

ORDINANCE NO. 2022-01

**ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE
BOROUGH OF BELMAR, COUNTY OF MONMOUTH, STATE OF
NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 2-7
OF THE BOROUGH CODE ENTITLED “RULES OF PROCEDURE.”**

BE IT ORDAINED, by the Mayor and Council of the Borough of Belmar, County of Monmouth, State of New Jersey, that Chapter 2-7 of the Borough Code be amended as follows:

SECTION I. Section 2-7, subsection (c) “Order of Business” shall be amended and supplemented to now read as follows:

The Order of Business at all Regular Meetings shall be as follows:

1. Call to Order - Roll Call
2. Pledge of Allegiance
3. Moment of Silence
4. Workshop
5. Receipt of Bids
6. Special Presentations
7. Petitions
8. Minutes of Previous Meeting
8. Reports of Mayor and Council
10. Public Session for Resolutions
11. Resolutions by Consent
12. Resolutions
13. Ordinances
14. Public
15. Adjourn

The Order of Business at all Reorganization Meetings shall be as follows:

1. Call to Order - Roll Call
2. Pledge of Allegiance
3. Moment of Silence
4. Nominations of Council President
5. Reports of Mayor and & Council
6. Resolutions
7. Public
8. Adjourn.

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 All ordinances or parts of ordinances inconsistent with or in conflict with the Ordinance are hereby repealed to the extent of such inconsistency.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.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed on the first reading by the Council of the Borough of Belmar, County of Monmouth, State of New Jersey on **January 18, 2022 at 6:30 p.m.**, or as soon thereafter as the matter may be reached and considered, at the Borough of Belmar Municipal Building located at 601 Main Street, Belmar, New Jersey. The Ordinance will be considered for second and final reading at a meeting of the Township Committee on **February 1, 2022, at 6:30 p.m.**, or as soon thereafter as the matter may be reached and considered, at the Borough of Belmar Municipal Building located at 601 Main Street, Belmar, New Jersey. At that time the public is invited to ask questions, raise objections or provide public comment with regard to the proposed adoption of this Ordinance.

APRIL CLAUDIO, Borough Clerk

ORDINANCE NO. 2022-03

**ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE
BOROUGH OF BELMAR, COUNTY OF MONMOUTH, STATE OF
NEW JERSEY, AUTHORIZING THE ACQUISITION OF
IMPROVEMENTS AND REAL PROPERTY LOCATED AT BLOCK
125, LOTS 7, 7B01 AND 8, A/K/A 1200 MAIN STREET, BELMAR, NEW
JERSEY**

WHEREAS, the Mayor and Council of the Borough of Belmar, County of Monmouth, State of New Jersey (hereinafter referred to as “Belmar”) has entered into negotiations with Nick Janides (Seller), owner of improvements and property located at Block 125, Lots 7, 7B01 and 8, a/k/a 1200 Main Street (hereinafter referred to as the “Property”); and

WHEREAS, before adopting this Ordinance Belmar has commissioned an appraisal of the Property, a true copy of which is on file at the office of the Borough Clerk and can be reviewed by the public during normal business hours; and

WHEREAS, the appraisal of the improvement and property indicates a current fair market value of \$1,200,000.00, which is the contract price set forth in the Agreement which is the subject of this Ordinance; and

WHEREAS, the proposed Agreement is on file at the office of the Borough Clerk and can be reviewed during normal business hours; and

WHEREAS, Belmar believes that the acquisition of this Property, subject to the conditions set forth in the Agreement, is appropriate and in the long term best interests of the citizens and taxpayers of Belmar; and

WHEREAS, the acquisition of this Property is in accordance with the provisions of N.J.S.A. 40A:12-13, *et seq.*;

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

SECTION I. Belmar authorizes and directs execution of the contract and the addendum thereto, a true copy which is on file at the office of the Borough Clerk and can be reviewed by the public during normal business hours.

SECTION II. Belmar further authorizes its professional and executive staff to undertake all necessary actions in order to meet the conditions set forth in the aforementioned contract and addendum thereto.

SECTION III. Belmar authorizes and directs Mayor, Borough Administrator and Borough Clerk to execute any and all necessary documents so as to implement the intent of the Ordinance.

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

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

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed on the first reading by the Council of the Borough of Belmar, County of Monmouth, State of New Jersey on **February __, 2022 at 6:30 p.m.**, or as soon thereafter as the matter may be reached and considered, at the Borough of Belmar Municipal Building located at 601 Main Street, Belmar, New Jersey. The Ordinance will be considered for second and final reading at a meeting of the Township Committee on **February __, 2022, at 6:30 p.m.**, or as soon thereafter as the matter may be reached and considered, at the Borough of Belmar Municipal Building located at 601 Main

Street, Belmar, New Jersey. At that time the public is invited to ask questions, raise objections or provide public comment with regard to the proposed adoption of this Ordinance.

APRIL CLAUDIO, Borough Clerk

CERTIFICATION

I, **APRIL CLAUDIO**, Municipal Clerk of the Borough of Belmar, do hereby certify that the foregoing ordinance was duly adopted on second reading by the Mayor and Borough Council at a meeting held on the ____ day of _____, 2022.

APRIL CLAUDIO, Borough Clerk

ORDINANCE 2022-04
BOROUGH OF BELMAR
COUNTY OF MONMOUTH, NEW JERSEY

CALENDAR YEAR 2022
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)

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

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

WHEREAS, the Mayor and Borough Council of the Borough of Belmar, in the County of Monmouth, finds it advisable and necessary to increase its CY 2022 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 Mayor and Borough Council hereby determines that a 1.0% increase in the budget for said year, amounting to \$146,107.44 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

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

NOW THEREFORE BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Monmouth, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2022 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 \$502,467.05, and that the CY 2022 municipal budget for the Borough of Belmar be approved and adopted in accordance with this ordinance; and,

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

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

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

**BOROUGH OF BELMAR
COUNTY OF MONMOUTH**

BOND ORDINANCE NO. 2022-05

BOND ORDINANCE AMENDING IN PART BOND ORDINANCE NO. 2021-11 ADOPTED ON JUNE 1, 2021, PROVIDING FOR THE ACQUISITION OF REAL PROPERTY FOR MUNICIPAL PURPOSES, IN ORDER TO AMEND THE LOCATION OF SUCH REAL PROPERTY, AND TO INCREASE THE APPROPRIATION THEREFOR BY \$750,000 FOR A TOTAL APPROPRIATION OF \$2,250,000, TO INCREASE THE AUTHORIZED BONDS AND NOTES TO BE ISSUED TO FINANCE A PORTION OF THE COSTS THEREOF BY \$712,500 FOR A TOTAL DEBT AUTHORIZATION OF \$2,137,500, AND TO INCREASE THE ALLOCATION OF THE APPROPRIATION TO COSTS PERMITTED UNDER N.J.S.A. 40A:2-20, AUTHORIZED IN AND BY THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY

WHEREAS, the Borough of Belmar, in the County of Monmouth, New Jersey (the “Borough”) finally adopted Bond Ordinance No. 2021-11 on June 1, 2021 (the “Prior Ordinance”) providing for the purchase of real property for the acquisition of a new public safety facility; and

WHEREAS, the Borough has determined that the costs associated with said improvements are higher than anticipated and has determined to supplement the appropriation and bonds and notes authorized therefor; and

WHEREAS, the Borough has determined that the \$340,000 authorized by the Prior Ordinance for purposes permitted under N.J.S.A. 40A:2-20 is insufficient and desires to increase such allocation by \$170,000 to an aggregate amount of \$510,000; and

WHEREAS, the Borough has determined that the project description set forth in the Prior Ordinance needs to be amended in order to change the location of said property.

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. The improvements described in Section 3 of this bond ordinance are hereby authorized as general improvements to be undertaken in and by the Borough. For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$750,000 in addition to the \$1,500,000 appropriated by the Prior Ordinance, said sums being inclusive of all appropriations heretofore made therefor and including the sum of \$112,500 as down payment, \$75,000 of such down payment was previously appropriated by the Prior

Ordinance, and an additional down payment of \$37,500 is authorized hereby and is now available by virtue of provision for down payment or for capital improvement purposes in the Capital Improvement Fund of one or more previously adopted budgets.

Section 2. In order to finance the costs of said improvements or purposes, \$712,500 negotiable bonds are hereby authorized to be issued in addition to the \$1,425,000 previously authorized by the Prior Ordinance for a total principal amount not to exceed \$2,137,500 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, 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 improvements hereby authorized and the purposes for which the obligations are to be issued consist of the purchase of real property, known as 1200 Main Street and located at Block 125, Lots 7, 7B01 and 8 on the Borough Tax Map, for the acquisition of a new public safety facility, together with all purposes necessary, incidental or appurtenant thereto, all as shown on and in accordance with contracts, plans, specifications or requisitions therefor on file with or through the Borough Clerk, as finally approved by the governing body of the Borough.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes described in Section 3(a) hereof is \$2,137,500 including the \$712,500 authorized herein, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$2,250,000, which is equal to the amount of the \$750,000 supplemental appropriation herein made therefor and the \$1,500,000 appropriation made by the Prior Ordinance.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Borough, provided that no note shall mature later than one (1) year from its date. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer, who 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. 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 such notes occurs, such report shall 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 following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not a current expense and are improvements or purposes that the Borough may lawfully undertake 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 the improvements or purposes, within the limitations of the Local Bond Law and taking into consideration the amount of the obligations authorized for said purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is forty (40) years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Municipal 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 \$712,500 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$510,000, including \$170,000 authorized hereby and \$340,000 authorized by the Prior Ordinance, for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.

(e) To the extent that moneys of the Borough are used to finance, on an interim basis, costs of said improvements or purposes, the Borough reasonably expects such costs to be paid or reimbursed with the proceeds of obligations issued pursuant hereto. This ordinance shall constitute a declaration of official intent for the purposes and within the meaning of Section 1.150-2(e) of the United States Treasury Regulations.

Section 6. 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 Municipal Clerk and is available there for public inspection.

Section 7. Any grant or similar moneys from time to time received by the Borough for the improvements or purposes described in Section 3 hereof, shall be applied either to direct payment of the cost of the improvements 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 received and so used.

Section 8. 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, unless paid from other sources, the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation as to rate or amount.

Section 9. All ordinances or parts of ordinances in conflict or inconsistent with any of the terms of this ordinance are hereby repealed to the extent that they are in such conflict or are inconsistent. In the event that any section, part or provision of this ordinance shall be held to be unconstitutional or invalid by any court, such holding shall not affect the validity of this ordinance as a whole, or any part hereof other than the part so held unconstitutional or invalid.

Section 10. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.