

“GOD BLESS AMERICA”

REGULAR MEETING

JUNE 5, 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, Borough Attorney Michael DuPont, Esq., 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: Belmar Elementary School Mentoring & Tutoring Program

RECEIPT OF BIDS: Paddleboard lessons at Maclearie Park

WORKSHOP DISCUSSION:

- Chef’s International – marina building proposal
- Bonfire rules amendments
- Budget presentation

PETITIONS:

REPORTS OF MAYOR AND COUNCIL:

APPROVAL OF MINUTES:

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 OF THE BOROUGH OF BELMAR, COUNTY OF MONMOUTH, STATE OF NEW JERSEY SETTING FORTH REASON FOR DELAY OF INTRODUCTION OF MUNICIPAL BUDGET FOR 2013**
- **RESOLUTION AUTHORIZING READING OF THE 2013 BUDGET**
- **RESOLUTION INTRODUCING THE 2013 LOCAL MUNICIPAL BUDGET**

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 APPLICATION FOR A COMMUNITY DISASTER LOAN**

- RESOLUTION AWARDDING A LEASE AGREEMENT FOR THE 10TH AVENUE BOARDWALK KITCHEN TRAILER
- RESOLUTION AWARDDING A LEASE AGREEMENT FOR THE 13TH AVENUE BOARDWALK KITCHEN TRAILER
- RESOLUTION PURSUANT TO N.J.A.C. 5:30-14.4 ET SEQ. CHANGE ORDER NUMBER ONE FOR THE UTILITY SERVICES AND CONCRETE IMPROVEMENTS TO THE BOARDWALK
- RESOLUTION PURSUANT TO N.J.A.C. 5:30-14.4 ET SEQ. CHANGE ORDER NUMBER ONE FOR THE NJDOT & CDBG DRAINAGE AND ROADWAY IMPROVEMENTS TO SIXTH AVENUE
- RESOLUTION PURSUANT TO N.J.A.C. 5:30-14.4 ET SEQ. CHANGE ORDER NUMBER ONE FOR THE VARIOUS ROOF REPAIRS PROJECT
- RESOLUTION PURSUANT TO N.J.A.C. 5:30-14.4 ET SEQ. CHANGE ORDER NUMBER TWO FOR THE BOARDWALK RECONSTRUCTION
- RESOLUTION GRANTING TAXICAB OWNERS & DRIVERS LICENSES FOR THE YEAR 2013
- RESOLUTION PERMITTING SPECIAL EVENTS
- RESOLUTION MAKING FINDINGS AND DETERMINATIONS ON LEGALIZED GAMES OF CHANCE APPLICATION NUMBER 2013-08

ORDINANCES:

Second Reading & Public Hearing:

ORDINANCE NO. 2013-08

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XIX (TRAFFIC) OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BELMAR, SECTIONS 19-46 HANDICAPPED PARKING SPACES

First Reading & Introduction:

ORDINANCE NO. 2013-09

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XL, DEVELOPMENT REGULATIONS OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BELMAR SECTION 2, IMPERVIOUS AREA AND SECTION 5, ZONING DISTRICT REGULATIONS

First Reading & Introduction:

ORDINANCE NO. 2013-10

CALENDAR YEAR 2013 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (NJSA. 40A:4-45.14)

First Reading & Introduction

ORDINANCE NO. 2013-11

BOND ORDINANCE PROVIDING FOR VARIOUS WATER AND SEWER INFRASTRUCTURE IMPROVEMENTS IN AND BY THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$5,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$4,761,900 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

PUBLIC SESSION:

MEETING ADJOURNED:

**HONORING THE BELMAR ELEMENTARY SCHOOL
TUTORING & MENTORING PROGRAM**

WHEREAS, the Lisa Hannah, Lisa Chapman and Nancy Kislin of the Belmar Elementary School created a tutoring and mentoring program with Yale and Stanford University representatives; and

WHEREAS, on May 21, 2013 Belmar Elementary School students in need of literacy and math assistance had the opportunity to meet with these representatives; and

WHEREAS, this program was very successful and it is the hope of the Belmar Elementary School to continue this program on a monthly basis in the future; and

WHEREAS, Lisa Hannah, Lisa Chapman, and Nancy Kislin should be honored for coordinating this event in an effort to better the enrichment of their students.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council and all of the residents of Belmar, that Belmar Elementary School and more specifically Lisa Hannah, Lisa Chapman, and Nancy Kislin be honored and thanked for creating an excellent program.

RESOLUTION NO. 2013-

RESOLUTION AUTHORIZING READING OF THE 2013 BUDGET

WHEREAS, N.J.S. 40A:4-8 provides that the budget and budget amendment be read by title only at the time of the public hearing if a resolution is passed by not less than a majority of the full governing body, providing that at least one week prior to the date of hearing a complete copy of the approved budget as advertised has been posted in Borough Hall and copies have been made available by the Clerk to persons requiring them; and

WHEREAS, these two conditions have been met;

NOW, THEREFORE, BE IT RESOLVED that the budget and budget amendment shall be read by title only.

offered the above resolution and moved its adoption.

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

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

Adopted:

RESOLUTION NO. 2013-

**RESOLUTION OF THE BOROUGH OF BELMAR, COUNTY OF MONMOUTH,
STATE OF NEW JERSEY SETTING FORTH REASON FOR DELAY OF
INTRODUCTION OF MUNICIPAL BUDGET FOR 2013**

WHEREAS, according to N.J.S.A. 40A:4-15 and the Director of Local Government Services, a Municipality which does not introduce its Municipal Budget for 2013 by March 20, 2013 must set forth its reasons for such delay; and

WHEREAS, the Mayor and Council of the Borough of Belmar did not complete its 2013 Budget until June 5, 2013; and

WHEREAS, after finalizing the 2013 Municipal Budget, time was required for the typing thereof; and

WHEREAS, the governing body was unable to assemble with a quorum for a public meeting until June 5, 2013.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Council of the Borough of Belmar requests the Director of the Division of Local Government Services to accept the late filing of the Borough of Belmar's 2013 Municipal Budget.

BE IT FURTHER RESOLVED by the Mayor and Borough Council of the Borough of Belmar, that the Borough Clerk be and is hereby authorized to forward copies of this Resolution, certified to be true copies to the following:

1. Division of Local Government Services
2. Borough Auditor

offered the above resolution and moved its adoption. Seconded by 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 AWARDING A LEASE AGREEMENT
FOR THE 10TH AVENUE BOARDWALK KITCHEN TRAILER**

WHEREAS, the Borough of Belmar authorized and advertised for a Lease Agreement for use of a portion of the 10th Avenue boardwalk for a kitchen trailer, with an open public bid by auction on May 1, 2013; and

WHEREAS, after receipt of the bids on May 1, 2013 the Borough of Belmar wishes to award the Lease to the highest bidder.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Belmar that, the Lease is awarded to:

Mary Wall
220 Valley Road
Neptune, NJ 07753

on the bid of \$8,750 per a month. The Lease is for a term of five months.

BE IT FURTHER RESOLVED, that Resolution 2013-140 be hereby voided and replaced with this resolution; and

BE IT FURTHER RESOLVED, that the Mayor, Borough Clerk, Borough Attorney and other necessary Borough Officials are hereby authorized to execute and deliver the Lease and all other documents and undertake all actions reasonably necessary to effectuate the award of the Lease herein.

offered the above resolution and moved its adoption.

Seconded by and adopted by the following vote:

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

Adopted:

RESOLUTION No. 2013-141

**RESOLUTION AWARDING A LEASE AGREEMENT
FOR THE 13TH AVENUE BOARDWALK KITCHEN TRAILER**

WHEREAS, the Borough of Belmar authorized and advertised for a Lease Agreement for use of a portion of the 13^h Avenue boardwalk for a kitchen trailer, with an open public bid by auction on May 1, 2013; and

WHEREAS, after receipt of the bids on May 1, 2013 the Borough of Belmar wishes to award the Lease to the highest bidder.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Belmar that, the Lease is awarded to:

Anthony Ferrara
Muscle Maker Grill
1818 Highway 35
Wall, NJ 07719

on the bid of \$8,750 per a month. The Lease is for a term of five months.

BE IT FURTHER REOLVED, that Resolution 2013-141 be hereby voided and replaced with this resolution; and

BE IT FURTHER RESOLVED, that the Mayor, Borough Clerk, Borough Attorney and other necessary Borough Officials are hereby authorized to execute and deliver the Lease and all other documents and undertake all actions reasonably necessary to effectuate the award of the Lease herein.

offered the above resolution and moved its adoption.

Seconded by Council member and adopted by the following vote:

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

Adopted:

RESOLUTION NO. 2013-

RESOLUTION PERMITTING SPECIAL EVENTS

WHEREAS, applications have been received by the Special Events Committee as per Ordinance 16-14.4 “Permits and Special Event Permits;” and

WHEREAS, said applications have been reviewed by the Special Events Committee and by the Borough Council; and

WHEREAS, the following events are recommended for approval with conditions if applicable:

Shore Smoothies paddle board and yoga instruction class: Wednesday, July 31st to Sunday, August 4th, 8:00 am-4:00 pm on L Street beach. No Borough resources are required.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Belmar that permission is granted for the special events as noted above with conditions if cited.

offered the above resolution and moved its adoption.

Seconded by and adopted by the following vote:

Councilmembers:	AYES	NAYS	ABSTAIN	ABSENT
Mrs. Deicke				
Mr. Magovern				
Mr. Bean				
Mrs. Nicolay				
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 UTILITY SERVICES AND CONCRETE
IMPROVEMENTS TO THE BOARDWALK**

WHEREAS, the Borough Administrator has certified Change Order Number One to amend project costs by agreement with the contractor for the utility services and concrete improvements to the boardwalk; 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 decrease of \$4,600.

NOW, THEREFORE, BE IT RESOLVED on this 5th day of June, 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

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 PURSUANT TO N.J.A.C. 5:30-14.4 ET SEQ.
CHANGE ORDER NUMBER ONE FOR THE VARIOUS ROOF REPAIRS PROJECT**

WHEREAS, the Borough Administrator has certified Change Order Number One to amend project costs by agreement with the contractor for the various roof repairs 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 \$4,548.00.

NOW, THEREFORE, BE IT RESOLVED on this 5th day of June, 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 Bond Ordinance 2013-05 accordance with N.J.A.C.50:30-14.5 for the aforesaid request for change order in which has an available balance in the amount of \$518,955.

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 PURSUANT TO N.J.A.C. 5:30-14.4 ET SEQ.
CHANGE ORDER NUMBER ONE FOR THE NJDOT & CDBG DRAINAGE AND
ROADWAY IMPROVEMENTS TO SIXTH AVENUE**

WHEREAS, the Borough Administrator has certified Change Order Number One to amend project costs by agreement with the contractor for the NJDOT and CDBG drainage and roadway improvements to Sixth Avenue; 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 \$5,300.50.

NOW, THEREFORE, BE IT RESOLVED on this 5th day of June, 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 Bond Ordinance 11-19/12-6 accordance with N.J.A.C.50:30-14.5 for the aforesaid request for change order in which has an available balance in the amount of \$ 239,601.17.

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

WHEREAS, the Borough Administrator has certified Change Order Number One to amend project costs by agreement with the contractor for the various roof repairs 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 Two is a net decrease of \$4,876,560.47

NOW, THEREFORE, BE IT RESOLVED on this 5th day of June, 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

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 INTRODUCING THE 2013 LOCAL MUNICIPAL BUDGET

BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Belmar, on this 5th day of June 2013, that the 2013 Local Municipal Budget of the Borough of Belmar (copy of which is annexed hereto) be and is hereby introduced on first reading and the Borough Clerk is directed to read the title thereof in full. The public hearing for the budget will be July 3, 2013 at 8 PM at the Municipal Building located at 601 Main St.

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 MAKING FINDINGS AND DETERMINATIONS ON
LEGALIZED GAMES OF CHANCE APPLICATION NUMBER
2013-08**

WHEREAS, the Borough Council has received from the Chief of Police a written report for the following named applicant for Legalized Games of Chance.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Belmar that it is their Findings and Determinations that the following has qualified for the Raffle License:

<u>APPLICANT</u>	<u>NUMBER</u>	<u>PREMISES</u>	<u>DATE</u>	<u>TIME</u>
Goodwill Hose Co	2013-08	Silver Lake	July 13, 2013	11:00 am

BE IT FURTHER RESOLVED that said licenses are granted and the Clerk of the Borough of Belmar is authorized to issue said licenses upon the payment of required fee, and the Borough Clerk is authorized to file Findings and Determinations Form LGCC5A with the Legalized Games of Chance Commission as the verifying official.

offered the above resolution and moved its adoption.

Seconded by and adopted by the following vote:

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

Adopted:

RESOLUTION NO. 2013-

**RESOLUTION GRANTING TAXICAB OWNERS & DRIVERS
LICENSES FOR THE YEAR 2013**

WHEREAS, applications have been received for 2013 Taxicab Owner's and Driver's Licenses for the person listed below under the provisions of Chapter XXI of the Revised General Ordinances of the Borough of Belmar for Taxi Driver's Licenses; and

WHEREAS, said applications appear to conform to the regulations as set forth in Borough Ordinances; and

WHEREAS, said applications have been reviewed by the Police Department as required by Borough ordinance and no objections have been received.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Belmar that the following persons have applied for Taxicab Owner's and Driver's Licenses and have been approved by the Police Dept.

ZAFAR KHAN
SULTONMUROD KAYUMOV
PETER GAGEN
EDNER ANEVIL
DOREEN MORRIS
CRAIG WALZER
SEFIK DEMIR
MANI SINGH
ROBERT FIELDER
MICHAEL MONAHAN
JAMES CHANEY
ALI MEHDAUI
CHAMSEDDINE JEBALI

DAVID DALTON
HASSAN MAHMOOD
JAMES SWEENEY
AKRAM ELMENOUFI
KATHLEEN HARNETT
ASHRAF SHAHZAD
SAIF KHAN
KEARA NIEVES
MICHAEL BEER
REYNALD LAVARIN
AMANDO ROMERO-RIANO
MICHELLE BRANDES
TEDDY SOLOMON
GARIUS GESNER

offered the above resolution and moved its adoption.

Seconded by Council member and adopted by the following vote:

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

Adopted:

ORDINANCE NO. 2013-

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XIX
(TRAFFIC) OF THE REVISED GENERAL ORDINANCES OF
THE BOROUGH OF BELMAR, SECTIONS 19-46
HANDICAPPED PARKING SPACES**

THEREFORE, BE IT ORDAINED by the Borough of Belmar, County of Monmouth, New Jersey, that Chapter XIX Traffic, Section 19-46.1 Handicapped Parking On-Street of the Borough of Belmar Revised General Ordinances is hereby amended and supplemented as follows:

SECTION I. 19-46.1 Handicapped Parking On-Street.

In accordance with the provisions of N.J.S.A. 39:4-197, the following on street locations are designated as handicapped parking spaces. Such spaces are for use by persons who have been issued special vehicle identification cards or plates or placards by the Motor Vehicle Commission or a temporary placard issued by the Chief of Police. No other person shall be permitted to park in these spaces.

<u>ADDRESS</u>	<u>#SPACES</u>	<u>SIDE</u>	<u>LOCATION</u>
<u>Main Street</u>	<u>1</u>	<u>Westside</u>	<u>Beginning at the southwest corner of Sixth Avenue along the westerly curbline 87 feet continuing 112 feet north</u>

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 adjudged 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, adoption and publication according to law.

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ORDINANCE NO. 2013-09

**AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER XL, DEVELOPMENT REGULATIONS OF
THE REVISED GENERAL ORDINANCES OF THE
BOROUGH OF BELMAR SECTION 2, IMPERVIOUS AREA AND SECTION 5,
ZONING DISTRICT REGULATIONS**

WHEREAS, the Borough of Belmar seeks to amend Sections of the Development Regulations to amend the definition of an impervious area and the zoning district regulations.

NOW, THEREFORE BE IT ORDAINED by the Borough of Belmar, County of Monmouth, New Jersey that Chapter XL, Development Regulations of the Borough of Belmar, Revised General Ordinance is amended and supplemented as follows:

SECTION I. Chapter XL, Section 2.4, Definitions, shall be amended as follows:

40-2.4 Definitions.

Impervious Area shall mean the surface area of a lot covered by principal and accessory buildings and structures ~~and swimming pools~~. Impervious area shall include all parking areas, automobile access driveways and storage areas, patios, walkways, decks, and all other impervious surfaces (except as indicated on the zoning district requirements) which do not allow for the direct percolation of rain and storm water, and swimming pools whether or not covered by an impervious surface, and all other impervious surfaces except as indicated on the schedule of zoning district requirements. For the purpose of this ordinance, brick paver, loose stone, gravel, and unroofed boardwalk type decks which allow for some percolation of storm water shall be calculated as only fifty (50%) percent impervious.

SECTION II Chapter XL, Section 5-1A.1, Schedule of Floor Area Ratio, Maximum Lot Coverage and Building Coverage shall be amended as follows:

SCHEDULE 40-5-1A.1 Schedule of Floor Area Ratio, Maximum Lot Coverage (Impervious Surface) and Building Coverage Requirements, Residential

Notes:

- (1) Not to include a detached garage of up to 440 square feet in calculation of "Maximum Building Coverage."
- (2) Not to include a detached garage of up to 320 square feet in calculation of "Maximum Building Coverage."
- (3) Not to include a detached garage of up to 240 square feet in calculation of "Maximum Building Coverage."
- (4) Not to include any detached accessory buildings in calculation of "Maximum Building Coverage" if the property is in the R-1-50 Zone.

(5) A detached garage exceeding the maximum size in Notes 1, 2, and 3 above, shall have the entire square footage of the detached garage be included in the Building Coverage calculation.

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

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

**ORDINANCE 2013-10
BOROUGH OF BELMAR
COUNTY OF MONMOUTH, NEW JERSEY**

**CALENDAR YEAR 2013 ORDINANCE TO EXCEED THE MUNICIPAL
BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
(NJSA. 40A:4-45.14)**

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 to 2% 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 Governing Body of the Borough of Belmar in the County of Monmouth finds it advisable and necessary to increase its CY 2013 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 Governing Body of the Borough of Belmar hereby determines that a 3.5% increase in the budget for said year, amounting to \$377,474.51 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Governing Body of the Borough of Belmar 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 Governing Body of the Borough of Belmar, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2013 budget year, the final appropriations of the Borough of Belmar shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5%, amounting to \$377,474.51 and that the CY 2013 municipal budget for the Borough of Belmar be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, 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.

DATED:

Mayor Matthew Doherty

ATTEST:

April Claudio, Borough Clerk

BOND ORDINANCE 2013-11

BOND ORDINANCE PROVIDING FOR VARIOUS WATER AND SEWER INFRASTRUCTURE IMPROVEMENTS IN AND BY THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$5,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$4,761,900 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

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 \$5,000,000, including the sum of \$238,100 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$4,761,900 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 various water and sewer infrastructure improvements throughout the Borough, including all work and materials necessary therefor 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 bond 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 bond 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 bond 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 bond ordinance, is 40 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 \$4,761,900, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$1,000,000 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.

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 bond 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.

