

**AGENDA  
REGULAR MEETING  
BOROUGH OF SEA BRIGHT**

**OCTOBER 17, 2023**

**SEA BRIGHT, NEW JERSEY**

**TO ATTEND THIS MEETING REMOTELY PLEASE USE THE FOLLOWING:**

<https://meet.goto.com/881771909>

OR DIAL: (312) 757-3121

Access Code: 881-771-909

**CALL MEETING TO ORDER: 7:00pm**

**PLEDGE OF ALLEGIANCE**

**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 10, 2023. In each instance, the Date, Time, And Location of This Meeting Were Provided in The Notice. This Meeting Is Open To The Public."**

**ROLL CALL:**

<b>Councilmember(s)</b>	BIEBER _____	BOOKER _____	CATALANO _____
	GORMAN _____	KEELER _____	LAMIA _____
<b>Mayor</b>	KELLY _____		

**MOMENT OF SILENCE FOR THE FOLLOWING MEMBERS OF THE SEA BRIGHT COMMUNITY WHO RECENTLY PASSED AWAY:**

**Justin Henshell  
Ryan Patrick Mason**

**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 \_\_\_\_\_

**Minutes**

10-03-2023                      Regular Meeting

**Resolutions:**

**No. 156-2023                      Halloween Curfew**

**No. 157-2023                      Authorizing the Release of Various Planning Board Escrow Account Balances**



**INDIVIDUAL ACTION/New Business:**

**Vouchers: \$ 854,055.17**

Councilmember \_\_\_\_\_ offered a motion to approve the Voucher List dated October 17, 2023 as submitted by the Finance Manager; seconded by Councilmember \_\_\_\_\_

**Roll Call:** Bieber\_\_\_\_ Booker\_\_\_\_ Catalano\_\_\_\_ Gorman\_\_\_\_ Keeler\_\_\_\_ Lamia\_\_\_\_

**MAYOR AND COUNCIL COMMENTS**

**EXECUTIVE SESSION**

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

**Resolution to discuss: TBD**

**Roll Call:** Bieber\_\_\_\_ Booker\_\_\_\_ Catalano\_\_\_\_ Gorman\_\_\_\_ Keeler\_\_\_\_ Lamia\_\_\_\_

**ADJOURNMENT**

Councilmember \_\_\_\_\_ offered a motion to adjourn the meeting; seconded by Councilmember \_\_\_\_\_

**Roll Call:** Bieber\_\_\_\_ Booker\_\_\_\_ Catalano\_\_\_\_ Gorman\_\_\_\_ Keeler\_\_\_\_ Lamia\_\_\_\_

**RESOLUTION NO. 156-2023**  
**HALLOWEEN CURFEW**  
**BOROUGH OF SEA BRIGHT**

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

**WHEREAS**, a request has been received for a Halloween Curfew in the Borough of Sea Bright from the Police Department.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey that a curfew be imposed on October 30<sup>th</sup> and October 31<sup>st</sup>, between the hours of 9:00 P.M. and 6:00 A.M. for those under the age of eighteen. Minors accompanied by an adult will be exempt from this curfew.

**Roll Call:** Bieber, Booker, Catalano, Gorman, Keeler, Lamia

October 17, 2023

**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, New Jersey at a Council Meeting held on October 17, 2023.

\_\_\_\_\_  
Christine Pfeiffer, Borough Clerk

**RESOLUTION NO. 157-2023**  
**AUTHORIZING THE RELEASE OF VARIOUS**  
**PLANNING BOARD ESCROW ACCOUNT BALANCES**

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

**WHEREAS**, Chapter 130-74D(1)(a) of the Borough Code requires that all Planning Board applications be accompanied by escrows fees which are to be utilized to reimburse professionals to review applications; and

**WHEREAS**, the Planning Board Secretary has confirmed with the necessary professionals that there are no outstanding invoices and is requesting the release of the following;

<b><u>Block</u></b>	<b><u>Lot</u></b>	<b><u>Name</u></b>	<b><u>Escrow Balance</u></b>
3	20	James A. Lobiondo	\$ 390.00
9	2	James LoBiondo	\$ 8,801.43
9	4	Christopher LoBiondo	\$ 90.00
<b>TOTAL:</b>			<b>\$ 9,281.43</b>

**NOW THEREFORE BE IT RESOLVED** by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey that the above-mentioned Planning Board escrow balances be released.

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

1. Finance Manager
2. Fiscal Officer
3. Planning Board Secretary

**Roll Call:** Bieber, Booker, Catalano, Gorman, Keeler, Lamia

October 17, 2023

**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 October 17, 2023.

\_\_\_\_\_  
Christine Pfeiffer, Borough Clerk

**RESOLUTION NO. 158-2023**

**MONMOUTH COUNTY SPCA**

**2024 CONTRACT**

(January 1, 2024 through December 31, 2024)

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

**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 1<sup>st</sup> day of January, 2024 and ending on the 31<sup>st</sup> day of December, 2024; and

**WHEREAS**, the Borough Council is in receipt of the 2024 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.

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**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 2024 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:** Bieber, Booker, Catalano, Gorman, Keeler, Lamia

October 17, 2023

**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 October 17, 2023.

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Christine Pfeiffer, Borough Clerk

# MONMOUTH COUNTY MCSPCA

**SOCIETY FOR PREVENTION OF CRUELTY TO ANIMALS  
LAW ENFORCEMENT DIVISION**

**260 WALL STREET, EATONTOWN, NEW JERSEY 07724  
732-542-0040  
FAX: 732-542-4552**

**THIS AGREEMENT**, made this \_\_\_\_\_ day of \_\_\_\_\_ by and between the **MONMOUTH COUNTY SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS**, a non-profit 501(c) 3 organization having principal offices at 260 Wall Street, Eatontown, New Jersey, hereinafter referred to as the "MCSPCA " and \_\_\_\_\_ the Borough of Sea Bright \_\_\_\_\_, a municipal corporation of the State of New Jersey, having principal offices at 1099 Ocean Avenue, Sea Bright, New Jersey 07760, hereinafter, referred to as the "Municipality".

**WHEREAS**, the Municipality wishes to retain the services of the MCSPCA for animal control for a period beginning the 1st day of January, 2024 and ending on the 31<sup>st</sup> day of December, 2024.

**NOW THEREFORE**, in consideration of the mutual agreements set forth below, it is agreed that:

1. The MCSPCA shall make their services as independent contractor, as an animal service provider, as hereinafter described, available to the Municipality on a daily basis, during standard business hours, as needed, five (5) days a week. Weekends, Holidays and Night emergency services (after standard day time business hours), will also be provided when necessary on the terms stated. Services are defined as the rescue, custody and care of

injured animals, trapped animals, sick animals, animals whose lives are endangered or animals present a danger to humans, including those who have bitten a person.

For the purpose of this Agreement, marine mammals, feral cats and dead deer are specifically excluded, neither shall the MCSPCA trap, rescue, or relocate or care for geese unless same is in need of veterinary care.

Upon the Municipality's request, or in the case for the need of animal humane and/or Services as defines herein, feral cat colonies will remain the responsibility of the person "caretaker" caring for the cats. If there is a sick, rabid, or injured cat, the MCSPCA will provide services and assistance, and shall be entitled to be reimbursed for all the costs and expenses to said feral cat colony. If the colony is abandoned by the caretaker and the MCSPCA is called to remove any and/or care for the colony, the costs and expenses incurred by the MCSPCA will be in addition to the cost for Services and will be the responsibility of the Municipality. If the Municipality enters into a Memorandum of Understanding (MOU) with the MCSPCA for the purpose of TNR, then all terms of the MOU shall be set forth as agreed upon by the MCSPCA and the Municipality and shall supersede certain terms in the contract.

2. The Municipality will pay the MCSPCA the sum of \$3,900.00 said sum to be prorated on a monthly basis of \$325.00. Payment for all services, including additional costs and expenses as stated herein, and unless express terms to the contrary are agreed, are due thirty (30) days after presentment of invoice and/or Municipality voucher executed by appropriate party, time is of the essence.
3. It is expressly understood, except as otherwise stated, the services include all the costs and expenses incurred by the MCSPCA or its animal control officer in the maintenance of custodial facilities and vehicle to be used by the animal control officer.



4. Upon a request from the Municipality, the MCSPCA shall respond to an emergency as defined herein. Emergency veterinary treatment will be provided to an ill or injured animal as required by the State Law regulation. The MCSPCA reserves the right in its sole discretion to determine that if the animal requires transportation to an emergency clinic on nights, weekends, or holidays, when our own veterinarians are not available.

If there is no known owner, the cost of in house services shall be covered by the MCSPCA any expense incurred by the MCSPCA for outside veterinary services will be the responsibility of the Municipality. If the owner is known, the cost and expenses will be bore by the owner.

5. The MCSPCA shall, at the request of an owner of an unwanted animal, render assistance in delivery of said animal to an appropriate humane shelter, including a shelter maintained by the SPCA. The MCSPCA will be paid for the cost and expenses of such assistance, which shall be the responsibility of the owner.
6. The MCSPCA shall use reasonable efforts to impound any stray, abandoned or unlicensed dog or cat, running at large on public property within the municipality. When such impoundment occurs, the dog or cat shall be put up for adoption or humanly disposed of, at the sole and exclusive discretion of the SPCA, after seven (7) day statutory hold period. It is expressly understood, once the MCSPCA accepts any animal and takes it into custody; it shall become the property of the MCSPCA for the disposition a stated above. The MCSPCA Animal Control Officer (ACO) or MCSPCA Humane Law Enforcement Officer shall issue summons for Municipal Ordinances and NJ Title 4 pertaining to all animal laws that apply under the scope of the ACO's employment. (ie: Dog/Cat licensing, animals running at large, dangerous dog)

7. Upon proof of ownership, any person may redeem his/her animal from the MCSPCA upon payment to the MCSPCA and shall be responsible to pay for any vaccinations and/or necessary medical treatment that the medical team deemed necessary. Once the ownership is established, and the animal is no longer a stray, regular boarding rates at \$20.00 per day shall be paid to the MCSPCA by the owner prior to the release of the animal. No release or redemption shall be honored unless the owner provides proof of ownership and produces a current municipal dog/cat license if applicable. If an animal is unclaimed after seven (7) days, the MCSPCA shall by law take ownership of the animal and offer the animal for adoption, humanly disposed or any other disposition that the MCSPCA deems humanely appropriate.
8. Any stray dog, cat or any other animal taken into the custody of the MCSPCA and charged with biting a human being, shall be quarantined for the required period of ten (10) days. The cost and expenses incurred during this period shall be the responsibility of the owner. If no known owner, the costs shall be absorbed by the SPCA.
9. Transportation of the head of the animal suspected of rabies to the State department shall be provided by the MCSPCA under the condition that the said animal expired on the premises before the ten (10) day quarantine period referred to above. The fee for removal of the head and deliver for rabies examination will be paid by the owner of the animal or absorbed by the MCSPCA if the owner is unknown.
10. The animal control officer shall be an employee of the SPCA. The MCSPCA shall indemnify and hold the Municipality harmless from and against any damage caused by the animal control officer, expressly excluded damage caused by the animal.

11. Removal of an animal, including wildlife, inside a home, apartment building, garage, roof, etc., "residence", is not covered under this agreement. The MCSPCA reserves the right to answer/respond to those calls; however, the owner of the premises will be charged \$90.00 per hour during standard business hours and \$118.00 after standard hours. If the nature of the call is deemed by a police officer to pose a public safety risk, the MCSPCA shall respond and handle the call at no cost to the homeowner.
12. The MCSPCA shall not be responsible for handling deer or any wildlife carcasses; however the MCSPCA shall retrieve infirmed/ injured deer or wildlife at the SPCA's discretion.
13. The Municipality will be charged at an additional charge, a boarding fee of \$20.00 per day, payable monthly, for any animal which, upon request of the Municipality as part of a court process or upon order from a court shall impound an animal. The Municipality agrees to expressively seek reimbursement from the costs uncured by the MCSPCA as any judgement from the owner, in the absence as such; the costs shall be the responsibility of the Municipality.
14. The signatory of this document represents that it/he/she possess the requisite authority to bind the public entity further represents the execution of the Agreement is authorized by Municipality.
15. Except for non-payment, this Agreement contract may be determined during the Term by either party upon sixty (60) days written notice by Certified Mail, Return Receipt Requested, to the other party, in its sole discretion the terminating party may provide an opportunity to cure.
16. It is expressively agreed that the MCSPCA is not obligated to incur any cost, expense or legal fees as a consequence of the failure of the Municipality to timely and fully remit all payment due hereunder; such costs, expenses, legal fees shall be the sole responsibility of the Municipality.

17. The Parties hereto shall indemnify and hold the other harmless from and against any claim, award, cost, expense by any third party, not affiliated in any way employed by either party for any damage or injury caused by the act or omission of the indemnifying party or its agents.

THIS AGREEMENT is a sole expression of the understanding between the parties and may only be modified by a written amendment signed by both parties.

**MONMOUTH COUNTY SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS**

BY:  \_\_\_\_\_

Ross Licitra  
Executive Director

**\*MUNICIPALITY\* Borough of Sea Bright**

BY: \_\_\_\_\_

\_\_\_\_\_

**ATTEST**

**RESOLUTION NO. 159-2023**  
**Accept the Performance Guarantee for**  
**Block 15, Lot 4 – 4 River Street**  
**Sea Bright School, LLC**

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

**WHEREAS**, the Borough of Sea Bright Planning Board has approved a sub-division project on Block 15, Lot 4 also known as 4 River Street which was owned by River Street Realty, LLC; and

**WHEREAS**, Planning Board Engineer, David Hoder of Hoder Associates prepared a performance guarantee estimate dated May 12, 2020 for River Street Realty, LLC; and

**WHEREAS**, in accordance with N.J.S.A. 40:55D-53, River Street Realty, LLC posted said performance guarantees in the total amount of \$62,604.00, ten percent 10% (\$6,260.40) of which was cash and the remaining 90%, (56,343.60) in the form of a surety performance bond (United States Fire Insurance Company Bond Number 6021276264), estimated engineering inspection fees in the amount of \$2,608.50 and a \$5,000.00 cash Safety and Stabilization Bond; and

**WHEREAS**, the parcel of land at 4 River Street was recently sold by River Street Realty, LLC to a new developer – Sea Bright School, LLC to proceed with the sub-division project as approved by the Sea Bright Planning Board; and

**WHEREAS**, pursuant to section 41 of P.L. 1975, c.291 (N.J.S.A. 40:55D-53c, the governing body may accept a performance guarantee from a successor developer as a replacement for a performance guarantee that was previously furnished; and

**WHEREAS** Sea Bright School, LLC posted a performance guarantee totaling \$56,343.60 (United States Fire Insurance Company Bond Number 6022005336); and

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey that the performance guarantee submitted by Sea Bright School, LLC as referenced above is hereby accepted; and

**BE IT FURTHER RESOLVED** that the performance guarantee submitted by River Street Realty, LLC is hereby released, canceled and discharged; and

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

1. Hoder Associates
2. Construction Official
3. Finance Manager
4. Sea Bright School, LLC
5. River Street Realty, LLC

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

October 17, 2023

**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 October 17, 2023.

\_\_\_\_\_  
Christine Pfeiffer, Borough Clerk

**RESOLUTION NO. 160-2023**  
**REQUEST FOR PROPOSALS/QUALIFICATIONS**  
**FOR VARIOUS 2024 PROFESSIONAL SERVICES**

Councilmember \_\_\_\_\_ introduced and offered for adoption the following Resolution, seconded by Councilmember \_\_\_\_\_ :

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

**Various Professional Services for the year 2024**

**WHEREAS**, specifications for the aforesaid services will be on file and available in the Borough Clerk's Office during regular business hours and on the Borough website: [www.seabrightnj.org](http://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 proposals/qualifications for various professional services for the year 2024, as per the specifications on file, to be received by the Borough Clerk, 1099 Ocean Avenue, Sea Bright, NJ 07760, no later than 12:00 noon on December 8, 2023 for Council consideration; and

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

1. Finance Manager
2. CFO

**Roll Call:** Bieber, Booker, Catalano, Gorman, Keeler, Lamia

October 17, 2023

**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 October 17, 2023.

\_\_\_\_\_  
Christine Pfeiffer, Borough Clerk

**RESOLUTION NO. 161-2023**  
**AUTHORIZING RECEIPT OF BIDS**  
**SUMMER BUSINESS TO OPERATE**  
**ON THE SEA BRIGHT MUNICIPAL BEACH**

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

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

- 1) Skim Board Camp

**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](http://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 item 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

**Roll Call:** Bieber, Booker, Catalano, Gorman, Keeler, Lamia

October 17, 2023

**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 October 17, 2023.

\_\_\_\_\_  
Christine Pfeiffer, Borough Clerk

**RESOLUTION NO. 162-2023**  
**AUTHORIZING THE CANCELLATION OF CERTAIN GENERAL CAPITAL FUND RECEIVABLE AND IMPROVEMENT AUTHORIZATION BALANCES**

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

**WHEREAS**, there exists certain receivables and improvement authorizations on the General Capital Fund Balance Sheet; and

**WHEREAS**, it is necessary to formally cancel receivables and improvement authorizations from the General Capital Fund Balance Sheet;

**NOW, THEREFORE, BE IT RESOLVED** that the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey do hereby authorize that the following General Capital Fund receivable and improvement authorization balances be cancelled:

	<b><u>Canceled Improvement Authorization Balance</u></b>	<b><u>Canceled Ordinance Receivable Balance</u></b>
Ordinance 15-2016 Funded	\$4,405.78	
Ordinance 15-2016 Insurance Proceeds		\$40,000.00

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

1. Borough CFO
2. Finance Manager

**Roll Call:** Bieber, Booker, Catalano, Gorman, Keeler, Lamia

October 17, 2023

**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 October 17, 2023.

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Christine Pfeiffer, Borough Clerk



**RESOLUTION NO. 163-2023**  
**AUTHORIZING THE CANCELLATION OF CERTAIN CURRENT FUND  
RECEIVABLE AND RESERVE BALANCES**

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

**WHEREAS**, there exists certain grant receivables and various reserves on the Current Fund Balance Sheet; and

**WHEREAS**, it is necessary to formally cancel certain grant receivables and various reserves from the Current Fund Balance Sheet;

**NOW, THEREFORE, BE IT RESOLVED** that the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey do hereby authorize that the following Current Fund grant receivable and reserve balances be cancelled:

	<b><u>Canceled Reserve Balance</u></b>	<b><u>Canceled Receivable Balance</u></b>
Superstorm Sandy	\$10,918.50	
Due from Monmouth County - CARES Act		\$26,411.16

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

1. Borough CFO
2. Finance Manager

**Roll Call:** Bieber, Booker, Catalano, Gorman, Keeler, Lamia

October 17, 2023

**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 October 17, 2023.

\_\_\_\_\_  
Christine Pfeiffer, Borough Clerk

**RESOLUTION NO. 164-2023**  
**AUTHORIZING SALE OF BOROUGH SURPLUS PROPERTY**  
**NO LONGER NEEDED FOR PUBLIC USE**  
**ON AN ONLINE AUCTION WEBSITE**

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

**WHEREAS**, the Borough of Sea Bright is the owner of surplus property, listed below, which is no longer needed for public use; and

2013 Chevy Tahoe	Minimum Bid: \$1,500
Vin: 1GNSK 2E07D R1318 77	
Department: Police Department	

2013 Chevy Tahoe	Minimum Bid: \$5,000
Vin: 1GNSK2E07DR131104	
Department: Police Department	

2016 Polaris ATV	Minimum Bid: \$1,000
Vin: 3NSRCA572GG516570	
Department: Beach	

**WHEREAS**, the Borough of Sea Bright intends to utilize the online auction services of GovDeals, Inc. through Sourcewell (Member ID 29820) located at [www.govdeals.com](http://www.govdeals.com); and

**WHEREAS**, the sale is being conducted pursuant to N.J.S.A. 40A:11-36 and the guidance set forth in the Division of Local Government Services' Local Finance Notice 2019-15.

**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 is hereby authorized to sell the surplus property as indicated above on an online auction platform entitled Govdeals.com; and

**BE IT FURTHER RESOLVED**, that the terms and conditions of the agreement entered into between Govdeals.com and the Borough of Sea Bright are available on [www.govdeals.com](http://www.govdeals.com) and in the office of the Borough Clerk;

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

1. Finance Manager
2. Police Chief
3. Beach Manager

**Roll Call:** Bieber, Booker, Catalano, Gorman, Keeler, Lamia

October 17, 2023

**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 October 17, 2023.

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Christine Pfeiffer, Borough Clerk

**RESOLUTION NO. 165-2023**  
**AUTHORIZING THE DISPOSAL OF A BOROUGH VEHICLE**  
**NO LONGER NEEDED FOR PUBLIC USE**

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

**WHEREAS**, the Borough of Sea Bright owns a 1985 Chevy Pick-Up Truck  
(VIN: 1GCHD 34J5G F3266 23); and

**WHEREAS**, this vehicle was operated by the Fire Department and due to the poor  
condition of said vehicle, it is no longer operational and needed for public use; and

**WHEREAS**, it is the recommendation of the Fire Chief that the Borough dispose of  
the vehicle for scrap metal value; and

**NOW, THEREFORE BE IT RESOLVED**, that the Borough Council of the Borough of  
Sea Bright, County of Monmouth, State of New Jersey, does hereby authorize the  
1985 Chevy Pick-Up Truck (VIN: 1GCHD 34J5G F3266 23) to be disposed of for  
scrap metal value; and

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

1. Fire Chief
2. Finance Manager

**Roll Call:** Bieber, Booker, Catalano, Gorman, Keeler, Lamia

October 17, 2023

**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 October 17, 2023.

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Christine Pfeiffer, Borough Clerk

**RESOLUTION NO. 166-2023**  
**DONATION OF 2024 BEACH BADGES**  
**BOROUGH OF SEA BRIGHT**

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

**WHEREAS**, the Governing Body of the Borough of Sea Bright wish to support the fundraising efforts for the local organization listed below by donating four (4) 2024 beach badges as requested:

1.        Sea Bright Library                        **4 Badges**  
            Fall Festival Fundraising Event – October 21, 2023

**WHEREAS**, the Borough Auditor has been informed and advised that a resolution should be considered in order to donate 2024 Season Beach Badges.

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey authorize the donation of four (4) 2024 Season Beach Badges to the aforementioned charitable organization; and

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

1.        Borough Administrator
2.        Borough Auditor
3.        Individual Requestor

**Roll Call:** Bieber, Booker, Catalano, Gorman, Keeler, Lamia

October 17, 2023

**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 October 17, 2023.

\_\_\_\_\_  
Christine Pfeiffer, Borough Clerk

**RESOLUTION NO. 167-2023**  
**HIRING VOLUNTEER FIREFIGHTER**  
**BOROUGH OF SEA BRIGHT FIRE DEPARTMENT**

Councilmember            offered the following resolution for approval; seconded by  
Councilmember            :

**WHEREAS**, Chapter 20, Section 20.4 of the General Code, Fire Department membership requires any person desiring membership in a volunteer fire department, shall complete an application; may be required to have a pre-appointment physical by a physician; and the Borough Council shall order a criminal background check to be conducted by the Chief of Police; and

**WHEREAS**, the Fire Department received applications from the following individual, all pre-appointment requirements have been met and the Fire Chief recommends they be hired to serve as a volunteer firefighter in the Sea Bright Fire/Rescue Department:

**Full Membership**

Kristel-Lynn Mockler

**NOW, THEREFORE, BE IT RESOLVED** that the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, does hereby accept and approve appointing the above-named individual to serve as members in the Sea Bright Fire Department; and

**BE IT FURTHER RESOLVED** that the Borough Clerk is hereby authorized to send a certified copy of this resolution to the following:

1.     Sea Bright Fire Chief
2.     Individual Member

**Roll Call:**     Bieber,   Booker,   Catalano,   Gorman,   Keeler,   Lamia

October 17, 2023

**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 October 17, 2023.

\_\_\_\_\_  
Christine Pfeiffer, Borough Clerk

**RESOLUTION NO. 168-2023**  
**SHREWSBURY RIVERFRONT PARK – PHASE II IMPROVEMENTS**  
**COLLIERS ENGINEERING & DESIGN**  
**CHANGE ORDER NO. 1**

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

**WHEREAS**, by way of Resolution No. 192-2021 approved on December 21, 2021, the Borough Council approved a proposal from Borough Engineer, William H.R. White II, of Colliers Engineering & Design for professional engineering services for the Shrewsbury Riverfront Park Phase II improvements in the amount of \$11,560.00; and

**WHEREAS**, as stated in the proposal, additional charges separate from the engineering budget, including miscellaneous postage and newspaper fees, would be invoiced as reimbursable expenses for an amount not to exceed \$1,000.00 to be determined as the project progressed; and

**WHEREAS**, the total amount of reimbursable expenses submitted by Colliers Engineering & Design increased the engineering costs by \$476.44 bringing the total project cost for engineering services to \$12,036.44.

**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 \$476.44 are available in the engineering budget line (3-01-20-165-228) for the purposes stated herein.

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**Michael J. Bascom, CFO**

**NOW THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Sea Bright in the County of Monmouth, State of New Jersey that it does hereby approve Change Order No. 1 resulting in an increase of the contract by \$476.44 changing the original contract amount from \$11,560.00 to \$12,036.44 for the Shrewsbury Riverfront Park Phase II Improvements Project; and

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

1. Khristi Jacobs, Finance Manager
2. Colliers Engineering & Design

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

October 17, 2023

**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 October 17, 2023.

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Christine Pfeiffer, Borough Clerk

**ORDINANCE NO. 16-2023**  
**AN ORDINANCE OF THE BOROUGH OF SEA BRIGHT, ADDING**  
**CHAPTER 107 FIRE PITS TO THE CODE OF THE**  
**BOROUGH OF SEA BRIGHT**

**WHEREAS**, the Borough Council of the Borough of Sea Bright (the "Borough") has determined that it is in the best interests of the Borough and its residents to provide regulations regarding the requirements and use of fire pits within the Borough and to provide penalties for violations thereof.

**NOW THEREFORE BE IT ORDAINED**, by the Mayor and Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, as follows:

**SECTION ONE.** Chapter 107 is hereby added to the Code of the Borough of Sea Bright to read, in full, as follows:

**Chapter 107. Fire Pits**

**§ 107-1. Fire Pits Authorized; Definitions.**

A. Fire pits or other similar devices are authorized within the Borough of Sea Bright subject to the restrictions set forth in this chapter. For the purpose of this chapter, a fire pit shall be considered as any outdoor fireplace unit built after obtaining permits and approvals pursuant to the Uniform Construction Code; or

B. Any equipment designed and used for outdoor fires and operated pursuant to manufacturer's instructions.

**§ 107-2. Limitation of Size.**

All such fireplaces or fire pits as set forth above shall be no larger than three feet in diameter and two feet in height and are required to have an approved screen or spark arrestor.

**§ 107-3. Location Requirements.**

A. Such fireplaces or fire pits may only be used at residential properties containing two or fewer units and are prohibited from being used at any commercial establishment or for any commercial use or at any multifamily dwelling in excess of two units.

B. All such devices shall be kept at ground level and must be placed upon a noncombustible surface such as brick or cement. No such devices shall be permitted on any type of elevated landing, surface, deck, stairway, roof or other elevated platform or portion of a structure.

C. Said devices are prohibited from being used within 15 feet of any structure, including but not limited to homes, garages, sheds, showers or other such structures.

D. Such devices are prohibited from being used within five feet of any other combustible surface, including but not limited to, bushes, fences, pools, plants, shrubs, houses used for feeding of sheltering animals or other combustible surfaces.

E. Said devices are prohibited from being used underneath any cave, overhang, roof, wires, tree limbs, vegetation, gutter, downspouts or decks.

F. Fireplaces and fire pits are not permitted in the front yard.

**§ 107-4. Unattended Fire Pits Prohibited.**

Any outdoor fireplace or fire pit must be constantly attended while in use and shall not be left unattended while any burning, smoldering or heat generation is taking place.

**§ 107-5. Hours.**

No fireplace or fire pit shall be used in the Borough of Sea Bright other than during the hours between 9:00 a.m. and midnight.

**§ 107-6. Certain Burning Prohibited.**

No trash or other waste such as garbage, leaves, construction debris, rubbish, plastic materials, leather, furniture or petroleum-based materials may be used to fuel any fire in an outdoor fireplace or fire pit within the Borough of Sea Bright. Only dry, seasoned firewood or prepackaged "Duraflame" type logs may be used as fuel for any fire in a fireplace or fire pit within the Borough of Sea Bright. The same shall be lighted by the minimal amount of newspaper or wood kindling necessary. Under no condition shall a flammable or combustible liquid such as lighter fluid, kerosene, gasoline or other combustible liquid be used to start, fuel or otherwise enhance any fire in a fireplace or fire pit in the Borough of Sea Bright.

**§ 107-7. Extinguishment Required.**

No person shall leave the contents of a fire pit burning or smoldering unattended and/or after use and proper extinguishment of the same is required. For the purpose of this chapter, proper extinguishment of the contents of a fire pit may be obtained by using a fire extinguisher with a minimum of a 4A rating or a garden hose with suitable water supply. The fire shall be properly and thoroughly extinguished and ashes are to be properly disposed no sooner than 48 hours after burning. Ashes may be stored in a metal can with a tightly fitted lid which is located at least five feet away from any building or other combustible surface or material.

**§ 107-8. Enforcement.**

The Chief of the Sea Bright Fire Department or his designee or officers of the Sea Bright Police Department may enforce this chapter. Anyone authorized to enforce this chapter shall have the authority to immediately cause any person using a fire pit or fireplace within the Borough of Sea Bright to extinguish the same and order that the same not be used for an appropriate duration of time if said enforcement official believes that the continued use of a fire pit or fireplace may cause any of the following conditions:

- A. An increased risk of fire hazard due to wind or other atmospheric conditions.
- B. The use of any fireplace or fire pit in violation of this chapter.



**§ 107-9. Precedence of Uniform Fire Code.**

This chapter shall not apply to any burning that requires a permit to be obtained pursuant to the New Jersey Uniform Fire Code. To the extent this chapter is in conflict with the New Jersey Uniform Fire Code or the Uniform Construction Code, said Code shall take precedence.

**§ 107-10. Violations and Penalties.**

A. The following penalties shall be applicable for any violations of this chapter:

(1) For a first offense: a violator shall be informed of the violation, and ordered to properly extinguish the fire contained in the fireplace or fire pit. The violator shall be given a verbal warning and shall be subject to increased penalties for subsequent violations.

(2) For second offense: for any offense which occurs within a twenty-four month period of the first offense, a violator shall be subject to a fine of no less than \$50 and no more than \$500 and/or be required to perform up to 90 days of community service in the discretion of the Municipal Court Judge.

(3) For third or subsequent offense: for any offense which occurs within 24 months of a second offense, said violator shall be subject to a fine of no less than \$50 and no more \$1,250, and/or community service not to exceed 90 days and/or imprisonment in the County Jail for a term not to exceed 90 days, all in the discretion of the Municipal Court Judge.

B. A violation will be considered a subsequent offense if a previous offense has occurred at the same property address within 24 months of a previous offense even if a citation was issued to another individual at said address.

**SECTION TWO.** If any section, paragraph, clause, or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to die section, paragraph, clause or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

**SECTION THREE.** All ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to die extent of such inconsistency.

**SECTION FOUR.** This ordinance shall take effect after final passage and publication as provided by law.

**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 October 17, 2023 and will be further considered after a Public Hearing held on November 13, 2023 at the Municipal Building, 1097 Ocean Avenue, at 7:00 p.m.

INTRODUCED: October 17, 2023  
PUBLIC HEARING: November 13, 2023  
ADOPTED:

**Witness**

**BOROUGH OF SEA BRIGHT**

\_\_\_\_\_  
CHRISTINE PFEIFFER, CLERK

\_\_\_\_\_  
BRIAN KELLY, MAYOR

**VOUCHER LIST  
OCTOBER 17, 2023  
BOROUGH OF SEA BRIGHT**

2830	ACTION DATA SERVICES		
23-01151	10/12/23 PAYROLL SRVC	Open	389.29
02113	AMERICAN WATER		
23-01145	10/12/23 SEWER	Open	328.35
2597	AT&T MOBILITY		
23-01148	10/12/23 BEACH	Open	590.02
01241	BAIN'S HARDWARE, INC.		
23-01136	10/11/23 HARDWARE	Open	277.04
01957	BENEMAX BENEFIT MANAGEMENT CO.		
23-01153	10/13/23 HEALTH	Open	348.00
01974	BOROUGH OF SEA BRIGHT COURT		
23-01150	10/12/23 COURT	Open	24.90
3116	BROTHERS TOWING INC.		
23-01086	09/25/23 Tow Charge: 4395	Open	700.00
2680	CINTAS		
23-01022	09/11/23 Beach	Open	352.01
23-01023	09/11/23 Buildings & Grounds	Open	220.33
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			572.34
00256	CLEARY, GIACOBBE, ALFIERI &		
23-01152	10/13/23 LEGAL	Open	379.50
02231	COUSINS LANDSCAPING		
23-00491	05/04/23 LANDSCAPING	Open	5,925.00
02253	DAVID HODER ASSOCIATES		
23-01149	10/12/23 ENGINEER	Open	925.00
00506	FARMER, JANE		
23-01162	10/13/23 LIBRARY	Open	29.90
3117	FLAMINGO FIT LLC		
23-01164	10/13/23 LIBRARY	Open	75.00
02101	GANNETT NJ NEWSPAPERS		
23-01081	09/22/23 TAX SALE NOTICE	Open	240.92
23-01167	10/13/23 CLERK	Open	18.48
			-----
			259.40
00397	GARDEN STATE RESCUE PRODUCTS		
23-00805	07/18/23 BEACH	Open	1,212.80
01887	HEIM ELECTRONICS, INC.		
23-00584	05/23/23 Buildings & Grounds	Open	450.00
23-01021	09/11/23 Streets & Roads	Open	489.32
			-----
			939.32
2588	HOAGLAND, LONGO, MORAN, DUNST		
23-01135	10/11/23 COURT	Open	4,550.00
01285	HOME DEPOT CREDIT SERVICES		
23-00825	07/25/23 Beach	Open	343.33
23-00826	07/25/23 Streets & Roads	Open	85.72
23-01017	09/11/23 Beach	Open	12.96
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			442.01
2791	HUDSON ENERGY SERVICES		
23-01144	10/12/23 ELECTRIC	Open	349.42

2297	INTEGRATED TECHNICAL SYSTEMS		
23-01137	10/12/23 PARKING	Open	1,620.00
2573	JCP & L		
23-01161	10/13/23 ELECTRIC	Open	7,562.23
3125	JOSLIN, ULANA		
23-01165	10/13/23 LIBRARY	Open	360.00
01784	JUNGLE LASERS, LLC		
23-01114	10/10/23 BLDG DEPT	Open	440.00
00108	LEON S. AVAKIAN, INC.		
23-00818	07/20/23 ENGINEER	Open	1,317.50
23-00848	08/01/23 ENGINEER-BULKHEAD	Open	2,992.50
23-01160	10/13/23 ENGINEER	Open	13,422.50
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			17,732.50
01973	LOBIONDO, JAMES		
23-01139	10/12/23 ESCROW RELEASE	Open	9,191.43
3124	LOBIONDO, CHRISTOPHER		
23-01140	10/12/23 ESCROW RELEASE	Open	90.00
2278	MCLAUGHLIN, STAUFFER & SHAKLEE		
23-01138	10/12/23 LEGAL	Open	4,804.40
00110	MONM CNTY REGIONAL HEALTH		
23-01157	10/13/23 BOARD OF HEALTH	Open	36,051.08
2890	NATIONAL HIGHWAY PRODUCTS		
23-00858	08/01/23 Streets & Roads	Open	382.00
01694	NAVESINK MARINA		
23-01085	09/25/23 Boat Repairs	Open	934.61
01399	NEW JERSEY AMERICAN WATER		
23-01158	10/13/23 WATER	Open	6,076.90
00046	ONE CALL CONCEPTS, INC.		
23-01147	10/12/23 SEWER	Open	31.46
2525	POOR JOHNS PORTABLE TOILETS		
23-01169	10/13/23 BEACH	Open	566.00
2290	PORZIO, BROMBERG & NEWMAN		
23-01159	10/13/23 LEGAL	Open	7,267.55
00164	RAIN, WILLIAM		
23-01110	10/10/23 HEALTH INS.	Open	161.10
2667	SCALGIONE, ALESSANDRA		
23-01163	10/13/23 LIBRARY	Open	119.99
01554	SEA BRIGHT SERVICE CENTER		
23-01083	09/25/23 New Battery	Open	239.95
00027	SEABOARD WELDING SUPPLY, INC.		
23-01168	10/13/23 DPW	Open	18.50
01027	SHORE BUSINESS SOLUTIONS		
23-01170	10/13/23 A&E	Open	278.00
02225	STAPLES ADVANTAGE		
23-01079	09/22/23 Office Supplies	Open	329.84
2535	SUBURBAN DISPOSAL, INC.		
23-01154	10/13/23 TRASH	Open	22,785.93
23-01155	10/13/23 DUMPSTERS	Open	2,748.13
23-01156	10/13/23 LANDIFLL	Open	7,672.33
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			33,206.39

2349	TAYLOR COMMUNICATIONS		
23-00983	08/29/23	Open	480.00
00656	TAYLOR FENCE CO., INC.		
23-00620	06/02/23	Open	2,421.20
01243	TREASURER, STATE OF NEW JERSEY		
23-01111	10/10/23 BEACH REPLENISHMENT	Open	689,795.14
01774	ULINE		
23-01166	10/13/23 BEACH	Open	934.82
02061	VERIZON WIRELESS		
23-01142	10/12/23 CELLS	Open	224.37
23-01143	10/12/23 FIRE	Open	318.16
			-----
			542.53

**TOTAL: \$ 839,954.91**

**Manual Checks / Wire Transfers**

23-001171	JCP & L		\$6,325.39
10/13/2023	ELECTRIC-PARTIAL BILLING/SEPT.		
23-01146	NJ DEPT OF HEALTH		\$1.20
10/12/2023	MONTHLY DOG LICENSE REPORT		
23-01115	WEX BANK-FLEET SERVICES		\$7,773.67
10/13/2023	GASOLINE:SEPTEMBER		

**TOTAL: \$ 14,100.26**

**GRAND TOTAL: \$ 854,055.17**