## **ORDINANCE NO. 2022-20**

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 5, DEPARTMENT OF PUBLIC SAFETY OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BELMAR SECTION 2.1, APPOINTMENT AND QUALIFICATIONS AUTHORIZING THE PARTICIPATION IN THE CIVIL SERVICE EXAMINATION EXEMPTION PROGRAM FOR ENTRY LEVEL LAW ENFORCEMENT POSITIONS AND THE PROVISIONAL APPOINTMENT OF OFFICER(S).

WHEREAS, the Borough of Belmar has found the need and has found it to be necessary and proper to amend Chapter 5 entitled Department of Public Safety; and

**WHEREAS**, the Borough of Belmar ("Borough") is governed by N.J.S.A. 11A:1-1 et seq., the Civil Service Act, and the rules and regulations established pursuant the this act; and

WHEREAS, P.L.2021, c7 amended by P.L.2021, c406 provides for the Civil Service Commission to exempt a person from the requirement to take an examination for an entry level enforcement position provided the individual completes within the time frame provided for P.L. 2021, c. 406 a full Basic Course for Police Officers training course at a school approved and authorized by the New Jersey Police training Commission; and

WHEREAS, P.L.2021c.7 also provided that a municipal police department may hire a person exempt from the Civil Service requirement to take an examination for an entry-level law enforcement position upon adoption of a resolution by the governing body authorizing such hiring and the adoption of a conflict of interest and nepotism policies; and

**WHEREAS**, the Borough has previously established a nepotism policy posted and distributed to employees and to be contained in the Borough's Employee Handbook and has a conflict of interest policy as provided in the Borough's existing Employee Handbook; and

WHEREAS, the Chief of Police has recommended the Borough affirmatively "opt in" and authorize such hiring to provide for the selection of a qualified individual or qualified individuals who have or will have completed the necessary training required by the New Jersey Police Training Commission; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Belmar, in the County of Monmouth, State of New Jersey, as follows:

- 1. The Borough of Belmar is hereby authorized to participate in the program to hire persons exempt from the Civil Service examination process for entry-level law enforcement positions provided the individual has successfully completed a full Basic Course for Police Officers training course at a school approved and authorized by the New Jersey Police Training Commission.
- 2. The Borough Administrator and Chief of Police are authorized to execute all documents necessary to effectuate participation in the Civil Service exemption program.
- 3. The Borough Clerk is directed to transmit a certified copy of this resolution to the Borough Administrator, Chief of Police, and the New Jersey Civil Service Commission.

**BE IT FURTHER ORDAINED** by the Borough of Belmar, County of Monmouth, New Jersey that Chapter 5 entitled the Department of Public Safety, §5-2.2 entitled Appointment and Qualification is amended and supplemented as follows:

<u>Section I.</u> Chapter 5, Section 2.2 Appointment and Qualification shall be deleted in its entirety and replaced as follows:

- 1) No Person shall be appointed to the Police Department who is not qualified as provided by the laws of the State of New Jersey including the Civil Service rules and regulations. Applicants seeking appointment to the Police Department shall successfully complete a physical, mental and psychological examination which examination shall be conducted in accordance with all applicable laws and administrative regulations of the State of New Jersey.
- 2) In accordance with P.L. 2021, c. 7 (N.J.S.A. 11A:4-1.3) individuals may be appointed to entry-level law enforcement positions in the Police Department without taking a competitive examination if they have successfully completed a full basic course for police officers training at a School approved and authorized by the New Jersey Police Training Commission.
- 3) All duly qualified applicants for the position of Borough of Belmar Police Officer shall be classified in the following classes:
  - a) Residents of the Borough of Belmar.
  - b) Other residents of Monmouth County.
  - c) Other Residents of the State of New Jersey.
  - d) All other qualified applicants.
- 4) All appointments to the position of Borough of Belmar Police Officer shall be made in accordance with N.J.S.A. 40A:14-123.1(a), with all those in Class A Residents of the Borough of Belmar to be appointed first, and then those in each succeeding class in the order above listed.
- 5) All applicants classified in Class A must be residents of the Borough of Belmar as of the announced closing date of the Civil Service Examination for the Position.

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

**SECTION III.** All Ordinances or parts of ordinances inconsistent with or in conflict with the ordinance are hereby repealed to the extent of such inconsistency.

**SECTION IV.** This Ordinance shall take effect 20 days after final passage, adoptions and publication according to law.

## BOROUGH OF BELMAR COUNTY OF MONMOUTH

#### **BOND ORDINANCE NO. 2022-21**

BOND ORDINANCE REAPPROPRIATING \$735,800.46 EXCESS BOND PROCEEDS NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN ORDER TO FINANCE THE COST OF VARIOUS MARINA INFRASTRUCTURE IMPROVEMENTS, AUTHORIZED IN AND BY THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY, AND REPEALING BOND ORDINANCE NO. 2022-19

WHEREAS, the Borough Council of the Borough of Belmar, in the County of Monmouth, New Jersey (the "Borough") finally adopted Bond Ordinance No. 2015-22 on June 3, 2015, Bond Ordinance No. 2015-24 on July 7, 2015, and Bond Ordinance No. 2019-32 on November 6, 2019 (collectively, the "Bond Ordinances"); and

WHEREAS, the Bond Ordinances appropriated, inter alia, \$6,400,000 for the Lake Como Outfall Project, including a \$10,750 down payment, a \$1,504,250 debt authorization for such purpose, and anticipated grants in the amount of \$4,885,000 (after giving effect to the subsequent issuance of long-term debt); and

**WHEREAS**, following the effective dates of the Bond Ordinances, the Borough issued bonds in the amount of \$1,504,250 and received grants in the amount of \$4,104,147.27 in respect of the Lake Como Outfall Project; and

**WHEREAS**, the Borough has determined that the Lake Como Outfall Project has either been completed in full or discontinued as a result of events occurring subsequent to the adoption of the Bond Ordinances, as applicable; and

WHEREAS, there currently remains on deposit in the Borough capital accounts excess bond proceeds in the amount of \$735,800.46, which excess bond proceeds are allocable to the Lake Como Outfall Project portion of the Bond Ordinances (the "Excess Proceeds"), and which Excess Proceeds are no longer necessary to complete such improvements or purposes; and

**WHEREAS**, the Borough no longer anticipates receipt of the remaining \$780,852.73 of the \$4,885,000 in originally-anticipated grants in respect of the Lake Como Outfall Project, and by separate resolution the Borough Council intends to cancel such portion of the appropriation contained in the Bond Ordinances; and

WHEREAS, in accordance with its statutory powers set forth in section 39 of the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"), the Borough Council has determined that it is in the best interest of the Borough to reappropriate the Excess Proceeds to finance the cost of various marina infrastructure improvements, for which improvements bonds may be issued, thereby, decreasing the amount of additional Borough debt to finance such current capital needs; and

**WHEREAS**, the Borough Council now desires to reappropriate the Excess Proceeds to undertake the cost of various marina infrastructure improvements for the Borough; and

WHEREAS, by Ordinance No. 2022-19 finally adopted on October 4, 2022 (the "Prior Reappropriation Ordinance"), the Borough reappropriated the sum of \$1,480,853.18, which the Borough believed constituted available bond proceeds allocable to the Lake Como Outfall Project portion of the Bond Ordinances, in order to finance the cost of various marina infrastructure improvements; and

**WHEREAS**, the actual amount of such available bond proceeds has since been determined to be \$735,800.46, which amount is being reappropriated by this ordinance, and therefore the Borough Council now wishes to repeal the inconsistent Prior Reappropriation Ordinance;

**NOW, THEREFORE, BE IT ORDAINED** by the BOROUGH COUNCIL OF THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. It is hereby determined that the aggregate amount of \$735,800.46 of the balance of the appropriation for capital purposes originally made available pursuant to the following Bond Ordinances of the Borough is no longer necessary for the purposes for which the obligation previously was authorized:

Amount to be Reappropriated	Ordinance & Purpose
\$735,800.46	No. 2015-22 adopted June 3, 2015, as amended by No. 2015-24 adopted on July 7, 2015, as amended by No. 2019-32 adopted on November 6, 2019, providing for the Lake Como Outfall Project, including all work and materials necessary therefor and incidental thereto.
<u>\$735,800.46</u>	Total to be reappropriated to other capital purposes.

Section 2. The appropriation for the purposes in the amount set forth in Section 1 hereof is hereby canceled and reappropriated pursuant to N.J.S.A. 40A:2-39 to other capital purposes as set forth in Section 3 hereof.

Section 3. The aggregate amount of \$735,800.46, representing the amount referred to in Section 1 hereof, is hereby appropriated to provide for the following capital improvement purposes, together with all purposes necessary, incidental or appurtenant thereto, all as shown on and in accordance with plans, specifications or requisitions therefor on file with or through the Borough Clerk, as finally approved by the governing body of the Borough, and the estimated cost of each project is as follows:

Amount to be

<u>Appropriated</u> <u>Purpose</u>

<u>\$735,800.46</u> Marina infrastructure improvements for the Borough, including, but not limited to, electrical upgrades to various docks.

- Section 4. The following additional matters are hereby determined, declared, recited and stated:
- (a) The purposes described in Section 3 of this bond ordinance are not current expenses and are property or improvements which the Borough may lawfully acquire or make as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.
- (b) The average period of usefulness of said purposes within the limitations of the Local Bond Law and according to the reasonable life thereof computed from the date of said bonds authorized by this bond ordinance is fifteen (15) years.
- (c) An aggregate amount not exceeding \$150,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvement or purpose herein before described.
- Section 5. The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Borough Clerk and is available there for public inspection.
- Section 6. The Borough covenants to maintain the exclusion from gross income under section 103(a) of the Code, of the interest on all bond proceeds reappropriated by this bond ordinance.
  - Section 7. The Prior Reappropriation Ordinance is hereby repealed
- Section 8. This ordinance shall take effect twenty (20) days after the first publication thereof after final adoption.

## CERTIFICATE AS TO BOND ORDINANCE

#### **DOCUMENT LIST**

BOND ORDINANCE REAPPROPRIATING \$735,800.46 EXCESS BOND PROCEEDS NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN ORDER TO FINANCE THE COST OF VARIOUS MARINA INFRASTRUCTURE IMPROVEMENTS, AUTHORIZED IN AND BY THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY, AND REPEALING BOND ORDINANCE NO. 2022-19

- \*1. General Certificate of Borough Clerk regarding Incumbency of Municipal Officers
  - a. Original newspaper affidavits of publication attached showing publication of regular meetings in compliance with the Open Public Meetings Act
- 2. Certificate as to Debt Statements (NOT APPLICABLE)
  - a. Annual Debt Statement
  - b. Supplemental Debt Statement showing date of filing with Borough Clerk (prior to introduction of ordinance) and endorsement of Director of the Division of Local Government Services.
- 3. Certificate of Financial Officer Concerning Down Payment
- 4. Notice of Pending Ordinance
- 5. Extract of Minutes showing Introduction of Ordinance and Certificate of Borough Clerk
- 6. Extract of Minutes showing Public Hearing and Final Adoption of Ordinance and Certificate of Borough Clerk
- 7. Notice of Final Adoption and Certificate of Borough Clerk
- 8. Certificate as to Capital Budget (NOT APPLICABLE)
- 9. Borough Clerk's Certificate Concerning Publication and No-Protest
- 10. Affidavits of Publication showing Bond Ordinance as introduced and on final passage

<sup>\*</sup>If introduction, public hearing or adoption of ordinance occurred at a meeting where special notice was given, please provide an affidavit of publication with respect thereto.

## GENERAL CERTIFICATE OF BOROUGH CLERK

## 2022

(On file - please contact if any changes)

## ANNUAL DEBT STATEMENT

(Attach certified copy of Annual Debt Statement as filed with the Division of Local Government Services. You may submit the Annual Debt Statement once a year.)

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#### SUPPLEMENTAL DEBT STATEMENT

(Attach to the preceding Certificate certified copy of Supplemental Debt Statement showing date of filing with the Borough Clerk, on or prior to the date of introduction, and showing the date of endorsement of the Director of the Division of Local Government Services, on or prior to the date of final passage. Please submit such Supplemental Debt Statement for each Ordinance.)

(NOT APPLICABLE)

## CERTIFICATE OF FINANCIAL OFFICER CONCERNING DOWN PAYMENT

I, LORRAINE P. CARAFA, Chief Financial Officer of the Borough of Belmar, in the County of Monmouth, New Jersey (hereinafter referred to as the "Borough"), HEREBY CERTIFY that prior to the final adoption on December 20, 2022 of Ordinance No. 2022—entitled:

"BOND ORDINANCE REAPPROPRIATING \$735,800.46 EXCESS BOND PROCEEDS NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN ORDER TO FINANCE THE COST OF VARIOUS MARINA INFRASTRUCTURE IMPROVEMENTS, AUTHORIZED IN AND BY THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY, AND REPEALING BOND ORDINANCE NO. 2022-19",

there was available as a down payment for the purposes authorized by said ordinance the sum of \$-0-, which amount was appropriated as a down payment by said ordinance and was made available from one or more of the following sources:

*		_ 1.a.	by provision in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes; or
*		_ b.	from moneys then actually held by the Borough and previously contributed for such purpose other than by the Borough; or
*		_ c.	by emergency resolution; or
*		_ 2.	a down payment is not necessary because obligations were authorized for a purpose referred to in paragraphs a, b, c, d, e, or h of N.J.S.A. 40A:2-7; or
*	X	_ 3.	a down payment is not necessary because no additional debt was authorized.
		IN	WITNESS WHEREOF, I have hereunto set my hand this day of, 202
			BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY
			LORRAINE P. CARAFA, Chief Financial Officer

\* Please initial appropriate section.

#### FORM OF NOTICE ON INTRODUCTION

Instructions to Municipal Clerk: Complete the notice on the next page and forward for publication. The ordinance must be published in a newspaper published in your municipality, or if there is no such newspaper, then a newspaper published in your county and circulating in your municipality. You need not return this document to us, provided we receive the Affidavit of Publication upon Introduction (See Document No. 10).

## BOROUGH OF BELMAR COUNTY OF MONMOUTH

#### **BOND ORDINANCE NO. 2022-**

#### NOTICE OF PENDING BOND ORDINANCE

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the Borough of Belmar, in the County of Monmouth, New Jersey (the "Borough"), held on December 6, 2022. It will be further considered for final passage after public hearing thereon, at a meeting of said governing body to be held in the Municipal Building, 601 Main Street, Belmar, New Jersey, on December 20, 2022, at \_\_:\_\_ p.m., or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning the same.

A copy of this ordinance has been posted on the bulletin board upon which public notices are customarily posted in the Municipal Complex of the Borough during the week prior to and up to and including the date of such meeting; copies of the ordinance are available to the general public of the Borough who shall request such copies, at the office of the Municipal Clerk in said Borough of Belmar, in the County of Monmouth, New Jersey. The summary of the terms of such bond ordinance follows:

Title: BOND ORDINANCE REAPPROPRIATING \$735,800.46 EXCESS BOND PROCEEDS NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN ORDER TO FINANCE THE COST OF VARIOUS MARINA INFRASTRUCTURE IMPROVEMENTS, AUTHORIZED IN AND BY THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY, AND REPEALING BOND ORDINANCE NO. 2022-19.

Purpose(s): Reappropriating excess bond proceeds for marina infrastructure improvements for the Borough, including, but not limited to, electrical upgrades to various docks and repealing Bond Ordinance 2022-19.

Appropriation: \$735,800.46 Section 20 Costs: \$150,000.00

Useful Life: 15 Years

APRIL CLAUDIO, Municipal Clerk Borough of Belmar County of Monmouth, New Jersey

## CERTIFICATE OF BOROUGH CLERK EXTRACT OF MINUTES SHOWING INTRODUCTION OF ORDINANCE

I, APRIL CLAUDIO, Borough Clerk of the Borough of Belmar, in the County of Monmouth, State of New Jersey, HEREBY CERTIFY that the annexed extract from the minutes of a meeting of the governing body of said Borough, duly called and held on December 6, 2022, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said governing body and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to Bond Ordinance No. 2022—and the subject matters referred to in said extract.

IN WITNES seal of said Borough, this _	·	re hereunto set my hand and affined by the hereunto set my hand affined by	xed the corporate
		H OF BELMAR, IN THE OF MONMOUTH, NEW JERS	SEY
	APRIL CI	AUDIO, Borough Clerk	_
(SEAL)			

# ATTACH TO THE PRECEDING CERTIFICATE THE MINUTES OR EXTRACT OF MINUTES SHOWING INTRODUCTION OF BOND ORDINANCE

## CERTIFICATE OF BOROUGH CLERK EXTRACT OF MINUTES SHOWING PUBLIC HEARING AND FINAL ADOPTION OF ORDINANCE

I, APRIL CLAUDIO, Borough Clerk of the Borough of Belmar, in the County of Monmouth, State of New Jersey, HEREBY CERTIFY that the annexed extract from the minutes of a meeting of the governing body of said Borough, duly called and held on December 20, 2022, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said governing body and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relates to Bond Ordinance No. 2022-\_\_ and the subject matter referred to in said extract.

IN WITNESS WHEI seal of said Borough, this day o	REOF, I have hereunto set my hand and affixed the corporate of
	BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY
	APRIL CLAUDIO, Borough Clerk
(SEAL)	

# ATTACH TO THE PRECEDING CERTIFICATE THE MINUTES OR EXTRACT OF MINUTES OF GOVERNING BODY SHOWING PUBLIC HEARING AND FINAL ADOPTION OF BOND ORDINANCE

## FORM OF NOTICE OF FINAL ADOPTION

Instructions to Municipal Clerk: The statement and notice on the next page must be published after final adoption of the ordinance. You need not return this document to us, provided we receive a copy of the Affidavit of Publication upon final adoption (See Document No. 10).

## BOROUGH OF BELMAR COUNTY OF MONMOUTH

#### **BOND ORDINANCE NO. 2022-**

#### BOND ORDINANCE STATEMENT AND SUMMARY

The bond ordinance, the summary terms of which are included herein, has been finally adopted by the governing body of the Borough of Belmar, in the County of Monmouth, State of New Jersey (the "Borough"), by the recorded affirmative votes of at least two-thirds (2/3rds) of the full membership of the governing body on December 20, 2022, and the twenty (20) day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, has begun to run from the date of the first publication of this statement. Copies of the full ordinance are available at no cost and during regular business hours, at the Clerk's office for members of the general public who request the same. The summary of the terms of such bond ordinance follows:

Title: BOND ORDINANCE REAPPROPRIATING \$735,800.46 EXCESS BOND PROCEEDS NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN ORDER TO FINANCE THE COST OF VARIOUS MARINA INFRASTRUCTURE IMPROVEMENTS, AUTHORIZED IN AND BY THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY, AND REPEALING BOND ORDINANCE NO. 2022-19.

Purpose(s): Reappropriating excess bond proceeds for marina infrastructure improvements for the Borough, including, but not limited to, electrical upgrades to various docks and repealing Bond Ordinance 2022-19.

Appropriation: \$735,800.46 Section 20 Costs: \$150,000.00

Useful Life: 15 Years

APRIL CLAUDIO, Municipal Clerk Borough of Belmar County of Monmouth, New Jersey

## BOROUGH CLERK'S CERTIFICATE CONCERNING PUBLICATION AND NO-PROTEST

I, APRIL	CLAUDIO,	Borough	Clerk of	the	Borough	of	Belmar,	in	the	County	of
Monmouth, State	of New Jerse	y (the "Bo	rough"), l	HERI	EBY CER	TIF	Y that:				

1. I am and was at all times referred to herein, the duly appointed Borough Clerk of the

Borough. In this capacity, I have the responsibilithe governing body of the Borough and the record the Borough. The representations made herein are	ds relative to all ordinances and resolutions of
2. Attached hereto is a true and complete passed by the governing body of the Borough on adopted by said governing body on December 20, 2022.	
3. On	ce would be made available to the members of copies, up to and including the time of further
4. After introduction, the Ordinance was drafter final passage, the Ordinance was duly publish signed by any person against making the improve therein, nor any petition requesting that a referend Ordinance has been presented to the governing bot (20) days after said publication following final passage thereof.	um vote be taken on the action proposed in the dy or to me or filed in my office within twenty
5. A certified copy of the Ordinance and required, have been filed with the Director of the D	a copy of the amended capital budget form, if Division of Local Government Services.
IN WITNESS WHEREOF, I have hereunto said Borough, this day of	set my hand and affixed the corporate seal of , 202
	BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH
	APRIL CLAUDIO

(SEAL)

(NOTE: THIS CERTIFICATE MUST BE EXECUTED NO EARLIER THAN 21 DAYS FOLLOWING THE FIRST PUBLICATION AFTER ADOPTION OF THE ORDINANCE.)

Borough Clerk

## CERTIFICATE AS TO AFFIDAVITS OF PUBLICATION

I, APRIL CLAUDIO, Borough Clerk of Monmouth, New Jersey, HEREBY CERTIFY, the of the Affidavits of Publication relating to Bo December, 2022 following introduction and a final adoption.	nd Ordinance No. 2022, as published on
IN WITNESS WHEREOF, I hereby set m this day of, 202	y hand and the seal of the Borough of Belmar
	OUGH OF BELMAR, IN THE INTY OF MONMOUTH, NEW JERSEY
APR	IL CLAUDIO, Borough Clerk
(SEAL)	

## **AFFIDAVITS OF PUBLICATION**

ATTACH ORIGINALS OR COMPLETE COPIES OF THE AFFIDAVITS OF PUBLICATION WITH THE SPECIMEN PUBLICATION