be prohibited for a person operating a LSEB to allow another person to ride as a passenger, unless the person is carried in a proper bike seat, trailer or other accessory that complies with current regulations and contains adequate provision for retaining the passenger in place and for protecting the passenger. The Passenger shall also be required to wear a properly fitted and fastened helmet pursuant to N.J.S.A. 39:4-10.1.
4. *Lights and Reflectors*: When in use during nighttime, every LSEB shall be equipped with:
 1. A front headlamp emitting a white light visible from a distance of at least 500 feet to the front;
 2. A rear lamp emitting a red light visible from a distance of at least 500 feet to the rear;
 3. In addition to the red lamp, a red reflector shall be mounted on the rear;
5. *Audible Signal*: A LSEB must be equip with a bell or other audible device that can be heard at least 100 feet away. However, the LSEB shall not be equipped with a siren or whistle.
6. *Hitching on Vehicle Prohibited*: No person operating a LSEB shall attach themselves to any streetcar or vehicle. Nor shall the operator of the LSEB knowingly permit any passenger to do the same.
7. *Feet and Hands on Pedals and Handlebars*: All operators of a LSEB shall keep their feet on the pedal and both hands on the handlebars at all times. It shall be prohibited to practice or perform any trick or fancy driving.

8. *Operating Regulations:* Every person operating a LSEB on a roadway shall ride as near to the right-side as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction. An operator of a LSEB may move left under any of the following conditions:
 1. To make a left turn from a left turn lane or pocket;
 2. To avoid debris, drains, or other hazardous conditions on the right;
 3. To pass a slower moving vehicle;
 4. To occupy any available lane when traveling at the same speed as other traffic;
9. *Prohibited Locations:* No person shall ride a LSEB (which include Low-Speed electric scooters) upon a sidewalk within the Borough of Sea Bright, on the Multi-Use Path (Splash Pad) from its intersection with the cross walk over Ocean Avenue at Mountain View Way through the Multi-Use Path's conclusion at the northern border of 801 Ocean Avenue (Ship Ahoy Beach Club) or ~~nor~~ in any location where it is prohibited by sign. ~~This restriction shall not apply to the "Multi-Use Path (Splash Pad)".~~
10. *Carrying Items:* No person operating a LSEB shall carry any package, bundle or article which prevents the rider from keeping both hands upon the handlebars.
11. *Parking:* No person shall park a LSEB upon a street except where an appropriate rack or spots are provided. All LSEB, when parked on sidewalks, shall be parked only in such manner as not to obstruct or impede the normal movement of pedestrian or other traffic or access to adjacent buildings.
12. *Speed:* No person shall operate a LSEB at speeds faster than are reasonable or proper, which in no case shall be in excess of legal speed limits, unless participating in an officially sponsored or sanctioned rally or road race. In no event shall speed of operation exceed 20 miles per hour.
13. *Reckless or Careless Riding:* No person shall ride a LSEB in a reckless or careless manner which endangers or is likely to endanger the safety or welfare of other persons or property.
14. *Public Safety Vehicles:* This section B shall not apply to Public Safety Vehicles engaging in their official activities.

C. Multi-Use Path "Splash Pad" Regulations.

1. Motorized vehicles of any type (electric or gas powered), including, but not limited to, LSEBs (which include Low-speed electric scooters) and LSVs, are not permitted on the multi-use path from its intersection with the cross walk at Mountain View Way through its conclusion at the northern border of 801 Ocean Avenue. This prohibition does not apply to Public Safety Vehicles.

1. ~~In addition to Regulations contained within § 201-91B of this Article, every person operating a LSEB on the Multi-Use Path “Splash Pad” shall:~~

~~a. Operate in PEDAL MODE only.~~

~~b. Yield to Pedestrians at all times.~~

~~c. Alert Pedestrians, Cyclist, and other LSEB Operators when attempting to pass.~~

~~d. Operate LSEBs and Bicycles at a low rate of speed not to exceed fifteen (15) miles per hour.~~

2. Signage:

a.—Signage shall be installed along the Multi-Use Path “Splash Pad” in appropriate locations which shall include, but not necessarily be limited to, a site prior to the cross walk at Mountain View Way and at the northern border of 801 Ocean Avenue (Ship Ahoy Beach Club), advising that LSEB’s (including Low Speed Electric Scooters) are prohibited from the Multi-Use Path “Splash Pad” along with the fine associated with the violation of the prohibition.

b. The Chief of Police, or their designee, shall provide proposals for the locations and text of the aforementioned signage to the Borough Council’s Code Enforcement Committee for its review and approval within twenty (20) days of the enactment of this ordinance. Upon approval, said signage shall be ordered by the municipality and thereafter installed upon receipt of same.

c. Nothing in this section shall be read as prohibiting the future establishment of additional locations, whether along the Multi-Use Path “Splash Pad” or otherwise, for signage deemed necessary so as to properly advise the public as to the prohibition against LSEB’s (including Low Speed Electric Scooters).

d. Nothing in this section shall be read as delaying enforcement of this Ordinance while signage is being obtained.

D. Business Regulations.

1. All persons and businesses who own, rent, hire or lease LSEB in the Borough of Sea Bright for the delivery of items in commerce, such as messages, parcels, food and/or other merchandise or goods, or for the delivery of items in commerce destined for the Borough of Sea Bright:

- a. Shall keep each LSEB in a safe operating condition, and shall advise the persons using said LSEB of the regulations for use in Sea Bright Borough.
 - b. Shall post a copy of this chapter in a conspicuous place where said bicycles are kept, rented, hired or leased, if such location is within the Borough of Sea Bright; and
 - c. Shall ensure that any employee, agent, or contractor, while utilizing LSEB for hire by, for or on behalf of such person or business, shall wear a reflective vest, and have affixed a tag, license, decal or marking affixed to LSEB clearly identifying such LSEB as being operated for hire by, for or on behalf of such person or business.
2. For the purposes of this section, to "hire" includes persons or businesses whose employees or agents utilize LSEB to deliver their messages, parcels, food and/or other merchandise or goods during the time such LSEB are being used for such purpose, whether or not such LSEB are owned, leased or rented by the person or business.
 3. A persons or businesses failure to comply with this section shall be considered a violation of this section.
 4. Any violation of this section by an operator of a LSEB while in the hire of a person or business shall be considered a separate violation of this section by such person or business.

E. Registration Requirement:

1. All persons and businesses who own, rent, hire or lease LSEB in the Borough of Sea Bright for the delivery of items in commerce, such as messages, parcels, food and/or other merchandise or goods, shall maintain proper registration tags and licenses for each LSEB issued by the Police Department.
2. All persons and businesses who rent, hire or lease LSEB in Sea Bright Borough for the delivery of items in commerce destined for the Borough of Sea Bright, but that are not located within the Borough, shall comply with any municipal registration requirements applicable to LSEBs that may be in force in the location where such business or person's business is based.
3. A persons or businesses failure to comply with this section shall be considered a violation of this section.
4. Any violation of this section by an operator of a LSEB while in the hire of a person or business, shall be considered a separate violation of this section by such person or business.

§ 201-92 Low-Speed Vehicles (LSV).

A. Low-Speed Vehicles Rules and Regulations

1. In addition to State Regulations pertaining to Low-Speed Vehicles, in particular NJSA 29:4-31.1, it shall be unlawful for any person to operate a Low-Speed Vehicle upon any public property in the Borough, including but not limited to municipal side street, municipal parking lots, multi-use path (splash pad), Ocean Avenue (SH36) and recreation areas.

§ 201-93 Violations and penalties.

- A. Any person who violates § 201-91.A above shall be subject to a fine in the amount of \$125.
- B. Any person who violates § 201-91.B above shall be subject to a fine in the amount of \$125
- C. Any person who violates § 201-91.C above shall be subject to a fine in the amount of \$125
- D. Any person who violates § 201-91.D above shall be subject to a fine in the amount of \$125
- E. Any person who violates § 201-91.E above shall be subject to a fine in the amount of \$125
- F. Any person who violates § 201-92.A above shall be subject to a fine in the amount of \$300

§ 201-94 Enforcement.

- A. The Sea Bright Police Department shall have authority to issue summonses for violations of this article.
- B. The Sea Bright Police Department may remove and impound any low-speed electric vehicle/bicycle which are operated, parked, or abandoned in violation of this article. The cost of said removal shall be borne by the low-speed electric vehicle/bicycle owner or lessee.
- C. Enforcement of this article shall be under the jurisdiction of the Sea Bright Police Department.

SECTION TWO. All Ordinances or parts of Ordinances inconsistent herewith are repealed to the extent of such inconsistency. The Borough Clerk is authorized to renumber and/or re-codify any sections affected by such repeal to the extent consistent with this Ordinance.

SECTION THREE. If any word, phrase, clause, section or provision of this Ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal or unconstitutional such word, phrase, clause, section or provision shall be severable from the balance of the Ordinance and the remainder of the Ordinance shall remain in full force and effect.

SECTION FOUR. This Ordinance shall take effect upon publication thereof after final passage according to law and approval by the State of New Jersey.

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 April 16, 2024 and will be further considered after a Public Hearing held on May 21, 2024 in the Municipal Building at 1097 Ocean Avenue at 7:00 p.m.

INTRODUCED: April 16, 2024
PUBLIC HEARING: May 21, 2024
ADOPTED:

Witness:

BOROUGH OF SEA BRIGHT

CHRISTINE PFEIFFER, CLERK

BRIAN P. KELLY, MAYOR

