

Regular Meeting ● April 9, 2008 ● Wednesday Evening ● 7:30pm

**SEA GIRT BOROUGH COUNCIL
SEA GIRT ELEMENTARY SCHOOL
RT. #71 and BELL PLACE
SEA GIRT, NJ**

MINUTES

CALL TO ORDER

Mayor Clemmensen called the meeting to order at 7:30pm.

SALUTE OF THE FLAG

Mayor Clemmensen led the Council in the flag salute.

COMPLIANCE STATEMENT:

The Municipal Clerk read the following: "In compliance with the "Open Public Meetings Act", Chapter 231, PL. 1975, Section 5, adequate notice has been given of this meeting by posting a Notice in a public place and by transmitting a Notice to two newspapers, Asbury Park Press and the Coast Star as required by law."

ROLL CALL: Mayor Mark E. Clemmensen, present, Councilpersons, Ken Farrell, present, Fred E. Niemeyer, present, Raymond Bogan, present, Anne Morris, present, Don Fetzer, present, Joseph Bonacci, present.

CONSENT AGENDA

(All matters listed hereunder are considered to be routine in nature and will be enacted in one motion. Any person may request that an item be removed for separate consideration).

The Clerk asked that item F be removed from the Consent Agenda Councilman Farrell offered and moved to remove item F, Seconded, Councilman Bogan. The motion was approved by voice vote. Councilman Farrell offered and moved the following Consent Agenda, Seconded, Council President Niemeyer.

R- 63 -2008 Temporary Emergency Appropriation
RESOLUTION R- 63- 2008

**RESOLUTION AUTHORIZING EMERGENCY TEMPORARY APPROPRIATION TO THE
TEMPORARY MUNICIPAL BUDGET**

WHEREAS, an emergent condition has arisen with respect to legal fees as a result of tax appeals and as no adequate provision has been made in the 2008 temporary appropriations for the aforesaid purpose, and NJSA 40A-420 provides for the creation of an emergency temporary appropriation for the purpose above mentioned, and

WHEREAS, the total emergency temporary resolutions adopted in the year 2008 pursuant to the provisions of Chapter 96, P.L. (N.J.S.A. 40A:4-20) including this resolution total \$587,540.40.

NOW, THEREFORE, BE IT RESOLVED, not less than two-thirds of all the members thereof affirmatively concurring that in accordance with the provisions of NJSA 40A:4-20,

1. An emergency temporary appropriation is hereby made for the following:

Municipal Clerk	Salary	\$	3,000.00
Admin & Executive Other Expenses		\$	1,000.00
Audit		\$	2,000.00
Legal Services & Costs Other		\$	4,500.00
Police Salary & Wages		\$	100,000.00
Public Works Regular Pay		\$	52,082.39
Vehicle Maintenance		\$	6,000.00
Board Of Recreation Regular Pay		\$	500.00
Water Bills B of SG		\$	1,000.00
Gasoline		\$	12,908.00
Library Regular Pay		\$	400.00
Beach Police Other Expenses		\$	1,500.00
Social Security Water Dept.		\$	4,000.00
Water Audit		\$	400.00
Capital Current Budget – Soil remediation		\$	5,000.00
Capital Current Budget – Interlocal agreement with school		\$	<u>12,000.00</u>
TOTAL		\$	206,290.39

2. That said emergency temporary appropriation will be provided for in the 2008 Budget under the titles as listed above.

3. That one certified copy of this Resolution will be filed with the, Department of Community Affairs, Director of Local Government Services.

**B. R-64-2008 Resolution to Approve Raffle License St. Uriels
RESOLUTION R-64-2008**

**RESOLUTION AUTHORIZING OFF-PREMISE RAFFLE LICENSE # 176, ST.
URIELS CHURCH**

WHEREAS, St. Uriels Church, has made application to Council for a raffles license to conduct an off-premises raffle on May 4th

WHEREAS, the above is being conducted in accordance with Findings and Determinations of the verifying officer.

NOW, THEREFORE, BE IT RESOLVED, that the license requested be granted.

**C. R-65-2008 Resolution to Appoint Temporary Zoning Official
RESOLUTION R-65-2008**

RESOLUTION APPOINTING TEMPORARY ZONING OFFICIAL

WHEREAS, the Borough of Sea girt is in need of the services of a temporary zoning official, and

WHEREAS, the Borough Engineer, Peter Avakian is qualified as a Zoning Official and has been acting as Temporary Zoning Official these recent weeks.

NOW, THEREFORE BE IT RESOLVED, that the Borough Engineer shall be authorized to perform the work of the Zoning Official for a length of time as shall be determined by the Borough Administrator.

**E. R-66-2008 Resolution to Hire Temporary Code Enforcement Official
RESOLUTION R-66-2008
RESOLUTION TO HIRE TEMPORARY CODE ENFORCEMENT OFFICIAL – SANDY RATZ**

WHEREAS, the Borough of Sea Girt is in need of a temporary Code Enforcement Official, and

WHEREAS, the Borough's Fire Prevention Official is qualified to perform the duties of Temporary Code Enforcement Official and has been acting in that capacity for the past few weeks.

NOW, THEREFORE BE IT RESOLVED, that the Borough of Sea Girt does hereby authorize Sandy Ratz in the capacity as Code Enforcement Official on a temporary basis at a re-numeration of \$25.00 per inspection, for a period as to be determined by the Borough Administrator.

The Clerk explained that the Fire Chief is getting quotes for the like kind gear previously quoted by Pak-Rat Equipment.

F. R-67-2008 Resolution to Purchase Fire Turn Out Gear from Sole Source Provider, Pak-Rat Equipment, Inc. in the amount of \$12,796.00 to be appropriated against C-04-55-520-001 2007 Capital

APPROVE MINUTES

There were no minutes presented for approval.

Mayor Clemmensen moved Resolution R-69-2008 up on the agenda to accommodate Assemblyman Rible's presence at the meeting.

R-69-2008 Resolution in Opposition to Closing State Police Sea Girt Facility
Councilman Farrell offered and moved the following Resolution, Seconded, Councilman Bogan.

RESOLUTION R-69-2008

**MUNICIPAL RESOLUTION IN OPPOSITION TO CLOSING
NEW JERSEY NATIONAL GUARD TRAINING FACILITY**

SEA GIRT NJ

Whereas, the state Treasury Department has recently inquired into the value of the land in Sea Girt which is home to the State Police Training Bureau, the New Jersey National Guard Training Facility and other state facilities; and

Whereas, this inquiry has sparked concerns that the Corzine administration may have intentions of closing those facilities and selling the land; and

Whereas, the New Jersey National Guard is trained, housed and deployed from this location and the State Police has training, housing and in service seminars on the base; and

Whereas, other state departments that rely on the facility for training include the Department of Corrections, Juvenile Justice, Attorney General's Office, Homeland Security, Department of Transportation, and the State Police Training and Evidence Lab; and

Whereas, there are legitimate fears in the community that the Corzine administration is seeking to generate state revenue by selling off this property to the highest bidder; and

Whereas, any such development could have a significant economic impact on Sea Girt and surrounding communities;

Therefore be it resolved, that we urge Governor Corzine to abandon any proposal to close these facilities and sell this property, and ask that he publicly commit to keep these facilities open at their current location in Sea Girt.

A certified copy of this resolution shall be sent to the Governor, the Senate President, the Assembly Speaker, the Senate Minority Leader and the Assembly Minority Leader, Senator Sean T. Kean, Senator Andrew Ciesla, Assemblyman David Rible, Assemblywoman Mary Pat Angelini, Assemblyman James Holzapfel and Assemblyman David Wolfe.

The foregoing Resolution is approved by the following Roll Call Vote:

AYES: Farrell, Bogan, Niemeyer, Morris, Fetzer, Bonnacci

NAYS: None

ABSTAIN: None

ABSENT: None

Assemblyman Rible spoke of the importance of preserving the New Jersey National Guard Training Camp, its contribution to the surrounding area and the State of New Jersey, and of his dedication and the dedication of the surrounding communities in being sure that the Training facility remain in Sea Girt as it is.

OPEN DISCUSSION (Council is invited to speak on any subject)
There were no items discussed by Council.

PUBLIC PARTICIPATION (comments limited to items on the agenda for 7 minutes, with additional comments, follow up comments and “other” subjects shall in turn be limited to 3 minutes)
There we no members of the public wishing to speak.

OLD BUSINESS

Chicago Blvd. Boardwalk Update
Councilwoman Morris reported that the project has been completed.

Beach Plan – Update
Councilman Bogan reported that the draft is still being worked on and that once it is complete it will be presented for approval.

R-58-2008 Resolution to Approve Seasonal Liquor License May 1th – November 14th
Councilman Farrell offered and moved the following Resolution, Seconded, Council President Niemeyer.

RESOLUTION R-58-2008

Resolution to Approve Seasonal Liquor License for Parker House

WHEREAS, Avon Hotel Corporation, trading as the Parker House, is the holder of a summer retail consumption liquor license bearing State Identification Number 1344-34-006-003; and

WHEREAS, said licensee has applied to the Mayor and Council of the Borough of Sea Girt for the renewal of said license and has paid the proper licensing fee; and

WHEREAS, the Parker House is located in the District 1 Single Family Residential Zones, as shown as on the Sea Girt Zoning Map; and

WHEREAS, the Borough Council after public hearing on such application for renewal and it appearing to the Council that since the removal of conditions heretofore imposed upon such licensee that some of the abuses which have given to rise to the imposition of conditions on April 29, 1980 have recurred; and

WHEREAS, NJSA 33:1-32 permits local issuing authorities to impose conditions to the issuance or renewal of any liquor licenses, which conditions are deemed necessary and proper to accomplish the objects of the alcoholic beverage control law; and

WHEREAS, the Council of the Borough of Sea Girt finds that the aforesaid summer retail consumption liquor license should not be renewed except upon certain conditions, which are found to be necessary and proper to secure compliance with the

provisions of the alcoholic beverage control law and Borough Ordinances and to eliminate the disturbing and disorderly conduct of applicant's patrons, and

NOW, THEREFORE BE IT RESOLVED, by the Council of the Borough of Sea Girt that the Summer Retail Consumption License of Avon Hotel Corporation, trading as The Parker House, 8-12 Beacon Blvd., Sea Girt be and the same is hereby renewed for the period of May 1 to November 14, 2004, subject to the following conditions:

1. Licensee shall attempt to maintain the maximum use of its parking lot by its patrons, this use shall include the use of the parking lot by patrons wishing to enter its establishment by using a zig-zag line formation of patrons.
2. *Alcoholic beverage service and consumption on the porch cannot exceed the occupancy levels set by the Borough's fire inspector for the porch area of 118 persons standing and not to exceed 58 persons sitting and shall cease at 11:30pm on the porch area. None of the licensee's employees shall consume alcoholic beverages while on duty.*
3. The licensee shall not permit overcrowding, violence, public nuisance, undue noise, harassment or disorderly conduct in or about the premises.
 - a. The licensee shall provide a formal plan describing the procedure and methods used to control building public area occupancy.
5. Licensee shall strictly comply with requirements of all Borough ordinances, alcoholic beverage control regulations and State Laws.
6. Licensee shall prevent patrons from taking any opened beverages or containers from the premises.
7. After 6:00 P. M. Licensee shall employ a sufficient number of floor men who shall enforce good, orderly conduct and compliance with the conditions contained herein.
8. Patrons waiting outside the premises for admission to the premises shall be required to wait in single line file. This condition is to be enforced by employees of good, orderly conduct on the part of those patrons waiting admission consistent with the residential character of the neighborhood.

Discussion ensued regarding the payment of police by the Parker House for the season, Councilman Farrell offered and moved to amend the resolution to include #9, that payment for police services shall be payable in three installments, each installment shall be in accordance with an amount calculated by the Chief of Police, with the CFO doing a reconciliation of the account before September 15th and final payment to be made before Oct. 1.

The foregoing Amendment to the Resolution was approved by voice vote. Resolution R-58-2008 as amended was approved by the following Roll Call Vote.

NEW BUSINESS

R-68-2008 Resolution to Authorize Interlocal Agreement with Sea Girt Board of Education for the Purpose of Securing Re-imbusement for Monies Totaling \$238,000, Monmouth County Open Space Grant
Councilman Farrell offered and moved the following Resolution, Seconded, Councilman Bogan..

RESOLUTION R-68-2008

**RESOLUTION TO AUTHORIZE INTERLOCAL AGREEMENT WITH
SEA GIRT BOARD OF EDUCATION FOR THE PURPOSE OF
SECURING RE-IMBURSEMENT FOR MONIES THROUGH THE
MONMOUTH COUNTY OPEN SPACE GRANT**

WHEREAS, the Borough of Sea Girt is desirous of entering an Interlocal Agreement with the Sea Girt Board of Education for the purpose of securing monies through the Monmouth County Open Space Grant, and

WHEREAS, the Borough has previously authorized entering into a Lease Agreement with the Board of Education for this purpose, and

WHEREAS, the Borough anticipates that they will be entering an agreement with Monmouth County for the purpose of securing a grant in the amount of \$238,000, and

WHEREAS, to clearly spell out certain conditions as necessitated by entering that agreement, and

WHEREAS, the interlocal agreement shall be attached to this resolution and shall be known as Schedule A.

NOW THEREFORE BE IT RESOLVED, that the Mayor, Borough Administrator and Borough Clerk are hereby authorized to enter the aforesaid Interlocal Agreement.

BE IT FURTHER RESOLVED, a copy of this Resolution shall be mailed to the Sea Girt Elementary School Board of Education.

INTERLOCAL AGREEMENT

WHEREAS, the Borough of Sea Girt (hereafter referred to as "Borough" and the Board of Education of the Borough of Sea Girt (hereafter referred to as "Board") have agreed to the following terms and conditions concerning the award of a grant (hereafter referred to as the "Grant") in the amount of \$238,000 to the Borough from the Monmouth County Open Space Program based on Application No-07-02 for certain improvements known as the "Sea Girt Elementary School South Rehabilitation hereafter referred to as the "Project")

NOW, THEREFORE, in consideration of the mutual promises made herein, the Borough and the Board hereby agree:

1. The Borough shall make direct financial contribution to the Project in the amount of all funds necessary for the purposes of making the referenced improvements. It is the intent of this agreement

that the Borough shall provide monies to the Board for the purposes described herein, a certain part of said monies to be funded by said Grant.

2. The Project consists of improvements to the tennis and basketball courts, waffle ball stadium, multi use play area, fencing, paved walkway, tot lot playground system, enclosure and parking lot.

3. The Board shall reimburse the Borough for all monies expended by the Borough in connection with this Project (less any Grant monies paid to the Borough), including but not limited to costs and soft costs incurred by the Borough in connection herewith, including soft costs incurred in connection with any bonding undertaken by the Borough in connection with this project. The soft costs reimbursable by the Board to the Borough for the bonding shall be capped at \$4,000.00.

4. The Borough will receive the Grant from Monmouth County to the extent certain conditions of the Grant are satisfied, said conditions including but not limited to the completion of the Project. To the extent the conditions of the Grant are not satisfied and the Borough does not receive all or any part of the Grant monies, the Borough shall appropriate monies and reimburse the Borough for the monies it had provided to the school for the project.

5. The Board has received a copy of the Grant Agreement between the Borough and the Monmouth County Board of Chosen Freeholders regarding Open Space Program Application No. 07-02, a copy of which is attached hereto as Exhibit A and incorporated by reference. The Board hereby agrees to adhere to and satisfy any and all terms and obligations imposed therein on the Borough as Grantee.

6. The Borough hereby assigns the project management and contract payment responsibility for said improvements to the Board.

7. The Board agrees that any and all communication with the County of Monmouth regarding the Grant and the Project shall be through the Borough Clerk.

8. The Board shall take all steps required for the subdivision of the Project Site as set forth in the Grant Application 07-02.

9. The Board and Borough agree to enter into a twenty five year lease for the Project site that specifically provides that the Borough agrees to the terms and conditions of the Grant set forth in the Grant Agreement, that the Board shall adhere to the regulations of the Monmouth County Municipal Open Space Grant Program and that the Board will execute any and all documents including an Open Space Easement to the County to run concurrently with the lease.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be signed this _____ day of _____ 2008.

BOROUGH OF SEA GIRT

SEA GIRT BOARD OF EDUCATION

By: _____ By: _____
Mark E. Clemmensen, Mayor President

By: _____ By: _____
Lorene K. Wright, RMC Eileen Ertle, School Business
Administrator

By: _____
Al Bunting, Administrator

The foregoing Interlocal Resolution was approved by the following Roll Call Vote:

AYES: Farrell, Niemeyer, Bogan, Morris, Fetzer, Bonnaci

NAYS: None

ABSTAIN: None

ABSENT: None

Ordinance 02-2008 Bond Ordinance in the Amount of \$226,200.00 for the Purpose of Improvement of Sea Girt Elementary School South Grounds Renovation and Rehabilitation

Councilman Farrell offered and moved the following Ordinance for introduction, Seconded, Council President Niemeyer.

ORDINANCE # 2008-02

**BOND ORDINANCE PROVIDING AN
APPROPRIATION OF \$240,000 FOR
IMPROVEMENTS TO THE SOUTH GROUNDS AT
SEA GIRT ELEMENTARY SCHOOL
BY THE BOROUGH OF SEA GIRT, IN THE
COUNTY
OF MONMOUTH, NEW JERSEY AND
AUTHORIZING THE ISSUANCE OF \$228,000
BONDS OR NOTES OF
THE BOROUGH FOR FINANCING PART OF
THE APPROPRIATION.**

BE IT ORDAINED, BY THE BOROUGH COUNCIL OF THE BOROUGH OF SEA GIRT, IN THE COUNTY OF MONMOUTH, 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 (the "Improvements") are hereby authorized to be undertaken by the Borough of Sea Girt, New Jersey (the "Borough") as general improvements. For the said Improvements there is hereby appropriated the amount of \$240,000, such sum includes the sum of \$12,000 as the down payment (the "Down Payment") required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the "Local Bond Law"). The Down Payment is now available by virtue of provision in one or more previously adopted budgets for down payments or capital improvement purposes.

SECTION 2:

In order to finance the additional cost of the Improvements not covered by application of the Down Payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$228,000 pursuant to the provisions of the Local Bond Law (the "Bonds"). In anticipation of the issuance of the Bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes of the Borough are hereby authorized to be issued in the principal amount not exceeding \$228,000 pursuant to the provisions of the Local Bond Law (the "Bond Anticipation Notes" or "Notes").

SECTION 3:

(a) The Improvements authorized and the purposes for which obligations are to be issued, the estimated cost of each Improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each Improvement and the period of usefulness of each Improvement are as follows:

Improvements	Appropriation and Estimated Cost	Maximum Amount of Bonds or Notes	Period of Usefulness
(1) Improvements to the South Grounds at Sea Girt Elementary School and the acquisition of all work and materials necessary or incidental thereto.	240,000	228,000	15 years
TOTAL PURPOSES	\$240,000	\$228,000	

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvements is \$228,000.

(c) The estimated cost of the Improvements is \$240,000 which amount represents the initial appropriation made by the Borough.

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 (the "Chief Financial Officer"); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Chief Financial Officer 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 Section 8(a) 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 Borough Council of the Borough at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

SECTION 5:

The 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, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Borough Clerk and is available for public inspection.

SECTION 6:

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

(a) The Improvements described in Section 3 of this bond ordinance are not current expenses, and are capital improvements or properties that the Borough may lawfully make or acquire 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, within the limitations of the Local Bond Law, taking into consideration the respective amounts of all obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the Bonds authorized by this bond ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, 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 \$228,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$10,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

SECTION 7:

Any funds received from time to time by the Borough as contributions in aid of financing the purposes described in Section 3 of this Ordinance (\$238,400 is expected to be received from the Monmouth County Open Space Program) shall be used for financing said Improvements by application thereof either to direct payment of the cost of said Improvements or to the payment or reduction of the authorization of the obligations of the Borough authorized therefor by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvements shall, be held and applied by the Borough as funds applicable only to the payment of obligations of the Borough authorized by this Bond Ordinance.

SECTION 8:

The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and 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 property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

SECTION 9:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Borough reasonably expects to pay expenditures with respect to the Improvements prior to the date that Borough incurs debt obligations under this Bond Ordinance. The Borough reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Borough under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$228,000.

SECTION 10:

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

The foregoing Ordinance was approved for introduction by the following Roll Call Vote:
AYES: Farrell, Niemeyer, Bogan, Morris, Fetzer, Bonnaci
NAYS: None

ABSTAIN: None
ABSENT: None

Ordinance 03-2008 Bond Ordinance in the Amount of \$95,000 for the purpose of Remediating Soils at the Public Works Facility..
Council President Niemeyer offered and moved the following Ordinance, Seconded, Councilman Fetzer.

ORDINANCE # 2008-03

**BOND ORDINANCE PROVIDING AN
APPROPRIATION OF \$95,000 FOR SITE
REMEDICATION AT PUBLIC WORKS FACILITY BY
THE BOROUGH OF SEA GIRT, IN THE COUNTY
OF MONMOUTH, NEW JERSEY AND
AUTHORIZING THE ISSUANCE OF \$90,250 BONDS
OR NOTES OF THE BOROUGH FOR FINANCING
PART OF
THE APPROPRIATION.**

BE IT ORDAINED, BY THE BOROUGH COUNCIL OF THE BOROUGH OF SEA GIRT, IN THE COUNTY OF MONMOUTH, 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 (the "Improvements") are hereby authorized to be undertaken by the Borough of Sea Girt, New Jersey (the "Borough") as general improvements. For the said Improvements there is hereby appropriated the amount of \$95,000, such sum includes the sum of \$4,750 as the down payment (the "Down Payment") required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the "Local Bond Law"). The Down Payment is now available by virtue of provision in one or more previously adopted budgets for down payments or capital improvement purposes.

SECTION 2:

In order to finance the additional cost of the Improvements not covered by application of the Down Payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$90,250 pursuant to the provisions of the Local Bond Law (the "Bonds"). In anticipation of the issuance of the Bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes of the Borough are hereby authorized to be issued in the principal amount not exceeding \$90,250 pursuant to the provisions of the Local Bond Law (the "Bond Anticipation Notes" or "Notes").

SECTION 3:

(a) The Improvements authorized and the purposes for which obligations are to be issued, the estimated cost of each Improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each Improvement and the period of usefulness of each Improvement are as follows:

Improvements	Appropriation and Estimated Cost	Maximum Amount of Bonds or Notes	Period of Usefulness
(1) Site Remediation at Public Works Facility and the acquisition of all work and materials necessary or incidental thereto.	\$95,000	\$90,250	15 years
TOTAL PURPOSES	\$95,000	\$90,250	

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvements is \$90,250.

(c) The estimated cost of the Improvements is \$95,000 which amount represents the initial appropriation made by the Borough.

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 (the "Chief Financial Officer"); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Chief Financial Officer 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 Section 8(a) 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 Borough Council of the Borough at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

SECTION 5:

The 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, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Borough Clerk and is available for public inspection.

SECTION 6:

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

(a) The Improvements described in Section 3 of this bond ordinance are not current expenses, and are capital improvements or properties that the Borough may lawfully make or acquire 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, within the limitations of the Local Bond Law, taking into consideration the respective amounts of all obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the Bonds authorized by this bond ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, 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 \$90,250 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$95,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

SECTION 7:

Any funds received from time to time by the Borough as contributions in aid of financing the purposes described in Section 3 of this Ordinance shall be used for financing said Improvements by application thereof either to direct payment of the cost of said Improvements or to the payment or reduction of the authorization of the obligations of the Borough authorized therefor by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvements shall, be held and applied by the Borough as funds applicable only to the payment of obligations of the Borough authorized by this Bond Ordinance.

SECTION 8:

The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and 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 property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

SECTION 9:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Borough reasonably expects to pay expenditures with respect to the Improvements prior to the date that Borough incurs debt obligations under this Bond Ordinance. The Borough reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Borough under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$90,250.

SECTION 10:

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

The foregoing Ordinance was approved for introduction by the following Roll Call Vote:

AYES: Farrell, Niemeyer, Bogan, Morris, Fetzer, Bonnaci

NAYS: None

ABSTAIN: None

ABSENT: None

Ordinance 04-2008 CAP Ordinance

Councilman Farrell offered and moved the following Ordinance, Seconded, Councilman Fetzer.

ORDINANCE 2008-04

CALENDAR YEAR 2008 MODEL ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANKI (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 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: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 Borough of Sea Girt in the County of Monmouth finds it advisable and necessary to increase its CY 2008 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 Borough of Sea Girt hereby determines that a 2.5% increase in the budget for said year, amounting to \$108,230.70 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Borough of Sea Girt 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 Borough of Sea Girt, Borough Council, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that in the CY 2008 budget year, the final appropriations of the Borough of Sea Girt shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 1%, amounting to \$43,292.28, and that the CY 2008 municipal budget for the Borough of Sea Girt 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 adoption.

The foregoing Ordinance was approved for introduction by the following Roll Call Vote:

AYES: Farrell, Niemeyer, Bogan, Morris, Fetzer, Bonnaci

NAYS: None

ABSTAIN: None

ABSENT: None

2008 Budget

Councilman Farrell presented the 2008 Budget noting that there was an increase of 5.7% from last years tax rate the new rate is .241 per hundred. Councilman Farrell offered the budget for introduction, seconded, Councilman Bogan. The Budget was approved for introduction by the following Roll Call Vote:

AYES: Farrell, Niemeyer, Bogan, Morris, Fetzer, Bonnaci

NAYS: None

ABSTAIN: None

ABSENT: None

COUNCIL REPORTS

Councilman Bogan read the Police Chief’s report and reported on the recent Wreck Pond Watershed Committee meeting. Councilman Farrell reported that there will be an increase in the Summer Camp, June 30th through August 8th, Sea Girt Residents \$175.00, Non-Residents \$200.00, Summer Basketball July 7th & 27th - Sea Girt Residents \$50.00, Non-Residents \$60.00. Councilman Farrell offered a motion to approve the fees as mentioned for 2008, Seconded, Councilman Fetzer. The motion was carried by voice vote. Baltimore Blvd. Park will host T-Ball on Saturdays April, 12, 19, 26, May 1, from 9am to 12pm. Councilman Bonnacci reported that the Chief Financial Officer offered her resignation Councilman Farrell offered the motion to accept, seconded, Councilman Fetzer. The motion was approved by a Voice Vote. Councilman Fetzer reported that Peter Avakian was preparing a GIS map of the water system it should be completed by mid to end of summer. The Water plant project there is a need for a CAFRA permit, which will cause a 6 to 12 month delay, Councilman Fetzer asked the Council to approve HMM to prepare the \$10,900 for NJDEP, Seconded, Councilman Niemeyer. The motion was carried by voice vote.

R-70-2008 Resolution to Pay Bills

Councilman Farrell offered and moved the following Resolution, Seconded, Councilman Bogan.

RESOLUTION R-70-2008

RESOLUTION TO PAY BILLS

RESOLUTION AUTHORIZING THE PAYMENT OF BILLS

BE IT RESOLVED, by the Borough Council of the Borough of Sea Girt that bills be paid as appearing on the Bill List dated April 9, 2008 in total as follows:

CURRENT FUND	\$	223,247.33
WATER / SEWER OPERATING FUND	\$	96,940.85
BEACH OPERATING FUND	\$	778.90
GRANT FUND	\$	0.00
ANIMAL CONTROL FUND	\$	25.20
TRUST FUND	\$	0.00
GENERAL CAPITAL FUND	\$	5,205.00
WATER / SEWER CAPITAL FUND	\$	0.00
BEACH CAPITAL FUND	\$	980.00
RECREATION TRUST FUND	\$	0.00
UNEMPLOYMENT COMP. TRUST	\$	0.00

The foregoing Resolution was approved by Voice Vote.

PUBLIC PARTICIPATION ON ANY SUBJECT

Being there were no members of the public wishing to speak, the Mayor closed public participation.

OTHER BUSINESS

Councilman Farrell offered and moved the following Resolution, Seconded, Councilman Bogan.

RESOLUTION R-71-2008

RESOLUTION TO ENTER EXECUTIVE SESSION

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

WHEREAS, this public body is of the opinion that such circumstances presently exist on April 9, 2008.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Sea Girt, 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 matters to be discussed is as follows:
 - A. Litigation – US Interior
3. It is anticipated, at this time that the date on which the stated subject matters, A, will be made public is unknown.
4. This Resolution shall take effect immediately.

The foregoing Resolution was approved by Voice Vote.
The Council recessed into executive session at 8:20pm.
The Council returned to open session at 9:01pm.

There was no other business brought before Council.

ADJOURNMENT

Councilman Farrell offered and moved to adjourn at 9:02pm. Seconded, Council President Niemeyer. The motion was approved and the meeting adjourned at 9:03pm.

Lorene K. Wright, RMC
Municipal Clerk