

“GOD BLESS AMERICA”

REGULAR MEETING

MARCH 6, 2013

A Regular Meeting of the Mayor and Council of the Borough of Belmar held on the above date at 6:00 PM at the Belmar Municipal Building, 601 Main Street.

PRESENT: Mayor Doherty, Councilman Bean, Councilwoman Deicke, Councilman Magovern, Councilwoman Nicolay, Business Administrator Colleen Connolly, and Borough Clerk April Claudio

The Borough Clerk stated “Adequate notice of this meeting has been provided to The Coast Star, the official newspaper of the Borough of Belmar, and the Asbury Park Press on January 4, 2013 notice of this meeting was prominently posted on the bulletin board of the Municipal Building and filed with the Clerk of the Borough of Belmar.

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE: Our troops and their families

SPECIAL RESOLUTIONS:

Pastor Grace

PROCLAMATIONS:

Development Disabilities Awareness Month

Irish Heritage Month

Women’s History Month

WORKSHOP DISCUSSION:

PETITIONS:

REPORTS OF MAYOR AND COUNCIL:

PUBLIC SESSION: Public Session on resolutions only on the Agenda. We will continue to have a Public Session at the end of this meeting.

RESOLUTIONS:

- **RESOLUTION AUTHORIZING PAYMENT OF BILLS LIST**
- **RESOLUTION AUTHORIZING STATE CONTRACT PURCHASE OF PARK & PLAYGROUND EQUIPMENT**

CONSENT AGENDA:

All matters listed in the Consent Agenda are considered to be routine by the Borough Council and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

RESOLUTIONS BY CONSENT:

- **RESOLUTION AUTHORIZING STATE CONTRACT PURCHASE BOARDWALK LIGHTING**
- **RESOLUTION AWARDING CONTRACT FOR REHABILITATION OF COMFORT STATION NO. 2**

- **RESOLUTION AWARDDING CONTRACT FOR 13TH AVENUE IMPROVEMENTS FROM B STREET TO MAIN STREET**
- **RESOLUTION OF THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY MAKING APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. 40A:2-51, N.J.S.A. 40A:2-7(d) and N.J.S.A. 40A:2-11(c)**
- **A RESOLUTION REQUESTING PERMISSION FOR THE DEDICATIONS BY RIDER FOR SUPER STORM SANDY 2012 & 2013 CONTRIBUTIONS REQUIRED BY N.J.S.A. 40A:5-29**
- **RESOLUTION PURSUANT TO N.J.A.C. 5:30-14.4 ET SEQ. CHANGEORDER NUMBER ONE FOR THE BELMAR BOARDWALK RECONSTRUCTION PROJECT**
- **RESOLUTION AUTHORIZING THE PAYMENT OF UNCLAIMED CHECKS IN THE BELMAR MUNICIPAL COURT BAIL ACCOUNT TO THE BOROUGH OF BELMAR GENERAL ACCOUNT**
- **RESOLUTION AUTHORIZING THE PAYMENT OF UNCLAIMED CHECKS IN THE BELMAR MUNICIPAL COURT GENERAL ACCOUNT TO THE BOROUGH OF BELMAR GENERAL ACCOUNT**

ORDINANCES:

First Reading & Introduction:

ORDINANCE 2013-05

BOND ORDINANCE PROVIDING FOR THE FUNDING OF THE CAPITAL PORTIONS OF PRIOR EMERGENCY APPROPRIATIONS AND TEMPORARY EMERGENCY APPROPRIATIONS FOR REPAIRS TO BUILDINGS AND INFRASTRUCTURE AS A RESULT OF HURRICANE SANDY IN AND BY THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$1,640,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,640,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

First Reading & Introduction:

ORDINANCE 2013-06

REFUNDING BOND ORDINANCE OF THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY PROVIDING FOR THE FUNDING OF CERTAIN PORTIONS OF PREVIOUS EMERGENCY APPROPRIATIONS AND TEMPORARY EMERGENCY APPROPRIATIONS FOR EMERGENCY NEEDS RELATED TO DAMAGE CAUSED BY HURRICANE SANDY APPROPRIATING \$1,860,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,860,000 REFUNDING BONDS OR NOTES FOR FINANCING THE COST THEREOF.

Second Reading & Public Hearing:

ORDINANCE 2013-03

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XXXV FLOOD DAMAGE PREVENTION OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BELMAR

PUBLIC SESSION:

MEETING ADJOURNED:

DEVELOPMENT DISABILITIES MONTH

WHEREAS, intellectual and developmental disabilities are conditions which affect more than 7 million Americans and their families;

WHEREAS, public awareness and education enhance a community's understanding of the issues affecting people with intellectual and developmental disabilities;

WHEREAS, people with intellectual and developmental disabilities can be vital and vibrant members of our communities, improving the quality of life for all of us;

WHEREAS, the month of March has been designated Development Disabilities Month by the state of New Jersey with 20 chapters of The Arc undertaking public awareness, educational and fundraising initiatives;

WHEREAS, The Arc of Monmouth serves over 1400 individuals with intellectual disabilities throughout Monmouth County and advocates for and with people with intellectual and developmental disabilities and their families;

WHEREAS, The Arc of Monmouth is celebrating 64 years of service to families and individuals throughout Monmouth County;

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Belmar, do hereby proclaim March, 2013 as Development Disabilities Month in the Borough of Belmar, County of Monmouth, State of New Jersey and urges that the citizens of Belmar, New Jersey give full support to efforts towards enabling people with intellectual and developmental disabilities to live full and productive lives of inclusion in our communities.

IRISH-AMERICAN HERITAGE MONTH

WHEREAS, throughout American History, millions of Irish immigrants have travelled to the United States of America in search of freedom, justice, and opportunity; and

WHEREAS, fleeing religious, social and political discrimination as well as starvation and disease, these immigrants depended on the strong spirit and character of their Irish heritage to succeed in a new land; and

WHEREAS, Americans of Irish descent have played a vital role in shaping our history and culture and exploring our frontiers and fortifying our democracy through their military and public service; and

WHEREAS, organizations such as the Ancient Order of Hibernians and the Friendly Sons of Shillelaghs, to name a few, have allowed Irish-Americans to gather with each other and honor their Irish heritage; and

WHEREAS, Irish-American Heritage Month celebrates the contributions of these talented and industrious people and recognizes their rich legacy;

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Belmar, do hereby proclaim March, 2013 as “Irish-American Heritage Month” in the Borough of Belmar, County of Monmouth, State of New Jersey and urge the citizens of Belmar celebrate the contributions of Irish-Americans.

Resolution Designating the Month of March as “Women’s History Month”

Whereas, New Jersey women of every race, class, and ethnic background have made historic contributions to the growth and strength of our State in countless recorded and unrecorded ways;

Whereas, New Jersey women have played and continue to play a critical economic, cultural, and social role in every sphere of the life of the State by constituting a significant portion of the labor force working inside and outside of the home;

Whereas, New Jersey women have played a unique role throughout the history of the State by providing the majority of the volunteer labor force of the State;

Whereas, New Jersey women were particularly important in the establishment of early charitable, philanthropic, and cultural institutions in our State;

Whereas New Jersey women of every race, class, and ethnic background served as early leaders in the forefront of every major progressive social change movement;

Whereas, New Jersey women have been leaders, not only in securing their own rights of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, and other movements, especially the peace movement, which create a more fair and just society for all; and

Whereas, despite these contributions, the role of women in history has been consistently overlooked and undervalued, in the literature, teaching and study of American history

Whereas, the Department of Community Affairs, specifically the Division on Women’s goals are to remember and celebrate New Jersey women and to: Ensure that NJ women are offered equal opportunities in education, the workforce and healthcare regardless of age, sexual orientation, income, ethnicity, race or religion. Identify, implement, measure and coordinate programs that address the needs of NJ women. Engage in continuous study and research on issues affecting NJ women and their families, develop policy papers and legislative recommendations

Now, therefore, be it resolved by the Governing Body in the Borough of Belmar, State of New Jersey, that March 2013 is designated as "Women's History Month" under the National Women History Project’s 2013 theme: *Our History is Our Strength*.

RESOLUTION NO. 2013-

**RESOLUTION AWARDING CONTRACT FOR 13TH AVENUE IMPROVEMENTS
FROM B STREET TO MAIN STREET**

WHEREAS, on February 27, 2013 the Borough of Belmar received bids for 13th Avenue improvements from B Street to Main Street;

WHEREAS, "Certification As To Availability Of Funds" is annexed hereto.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council on this 6th day of March 2013, that:

1. Contract is awarded to Jads Construction Co. Inc., PO Box 513, South River, NJ 08882, in the amount of \$582,098.75.

CERTIFICATION AS TO AVAILABILITY OF FUNDS

I herewith certify that there are adequate funds available for the contract noted above per Bond Ordinance 2012-16 which has an available balance in the amount of \$1,666,306.25..

Robbin D. Kirk
Chief Financial Officer

offered the above resolution and moved its adoption.

Seconded by Council member and adopted by the following vote on roll call:

Council members:	AYES	NAYS	ABSTAIN	ABSENT
Mrs. Deicke				
Mr. Magovern				
Mr. Bean				
Mrs. Nicolay				
Mayor Doherty				

Adopted:

RESOLUTION NO. 2013-

RESOLUTION AWARDING CONTRACT FOR REHABILITATION OF COMFORT STATION NO. 2

WHEREAS, on February 22, 2013 the Borough of Belmar received bids for rehabilitation of comfort station No. 2.;

WHEREAS, "Certification As To Availability Of Funds" is annexed hereto.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council on this 6th day of March 2013, that:

1. Contract is awarded to Air Control Technology, 988 Tauton Avenue, West Berlin, NJ 08091, in the amount of \$39,316.

CERTIFICATION AS TO AVAILABILITY OF FUNDS

I herewith certify that there are adequate funds available for the contract noted above per Bond Ordinance 2013-01 which has an available balance of in the amount of \$3,558,436.53.

Robbin D. Kirk
Chief Financial Officer

offered the above resolution and moved its adoption.

Seconded by Council member and adopted by the following vote on roll call:

Council members:	AYES	NAYS	ABSTAIN	ABSENT
Mrs. Deicke				
Mr. Magovern				
Mr. Bean				
Mrs. Nicolay				
Mayor Doherty				

Adopted:

RESOLUTION NO. 2013-

RESOLUTION AUTHORIZING STATE CONTRACT PURCHASE BOARDWALK LIGHTING

WHEREAS, the Borough Council of the Borough of Belmar wishes to purchase lighting for the Belmar boardwalk from an authorized vendor under the State of New Jersey Cooperative Purchasing Program I-NJCP; and

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Contracts Law, 40A:11-12; and

WHEREAS, Summit Electrical Supply Company is under the State Contract No. A0003-40 for the 2013 year; and

WHEREAS, the Borough Engineer recommends the utilization of this contract on the grounds that they can provide the quality of product at the most reasonable price; and

WHEREAS, the cost for the purchase of lighting for the boardwalk is \$574,272; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for this contract are available through the Bond Ordinance 2012-15.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council that the purchase of boardwalk lighting ordered under State Contract No. A0003-40 be and is hereby ratified.

CERTIFICATION AS TO AVAILABILITY OF FUNDS

I herewith certify that, as of March 6, 2013 that there is adequate funds available for the proposed contract noted above in Bond Ordinance 2012-15 which has an available balance in the amount of \$5,917,102.06

Robbin D. Kirk
Chief Financial Officer

offered the above resolution and moved its adoption.

Seconded by Council member and adopted by the following vote on roll call:

Council members:	AYES	NAYS	ABSTAIN	ABSENT
Mrs. Deicke				
Mr. Magovern				
Mrs. Nicolay				
Mr. Bean				
Mayor Doherty				

Adopted:

RESOLUTION NO. 2013-

**RESOLUTION AUTHORIZING STATE CONTRACT PURCHASE OF
PARK & PLAYGROUND EQUIPMENT**

WHEREAS, the Borough Council of the Borough of Belmar wishes to purchase Beach Playground Equipment from an authorized vendor under the State of New Jersey Cooperative Purchasing Program I-NJCP; and

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Contracts Law, 40A:11-12; and

WHEREAS, Game Time C/O Marturano Recreation Company, Inc. is under the State Contract No. A81411 for the 2013 year; and

WHEREAS, the Director of Public Works recommends the utilization of this contract on the grounds that they can provide the quality of product at the most reasonable price; and

WHEREAS, the cost for the purchase of various beach playground equipment is \$324,000; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for this contract are available through the Bond Ordinance 2012-15.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council that the purchase of Park & Playground Equipment ordered under State Contract No. A81411 be and is hereby ratified.

CERTIFICATION AS TO AVAILABILITY OF FUNDS

I herewith certify that, as of March 6, 2013 that there is adequate funds available for the proposed contract noted above in Bond Ordinance 2012-15 which has an available balance in the amount of \$5,917,102.06

Robbin D. Kirk
Chief Financial Officer

offered the above resolution and moved its adoption.

Seconded by Council member and adopted by the following vote on roll call:

Council members:	AYES	NAYS	ABSTAIN	ABSENT
Mrs. Deicke				
Mr. Magovern				
Mrs. Nicolay				
Mr. Bean				
Mayor Doherty				

Adopted:

RESOLUTION NO. 2013-

**RESOLUTION PURSUANT TO N.J.A.C. 5:30-14.4 ET SEQ.
CHANGE ORDER NUMBER ONE FOR THE BELMAR BOARDWALK
RECONSTRUCTION PROJECT**

WHEREAS, the Borough Administrator has certified Change Order Number One to amend project costs by agreement with the contractor for the boardwalk reconstruction project; and

WHEREAS, the Council of the Borough of Belmar has also received from the Mayor a request for this Change Order to amend the cost of the project as shown by the documentation attached to said request and having investigated the same and being assured that the change is necessary and that it will actually be carried out and the total net change for Change Order Number One is a net increase of \$1,401,651.55.

NOW, THEREFORE, BE IT RESOLVED on this 6th day of March, 2013 that the Mayor and Borough Clerk be and are hereby authorized to enter into written amendatory contract covering the change requested in the aforesaid project.

REQUEST PURSUANT TO 5:30-14.4 ET SEQ.

I am the Mayor of the Borough of Belmar and the changes are required to amend the bid specifications for the project as listed. No changes were authorized by me or the Council prior to this resolution for noted items and the change order requested by the Contractor and the Administrator is necessitated for the reasons given by them in the annexed documents and are permissible under Regulations of the Local Finance Board.

Matthew J. Doherty
Mayor

CERTIFICATION

I hereby certify that adequate appropriations and funds are available in accordance with N.J.A.C.50:30-14.5 for the aforesaid request for change order in Bond Ordinance 2012-15 which has an available balance in the amount of \$5,917,102.06

Robbin D. Kirk
Chief Financial Officer

offered the above resolution and moved its adoption.

Seconded by Council member and adopted by the following vote on roll call:

Council members:	AYES	NAYS	ABSENT	ABSTAIN
Mrs. Deicke				
Mr. Magovern				
Mr. Bean				
Mrs. Nicolay				
Mayor Doherty				

Adopted:

RESOLUTION NO 2013-

**RESOLUTION AUTHORIZING THE PAYMENT OF UNCLAIMED
CHECKS IN THE BELMAR MUNICIPAL COURT TO THE
BOROUGH OF BELMAR GENERAL ACCOUNT**

WHEREAS, Kathryn Garrecht, Municipal Court Administrator has provided a listing of outstanding and unclaimed checks in the amount of \$594.00 from the bail account; and

WHEREAS, the Municipal Court has utilized every effort to forward these checks to the individuals who are entitled to the funds; and

WHEREAS, all of the checks are at least six (6) months old and may no longer be processed by TD Bank.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Belmar that the Municipal Court Administrator is directed to turn over the above amount of \$594.00 from the regular municipal court account, to the Certified Municipal Finance Officer; and

BE IT FURTHER RESOLVED, that if any individual should attempt to claim these funds that same will be refunded from the Borough of Belmar by voucher.

offered the above resolution and moved its adoption.

Seconded by Council member and adopted by the following vote:

Councilmembers:	AYES	NAYS	ABSTAIN	ABSENT
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Mrs. Deicke				
Mr. Magovern				
Mr. Bean				
Mrs. Nicolay				
Mayor Doherty				

Adopted:

RESOLUTION NO 2013-

**RESOLUTION AUTHORIZING THE PAYMENT OF UNCLAIMED
CHECKS IN THE BELMAR MUNICIPAL COURT TO THE
BOROUGH OF BELMAR GENERAL ACCOUNT**

WHEREAS, Kathryn Garrecht, Municipal Court Administrator has provided a listing of outstanding and unclaimed checks in the amount of \$1069.79 from the regular account; and

WHEREAS, the Municipal Court has utilized every effort to forward these checks to the individuals who are entitled to the funds; and

WHEREAS, all of the checks are at least six (6) months old and may no longer be processed by TD Bank.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Belmar that the Municipal Court Administrator is directed to turn over the above amount of \$1069.79 from the regular municipal court account, to the Certified Municipal Finance Officer; and

BE IT FURTHER RESOLVED, that if any individual should attempt to claim these funds that same will be refunded from the Borough of Belmar by voucher.

offered the above resolution and moved its adoption.

Seconded by Council member and adopted by the following vote:

Councilmembers:	AYES	NAYS	ABSTAIN	ABSENT
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Mrs. Deicke				
Mr. Magovern				
Mr. Bean				
Mrs. Nicolay				
Mayor Doherty				

Adopted:

RESOLUTION 2013-

DEDICATION BY RIDER

Borough of Belmar

**A RESOLUTION REQUESTING PERMISSION FOR THE DEDICATIONS BY
RIDER FOR SUPER STORM SANDY 2012 & 2013 CONTRIBUTIONS
REQUIRED BY N.J.S.A. 40A:5-29**

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and,

WHEREAS, N.J.S.A. 40A:5-29 provides for receipt of donations for disaster related purposes by the municipality to provide operating costs to administer this act; and,

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the Super Storm Sandy 2012 and 2013 Contributions are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Belmar, County of Monmouth and State of New Jersey as follows:

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to include as a Dedication by Rider in the budget, revenues received by the Borough of Belmar as contributions/donations and the Buy a Board program, with said revenue being appropriated toward the restoration and rebuilding of the Borough's boardwalk, beachfront and other municipal expenditures as required for the rebuilding and capital projects as related to recovery from Superstorm Sandy.

2. The Municipal Clerk of the Borough of Belmar, County of Monmouth is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

RESOLUTION 2013-

RESOLUTION OF THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY MAKING APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. 40A:2-51, N.J.S.A. 40A:2-7(d) and N.J.S.A. 40A:2-11(c)

WHEREAS, the Borough of Belmar, in the County of Monmouth, New Jersey (the "Borough"), desires to make application to the Local Finance Board for its approval of proposed ordinances authorizing the funding of prior emergency and temporary appropriations for damages caused by Hurricane Sandy and where appropriate the waiver of a down payment.

WHEREAS, the Borough believes that:

- (a) it is in the public interest to accomplish such purposes;
- (b) said purposes are for the health, welfare, convenience or betterment of the inhabitants of the Borough;
- (c) the amounts to be expended for said purposes are not unreasonable; and
- (d) the proposals are an efficient and feasible means of providing services for the needs of the inhabitants of the Borough and will not create an undue financial burden to be placed upon the Borough;

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY as follows:

Section 1. The Application to the Local Finance Board is hereby approved, and the Borough's Bond Counsel, along with such other representatives of the Borough are hereby authorized to prepare such application and to represent the Borough in matters pertaining thereto.

Section 2. The Clerk of the Borough is hereby directed to prepare and file copies of the proposed ordinances with the Local Finance Board as part of such application.

Section 3. The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as provided by the applicable New Jersey Statute.

Recorded Vote

AYE

NO

ABSTAIN

ABSENT

The foregoing is a true copy of a resolution adopted by the governing body of the Borough of Belmar, in the County of Monmouth, New Jersey on_____.

April Claudio, Borough Clerk

STATE OF NEW JERSEY
DEPARTMENT OF COMMUNITY AFFAIRS
DIVISION OF LOCAL GOVERNMENT SERVICES
LOCAL FINANCE BOARD
APPLICATION CERTIFICATION

APPLICANT'S

NAME: BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH,
NEW JERSEY

I, MATTHEW DOHERTY, MAYOR OF THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY DO HEREBY DECLARE:

That the documents submitted herewith and the statements contained herein are true to the best of my knowledge and belief; and

That this application was considered and its submission to the Local Finance Board approved by the governing body of the Borough on _____; and

That the governing body of the Borough has notified each participating local unit of its submission of this application to the Local Finance Board and has made available to each, a true copy of this application.

ATTEST:

Matthew Doherty, Mayor

April Claudio, Clerk

Date: _____

ORDINANCE NO. 2013-03

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XXXV
FLOOD DAMAGE PREVENTION OF THE REVISED GENERAL ORDINANCES OF
THE BOROUGH OF BELMAR**

WHEREAS, the Borough of Belmar desires to amend the Borough's Flood Damage Prevention ordinance in accordance with the new FEMA Advisory Base Flood Map.

NOW, THEREFORE, BE IT ORDAINED by the Borough of Belmar, County of Monmouth, New Jersey, that Chapter XXXV of the Borough of Belmar Revised General Ordinances is hereby amended and supplemented as follows:

SECTION I.

35-2 DEFINITIONS.

35-2.1 Words Defined.

Unless specifically defined below, words or phrases used in this Chapter shall be interpreted so as to give them the meaning they have in common usage and to give this Chapter its most reasonable application.

Advisory Base Flood Elevation (ABFE) shall mean the elevation shown on a community's Advisory Flood Hazard Map that indicates the advisory stillwater elevation plus wave effect (ABFE = SWEL + wave effect) resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

Advisory Flood Hazard Area (AFHA) Shall mean the land in the floodplain within a community subject to flooding from the 1% annual chance event depicted on the Advisory Flood Hazard Map.

Advisory Flood Hazard Map shall mean the official map on which the Federal Emergency Management Administration has delineated the areas of advisory flood hazards applicable to the community.

Substantial improvement shall mean any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50%) percent of the

Changes/additions indicated by red underlining – deletions are indicated by strikethrough

market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

SECTION II.

35-3 GENERAL PROVISIONS.

35-3.2 Basis for Establishing the Areas of Special Flood Hazard.

The areas of special flood hazard for the Borough of Belmar, Community No. 345283, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

a. A scientific and engineering report "Flood Insurance Study, Monmouth County, New Jersey (All Jurisdictions)" dated September 25, 2009.

~~(1. A scientific and engineering report "Flood Insurance Study, Monmouth County, New Jersey (All Jurisdictions)" dated September 25, 2009.)~~

~~(2.)~~ b. Flood Insurance Rate Map for Monmouth County, New Jersey (All Jurisdictions) as shown on Index and panel numbers 34025C0333F, 34025C0334F, 34025C0341F, 34025C0342F; whose effective date is September 25, 2009.

~~c. Advisory Base Flood Elevations and Advisory Flood Hazard Maps dated December 12, 2012. These documents shall take precedence over previous panels and FIS in construction and development regulations only. Where the Special Flood Hazard Area (SFHA) and the Advisory Flood Hazard Area (AFHA) maps conflict or overlap, whichever imposes the more stringent requirement shall prevail.~~

SECTION III.

35-5 PROVISIONS FOR FLOOD HAZARD REDUCTION.

35-5.1 General Standards.

In all areas of special flood hazards, compliance with the applicable requirements of the Uniform Construction Code (N.J.A.C. 5:23) and the following standards, whichever is more restrictive, is required:

d. *Subdivision Proposals.*

1. All subdivision proposals and other proposed new development shall be consistent with the need to minimize flood damage;

Changes/additions indicated by red underlining – deletions are indicated by strikethrough

2. All subdivision proposals and other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
3. All subdivision proposals and other proposed new development shall have adequate drainage provided to reduce exposure to flood damage; and
4. Base flood elevation data shall be provided for subdivision proposals and other proposed new development which contain at least fifty (50) lots or five (5) acres (whichever is less).

SECTION IV.

35-5.2 Specific Standards.

In all areas of special flood hazards where base flood elevation data have been provided as set forth in subsection 35-3.2, Basis for Establishing the Areas of Special Flood Hazard or in subsection 35-4.3b, Use of Other Base Flood Data, the following standards are required:

a. *Residential Construction.*

1. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities, elevated to or above base flood elevation or advisory base flood elevation whichever is more restrictive, plus one foot;
2. Within any AO Zone on the municipality's FIRM that all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated above the highest adjacent grade one foot above the depth number specified in feet (at least three (3') feet if no depth number is specified) or at or above the advisory base flood elevation plus one foot, whichever is more restrictive. And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

b. *Nonresidential Construction.* In an area of special flood hazard, all new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall:

1. Elevated to or above the base flood elevation or advisory base flood elevation whichever is more restrictive, plus one foot and
2. Require within any AO Zone on the municipality's FIRM that all new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated above the highest adjacent grade one foot above the depth number specified in feet (at least three (3') feet if no depth number is specified) or at or above the advisory base flood elevation plus one foot, whichever is more

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restrictive. And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures;

or shall:

3. Be floodproofed so that below the base flood level plus one foot, or advisory base flood elevation plus one foot, (whichever is more restrictive) the structure is watertight with walls substantially impermeable to the passage of water; and

c. *Manufactured Homes.*

2. All manufactured homes to be placed or substantially improved within an area of special flood hazard shall be elevated on a permanent foundation such that the top of the lowest floor is at or above the base flood elevation or advisory base flood elevation, plus one foot (whichever is more restrictive).

SECTION V.

35-5.3 Coastal High Hazard Area.

b. *Construction Methods.*

1. Elevation. All new construction and substantial improvements shall be elevated on piling or columns so that:

(a) The bottom of the lowest horizontal structural member of the lowest floor (excluding the piling or columns) is elevated to or above the base flood elevation, advisory base flood elevation or as required by the Uniform Construction Code (NJAC 5:23), whichever is more restrictive, and,

(b) with all space below the lowest floor's supporting member open so as not to impede the flow of water, except for breakaway walls as provided for in subsection 35-5.3b,4.

4. Space Below the Lowest Floor.

(d) Prior to construction, plans for any breakaway wall must be submitted to Building Sub-Code Official for approval.

SECTION VI.

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 adjudged and the remainder of the Ordinance shall be deemed valid and effective.

Changes/additions indicated by red underlining – deletions are indicated by strikethrough

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

SECTION VIII. This Ordinance shall take effect 20 days after final passage, adoption and publication according to law.

ORDINANCE 2013-05

BOND ORDINANCE PROVIDING FOR THE FUNDING OF THE CAPITAL PORTIONS OF PRIOR EMERGENCY APPROPRIATIONS AND TEMPORARY EMERGENCY APPROPRIATIONS FOR REPAIRS TO BUILDINGS AND INFRASTRUCTURE AS A RESULT OF HURRICANE SANDY IN AND BY THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$1,640,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,640,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

WHEREAS, the Borough of Belmar, in the County of Monmouth, New Jersey (the "Borough") by Resolution number 2012-238 adopted November 21, 2012 authorized an emergency appropriation in connection with its 2012 budget year in the amount of \$2,000,000 to fund various emergency needs resulting from damage caused by Hurricane Sandy, and

WHEREAS, the Borough has determined that \$336,000 of such emergency appropriation was for capital expenditures; and

WHEREAS, the Borough desires to fund such capital expenditures pursuant to this bond ordinance in accordance with N.J.S.A. 40A:4-47 thereby effectively cancelling such emergency appropriation and any further need to include such amount in the 2013 budget upon the effective date of this bond ordinance; and

WHEREAS, the Borough by Resolution number 2013-77 authorized a temporary emergency appropriation in connection with its 2013 budget year in the amount of \$500,000 to fund additional emergency needs resulting from damage caused by Hurricane Sandy; and

WHEREAS, the Borough has determined the \$304,000 of such temporary emergency appropriation was for capital expenditures; and

WHEREAS, the Borough desires to fund such capital expenditures pursuant to this bond ordinance and upon the effective date of its adoption to cancel \$304,000 of the temporary emergency appropriation authorized in Resolution Number 2013-77; and

WHEREAS, the Borough has determined that it needs an additional \$1,000,000 to fund additional capital expenditures for damages caused by Hurricane Sandy.

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

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of Belmar, in the County of Monmouth, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$1,640,000. No down payment is required pursuant to N.J.S.A. 40A:2-11(c) as this bond ordinance authorizes obligations solely for a purpose described in N.J.S.A. 40A:2-7(d).

Section 2. In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,640,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes

are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the funding of the capital portions of prior emergency and temporary emergency appropriations for repairs to buildings and infrastructure as a result of Hurricane Sandy, consisting of major repairs and improvements to buildings, infrastructure including roofs, structural components, heating, cooling, electrical systems, storm drain outfalls, road repaving and related work necessary and incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the

meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of

the bonds and notes provided in this bond ordinance by \$1,640,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) 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 purpose or improvement.

(e) This bond ordinance authorizes obligations of the Township solely for a purpose described in N.J.S.A. 40A:2-7(d). This purpose is in the public interest and is for the health, welfare, convenience or betterment of the inhabitants of the Township. The amounts to be expended for this purpose pursuant to this bond ordinance are not unreasonable or exorbitant, and the issuance of the obligations authorized by this bond ordinance will not materially impair the credit of the Township or substantially reduce its ability to pay punctually the principal of and the interest on its debts and to supply other essential public improvements and services. The Local Finance Board in the Division of Local Government Services of the Department of Community Affairs of the State of New Jersey has heretofore made a determination to this effect and has caused its consent to be endorsed upon a certified copy of this bond ordinance as passed upon first reading.

(f) As provided in N.J.S.A. 40A:4-47, \$336,000 of the \$2,000,000 emergency appropriation referred to in the preambles hereof is being funded by this bond ordinance and as a result such amount is effectively cancelled upon the effective date of this bond ordinance and no further provision for such appropriation is necessary to be made in the Borough's 2013 budget as provided in N.J.S.A. 40A:4-47.

(g) \$304,000 of the \$500,000 temporary emergency appropriation referred to in the preambles hereof is being funded by this bond ordinance and as a result such amount as provided

for in Resolution number 2013-77 is cancelled upon the effective date of this bond ordinance and no further provision for such appropriation is necessary to be made in the 2013 budget.

Section 7. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

2013-06

REFUNDING BOND ORDINANCE OF THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY PROVIDING FOR THE FUNDING OF CERTAIN PORTIONS OF PREVIOUS EMERGENCY APPROPRIATIONS AND TEMPORARY EMERGENCY APPROPRIATIONS FOR EMERGENCY NEEDS RELATED TO DAMAGE CAUSED BY HURRICANE SANDY APPROPRIATING \$1,860,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,860,000 REFUNDING BONDS OR NOTES FOR FINANCING THE COST THEREOF.

WHEREAS, the Borough of Belmar, in the County of Monmouth, New Jersey (the "Borough") by Resolution number 2012-238 adopted November 21, 2012 authorized an emergency appropriation in connection with its 2012 budget year in the amount of \$2,000,000 to fund various emergency needs resulting from damage caused by Hurricane Sandy, and

WHEREAS, the Borough has determined that \$336,000 of such \$2,000,000 emergency appropriation was for capital expenditures and is providing for the funding thereof by bond ordinance pursuant to N.J.S.A. 40A:4-47 and has further determined that the remaining \$1,664,000 was for the other clean up and related emergency needs which it desires to fund through this refunding bond ordinance pursuant to N.J.S.A. 40A:2-51(a); and

WHEREAS, the Borough by Resolution number 2013-77 authorized a temporary

emergency appropriation in connection with its 2013 budget year in the amount of \$500,000 to fund additional emergency needs resulting from damage caused by Hurricane Sandy; and

WHEREAS, the Borough has determined that \$304,000 of such \$500,000 temporary emergency appropriation was for capital expenditures and is providing for the funding thereof by bond ordinance pursuant to N.J.S.A. 40A:4-47 and has further determined that the remaining \$196,000 was for other cleanup and related emergency needs which it desires to fund through a refunding bond ordinance pursuant to N.J.S.A. 40A:2-51(a).

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

Section 1. The Borough of Belmar, in the County of Monmouth, New Jersey (the "Borough") is hereby authorized, as provided for herein, to fund certain portions of previous emergency appropriations and temporary emergency appropriations in an aggregate amount not exceeding \$1,860,000 for emergency expenses related to the response to Hurricane Sandy including personnel costs, replacement of damaged vehicles, repairs to buildings and equipment, purchase of equipment and supplies for first responders, related supplies to emergency responders and residents, pumps, removal of debris, cleanup and all related improvements and emergency services and damages caused by and related to Hurricane Sandy.

Section 2. An aggregate amount not exceeding \$75,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-51(b) has been included in the aggregate principal amount of refunding bonds authorized herein.

Section 3. (a) In order to finance the purpose described in Section 1 hereof, negotiable refunding bonds are hereby authorized to be issued in the principal amount of \$1,860,000 pursuant to the Local Bond Law.

(b) As provided in N.J.S.A. 40A:4-47, \$1,664,000 of the \$2,000,000 emergency appropriation referred to in the preambles hereof is being funded by this bond ordinance and as a result such amount is effectively cancelled upon the effective date of this bond ordinance and no further provision for such appropriation is necessary to be made in the Borough's 2013 budget as provided in N.J.S.A. 40A:4-47.

(g) \$196,000 of the \$500,000 temporary emergency appropriation referred to in the preambles hereof is being funded by this bond ordinance and as a result such amount as provided for in Resolution number 2013-77 is cancelled upon the effective date of this bond ordinance and no further provision for such appropriation is necessary to be made in the 2013 budget.

Section 4. In anticipation of the issuance of the refunding bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law. All refunding bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations.

All notes issued hereunder may be renewed from time to time, but all such notes including renewals shall mature and be paid no later than the fifth anniversary of the date of the original notes or such other time period as determined by the Local Finance Board; provided, however, that no notes shall be renewed beyond the first or any succeeding anniversary date of the original notes unless an amount of such notes, at least equal to the first legally payable installment of the bonds in anticipation of which the notes are issued, determined in accordance with the maturity schedule for the bonds approved by the Local Finance Board, is paid and retired on or before such anniversary date; and provided, further, that the period during which the bond anticipation notes and any renewals thereof and any permanent bonds are outstanding, shall not exceed the period set for the maturity of the bonds by the Local Finance Board.

The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the

benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 6. The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$1,860,000 but as provided in N.J.S.A. 40A:2-52 such amount shall be deductible from gross debt, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

Section 7. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 8. A certified copy of this refunding bond ordinance as adopted on first reading has been filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey prior to final adoption, together with a complete statement in the form prescribed by the Director and signed by the chief

financial officer of the Borough as to the indebtedness to be financed by the issuance of the refunding bonds authorized herein.

Section 9. The Borough hereby declares the intent of the Borough to issue the bonds or bond anticipation notes in the amount authorized in Section 3 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 1 of this bond ordinance. This Section 9 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

Section 10. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law, provided that the consent of the Local Finance Board has been endorsed upon a certified copy of this ordinance as finally adopted.