

Regular Meeting – April 22nd, 2009 - Wednesday Evening – 7:30pm

BOROUGH OF SEA GIRT 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 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, Thomas Crawley, 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).

Councilman Fetzer offered and moved the following Consent Agenda, Seconded, Councilman Farrell.

R-59-2009 Authorize Award of Contract to Lowest Responsible Bidder for Beach Uniforms

RESOLUTION R-59-2009
BOROUGH OF SEA GIRT
COUNTY OF MONMOUTH
STATE OF NEW JERSEY

RESOLUTION AUTHORIZING AWARD CONTRACT TO LOWEST RESPONSIBLE BIDDER FOR BEACH UNIFORMS

WHEREAS, the Borough of Sea Girt issued a Request for Proposal for Beach Patrol, Gate Guard and Jr. Lifeguard Program Uniforms and advertised the same on April 5, 2009 and the Affidavit of Publication is on file with the Borough Clerk; and,

WHEREAS, two bids were received on April 15, 2009 by the Chief Financial Officer and both bidders are in compliance with the requirements of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. , and the Chief Financial Officer has so certified; and,

WHEREAS, the aggregate bids received are as listed below:

| VENDOR | AMOUNT |
|---|------------|
| Metuchen Center, Inc. | |
| Appendix I – Beach Patrol and Gate Guard Uniforms | \$9,469.50 |
| RKE Athletic, Inc. | |
| Appendix I – Beach Patrol and Gate Guard Uniforms | \$9,580.00 |

and,

WHEREAS, the Chief Financial Officer certifies that funds will be available in the temporary budget in appropriation 9-09-55-380-032 for the award of Appendix I and that Appendix III, Alternate #1 shall not be awarded as this would exceed the available appropriation; and,

WHEREAS, Appendix II, Jr. Lifeguard Uniforms, requested per piece prices based on quantity ordered and Metuchen Center, Inc. is the low bidder on all per piece prices on Items #2 and #3 and is the low bidder for Item #1 at the highest quantity and the Chief Financial Officer certifies that funds will be available in the appropriation 9-26-286-56-200-268 for the award of Appendix II.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sea Girt that the proposal of Metuchen Center, Inc. to supply Beach Patrol, Gate Guard and Jr. Lifeguard Uniforms for the 2009 season be and the same is hereby accepted.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be supplied to Metuchen Center, Inc., 409 Joyce Kilmer Avenue, Unit 513, New Brunswick, NJ 08901.

The foregoing Consent Agenda was approved by the following Roll Call Vote:

AYES: Farrell, Niemeyer, Bogan, Crawley, Fetzer, Bonacci

NAYS: None

ABSTAIN: None

ABSENT: None

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)

Mayor Clemmensen opened the meeting to the public. Being there were no members of the public wishing to speak, the Mayor closed the meeting to the public.

OLD BUSINESS

Councilman Farrell offered and moved to approve the following Ordinance as amended, Seconded, Councilman Bogan.

Ordinance 07-2009 A Bond Ordinance Providing an Appropriation of \$49,550 for Various Beach Improvements by the Borough of Sea Girt, in the County of Monmouth, New Jersey and Authorizing the Issuance of \$47,072.50 Bonds or Notes of the Borough for Financing Part of the Appropriation.
Second Reading
Public Hearing

ORDINANCE #07-2009

**BOND ORDINANCE PROVIDING AN
APPROPRIATION OF \$49,550 FOR VARIOUS
BEACH IMPROVEMENTS BY THE BOROUGH
OF SEA GIRT, IN THE COUNTY OF
MONMOUTH, NEW JERSEY AND
AUTHORIZING THE ISSUANCE OF \$47,072.50
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 \$49,550, such sum includes the sum of \$2,477.50 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 \$47,072.50 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 \$47,072.50 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 said 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) Various Improvements including beach shower, radios, lifeguard stands/boxes, signage and baby changing stations. | \$49,550 | \$47,072.50 | 12.06 years |
| TOTAL PURPOSES | \$49,550 | \$47,072.50 | |

(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 \$47,072.50.

(c) The estimated cost of the Improvements is \$49,550 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 12.06 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 \$47,072.50 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$7,500 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 \$47,072.50.

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 Adoption & Publication by the following Roll Call Vote:

AYES: Farrell, Niemeyer, Bogan, Crawley, Fetzer, Bonacci

NAYS: None

ABSTAIN: None

ABSENT: None

Councilman Farrell offered and moved to approve the following Ordinance, Seconded, Councilman Bogan.

Ordinance 08-2009 A Bond Ordinance Providing an Appropriation of \$280,000 for Various Water Capital Improvements and Purposes for and by the Borough of Sea Girt, in the County of Monmouth, New Jersey and Authorizing the Issuance of \$266,000 Bonds or Notes of the Borough for Financing Part of the Appropriation.

Second Reading

Public Hearing

ORDINANCE #08-2009

**BOND ORDINANCE PROVIDING AN
APPROPRIATION OF \$280,000 FOR VARIOUS
WATER CAPITAL IMPROVEMENTS AND
PURPOSES FOR AND BY THE BOROUGH OF
SEA GIRT, IN THE COUNTY OF
MONMOUTH, NEW JERSEY AND
AUTHORIZING THE ISSUANCE OF \$266,000
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 \$280,000, such sum includes the sum of \$14,000 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 \$266,000 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 \$266,000 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 of Notes | Period of Usefulness |
|--|---|---|-------------------------|
| Various water capital acquisitions and improvements including water plant improvements, hydrants/valves, meter MXU’s, rehabilitation of well #6, trailer and allocation permits, and the | \$280,000 | \$266,000 | 23.92 years |

acquisition of all work and materials necessary therefor and incidental thereto.

| | | |
|----------------|-----------|-----------|
| TOTAL PURPOSES | \$280,000 | \$266,000 |
|----------------|-----------|-----------|

(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 \$266,000.

(c) The estimated cost of the Improvements is \$280,000 which amount represents the initial appropriation made by the Borough. The excess of the appropriations made for each of the Improvements over the estimated maximum amount of Bonds or Notes authorized to be issued therefor as stated above is the amount of the Down Payment for each purpose.

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 Acting Municipal 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 23.92 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Acting Municipal 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 \$266,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$30,000 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 the 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 \$266,000.

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 Adoption & Publication by the following Roll Call Vote:

AYES: Farrell, Niemeyer, Bogan, Crawley, Fetzer, Bonacci

NAYS: None

ABSTAIN: None

ABSENT: None

Councilman Farrell offered and moved to approve the following Ordinance, Seconded, Council President Niemeyer.

Ordinance 09-2009 A Bond Ordinance Providing an Appropriation of \$529,500 for Various General Improvements by the Borough of Sea Girt, in the County of Monmouth, New Jersey and Authorizing the Issuance of \$503,025 Bonds or Notes of the Borough for Financing Part of the Appropriation.

Second Reading

Public Hearing

ORDINANCE #09-2009

**BOND ORDINANCE PROVIDING AN
APPROPRIATION OF \$529,500 FOR VARIOUS
GENERAL IMPROVEMENTS BY THE
BOROUGH OF SEA GIRT, IN THE COUNTY
OF MONMOUTH, NEW JERSEY AND**

**AUTHORIZING THE ISSUANCE OF \$503,025
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 \$529,500, such sum includes the sum of \$26,475 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 \$503,025 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 \$503,025 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 Beacon Boulevard including drainage and curbing, and the acquisition of all work and materials necessary or incidental thereto. | 200,000 | 190,000 | 20 years |
| (2) Acquisition of various items of equipment for the Public Works Department. | 190,000 | 180,500 | 5 years |
| (3) Acquisition of various items of equipment for the Police Department. | 30,500 | 28,975 | 5 years |
| (4) Acquisition of fire equipment | 29,000 | 27,550 | 5 years |
| (5) Installation of curbs and sidewalks at various locations in the Borough | 80,000 | 76,000 | 10 years |
| TOTAL PURPOSES | \$529,500 | \$503,025 | |

(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 \$503,025.

(c) The estimated cost of the Improvements is \$529,500 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 Acting Municipal 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 11.70 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Acting Municipal 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 \$503,025 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$60,000 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 \$503,025.

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 Adoption & Publication by the following Roll Call Vote:

AYES: Farrell, Niemeyer, Bogan, Crawley, Fetzer, Bonacci

NAYS: None

ABSTAIN: None

ABSENT: None

NEW BUSINESS

Councilman Bonacci offered and moved to approve the following Resolution, Seconded, Council President Niemeyer.

R-60 -2009 Authorize Renewal of Seasonal Liquor License for the Parker House

**RESOLUTION R-60-2009
BOROUGH OF SEA GIRT
COUNTY OF MONMOUTH
STATE OF NEW JERSEY**

**RESOLUTION AUTHORIZING APPROVAL FOR THE
RENEWAL OF SEASONAL LIQUOR LICENSE FOR THE
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, 2009, 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.
4. 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 be enforced by employees of good, orderly conduct on the part of those patrons waiting admission consistent with the residential character of the neighborhood.
9. The Avon Corporation T/A The Parker House shall reimburse the Borough of Sea Girt for all additional police manning to the area of the licensed premises during the 2009 season. The amount to be deposited in escrow shall be \$16,662.00 on May 1st, 2009, \$16,662.00 on June 1st, 2009, \$16,662.00 on July 1st, 2009 and \$16,662.00 on August 1st, 2009. Reconciliation of costs verses actual payroll plus reasonable expenses shall be performed by the Chief Financial Officer of the Borough of Sea Girt by September 30th, 2009 at which time any additional monies due will be invoiced to the Avon Corporation and paid before close of business October 14, 2009. A final accounting shall be reported to the Borough Administrator.

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

AYES: Farrell, Niemeyer, Crawley, Fetzer, Bonacci

NAYS: None

ABSTAIN: Bogan
ABSENT: None

Councilman Bonacci offered and moved to approve the following Resolution,
Seconded, Council President Niemeyer.

R-61-2009 Authorize Refund of Excess Escrow Balance for Avon Hotel Corporation
t/a Parker House

**RESOLUTION R-61-2009
BOROUGH OF SEA GIRT
COUNTY OF MONMOUTH
STATE OF NEW JERSEY**

**RESOLUTION AUTHORIZING REFUND OF EXCESS ESCROW
BALANCE
AVON HOTEL CORPORATION t/a PARKER HOUSE**

UPON MOTION of ____, seconded by ____, carried, that the following
Resolution be adopted:

WHEREAS, Resolution R-58-2008 approved the renewal of a seasonal
summer retail consumption license for Avon Hotel Corporation t/a Parker House,
#1344-34-006-003 with conditions, including the requirement that \$66,648.00 be
deposited with the Borough of Sea Girt for additional police manning in the area of
the licensed premises during the 2008 season; and,

WHEREAS, the Chief Financial Officer has completed the required escrow
analysis and finds that expenses for the 2008 season totaled \$33,359.90, leaving an
excess escrow balance of \$33,288.10.

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH
COUNCIL OF THE BOROUGH OF SEA GIRT that a refund of \$33,288.10 of
excess escrow is due to the Avon Hotel Corporation t/a Parker House.

BE IT FURTHER RESOLVED that a certified copy of this Resolution
shall be supplied to Avon Hotel Corporation t/a Parker House and the Chief
Financial Officer for her immediate action.

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

AYES: Farrell, Niemeyer, Crawley, Fetzer, Bonacci

NAYS: None

ABSTAIN: Bogan

ABSENT: None

Councilman Farrell offered and moved to approve the following Ordinance, Seconded, Council President Niemeyer.

Ordinance 10-2009 An Ordinance to exceed Index Rate; Index rate less than 5% limitation for the year 2009 (NJS 40A:4-45.14)

Introduction

Public Hearing 5-27-2009

ORDINANCE NO. 10-2009
AN ORDINANCE TO EXCEED THE CALENDAR YEAR 2009
MUNICIPAL BUDGET APPROPRIATION LIMITS AND
TO ESTABLISH A CAP BANK
(N.J.S.A. 40A:4-45.14)

BE IT ORDAINED by the Council of the Borough of Sea Girt as follows:

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:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its annual 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 Council of the Borough of Sea Girt in the County of Monmouth finds it advisable and necessary to increase its CY 2009 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of its citizens; and,

WHEREAS, the Council of the Borough of Sea Girt hereby determines that a 3.5% increase in the budget for the said year, amounting to \$174,919.43 of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Council of 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 Council of the Borough of Sea Girt, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2009 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 3.5%, amounting to \$174,919.43 and that the CY 2009 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 such adoption.

The foregoing Ordinance was approved for Introduction & Publication by the following Roll Call Vote:

AYES: Farrell, Niemeyer, Bogan, Crawley, Fetzer, Bonacci

NAYS: None

ABSTAIN: None

ABSENT: None

2009 Budget

Introduction – Public Hearing 5-27-2009

Councilman Farrell presented the 2009 Budget noting that there was an increase of 5.8% from last year's tax rate the new rate is .255 per hundred. Councilman Farrell offered the budget for introduction, seconded, Councilman Bonacci. The Budget was approved for introduction by the following Roll Call Vote:

AYES: Farrell, Niemeyer, Bogan, Crawley, Fetzer, Bonacci

NAYS: None

ABSTAIN: None

ABSENT: None

COUNCIL REPORTS

Councilman Bogan reported, Fire Department is looking into purchasing turnout gear and how many they really need and funding for them.

Councilman Bogan reported, Water Department: Hatch Mott MacDonald is preparing an analysis of construction costs and renovations of the Water Plant and is in the preliminary state.

Councilman Crawley congratulated Mr. LaValva on behalf of the Council on the budget being approved.

Councilman Fetzer had no reports.

Councilman Farrell reported, SMRSA will be having a pre-construction meeting regarding the pump house and letters to the affected residents will be going out tomorrow. SMRSA has agreed to work with the Borough on the types of fencing, landscaping and color of the roof from residents.

- The catamaran fee is not changing and the second resolution stands for this year.

Councilman Bonacci read the following Police report:



Edward J. Sidley, Jr.
Chief of Police

SEA GIRT POLICE DEPARTMENT

319 Baltimore Boulevard
Sea Girt, NJ 08750

www.seagirtpd.net



Tel: (732) 449-7300
Fax: (732) 974-8684

TO: Police Commissioner Joseph Bonacci
FROM: Chief Edward J. Sidley Jr.
SUBJECT: Police Report April 22, 2009

Dear Sir,

Since our last Council Meeting, the Sea Girt Police Department has handled 381 calls for service. Of these are 1 NINE-ONE-ONE hang up call, 6 burglar alarms, 3 animal complaints, 6 Borough Ordinance violations with 3 summons issued, 1 EMS call with Manasquan handling it, 0 fire calls and 10 homeland security checks. Additionally, there were 4 parking complaints with 2 summonses issued, 68 traffic stops resulting in 12 summonses.

Respectfully submitted,

Edward J. Sidley Jr.
Chief of Police

- Working on a new taxi ordinance that is going to amend the existing ordinance #844 and make changes that would benefit the public and be consistent with the State Statues.

Council President Niemeyer announced Happy Earth Day and read a letter regarding Arbor Day. Arbor Day will be on April 24th and there will be a presentation at the school at 1:30pm. The county is donating two trees, one will be planted at the school and the other will be planted by the sign.

- Patriot Day at the school was very nice and they honored two veterans.
- A letter will be going to Manasquan regarding the Community Alliance Program and our fees will be staying the same at \$4,000.

Mayor Clemmensen commended the school for the excellent job they did on with Patriot's Day yesterday.

- We need to stay focused on the school consolidation issue and need to keep our school running the way it always has.
- The Public Works Department in conjunction with the DEP has put up the fence in the endangered species area.

R-62-2009 Resolution to Pay Bills

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

RESOLUTION R-62-2009

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 22, 2009 in total as follows:

| | | |
|------------------------------|----|--------------|
| CURRENT FUND | \$ | 1,687,013.46 |
| WATER / SEWER OPERATING FUND | \$ | 81,897.70 |
| BEACH OPERATING FUND | \$ | 31,222.01 |
| GRANT FUND | \$ | 0.00 |
| ANIMAL CONTROL FUND | \$ | 0.00 |

| | | |
|----------------------------|----|-----------|
| TRUST FUND | \$ | 100.00 |
| GENERAL CAPITAL FUND | \$ | 20,959.13 |
| WATER / SEWER CAPITAL FUND | \$ | 0.00 |
| BEACH CAPITAL FUND | \$ | 0.00 |
| RECREATION TRUST FUND | \$ | 23.60 |
| UNEMPLOYMENT COMP. TRUST | \$ | 0.00 |
| PUBLIC ASSISTANCE TRUST 1 | \$ | 0.00 |

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

AYES: Farrell, Niemeyer, Bogan, Crawley, Bonacci

NAYS: None

ABSTAIN: Fetzer – Hatch Mott MacDonald & Van Dalen Brower

ABSENT: None

PUBLIC PARTICIPATION ON ANY SUBJECT

Mayor Clemmensen opened the meeting to the public. Being there were no members of the public wishing to speak, the Mayor closed the meeting to the public.

OTHER BUSINESS

None

ADJOURNMENT

Councilman Bogan offered and moved for adjournment at 8:31 pm, Seconded, Councilman Fetzer. The motion was approved by unanimous vote and the meeting adjourned.

Mark E. Clemmensen
Mayor

Lauren Mayer
Acting Borough Clerk