

**MINUTES
REGULAR MEETING
BOROUGH OF SEA BRIGHT**

JANUARY 17, 2023

SEA BRIGHT, NEW JERSEY

TO ATTEND THIS MEETING REMOTELY PLEASE USE THE FOLLOWING:

<https://meet.goto.com/995546093>

OR DIAL: (571) 317-3122

Access Code: 995-546-093

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:

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."

PRESENT: Mayor Brian P. Kelly
Councilmembers, Erwin Bieber, Jefferey M. Booker Sr., Samuel A. Catalano, Heather Gorman, William J. Keeler, John M. Lamia, Jr.

OTHERS: Attorney Roger McLaughlin, Administrator Joseph Verruni, CFO Michael Bascom, Borough Clerk Christine Pfeiffer

MOMENT OF SILENCE FOR THE FOLLOWING MEMBER OF THE SEA BRIGHT COMMUNITY WHO RECENTLY PASSED AWAY: Patrick Brian George

PRESENTATION of CERTIFICATE OF APPRECIATION - Patrol Officer Sean Marelli

Chief Friedman reported that on November 19th at 5am Patrolman Sean Marelli was on duty when he got a report of a distraught woman on the bridge who was threatening to take her life. Officer Marelli quickly responded and after a friendly persuasive conversation, he eventually led her to safety. Chief Friedman thanked Sean for doing such a great job and said he makes us all proud.

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.

Dominic Lopiccicolo and Meg Mannix, 1566 Ocean Avenue, explained they live in the Sunrise condominium community and they have been having problems with runoff rainwater from the Ocean Reef property next door. Ocean Reef built a storm runoff drainage system that drains onto their property causing excessive puddling, etc. Mr. Lopiccicolo explained that they have been going back and forth with the town since November, 2021, and have recently contacted the DEP who advised that Ocean Reef would have been required to obtain floodplain approvals from the town when building the drain. The Borough's Flood Plain Manager, Mary Tangolics was contacted and she reported there are no approvals so she has reached out to Ocean Reef to begin the process. Mr. Lopiccicolo thanked the town for finally getting involved and hopes for a speedy resolution.

CONSENT AGENDA

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

Minutes

12-15-2022 Workshop Meeting
12-15-2022 Executive Meeting
12-20-2022 Regular Meeting

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

***Councilwoman Gorman voted yes on the consent agenda and abstained from the minutes.**

Resolutions:

No. 40-2023 Adopting Technology Risk Management Standards in Compliance with the New Jersey Municipal Excess Liability Joint Insurance Fund's Cyber Risk Management Plan's Tier One, Two And Three Requirements

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

WHEREAS, the Borough of Sea Bright is a member of the Monmouth Joint Insurance Fund which secures insurance protection through the New Jersey Municipal Excess Liability Joint Insurance Fund (NJ MEL); and

WHEREAS, through its membership in the Monmouth Joint Insurance Fund, the Borough of Sea Bright has cyber liability insurance coverage to protect the Borough from the potential devastating costs associated with a cyber related claim; and

WHEREAS, in an attempt to prevent as many cyber related claims as possible, the NJ MEL developed and released to its members the NJ MEL Cyber Risk Management Plan; and

WHEREAS, the NJ MEL Cyber Risk Management Plan outlines a set of best practices and standards broken out into Tier 1, Tier 2, and Tier 3 standards that if adopted and followed will reduce many of the risks associated with the use of technology by the Borough of Sea Bright; and

WHEREAS, the Borough of Sea Bright adopted an Information Technology Policy and Cyber Incident Response Plan and received approval from the MEL JIF for compliance with Tier 1, 2, and Tier 3 standards; and

WHEREAS, the MEL JIF has updated its requirements for Tier 1, 2 and 3 compliance and the Borough in response has implemented changes to address and comply with the latest Tier 1, 2 and 3 standards which will enable Borough of Sea Bright to claim a reimbursement of a paid insurance deductible in the event the member files a claim against the Borough of Sea Bright's cyber insurance policy;

NOW THEREFORE BE IT RESOLVED, that the Borough of Sea Bright does hereby adopt the following additional best practices and standards in accordance with Tier 1, 2 and 3 of the NJ MEL Cyber Risk Management Plan:

- Network Segmentation*
- Remote Access/Multifactor Authentication for VPN*
- Password Integrity*
- System & Event Logging*
- 3rd Party Risk Management**

BE IT FURTHER RESOLVED, that a copy of this resolution along with all required checklists and correspondence be provided to the NJ MEL Underwriter for their consideration and approval.

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

No. 41-2023 Donation of 2023 Beach Badges

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

WHEREAS, the Governing Body of the Borough of Sea Bright wish to support the fundraising efforts for the local organizations listed below by donating six (6) 2023 beach badges as requested:

1. Bayshore Middle School PTO **2 Badges**
 Gift Auction – May 5, 2023
2. Bayview PTA **2 Badges**
 Gift Auction – March 4, 2023
3. Middletown High School North **2 Badges**
 Gift Auction – February 17, 2023

WHEREAS, the Borough Auditor has been informed and advised that a resolution should be considered in order to donate 2023 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 six (6) 2023 Season Beach Badges to the aforementioned charitable organizations; and

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

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

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

No. 42-2023 Authorizing Requests for Proposals for a Potential Re-Development of Block 19, Lot 3 (10 East Ocean Avenue) within the Borough of Sea Bright

Councilmember Bieber introduced and offered for adoption the following resolution; seconded by Councilmember Catalano:

WHEREAS, in August, 2016, Kelly Management Group, L.L.C., the owner of premises known and designated on the tax map as Lot 3 in Block 19 and commonly known as 10 East Ocean Avenue in the Borough of Sea Bright received site plan and variance approval from the Unified Planning Board for the demolition of the existing structure and the reconstruction of a new elevated restaurant with various other improvements; and

WHEREAS, although the Developer began construction of the project, construction activity ceased leaving the condition of the property both unsightly and potentially dangerous; and

WHEREAS, despite multiple requests and notices to do so, the property owner has failed and refused to correct the imminent hazards; and

WHEREAS, in connection therewith, by way of Resolution No. 56-2021 approved on February 16, 2021, the Borough Council declared the property known as 10 East Ocean Avenue (Block 19, Lot 3), an "abandoned property" and authorized the Public Officer to designate the property as such as set forth in N.J.S.A. 55:19-81 and add to the Borough's abandoned property list; and

WHEREAS, the Borough Council now desires to obtain Requests for Proposals for potential re-development concepts of this parcel.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, that it does hereby authorize the Borough Administrator, Borough Attorney and Borough Clerk to prepare a Request for Proposals seeking concepts for the potential re-development of the property known as Block 19, Lot 3 (10 East Ocean Avenue) as shown on the tax map of the Borough of Sea Bright and advertise according to the specifications on file.

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

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

- 1. Borough Attorney
- 2. Planning Board Secretary
- 3. Property Owner's Attorney

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

ORDINANCE(s):

Introduction: Mayor Kelly to read the ordinance by title:

ORDINANCE NO. 01-2023
CALENDAR YEAR 2023
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION
LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)

The COLA increase ordinance is about budget management, it has no impact whatsoever on the amount of taxes anyone would pay. This does not change the Tax Levy Cap in any way. The ordinance is about maintaining local control of the budget.

There are two different "CAPS" on the budget, one is the appropriations cap which impacts roughly 65% of the total budget. This is the CAP that we are looking to change from 2.5% to 3.5%. This gives us the flexibility to determine how much of the total budget we would like to commit for various departments and programs. It prevents us from increasing operating costs in certain areas of the budget, excluding debt service, grant programs, the reserve for uncollected and certain departments like the library. Departments limited by the Appropriations CAP include Police, Public Works, Administration, Code Enforcement, Construction, Recreation, and many other operating departments. By expanding the CAP from 2.5% to 3.5% we give ourselves the ability to manage the budget as we are elected and appointed to do. Even when we go to a 3.5% Appropriations CAP we are bound by the same 2% Levy CAP.

The 2% Levy CAP is a CAP on the total amount of taxes we can raise in support of the budget. This CAP does not change. The only way to change the Levy CAP is by passing a local referendum. We are not considering this. To be clear, the amount raised by taxation will not change.

Councilman Booker thanked CFO Michael Bascom for his leadership and explanation of the budget process and issues.

Councilmember Keeler offered a motion to introduce Ordinance No. 01-2023 for a public hearing to be held on February 7, 2023 and advertise according to law; seconded by Councilmember Catalano:

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

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Borough Council of the Borough of Sea Bright in the County of Monmouth finds it advisable and necessary to increase its CY 2023 budget by up to 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$55,139.16 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Sea Bright, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2023 budget year, the final appropriations of the Borough of Sea Bright shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$192,987.06. and that the CY 2023 municipal budget for the Borough of Sea Bright be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

INDIVIDUAL ACTION/New Business:

Vouchers: \$ 571,885.49

Councilmember Keeler offered a motion to approve the Voucher List dated January 17, 2023 as submitted by the Finance Manager; seconded by Councilmember Catalano:

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

2771	AFFORDABLE HOUSING ALLIANCE					
23-00029	01/11/23 AFFORDABLE HOUSING		Open		10,000.00	
00757	ARIAS, JOHN					
23-00047	01/12/23 POLICE		Open		1,275.00	
2597	AT&T MOBILITY					
23-00053	01/12/23 BEACH		Open		775.06	
01241	BAIN'S HARDWARE, INC.					
23-00020	01/10/23 HARDWARE		Open		197.85	
01957	BENEMAX BENEFIT MANAGEMENT CO.					
23-00015	01/10/23 HEALTH		Open		348.00	
01443	BENNETT, ERICH					
23-00048	01/12/23 POLICE		Open		1,275.00	
2402	BHMG CORPORATE CARE					
22-01350	12/14/22 POLICE: OTHER PROFESSIONAL SER	Open			365.00	
01631	BOROUGH OF OCEANPORT					
23-00028	01/10/23 COURT		Open		6,500.00	
01974	BOROUGH OF SEA BRIGHT COURT					
23-00009	01/06/23 COURT		Open		163.90	

REGULAR MEETING

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2555	CJM ASSOC. OF SEA BRIGHT		
23-00027	01/10/23 LEASE	Open	500.00
00256	CLEARY, GIACOBBE, ALFIERI &		
23-00041	01/12/23 LEGAL	Open	2,308.50
01493	COOPERATIVE INDUSTRIES, L.L.C.		
23-00033	01/11/23 NTRL GAS	Open	975.42
02253	DAVID HODER ASSOCIATES		
23-00005	01/06/23 ENGINEER	Open	1,470.00
01754	EDMUNDS & ASSOCIATES, INC.		
23-00032	01/11/23	Open	13,828.72
01068	EDWARD J. ALBERT & SON, INC.		
22-01396	12/20/22 Sewer Department	Open	540.00
22-01397	12/20/22 Sewer Department	Open	527.50

			1,067.50
02168	EVOQUA WATER TECHNOLOGIES, LLC		
22-01191	10/27/22 Sewer	Open	22.64
00506	FARMER, JANE		
22-00602	05/23/22 Reimburse Jane for Website	Open	218.00
01720	FIREFIGHTER ONE, LLC		
22-00988	08/29/22 FIRE DEPT.	Open	13,980.64
22-01345	12/14/22 SCBA Repairs	Open	311.92
22-01353	12/14/22 Emergency Repairs - 4377	Open	1,850.68

			16,143.24
00575	GALLS, LLC		
21-00360	03/23/21 EMO	Open	302.94
2763	GANDOLFO, ANTHONY		
21-00804	07/07/21 TRAINING REIMB.	Open	114.04
02101	GANNETT NJ NEWSPAPERS		
23-00006	01/06/23 CLERK	Open	15.84
23-00018	01/10/23 LEGAL ADS	Open	194.28

			210.12
00979	GIBBONS, P.C.		
23-00042	01/12/23 LEGAL	Open	475.00
02219	GOODYEAR AUTO CENTER		
22-01347	12/14/22	Open	125.16
00314	GPANJ		
23-00030	01/11/23 FINANCE	Open	100.00
2562	HARD ROCK HOTEL & CASINO		
23-00072	01/12/23 Clerk Conf. Room - Pfeiffer	Open	121.00
2588	HOAGLAND, LONGO, MORAN, DUNST		
23-00039	01/12/23 PROSECUTOR	Open	5,250.00
02044	HOLDEN, ESQ., ROBERT J.		
23-00040	01/12/23 PUBLIC DEF	Open	3,025.00
2710	HOLMDEL TOWNSHIP		
23-00025	01/10/23 FISCAL OFFICER	Open	3,312.50
2791	HUDSON ENERGY SERVICES		
23-00034	01/11/23 ELECTRIC	Open	399.08
01248	HUEGEL, RICHARD		
23-00049	01/12/23 POLICE	Open	1,275.00
2592	INSTITUTE FORENSIC PSYCHOLOGY		
22-01348	12/14/22	Open	1,425.00
22-01398	12/20/22	Open	2,250.00

			3,675.00
2297	INTEGRATED TECHNICAL SYSTEMS		
23-00038	01/11/23 PARKING	Open	540.00
2573	JCP & L		
22-01292	11/29/22 ELECTRIC	Open	7,258.30
23-00035	01/11/23 ELECTRIC	Open	14,555.01

			21,813.31
00297	JESSE A. HOWLAND & SONS, INC.		
23-00026	01/10/23 DPW	Open	1,705.00
01784	JUNGLE LASERS, LLC		
22-01393	12/20/22 BLDG DEPT	Open	190.00
23-00031	01/11/23 ANNUAL FEES	Open	900.00

			1,090.00
02110	KLEIN, DON		
23-00001	01/06/23 PUBLIC EVENTS	Open	639.12
23-00002	01/06/23 BEACH	Open	1,780.00

			2,419.12

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00108	LEON S. AVAKIAN, INC.		
23-00010	01/06/23 ENGINEER	Open	697.50
23-00043	01/12/23 ENGINEER	Open	11,537.50

			12,235.00
2729	MARELLI, SEAN		
23-00050	01/12/23 POLICE	Open	1,275.00
2417	MARLIN BUSINESS BANK		
23-00023	01/10/23 LEASE	Open	120.10
2278	MCLAUGHLIN, STAUFFER & SHAKLEE		
23-00007	01/06/23 LEGAL	Open	8,407.09
00106	MGL FORMS-SYSTEMS, LLC		
23-00014	01/10/23 TAX	Open	1,268.00
2838	MOBILE PAYMENT PROCESSING SYS		
23-00017	01/10/23 PARKING	Open	29.50
00688	MONMOUTH COUNTY POLICE ACADEMY		
22-01394	12/20/22	Open	50.00
02045	MONMOUTH COUNTY SPCA		
23-00024	01/10/23 ANIMAL	Open	325.00
00190	MUNICIPAL CLERKS ASSOC OF NJ		
23-00069	01/12/23 Clerks Conference	Open	680.00
01399	NEW JERSEY AMERICAN WATER		
23-00008	01/06/23 WATER	Open	4,976.07
00113	NJ NATURAL GAS COMPANY		
23-00013	01/10/23 NTRL GAS	Open	2,925.21
2865	O'BRIEN, KRISTIN		
22-01205	11/01/22 PUBLIC EVENTS	Open	300.00
01309	OCEANPORT BOARD OF EDUCATION		
22-00760	06/28/22 SCHOOL TAX	Open	73,450.92
00046	ONE CALL CONCEPTS, INC.		
23-00003	01/06/23 SEWER	Open	27.27
2659	PIENCIAK, DANIEL		
22-01229	11/04/22	Open	600.00
2728	READY REFRESH BY NESTLE		
23-00055	01/12/23 SPRING WATER	Open	602.85
2745	REMINGTON & VERNICK ENGINEERS		
22-00904	08/11/22 ENGINEER	Open	3,427.50
2618	RIVISTAS SUBSCRIPTION SERVICE		
22-01221	11/04/22	Open	1,601.90
01554	SEA BRIGHT SERVICE CENTER		
22-01346	12/14/22 Tahoe Repairs	Open	452.25
22-01349	12/14/22 POLICE: VEHICLE MAINTENANCE	Open	794.94

			1,247.19
00027	SEABOARD WELDING SUPPLY, INC.		
23-00019	01/10/23 DPW	Open	18.50
01027	SHORE BUSINESS SOLUTIONS		
23-00044	01/12/23 POLICE	Open	171.00
23-00045	01/12/23 A&E	Open	241.59

			412.59
00053	SHORE REGIONAL HIGH SCHOOL		
22-00758	06/28/22 SCHOOL TAX	Open	192,309.50
02225	STAPLES ADVANTAGE		
22-01302	11/30/22 Office Supplies	Open	351.58
2535	SUBURBAN DISPOSAL, INC.		
23-00011	01/10/23 TRASH	Open	22,052.91
23-00012	01/10/23 TIPPING	Open	8,574.55

			30,627.46
2349	TAYLOR COMMUNICATIONS		
22-01177	10/24/22 COURT	Open	396.00
00331	TREASURER, STATE OF NJ		
23-00054	01/12/23 TIDELANDS	Open	1,250.00
2658	VERIZON		
23-00046	01/12/23 SEWER	Open	455.25
2291	VERIZON		
23-00051	01/12/23 FIOS	Open	88.99
2658	VERIZON		
23-00052	01/12/23 PHONE	Open	370.49

02061 VERIZON WIRELESS
22-01290 11/29/22 CELLS

Open 1,024.53

TOTAL: \$ 444,239.59

Manual/Electronic Checks

1/5/2023	BOROUGH OF SEA BRIGHT-CURRENT FUND	\$100.00
23-00022	REPLENISH PETTY CASH FUND	
1/6/2023	CMRS-FP/US.POSTAL SERVICE	\$607.00
23-00004	REFILL POSTAGE MACHINE	
1/10/2023	MNMTH. MUNC.JOINT INSURANCE FUND	\$120,295.00
23-00021	1ST INSTALLMENT 2023	
1/10/2023	NJ DEPT OF HEALTH	\$1.20
23-00016	MONTHLY ANIMAL LICENSE REPORT	
1/11/2023	WEX BANK	\$6,642.70
23-00037	GASOLINE:DECEMBER	

TOTAL: \$ 127,645.90

GRAND TOTAL: \$ 571,885.49

MAYOR AND COUNCIL COMMENTS

Councilman Catalano reported we have contracts progressing with Highlands, Edgewater, and Surf Rider to continue lifeguarding services in 2023. All the lockers have sold out for the municipal beaches and beach badge sales have been fantastic in December. He is looking forward to the budget meetings to go over plans for some new equipment for the beach - possibly a lifeguard tower at Anchorage and other improvements for our beaches. He also stated that former Councilman Charlie Rooney's dog is missing and asked everyone to be on the lookout.

Councilwoman Gorman stated that a resident contacted her to see if there was a possibility to have trash cans on the beaches in the winter and Mayor Kelly added that someone contacted him to see if the doggie bags can be refilled. Administrator Verruni will speak with Public Works tomorrow.

Councilman Bieber stated that on Thursday the Administration and Shared Service Committee will have a meeting to go over their goals for 2023. He also reminded everyone that the short-term rental ordinance has officially become effective - details can be found at www.seabrightnj.org.

Mayor Kelly reported that they are still working on getting all the participating towns (and new elected officials) on board in agreement to move forward with the school regionalization effort.

EXECUTIVE SESSION

Executive session not held.

ADJOURNMENT

Councilmember Bieber offered a motion to adjourn the meeting; seconded by Councilmember Catalano:

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

Respectfully Submitted,

Christine Pfeiffer
Borough Clerk