

RESOLUTION NO. 2022-187

RESOLUTION AUTHORIZING EXECUTIVE SESSION

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, there was adequate notice to the public of this meeting; and

WHEREAS, the Borough Council is of the opinion that such circumstances presently exist.

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

1. The Public shall be excluded from discussion of and action upon the hereinafter-specified subject matter.
2. The general nature of the subject matter to be discussed is litigation.
3. Minutes will be kept of the closed session.
4. It is anticipated at this time that the above subject matter will be made public when the need for the confidentiality no longer exists.
5. This Resolution shall take effect immediately.

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
Mayor Walsifer				
Mr. Carvelli				
Mr. McCracken				
Ms. Kinney				
Mr. Brennan				

Adopted:

RESOLUTION NO. 2022-189

RESOLUTION REJECTING ALL BIDS FOR CURBSIDE COLLECTION AND DISPOSAL OF SOLID WASTE, BULK ITEMS, AND WHITE GOODS FOR THE BOROUGH OF BELMAR

WHEREAS, on October 26, 2022 the Borough of Belmar received one bid for curbside collection and disposal of solid waste, bulk items and white goods; and

WHEREAS, the bids were reviewed, and it was determined that all bids shall be rejected for the following reasons pursuant to the following subsections of *N.J.S.A.* 40A:11-13.2:

(a) the lowest bid exceeds the cost estimates for the goods or services; and,

(d) the contracting unit wants to substantially revise the specifications for the goods or services.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council on this 29th day of November 2022, that the sole bid received in response to the Borough's Notice to Bidders for **CURBSIDE COLLECTION AND DISPOSAL OF SOLID WASTE, BULK ITEMS, AND WHITE GOODS** is rejected, and the bidder will be notified.

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
Mayor Walsifer				
Mr. Brennan				
Ms. Kinney				
Mr. McCracken				
Mr. Carvelli				

Adopted:

RESOLUTION NO. 2022-190

**RESOLUTION AWARDING CONTRACT FOR THE PURCHASE OF A
CATERPILLAR MODEL, 2022 COMPACT WHEEL LOADER**

WHEREAS, the Borough of Belmar participates in the Sourcewell Co-Op Pricing, Sourcewell Contract 032119-CAT; and

WHEREAS, the Borough of Belmar wishes to purchase one (1) Caterpillar Model, 2022 Compact Wheel Loader per selected and specified Published and Non Published Options through the Sourcewell Co-Op cooperating purchasing program per N.J.S.A. 52:34-6.2(b)(3); and

WHEREAS, the purchase price is \$121,000.00.

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

NOW, THEREFORE, BE IT RESOLVED by the Borough Council on this 29th day of November 2022, that a contract be awarded to Foley Inc., 855 Centennial Avenue, Piscataway, NJ 08855 in the amount of \$121,000.00.

CERTIFICATION AS TO AVAILABILITY OF FUNDS

I herewith certify that, as of November 29, 2022 the free and unencumbered balance in the Grant account entitled “American Rescue Plan Funds”, account number G-03-00-900-065 and that there are adequate funds available for the proposed purchase noted above.

Lorraine Carafa
Chief Financial Officer

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
Mayor Walsifer				
Mr. Brennan				
Mr. McCracken				
Ms. Kinney				
Mr. Carvelli				

Adopted:

RESOLUTION NO. 2022-191

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF
BELMAR, COUNTY OF MONMOUTH, STATE OF NEW JERSEY,
APPOINTING A PROFESSIONAL CONTRACT TO APPOINT GIBSON
& STATTEL ENVIRONMENTAL, INC. AND KEVIN STATTEL AS A
LICENSED SITE REMEDIATION PROFESSIONAL**

WHEREAS, the Borough of Belmar, County of Monmouth, State of New Jersey (hereinafter referred to as “Borough”) recently purchased property located at 1200 Main Street, Block 125, Lot 7, Belmar, New Jersey (hereinafter referred to the “Property”); and

WHEREAS, before purchasing the subject property the Borough undertook the normal due diligence review of the site and determined that it suffered from contamination; and

WHEREAS, as a result of the diligence study undertaken by the Borough, the agreement with the seller was that \$300,000 would be held by the Borough in order to ensure that the site remediation is properly completed in accordance with NJDEP guidelines and requirements; and

WHEREAS, as a result thereof the Borough needs to appoint a Licensed Site Remediation Professional (LSRP) which fees will be paid from the aforementioned escrow of \$300,000 being by the Borough; and

WHEREAS, the Borough has been assured that the monies being held in escrow is more than sufficient to pay not only for the professional fees incurred by the LSRP, but also to pay for any and all contractors who may be needed to perform remediation activities on and near the site; and

WHEREAS, this is a professional appointment of a duly certified professional, regulated by NJDEP, and therefore is exempt from the formal bidding requirements set forth in the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq. and therefore the contract may be awarded without advertisement for bids or bidding since the required services must be performed by persons authorized by law to practice this recognized profession, which practice is regulated by law, and the performance of which requires knowledge and an advanced and specialized type; and

WHEREAS, the proposal submitted by Kevin Stattel and Gibson & Stattel Environmental, LLC is on file at the office of the Borough Clerk, and can be reviewed by the public during normal business hours; and

WHEREAS, the escrow agreement entered into by and between the Borough and the prior property owner is also on file at the office of the Borough Clerk and can be reviewed by the public during normal business hours;

NOW, THEREFORE, BE IT RESOLVED this _____ day of November, 2022, by the Mayor and Council of the Borough of Belmar, County of Monmouth, State of New Jersey, as follows:

1. The Borough appoints Kevin Stattel and Gibson & Stattel Environmental, Inc. as the Licensed Site Remediation Professional (LSRP) in order to undertake all necessary remediation efforts for the property which has recently been purchased by the Borough, in accordance with the proposal.

2. The Chief Financial Officer has certified that there are funds available in the Capital appropriation entitled “I/A #2021-11 Acquisition of property, Section 20 Costs”, account number C-05- -159-203 to authorize this award.

3. This is a professional appointment and therefore exempt from the formal bidding requirements set forth in the New Jersey Local Contracts Law, N.J.S.A. 40A:11-1, et seq. and N.J.S.A. 19:44A-20.5, and therefore may be awarded without formal advertisement for bids or bidding.

4. Belmar authorizes and directs the Mayor, Borough Clerk and Borough Administrator to execute any and all necessary documents to implement the intent of this Resolution.

5. A copy of this Resolution shall be forwarded by the Borough Clerk to the following:

- (a) Honorable Mark Walsifer, Mayor;
- (b) Edward D. Kirschenbaum, Sr., Borough Administrator;
- (c) Gerald Freda, P.E., P.P.; Borough Engineer;
- (d) Kevin Stattel;
- (e) Lorraine Carafa, Borough CFO; and
- (f) Jerry J. Dasti, Esquire, Borough Attorney.

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
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Mayor Walsifer
Mr. Brennan
Ms. Kinney
Mr. McCracken
Mr. Carvelli

Adopted:

RESOLUTION 2022-192

RESOLUTION AUTHORIZING BONDS AGGREGATING THE PRINCIPAL SUM NOT TO EXCEED \$7,306,525 AUTHORIZED BY TWELVE BOND ORDINANCES HERETOFORE ADOPTED TO FINANCE PART OF THE COST OF VARIOUS GENERAL IMPROVEMENTS AND WATER-SEWER UTILITY IMPROVEMENTS IN THE BOROUGH OF BELMAR, COUNTY OF MONMOUTH, NEW JERSEY INTO ONE CONSOLIDATED ISSUE OF GENERAL IMPROVEMENT BONDS AND ONE CONSOLIDATED ISSUE OF WATER-SEWER UTILITY IMPROVEMENT BONDS AND PROVIDING FOR THE FORM, MATURITIES, SALE AND OTHER DETAILS OF SAID CONSOLIDATED ISSUES

November 29, 2022

WHEREAS, the Borough Council of the Borough of Belmar, in the County of Monmouth, New Jersey (the “Borough”), has heretofore adopted twelve bond ordinances authorizing bonds to finance part of the cost of various general improvements and water-sewer utility improvements in the Borough; and

WHEREAS, it is necessary to issue bonds pursuant to said ordinances in an aggregate principal amount not to exceed \$7,306,525 and it is deemed advisable and in the best interests of the Borough, for the purpose of the orderly marketing of said bonds and for other financial reasons, to combine the bonds authorized under said twelve ordinances into one consolidated issue of general improvement bonds in the aggregate principal amount not to exceed \$5,576,525 and one consolidated issue of water-sewer utility improvement bonds in the aggregate principal amount not to exceed \$1,730,000 pursuant to the Local Bond Law, N.J.S.A. 40A:2-1 et seq.;

WHEREAS, the Borough has determined to finance said improvements over a term of approximately twenty (20) years through participation in the Governmental Pooled Loan Program of The Monmouth County Improvement Authority (the “MCIA”), through which various municipalities and other public entities (including the Borough) will issue their bonds to the MCIA (collectively, the “Local Unit Bonds”), and the MCIA will issue its Governmental Pooled Loan Revenue Bonds, Series 2022B (the “MCIA Bonds”) to the public, secured by payments to be received under the Local Unit Bonds (including the hereinafter-defined Bonds) and additionally secured, indirectly, by the guaranty of the County of Monmouth, New Jersey; and

WHEREAS, the Borough now desires to authorize the issuance of said consolidated issues of bonds and to provide for the form, maturities, interest rates and other details thereof and for the sale thereof to the MCIA; and

WHEREAS, the MCIA intends to market the MCIA Bonds through the circulation of a Preliminary Official Statement and a final Official Statement of the MCIA, each of which will include, inter alia, certain financial information and operating data relating to the Borough; and

WHEREAS, in connection with the issuance of the MCIA Bonds, the Borough will be required to enter into a continuing disclosure undertaking, by which the Borough will agree to provide certain ongoing financial information and operating data relating to the Borough and notice of the occurrence of certain listed events relating to the Borough;

NOW, THEREFORE, BE IT RESOLVED 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) that:

Section 1. There shall be issued general improvement bonds of the Borough in the aggregate principal amount not to exceed \$5,576,525 pursuant to the following bond ordinances:

A. An amount not to exceed \$1,425,000, being a portion of the bonds authorized by an ordinance entitled: (Ordinance No. 2021-11)

“BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF REAL PROPERTY THEREFOR AND APPROPRIATING \$1,500,000 AND AUTHORIZING THE ISSUANCE OF

\$1,425,000 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY”,

heretofore finally adopted. The average period of usefulness stated in said ordinance is 40 years.

B. An amount not to exceed \$475,000, being a portion of the bonds authorized by an ordinance entitled: (Ordinance No. 2021-16)

“BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF A FIRE TRUCK, APPROPRIATING \$500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$475,000 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY”,

heretofore finally adopted. The average period of usefulness stated in said ordinance is 10 years.

C. An amount not to exceed \$950,000, being a portion of the bonds authorized by an ordinance entitled: (Ordinance No. 2021-19)

“BOND ORDINANCE PROVIDING FOR THE 2021 ROAD IMPROVEMENT PROGRAM, APPROPRIATING \$1,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$950,000 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY”,

heretofore finally adopted. The average period of usefulness stated in said ordinance is 20 years.

D. An amount not to exceed \$171,000, being a portion of the bonds authorized by an ordinance entitled: (Ordinance No. 2021-33)

“BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF VEHICLES FOR THE BOROUGH, APPROPRIATING \$180,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$171,000 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY”,

heretofore finally adopted. The average period of usefulness stated in said ordinance is 5 years.

E. An amount not to exceed \$712,500, being a portion of the bonds authorized by an ordinance entitled: (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, AND 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, AUTHORIZED IN AND BY THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY”,

heretofore finally adopted. The average period of usefulness stated in said ordinance is 40 years.

F. An amount not to exceed \$1,843,025, being a portion of the bonds authorized by an ordinance entitled: (Ordinance No. 2022-12)

“BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND ACQUISITIONS, APPROPRIATING \$2,205,500 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,843,025 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY”,

heretofore finally adopted. The average period of usefulness stated in said ordinance is 14.07 years.

Section 2. The bonds referred to in Section 1 hereof are hereby combined into one consolidated issue of general improvement bonds in the aggregate principal amount not to exceed \$5,576,525 and are sometimes hereinafter collectively referred to as the “General Improvement Bonds”. The average period of usefulness for the general improvements financed by the General Improvement Bonds is 24.39447 years. The bonds of said issue shall be designated “General Improvement Bonds, Series 2022A” and shall be numbered from one (1) consecutively upward with a prefix designating the series. The General Improvement Bonds shall be dated the date of delivery of the General Improvement Bonds and will be issued in fully registered form. The General Improvement Bonds shall be issued in such principal amount (not exceeding \$5,576,525) as shall be determined by the Chief Financial Officer to be necessary to generate funds for the capital purposes authorized by said bond ordinances and to pay issuance expenses (including the Borough’s allocable share of issuance expenses in respect of the MCIA Bonds).

Section 3. There shall be issued water-sewer utility improvement bonds of the Borough in the aggregate principal amount not to exceed \$1,730,000 pursuant to the following bond ordinances:

A. An amount not to exceed \$300,000, being a portion of the bonds authorized by an ordinance entitled: (Ordinance No. 2020-42):

“BOND ORDINANCE PROVIDING FOR THE REPLACEMENT OF A WATER MAIN LOCATED AT FIFTEENTH AVENUE FROM EAST RAILROAD AVENUE TO D STREET, APPROPRIATING \$300,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$300,000 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY”,

heretofore finally adopted. The average period of usefulness stated in said ordinance is 40 years.

B. An amount not to exceed \$100,000, being a portion of the bonds authorized by an ordinance entitled: (Ordinance No. 2021-02):

“BOND ORDINANCE AMENDING IN PART BOND ORDINANCE NO. 2020-42 ADOPTED ON DECEMBER 1, 2020, PROVIDING FOR THE REPLACEMENT OF A WATER MAIN LOCATED ALONG FIFTEENTH AVENUE FROM EAST RAILROAD AVENUE TO D STREET, IN ORDER TO INCREASE THE APPROPRIATION THEREFOR BY \$100,000 FOR A TOTAL APPROPRIATION OF \$400,000, TO INCREASE THE AUTHORIZED BONDS AND NOTES TO BE ISSUED TO FINANCE A PORTION OF THE COSTS THEREOF BY \$100,000 FOR A TOTAL DEBT AUTHORIZATION OF \$400,000, AND TO INCREASE COSTS PERMITTED UNDER N.J.S.A. 40a:2-20, IN AND BY THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY”,

heretofore finally adopted. The average period of usefulness stated in said ordinance is 40 years.

C. An amount not to exceed \$100,000, being a portion of the bonds authorized by an ordinance entitled: (Ordinance No. 2021-13):

“BOND ORDINANCE AMENDING IN PART BOND ORDINANCE NO. 2020-42 ADOPTED ON DECEMBER 1, 2020, AS AMENDED BY BOND ORDINANCE NO. 2021-02 ADOPTED ON FEBRUARY 2, 2021, PROVIDING FOR THE REPLACEMENT OF A WATER MAIN LOCATED ALONG FIFTEENTH AVENUE FROM EAST RAILROAD AVENUE TO D STREET, IN ORDER TO INCREASE THE APPROPRIATION THEREFOR BY \$100,000 FOR A TOTAL APPROPRIATION OF \$500,000, TO INCREASE THE AUTHORIZED BONDS AND NOTES TO BE ISSUED TO FINANCE A PORTION OF THE COSTS THEREOF BY \$100,000 FOR A TOTAL DEBT AUTHORIZATION OF \$500,000, IN AND BY THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY”,

heretofore finally adopted. The average period of usefulness stated in said ordinance is 40 years.

D. An amount not to exceed \$375,000, being a portion of the bonds authorized by an ordinance entitled: (Ordinance No. 2021-25):

“BOND ORDINANCE PROVIDING FOR VARIOUS WATER-SEWER UTILITY IMPROVEMENTS, APPROPRIATING \$375,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$375,000 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY”,

heretofore finally adopted. The average period of usefulness stated in said ordinance is 20 years.

E. An amount not to exceed \$130,000, being a portion of the bonds authorized by an ordinance entitled: (Ordinance No. 2021-34):

“BOND ORDINANCE PROVIDING FOR ACQUISITION OF VEHICLES FOR THE BOROUGH WATER-SEWER UTILITY, APPROPRIATING \$130,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$130,000 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY”,

heretofore finally adopted. The average period of usefulness stated in said ordinance is 5 years.

F. An amount not to exceed \$725,000, being a portion of the bonds authorized by an ordinance entitled: (Ordinance No. 2022-13):

“BOND ORDINANCE PROVIDING FOR VARIOUS WATER-SEWER UTILITY IMPROVEMENTS, APPROPRIATING \$725,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$725,000 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY”,

heretofore finally adopted. The average period of usefulness stated in said ordinance is 40 years.

Section 4. The bonds referred to in Section 3 hereof are hereby combined into one consolidated issue of water-sewer utility improvement bonds in the aggregate principal amount not to exceed \$1,730,000 and are sometimes hereinafter collectively referred to as the “Water-Sewer Utility Improvement Bonds”. The average period of usefulness for the water-sewer utility improvements financed by the Water-Sewer Utility Improvement Bonds is 24.65318 years. The bonds of said issue shall be designated “Water-Sewer Utility Improvement Bonds, Series 2022B” and shall be numbered from one (1) consecutively upward with a prefix designating the series. The Water-Sewer Utility Improvement Bonds shall be dated the date of delivery of the Water-Sewer Utility Improvement Bonds and will be issued in fully registered form. The Water-Sewer

Utility Improvement Bonds shall be issued in such principal amount (not exceeding \$1.730,000) as shall be determined by the Chief Financial Officer to be necessary to generate funds for the capital purposes authorized by said bond ordinances and to pay issuance expenses (including the Borough's allocable share of issuance expenses in respect of the MCIA Bonds).

Section 5. The General Improvement Bonds and the Water-Sewer Utility Improvement Bonds (collectively, the "Bonds") shall bear interest at the respective interest rates per annum as determined by the Chief Financial Officer and as required by the MCIA, payable (unless otherwise provided in the hereinafter-defined Bond Purchase Agreement) on each June 1 and December 1, commencing on June 1, 2023. The Bonds of each series will mature not later than their stated average period of usefulness and shall mature (unless otherwise provided in the Bond Purchase Agreement) on December 1 in each year in the respective amounts as determined by the Chief Financial Officer and as required by the MCIA. Unless otherwise provided in the Bond Purchase Agreement, (i) the principal of and interest on the Bonds shall be payable to the trustee for the MCIA Bonds (the "MCIA Bond Trustee") at the corporate trust office of the MCIA Bond Trustee, (ii) the principal of the Bonds shall be payable to the MCIA Bond Trustee on the November 15 prior to each December 1 principal payment date, (iii) interest on the Bonds shall be payable to the MCIA Bond Trustee on the May 15 and November 15 prior to each June 1 and December 1 interest payment date, in the respective amounts accruing to each June 1 and December 1 interest payment date, and (iv) interest on the Bonds shall be calculated on the basis of a 360-day year or twelve 30-day calendar months. The Bonds of each series may be subject to redemption prior to their stated maturities as determined by the Chief Financial Officer, on such terms as shall be set forth in the MCIA's proposal for the purchase of the Bonds, the acceptance of which by the Chief Financial Officer on behalf of the Borough is authorized pursuant to Section 7 hereof.

Section 6. The Bonds shall be signed by the Mayor and by the Chief Financial Officer of the Borough, by their manual or facsimile signatures, and the corporate seal of the Borough shall be affixed thereto, or imprinted or reproduced thereon, and shall be attested by the manual signature of the Clerk or Deputy Clerk of the Borough.

Section 7. The Bonds are hereby sold and awarded to the MCIA at an aggregate purchase price determined by the Chief Financial Officer pursuant to the terms of the hereinafter-defined Bond Purchase Agreement, which may provide for a purchase price equal to the par amount of the Bonds, plus original issue premium (if any), less original issue discount (if any), and subject to netting to reflect the Borough's share of the costs of issuance of the MCIA (including but not limited to the County guaranty premium and the underwriters' discount). The terms and conditions of such sale will be set forth in a Bond Purchase Agreement between the Borough and the MCIA (the "Bond Purchase Agreement"), in substantially the form attached hereto as Exhibit A and which by this reference is made a part hereof as if set forth in full herein. The Mayor, Business Administrator and Chief Financial Officer, or any of them (the "Authorized Officers"), are each hereby authorized and directed to execute and deliver the Bond Purchase Agreement on behalf of the Borough in substantially such form, with such changes as the officer(s) of the Borough executing same may approve (such approval to be conclusively evidenced by such officer's execution thereof). The Clerk or Deputy Clerk is hereby authorized to attest to same and to affix the official seal of the Borough thereto. Such execution and delivery shall constitute the acceptance by the Borough of the MCIA's offer to purchase the Bonds. Settlement for the Bonds will be made in immediately available funds on December 22, 2022, or on such other date as may be agreed to by the Borough and the MCIA.

Section 8. The financial information and operating data relating to the Borough, in substantially the form attached hereto as Exhibit B (the "Borough Information"), is hereby approved. The Borough hereby consents to the inclusion of the Borough Information, with such changes as may be approved by the Chief Financial Officer of the Borough, within a Preliminary Official Statement and a final Official Statement of the Authority for use in marketing the MCIA Bonds. The Chief Financial Officer is hereby authorized to deem the Borough Information "final" within the meaning of Rule 15c2-12 of the Rules of the Securities and Exchange Commission and to execute and deliver a certificate to that effect.

Section 9. The Borough hereby approves the execution and delivery of a Continuing Disclosure Agreement, to be dated the date of issuance of the Bonds, between the Borough and the dissemination agent named therein (the "Continuing Disclosure Agreement"), in substantially the form attached hereto as Exhibit B and which by this reference is made a part hereof as if set forth in full herein. The Authorized Officers, or any of them, are each hereby authorized and

directed to execute and deliver the Continuing Disclosure Agreement on behalf of the Brough in substantially such form, with such changes as the officer(s) of the Borough executing same may approve (such approval to be conclusively evidenced by such officer's execution thereof). The Clerk or Deputy Clerk is hereby authorized to attest to same and to affix the official seal of the Borough thereto.

Section 10. The Bonds and the registration provisions endorsed thereon shall be in substantially the following form, with such changes as may be approved by the Authorized Officers executing same, such approval to be conclusively evidenced by their execution thereof:

No. _____

\$ _____

**UNITED STATES OF AMERICA
STATE OF NEW JERSEY
COUNTY OF MONMOUTH**

BOROUGH OF BELMAR

[GENERAL] [WATER-SEWER UTILITY] IMPROVEMENT BOND, SERIES 2022[A][B]

DATE OF ORIGINAL ISSUE: December 22, 2022

The Borough of Belmar, in the County of Monmouth, New Jersey, hereby acknowledges itself indebted and for value received promises to pay to

THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY (the “Authority”)
c/o TD BANK, NATIONAL ASSOCIATION (the “Trustee”)

the principal sums on the dates and in the amounts set forth on Schedule A attached hereto and made a part hereof and to pay interest on such sum from the DATE OF ORIGINAL ISSUE of this bond until payment in full at the interest rates per annum and in the amounts shown on Schedule A attached hereto and made a part hereof. Interest is payable to the Authority at the corporate trust office of the Trustee on the May 15 and November 15 prior to each June 1 and December 1, commencing June 1, 2023, in an amount equal to the interest accruing to each such June 1 and December 1. This bond as to principal will be payable on the fifteenth day of the month immediately preceding the due date therefor at the corporate trust office of the Trustee. Amounts not paid when due hereunder shall bear interest at the Late Payment Rate until paid. This bond shall be prepayable as set forth in Section 1303 of the bond resolution adopted by the Authority on November 10, 2022 (as the same may be supplemented and amended, the “Bond Resolution”).

Both principal of and interest on this bond is payable in lawful money of the United States of America and in immediately available funds.

As used herein, “Business Day” shall mean any day that is not a Saturday, a Sunday or a legal holiday in the State of New Jersey or the State of New York or a day on which the Trustee is legally authorized to close. “Late Payment Rate” shall mean a rate per annum equal to the lower of (i) three percent above the interest rate that JP Morgan Chase publicly announces from time to time as its prime lending rate, such interest rate to change on the effective date of each announced change in such rate and (ii) the maximum interest rate allowed by law.

The Bonds maturing on or prior to December 1, 20__ are not subject to redemption prior to their stated maturities. The Bonds maturing on or after December 1, 20__ are subject to redemption at the option of the Borough on or after December 1, 2032 upon notice as described in a bond resolution adopted by the Authority on November 10, 2022, either in whole or in part by lot within a single maturity from maturities selected by the Borough, on any date, at a redemption price equal to 100% of the principal amount thereof (the “Redemption Price”), plus in each case accrued interest to the date fixed for redemption.

This bond is one of an authorized issue of bonds and is issued pursuant to the Local Bond Law of New Jersey, and is one of the Bonds referred to in a resolution of the Borough of Belmar adopted on November 29, 2022 and entitled “RESOLUTION AUTHORIZING BONDS AGGREGATING THE PRINCIPAL SUM NOT TO EXCEED \$7,306,525 AUTHORIZED BY TWELVE BOND ORDINANCES HERETOFORE ADOPTED TO FINANCE PART OF THE COST OF VARIOUS GENERAL IMPROVEMENTS AND WATER-SEWER UTILITY IMPROVEMENTS IN THE BOROUGH OF BELMAR, COUNTY OF MONMOUTH, NEW JERSEY INTO ONE CONSOLIDATED ISSUE OF GENERAL IMPROVEMENT BONDS AND ONE CONSOLIDATED ISSUE OF WATER-SEWER UTILITY IMPROVEMENT BONDS AND PROVIDING FOR THE FORM, MATURITIES, SALE AND OTHER DETAILS OF SAID CONSOLIDATED ISSUES,” and the bond ordinances referred to therein, each in all respects duly approved and published as required by law.

The full faith and credit of the Borough of Belmar are hereby irrevocably pledged for the punctual payment of the principal of and the interest on, and all other amounts due under, this bond according to its terms.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State of New Jersey to exist, to have happened or to have been performed precedent to or in the issuance of this bond exist, have happened and have been performed and that the issue of bonds of which this is one, together with all other indebtedness of the Borough of Belmar, is within every debt and other limit prescribed by such Constitution or statutes.

The Borough of Belmar agrees to pay (i) all costs and expenses (including legal fees) in connection with the administration and enforcement of this bond, which includes but is not limited to costs in connection with the enforcement of the County Guaranty (as defined in the Bond Resolution) and (ii) its share of the amounts payable pursuant to Section 9(vi)(B) of the Bond Purchase Agreement between the Borough of Belmar and the Authority.

IN WITNESS WHEREOF, the Borough of Belmar in the County of Monmouth, New Jersey has caused this bond to be executed in its name by the manual or facsimile signatures of its Mayor and its Chief Financial Officer, its corporate seal to be hereunto imprinted or affixed, this bond and the seal to be attested by the manual signature of its Borough Clerk, and this bond to be dated the DATE OF ORIGINAL ISSUE as specified above.

BOROUGH OF BELMAR

ATTEST:

By: _____
Mayor

Municipal Clerk

By: _____
Chief Financial Officer

(Assignment Provision on Back of Bond)

ASSIGNMENT

FOR VALUE RECEIVED _____ hereby sells, assigns and transfers unto _____ . (Please Print or Type Name and Address of Assignee) the within bond and irrevocably appoints _____ as Attorney to transfer this bond on the registration books of the _____ with full power of substitution and revocation.

NOTICE
The signature of this assignment must correspond with the name as it appears on the face of the within bond in every particular.

Dated:

Signature of Guarantee:

SCHEDULE A

BOROUGH OF BELMAR
[GENERAL] [WATER-SEWER UTILITY] IMPROVEMENT BOND, SERIES 2022[A][B]

Schedule of Principal and Interest Payments

Section 11. Any Authorized Officer is hereby authorized and directed (a) to cause a copy of the written opinion with respect to the Bonds which is to be rendered by the firm of GluckWalrath LLP (complete except for omission of its date) to be printed or referred to on the Bonds, and at the time of the original delivery of payment for the Bonds and when such written opinion is rendered, to cause the Clerk or any Deputy Clerk to certify to the truth and correctness of such copy of opinion by executing on each of said Bonds, by manual or facsimile signature, a certificate subjoined to each such copy, and to file a signed duplicate of such written opinion in such Clerk's office and at each place at which the Bonds are payable, (b) to cause the applicable CUSIP number (if any) assigned for each of said Bonds by the CUSIP Service Bureau of Standard & Poor's Corporation of New York, New York, to be printed on each of the Bonds, and (c) to cause, in the event that the Bonds shall qualify for issuance of any policy of municipal bond insurance at the option of the purchaser thereof, such legend or reference (if any) of such insurance to be printed (at the expense of such purchaser) on the Bonds.

Section 12. Upon the date of issue of the Bonds, being the date of delivery of the Bonds to the MCIA and the payment of the purchase price thereof in accordance with the Bond Purchase Agreement, any Authorized Officer is hereby authorized and directed as of said date of issue, to execute and deliver to said purchaser (a) an arbitrage certification with respect to the Bonds under and for the purpose of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and (b) an accompanying opinion of GluckWalrath LLP as of said date of issue with respect to said arbitrage certification for the purposes of said Section 148.

Section 13. The proceeds of each series of the Bonds shall be applied in the amounts and for the respective purposes provided in Sections 1 and 3 hereof, and to pay and fund any bond anticipation notes theretofore issued for such purposes and then outstanding.

Section 14. The Authorized Officers are hereby authorized and directed, as is the Clerk and any Deputy Clerk, to execute all documents and certificates, necessary for the sale and delivery of the Bonds. Any action which has been taken prior to the date hereof by the officers, employees, consultants and agents of the Borough with respect to the sale of the Bonds, and the offering and sale of the MCIA Bonds, are hereby ratified and approved on behalf of the Borough.

Section 15. This resolution shall take effect immediately.

AYES:

NAYS:

ABSTAIN:

ABSENT:

EXHIBIT A

FORM OF BOND PURCHASE AGREEMENT

EXHIBIT B

BOROUGH INFORMATION

EXHIBIT C

FORM OF CONTINUING DISLCOSURE AGREEMENT

RESOLUTION No. 2022-193

**RESOLUTION PERMITTING SPECIAL EVENTS AS PER BOROUGH
ORDINANCE 16-14.4**

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

Belmar Arts Council Piano Fundraiser: December 4, 2022 at Taylor Pavilion, 10:30 am to 6:00 pm. Arts Council is responsible for set up and break down and cleanup. No Borough resources needed.

Irreverent Warriors: May 20, 2023, Belmar Boardwalk, 8:00 am to 4:30 pm. Participants will walk along the boardwalk. Must follow paid parking rules if necessary. No Borough resources required.

Huntington’s Disease Society, Team Hope 5K: May 6, 2023, 7:30 am to 10:00 am. Event will begin and end at Bar Anticipation in Lake Como. Event organizers must direct all participants who have not finished the race by 11:00AM that they must move to the sidewalk, as the streets will begin to open. Event organizers must inform all residents impacted by the street closures. Cost for the event is \$2,500.00 payable at the Borough of Belmar no later than April 1, 2023.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Belmar that permission be and is either granted or denied for these 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 on roll call:

Council Members:	AYES	NAYS	ABSTAIN	ABSENT
Mayor Walsifer				
Mr. Carvelli				
Mr. McCracken				
Ms. Kinney				
Mr. Brennan				

Adopted:

RESOLUTION 2022-194

**RESOLUTION AUTHORIZING MARINA FEES AT THE BELMAR MARINA FOR
2023**

BE IT RESOLVED, by the Mayor & Council of the Borough of Belmar, that the slip rental fees shall be as follows:

KAYAK RACK

Belmar Resident	\$150.00 per rack – Jan. 1 st to Dec. 31 st
Non-Belmar Resident	\$200.00 per rack – Jan. 1 st to Dec. 31 st

JET SKIS

Belmar Resident	\$650.00 per slip – April 15 th to Dec. 14 th
Non-Belmar Resident	\$900.00 per slip – April 15 th to Dec. 14 th

WOODEN DOCKS (DOCKS AA, BB, CC)

Season Rate	\$85.00 per foot of the boat – Apr. 15 th to Dec. 14 th
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**An additional 5% discount will be offered for residents of the Borough of Belmar*

CONCRETE FLOATING DOCKS (DOCK B THROUGH L)

Season - 30ft	\$131.33 per foot of slip – Apr. 15 th to Dec. 14 th
Season - 35, 40, 45, 50 & 60ft	\$139.73 per foot of slip – Apr. 15 th to Dec. 14 th

**An additional 5% discount will be offered for residents of the Borough of Belmar*

BOAT RAMP

Daily Rates	\$25.00
Annual Rates	\$375.00
Dealers/Boat Haulers	\$900.00

*A bulk quantity of 400 tokens may be purchased for 75% of the cost of 400 tokens if purchased individually at the rate set by resolution, upon the express condition that no tokens may be resold for less than the rate for an individual token as set by the Harbor Commission.

TRANSIENT FEES

Daily Rate	\$2.50 per foot of boat/per day
Weekly Rate	\$2.00 per foot of boat/per day

(minimum rate of 25' will be charged for all transients)

WINTER WET STORAGE

Winter Rate	\$25.00 per foot of slip - Dec. 15 th to Apr. 14 th
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**Seasonal lease holders who choose to stay for the winter shall be charged the above rate with a 20% discount.*

PARTY BOATS – Open Passenger

Lower Docks Slips 1-10 & J-L Docks	\$27,656.14
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CHARTER BOATS & LOWER DOCKS & J-L DOCKS

1-6 Passenger – 50’ Slip	\$ 7,986.50
7-15 Passenger – 50’ Slip	\$ 8,592.31
7-15 Passenger – 60’ Slip	\$ 9,583.80
16+ Passenger Boat – 50’ Slip	\$ 9,198.11
16+ Passenger Boat – 60’ Slip	\$10,725.19
16+ Passenger Boat – 70’ Slip	\$12,252.27
16+ Passenger Boat Lower Dock (slips 7-10)	\$18,069.04

RATE – \$3,283.25 PER SEASON SLIP, MAXIMUM 25FT. VESSEL)

- H-13 35 foot slip – accommodates a maximum 25 foot vessel only- Navigation Issues
- H-14 35 foot slip – accommodates a maximum 25 foot vessel only- Navigation Issues
- H-15 35 foot slip – accommodates a maximum 25 foot vessel only- Navigation Issues

RATE – 55% OF THE RENTAL RATE OF A WOODEN DOCK

- B-1 Outboard Only, Wall, Navigation Issues
- C-18 No Piling
- C-19 No Piling
- D-15 Outboard Only, Low Water (Mud), Wall, Floating Debris Collection (Impeller)
- F-38 Outboard Only, Low Water, Wall, Floating Debris Collection (Impeller)
- H-31 Outboard Only, Low Water, Wall, Floating Debris Collection (Impeller)
- H-A No Slip, Outboard Only, Low water, Wall, Floating Debris Collection (Impeller)
- G-1 Outboard Only, Low Water, Wall
- G-2 Outboard Only, Low Water
- J-1 Outboard Only, Low Water, Wall, Floating Debris Collection (Impeller)
- J-22 Outboard Only, Low Water, Wall, Floating Debris Collection (Impeller)
- K-1 Outboard Only, Low Water, Wall, Floating Debris Collection (Impeller), Navigation Issues
- K-22 Outboard Only, Low Water, Wall, Floating Debris Collection (Impeller)
- L-22 Outboard Only, Low Water, Wall, Floating Debris Collection (Impeller)

BE IT FURTHER RESOLVED, the aforementioned fees shall remain in effect until superseded by a new resolution of the Mayor and Council.

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
Mayor Walsifer				
Mr. Carvelli				
Mr. McCracken				
Ms. Kinney				
Mr. Brennan				

RESOLUTION NO. 2022-195

**RESOLUTION AUTHORIZING PARTICIPATION IN THE CIVIL SERVICE
EXAMINATION EXEMPTION PROGRAM FOR ENTRY-LEVEL LAW
ENFORCEMENT POSITIONS AND THE PROVISIONAL APPOINTMENT OF
POLICE OFFICER(S)**

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

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

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

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

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

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

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

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
Mayor Walsifer				
Mr. Carvelli				
Mr. McCracken				
Ms. Kinney				
Mr. Brennan				

Adopted:

RESOLUTION No. 2022-196

**RESOLUTION AUTHORIZING THE ADOPTION OF A NEPOTISM POLICY AS
RECOMMENDED BY MEL JIF TO BE EFFECTIVE IMMEDIATELY AND
INCLUDED IN THE EMPLOYEE HANDBOOK/PERSONNEL POLICY AND
PROCEDURES MANUAL ADOPTED BY RESOLUTION 2021-96 ON APRIL 6, 2021**

WHEREAS, the Borough of Belmar has deemed it necessary and proper to adopt a nepotism policy; and

WHEREAS, pursuant to this policy the hiring, transferring, demoting, or reassigning of relatives is prohibited if the employment of such an individual would result in the creation of a prohibited employment relationship; and

WHEREAS, this policy will indicate that a prohibited relationship is created when:

1. One relative would have the authority to supervise either directly or from one level above, appoint, remove, discipline, evaluate or otherwise affect the work or employment of another relative.
2. The relative would be responsible for auditing the work of the other.
3. Other circumstances exist which would place the relatives in a situation of actual or reasonably foreseeable conflict between the Employer's interest and their own.

WHEREAS, Employees who marry or become related by marriage may continue in their employment if the marriage does not result in the creation of a prohibited relationship. Where the marriage results in the creation of a prohibited relationship, the Employer will explore potential accommodations including the reassignment of one or both employees to available positions for which the employees are qualified. Relative includes spouse, parent, stepparent, child, stepchild, siblings, step siblings, half-sibling, father-in-law, mother-in-law, sister-in-law, brother-in-law, grandparent, aunt, uncle, niece, nephew, and first cousins.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Belmar, County of Monmouth, State of New Jersey that the Borough of Belmar, its administrative staff and police department shall adopt this policy as it applies to all employees hired, promoted, transferred, demoted, or reassigned on or after the date of adoption and to all prohibited relationships created on or after the date of adoption.

BE IT FURTHER RESOLVED that this policy will be added as an amendment to the Employee Handbook and distributed to all employees and volunteer employees of the Borough.

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
Mr. Carvelli				
Mr. McCracken				
Ms. Kinney				
Mr. Brennan				
Mayor Walsifer				

Adopted: _____

RESOLUTION NO. 2022-197

**RESOLUTION TO AMEND THE FINDINGS AND DETERMINATION REPORT OF
THE SIDEWALK ASSESSMENT COMMISSIONERS WITH RESPECT TO THE 2016-
2018 SIDEWALK IMPROVEMENT PROJECT**

WHEREAS, the Findings and Determination Report of the Sidewalk Assessment Commissioners with respect to the 2016-2018 Sidewalk Improvement Project was adopted by the Borough Council on July 12, 2022 pursuant to Resolution No. 2022-118; and,

WHEREAS, it has been brought to the Council’s attention that the property in the Report identified as Block 10, Lot 7, also known as 110 Second Avenue, owner of record Michael Seebeck, was listed in error; and,

WHEREAS, the property that did participate in the 2016-2018 Sidewalk Improvement Project and should have been listed in the Findings and Determination Report of the Sidewalk Assessment Commissioners is Block 20, Lot 4, Bel-Haven Court Condominium, 109 Second Avenue, owner of record Guy Meitzner.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Belmar Borough Council that the Findings and Determination Report of the Sidewalk Assessment Commissioners adopted pursuant to Resolution No. 2022-118 be amended to exclude the property identified as Block 10, Lot 7, also known as 110 Second Avenue, from the assessments for local improvements.

BE IT FURTHER RESOLVED that upon the advice and counsel of the Borough Attorney, the property identified as Block 20, Lot 4, Bel-Haven Court Condominium, 109 Second Avenue, owner of record Guy Meitzner shall not be billed for the assessment for local improvements.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be supplied to the Tax Collector and Chief Financial Officer of the Borough for their information and further action.

Council _____ offered the above resolution and moved its adoption, seconded by Councilman _____ and adopted by the following vote on roll call:

Council Members:	AYES	NAYS	ABSTAIN	ABSENT
Mayor Walsifer				
Mr. Brennan				
Mr. McCracken				
Ms. Kinney				
Mr. Carvelli				

Adopted: November 29, 2022

April Claudio
Municipal Clerk

RESOLUTION NO. 2022- 198

RESOLUTION OF THE BOROUGH OF BELMAR CERTIFYING THE ANNUAL AUDIT

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2021 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled “Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the Council of the Borough of Belmar, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

_____ 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
Mr. Brennan				
Mr. Carvelli				
Ms. Kinney				
Mr. McCracken				
Mayor Walsifer				

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING HELD ON _____.

Clerk

RESOLUTION NO. 2022-199

**RESOLUTION INDICATING CORRECTIVE ACTION PLAN/STATUS REGARDING
THE 2021 MUNICIPAL AUDIT REPORT**

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Belmar that the attached corrective action plan/status developed to address the recommendations as noted in the 2021 Audit Report is hereby adopted.

BE IT FURTHER RESOLVED that the Borough Clerk be and is hereby directed to file said resolution with the Director of the Division of Local Finance.

_____ 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
Mr. Brennan				
Mr. Carvelli				
Ms. Kinney				
Mr. McCracken				
Mayor Walsifer				

Adopted: November 29, 2022

I, April Claudio, Clerk of the Borough of Belmar, do hereby certify that the above is a true and exact copy of the Resolution adopted by the Borough Council at their Regular Meeting held on the 29TH day of November, 2022.

DATED: November 29, 2022

April Claudio, RMC

**Borough of Belmar
Resolution No. 2022-200**

RESOLUTION AUTHORIZING THE TRANSFER OF APPROPRIATIONS

WHEREAS, the Local Budget Law, *N.J.S.A.* 40A-4:20, et seq., permits the transfer of funds from appropriations which have available balances to those that do not during the last two months of the fiscal year under certain circumstances; and,

WHEREAS, the Borough Council of the Borough of Belmar wishes to transfer funds as permitted by *N.J.S.A.* 40A:4-58, et seq. and as recommended by Chief Financial Officer.

NOW, THEREFORE, BE IT RESOLVED BY the Borough Council of the Borough of Belmar that transfers between appropriations as listed below are hereby authorized:

Current Fund:			
Account No.	Appropriation Title	Transfer	
		Out	In
2-01- -005-291	Admin/Exec, OE, Supplies	5,000.00	
2-01- -005-111	Admin/Exec, S/W	16,000.00	
2-01- -007-299	Finance, OE, Supplies	3,500.00	
2-01- -009-207	Assessor, OE, Computer Maint.	2,000.00	
2-01- -009-291	Assessor, OE, Supplies	2,000.00	
2-01- -011-121	Asst. Collector, S/W	10,000.00	
2-01- -011-293	Collector, OE, Estimated Bills	2,000.00	
2-01- -015-212	Legal, Contractual	75,000.00	
2-01- -017-299	Engineering, Marina	15,000.00	
2-01- -019-291	Public Bldgs., OE, Paint/Supplies	5,000.00	
2-01- -027-272	Group Insurance, Hospitalization	100,000.00	
2-01- -035-298	PD, BWC	20,000.00	
2-01- -037-151	Police Comm, S/W, Holiday	10,000.00	
2-01- -037-224	Police Comm, OE, New Equipment	10,000.00	
2-01- -047-111	Rd. Repair, S/W, Supervisor	25,000.00	
2-01- -047-123	Rd. Repair, S/W, Other	40,000.00	
2-01- -051-121	Equipment Repair, S/W	15,000.00	
2-01- -053-141	Garbage/Trash, S/W, Seasonal	15,000.00	
2-01- -054-257	Garbage/Trash, OE, Tipping Fees	15,000.00	
2-01- -056-257	Recycling, OE, Tipping Fees	10,000.00	
2-01- -075-111	Recreation, S/W, Seasonal	16,500.00	
2-01- -075-218	Recreation, OE Music Trust Fund	15,000.00	
2-01- -077-111	Marina, S/W, Supervisor	20,000.00	
2-01- -077-228	Marina, OE, New Equipment	10,000.00	
2-01- -077-238	Marina, OE, General Maint.	10,000.00	
2-01- -077-252	Marina, OE, Fuel System Repair	7,500.00	
2-01- -078-299	Celebration of Public Events	5,000.00	
2-01- -079-254	Electricity		13,000.00
2-01- -080-254	Street Lighting	13,000.00	
2-01- -081-251	Telephone	8,000.00	
2-01- -082-255	Natural Gas	8,000.00	
2-01- -072-252	Fuel for Resale – Diesel		300,000.00
2-01- -072-253	Fuel for Resale – Gasoline		185,400.00
2-01- -163-282	Interest on Bonds		10,100.00

Water-Sewer Utility			
2-11- -071-289	W-S Repayment NJEIT	200.00	
2-11- -063-282	Interest on Bonds		200.00

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to the Chief Financial Officer for further action.

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
Mayor Walsifer				
Mr. Carvelli				
Mr. McCracken				
Ms. Kinney				
Mr. Brennan				

Adopted: November 29, 2022

RESOLUTION NO. 2022-201

**RESOLUTION AUTHORIZING THE BUSINESS ADMINISTRATOR OF THE
BOROUGH OF BELMAR TO EXECUTE VARIOUS PERSONNEL
AGREEMENTS**

WHEREAS, Collective Bargaining Agreements have been entered into by and between the Borough of Belmar and the following:

CWA 1075
PBA Local No. 50
Chief of Police Tina Scott
Superintendent of Public Works William Musto

WHEREAS, these contracts are hereby approved and ratified by the Mayor and Council of the Borough of Belmar.

NOW, THEREFORE, BE IT RESOLVED that Administrator Edward D. Kirschenbaum, Sr. is hereby authorized to execute said Agreements.

BE IT FURTHER RESOLVED that a copy of this Resolution is forwarded to Department of Human Resources and filed in the Borough Clerk’s office.

_____ 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
Mr. Brennan				
Mr. Carvelli				
Ms. Kinney				
Mr. McCracken				
Mayor Walsifer				

RESOLUTION NO 2022-202

RESOLUTION AUTHORIZING REFUNDS

BE IT RESOLVED, by the Mayor and Borough Council that the following refunds are hereby authorized upon certification by the Chief Financial Officer to the following:

Eleanor Tauro - FAF-2022-0556. Refund of \$115 for youth basketball.

Kelly Chrystal - FAF-2022-0466. Refund of \$25 for Youth Club.

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
Mayor Walsifer				
Mr. Carvelli				
Mr. McCracken				
Ms. Kinney				
Mr. Brennan				

Adopted: November 29, 2022

RESOLUTION NO. 2022-203

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF
BELMAR, COUNTY OF MONMOUTH, STATE OF NEW JERSEY,
APPROVING THE CONSENT JUDGMENT AND SETTLEMENT
AGREEMENT WITH CELLCO PARTNERSHIP D/B/A VERIZON
WIRELESS**

WHEREAS, the Borough of Belmar, County of Monmouth, State of New Jersey (hereinafter referred to as “Belmar”) has previously been involved in litigation initiated by Cellco Partnership d/b/a Verizon Wireless (hereinafter referred to as “Verizon”); and

WHEREAS, the litigation is venued in the United States District Court for the District of New Jersey, Civil Action No.: 3:21-11016-MAS-DEA; and

WHEREAS, the litigation involved Belmar’s refusal to abide by dictates from Verizon as to the potential location of new cellular antenna poles along Ocean Avenue; and

WHEREAS, the aforementioned Agreement not only resolves the outstanding litigation, but assures Belmar and its residents that the proposed 5G cellular antennas will be properly located and aesthetically pleasing; and

WHEREAS, the Agreement has been recommended for approval by the Borough Attorney; and

NOW, THEREFORE, BE IT RESOLVED this 29th day of November, 2022, by the Mayor and Council of the Borough of Belmar, County of Monmouth, State of New Jersey, as follows:

1. Belmar accepts the aforementioned Consent Judgment and Settlement Agreement, a true copy of which is on file with the Office of the Borough Clerk and can be reviewed by the public during normal business hours.

2. Belmar authorizes and directs the Mayor, Borough Clerk and Borough Administrator to execute any and all necessary documents to implement the intent of this Resolution.

3. A copy of this Resolution shall be forwarded by the Borough Clerk to the following:

- (a) Honorable Mark Walsifer, Mayor;
- (b) Edward D. Kirschenbaum, Sr., Administrator;
- (c) Jerry Freda, P.E.; and
- (d) Jerry J. Dasti, Esquire.

_____ 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
Mr. Brennan				
Mr. Carvelli				
Ms. Kinney				
Mr. McCracken				
Mayor Walsifer				

CERTIFICATION

I certify that the foregoing Resolution was duly adopted by the Borough Council of the Borough of Belmar at a regular meeting held on the ____ day of _____, 2022, a quorum being present and voting in the majority.

APRIL CLAUDIO, Municipal Clerk

RESOLUTION No. 2022-204

**RESOLUTION AUTHORIZING SETTLEMENT OF THE
LITIGATION BETWEEN THE BOROUGH OF BELMAR
AND GUSTAVO MARTINEZ**

WHEREAS, the Borough of Belmar is currently named as a Defendant in a lawsuit filed by Gustavo Martinez in the New Jersey Federal District Court under the Caption *Martinez v. City of Asbury Park, et al.*, Civil Action No. 20-08710 (AET-DEA); and

WHEREAS, the parties have reached an amicable resolution to this matter; and

WHEREAS, it is in the best interest of the Borough of Belmar to settle this matter; and:

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Belmar, County of Monmouth, State of New Jersey that the Borough of Belmar, authorizes the Mayor, Borough Clerk, Borough administrator and Borough Attorney to execute any and all documents necessary to implement the intent of this Resolution

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
Mr. Carvelli				
Mr. McCracken				
Ms. Kinney				
Mr. Brennan				
Mayor Walsifer				

Adopted: _____

RESOLUTION No. 2022-205

**RESOLUTION AUTHORIZING SETTLEMENT OF THE
LITIGATION BETWEEN THE BOROUGH OF BELMAR
AND SYLVESTER CIRCELLI, JR**

WHEREAS, the Borough of Belmar is currently named as respondent in the matter of In re Sylvester Circelli, Jr currently in the Office of Administrative Law under docket No.: 2021-483; and

WHEREAS, the parties have reached an amicable resolution to this matter; and

WHEREAS, it is in the best interest of the Borough of Belmar to settle this matter; and:

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Belmar, County of Monmouth, State of New Jersey that the Borough of Belmar, authorizes the Mayor, Borough Clerk, Borough administrator and Borough Attorney to execute any and all documents necessary to implement the intent of this Resolution

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
Mr. Carvelli				
Mr. McCracken				
Ms. Kinney				
Mr. Brennan				
Mayor Walsifer				

Adopted: _____

RESOLUTION No. 2022-206

**RESOLUTION AUTHORIZING SETTLEMENT OF THE
LITIGATION BETWEEN THE BOROUGH OF BELMAR
AND COLTON HINES**

WHEREAS, the Borough of Belmar is currently named as a Defendant in the matter captioned Colton Hines et al. v. Borough of Belmar et al., under docket MON-L-174-21; and

WHEREAS, the parties have reached an amicable resolution to this matter; and

WHEREAS, it is in the best interest of the Borough of Belmar to settle this matter; and:

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Belmar, County of Monmouth, State of New Jersey that the Borough of Belmar, authorizes the Mayor, Borough Clerk, Borough administrator and Borough Attorney to execute any and all documents necessary to implement the intent of this Resolution

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
Mr. Carvelli				
Mr. McCracken				
Ms. Kinney				
Mr. Brennan				
Mayor Walsifer				

Adopted: _____