

Regular Meeting – June 10th, 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, absent, Thomas Crawley, absent, 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).

Council President Niemeyer offered and moved the following Consent Agenda, Seconded, Councilman Farrell.

R-75-2009 Authorize Bond Anticipation Note

RESOLUTION R-75-2009

BOROUGH OF SEA GIRT
COUNTY OF MONMOUTH
STATE OF NEW JERSEY

**RESOLUTION AUTHORIZING BOND ANTICIPATION NOTE FOR
THE ORDINANCES LISTED BELOW**

UPON MOTION of Mr. Niemeyer, seconded by Mr. Farrell, carried, that the following resolution be adopted:

WHEREAS, certain Bond Anticipation Notes issued pursuant to Borough Ordinances No. 839, 842, 853, 864, 871, 873, 894, 895, 896, 923, 925, 937, 938, 939, 2007-13, 2007-17, 2008-02, 2008-03, matured on May 22, 2009; and,

WHEREAS, the Borough of Sea Girt, pursuant to the 2009 Capital Budget, has determined that Bond Anticipation Notes shall be issued pursuant to Borough Ordinances No. 07-2009, 08-2009 and 09-2009, respectively.

WHEREAS, the sum of \$492,066 was appropriated in the Borough's 2009 Budget, \$62,325.00 was appropriated in the Water-Sewer Utility 2009 Budget and \$125,000 was appropriated in the Beach Utility 2009 Budget and was paid to reduce the principal amount of the outstanding Notes to be renewed and issued.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Sea Girt be and the same memorializes the actions that the Chief Financial Officer, in consultation with Bond Counsel, has taken with respect to the issuance of the said Bond Anticipation Notes in the face amount of \$4,373,988.00 for the period of one year to May 21, 2010 at the annual interest rate of 1.73% to TD Bank, N.A., Cherry Hill, New Jersey, pursuant to the Local Bond Law, N.J.S.A. 40A:2-1, et seq.

R-76-2009 Authorize Amendment to Temporary Appropriations

RESOLUTION R-76-2009

**BOROUGH OF SEA GIRT
COUNTY OF MONMOUTH
STATE OF NEW JERSEY**

**RESOLUTION AUTHORIZING AMENDMENT TO TEMPORARY
APPROPRIATIONS**

WHEREAS, the Borough Council of the Borough of Sea Girt adopted the 2009 Temporary Appropriations at its Reorganization Meeting held January 7, 2009; and,

WHEREAS, the Council introduced its 2009 Budget on April 22, 2009 and held the hearing on the proposed budget as advertised on May 27, 2009; and,

WHEREAS, the Chief Financial Officer has advised that proposed 2009 Budget is compliant with all statutory requirements and only requires the pro-forma

approval of the Division of Local Government Services to adopt the said Budget; and,

WHEREAS, the Division of Local Government Services has lost key personnel and is severely backlogged in the budget approval process; and,

WHEREAS, the Chief Financial Officer has conferred with the Borough Auditor who concurs that for the efficient operation of the Borough there shall be a final Temporary Appropriation adopted for each appropriation that will equal the proposed 2009 budget as introduced.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sea Girt that the 2009 Temporary Appropriations be and the same are hereby amended as identified on the attached schedule.

BE IT FURTHER RESOLVED that the 2009 Revenue be and the same is hereby adopted as identified within the 2009 Budget document and shown on the attached schedule.

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

R-77-2009 Authorize Renewal of Liquor License for Rod's Olde Irish Ale House

RESOLUTION R-77-2009

**BOROUGH OF SEA GIRT
COUNTY OF MONMOUTH
STATE OF NEW JERSEY**

**RESOLUTION TO APPROVE RENEWAL OF PLENARY RETAIL
CONSUMPTION LICENSE FOR RODS OLDE IRISH ALE HOUSE INC.
T/A ROD'S OLDE IRISH TAVERN, 507 WASHINGTON BLVD., SEA
GIRT, NJ**

WHEREAS, an application for renewal of Plenary Retail Consumption License has been filed by Rod's Olde Irish Ale House, Inc., has been properly executed and is accompanied by the State and Borough fees, License Application Certification, and Tax Clearance Certificate;

NOW, THEREFOE BE IT RESOLVED that the Plenary Retail Consumption License #1344-33-002-005, effective from July 1, 2009 to June 30, 2010 be issued to Rod's Olde Irish Ale House, Inc., T/A Rod's Olde Irish Tavern, premises located at 507 Washington Boulevard, Sea Girt, New Jersey.

R-78-2009 Authorize Renewal of Liquor License for Harrigan's Pub

RESOLUTION R-78-2009

**BOROUGH OF SEA GIRT
COUNTY OF MONMOUTH
STATE OF NEW JERSEY**

**RESOLUTION TO APPROVE RENEWAL OF PLENARY RETAIL
CONSUMPTION LICENSE FOR EMERALD SHORE, INC. T/A
HARRIGAN'S PUB, 703 BALTIMORE BLVD., SEA GIRT, NJ**

WHEREAS, an application for renewal of Plenary Retail Consumption License has been filed by Emerald Shore, Inc. t/a Harrigan's Pub, has been properly executed and is accompanied by the State and Borough fees, License Application Certification, and Tax Clearance Certificate;

NOW, THEREFOE BE IT RESOLVED that the Plenary Retail Consumption License #1344-33-001-004, effective from July 1, 2009 to June 30, 2010 be issued to Emerald Shore, Inc. T/A Harrigan's Pub, premises located at 703 Baltimore Boulevard, Sea Girt, New Jersey.

R-79-2009 Authorize Renewal of Liquor License for Fratello's Restaurant

RESOLUTION R-79-2009

**BOROUGH OF SEA GIRT
COUNTY OF MONMOUTH
STATE OF NEW JERSEY**

**RESOLUTION TO APPROVE PLENARY RETAIL CONSUMPTION
LICENSE FOR CG JERSEY, INC T/A FRATELLO'S, 810 THE PLAZA,
SEA GIRT, NJ**

WHEREAS, an application for renewal of Plenary Retail Consumption License has been filed by CG Jersey, Inc. T/A Fratello's, has been properly executed and is accompanied by the State and Borough fees, and License Application Certification;

NOW, THEREFORE BE IT RESOLVED that the Plenary Retail Consumption License #1344-33-003-012, effective from July 1, 2009 to June 30, 2010 be issued to CG Jersey, Inc. T/A Fratello's premises located at 810 The Plaza, Sea Girt, New Jersey.

R-80-2009 Authorize Raffle License for the Sea Girt Lighthouse Citizens Committee

RESOLUTION R-80-2009

**SEA GIRT BOROUGH
COUNTY OF MONMOUTH
STATE OF NEW JERSEY**

**RESOLUTION AUTHORIZING ON-PREMISES 50/50 RAFFLE
LICENSE SEA GIRT LIGHTHOUSE CITIZENS COMMITTEE**

WHEREAS, the Sea Girt Lighthouse Committee, has made application to Council for a raffle license to conduct an ON-PREMISE 50/50 raffle on August 1, raindate will be August 2, 2009, and

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.

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

AYES: Farrell, Niemeyer, Crawley, Fetzer, Bonacci

NAYS: None

ABSTAIN: None

ABSENT: Bogan

APPROVE MINTUES

Council President Niemeyer offered and moved to approve the Regular Meeting 5-13-2009 minutes, Seconded, Councilman Crawley.

The foregoing Council Minutes were approved by the following Roll Call Vote:

AYES: Farrell, Niemeyer, Fetzer, Bonacci

NAYS: None

ABSTAIN: Crawley

ABSENT: Bogan

OPEN DISCUSSION (Council is invited to speak on any subject)

None

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

R-70-2009 Authorize ATM Vendor Contract

RESOLUTION R-70-2009

**BOROUGH OF SEA GIRT
COUNTY OF MONMOUTH
STATE OF NEW JERSEY**

RESOLUTION AUTHORIZING ATM VENDOR AT BEACH

WHEREAS, the Borough of Sea Girt has determined that it is in the best interests of the residents and visitors to the Borough to provide ATM services at the Borough Beach during the summer; and,

WHEREAS, the Borough of Sea Girt has received a proposal from Speed of Service, Inc., with offices at 3005 Clayton Drive, Wall, NJ 07719 to provide and maintain the equipment necessary to facilitate this service.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Sea Girt as follows:

1. The proposal of Speed of Service, Inc., located at 30055 Clayton Drive, Wall, NJ to provide and the equipment to provide ATM services to the Borough Beach patrons from May 23, 2009 through September 25, 2009, inclusive, is hereby accepted at the per-transaction rate of \$1.25.
2. Speed of Service, Inc. shall provide proof of liability insurance in the minimum amount of \$500,000 and shall provide a Certificate of Insurance naming the Borough as an additional insured.
3. Speed of Service, Inc. shall be fully responsible for any and all losses, errors or miscalculations resulting from use of its ATM machine and shall indemnify and hold harmless the Borough of Sea Girt from any and all

claims resulting from the use or misuse of or damage to its equipment while installed on Borough of Sea Girt property.

4. A monthly register of transactions shall be supplied along with the per payment transaction fee to the Borough of \$1.25.
6. Speed of Service, Inc. agrees to remove its equipment from Borough property no later than September 30, 2009.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be supplied to Speed of Service, Inc.

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

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

NAYS: None

ABSTAIN: None

ABSENT: None

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

Ordinance 11-2009 An Ordinance Amending and Supplementing Ordinance # 684 Entitled “ An Ordinance Regulations the Bathing Beaches, Ocean and Areas Contiguous and Thereto in the Borough of Sea Girt and Repealing Ordinance #646 and All Other Prior Ordinances Inconsistent Herewith”

Second Reading

Public Hearing (comments limited to 4 minutes)

ORDINANCE 11-2009

**BOROUGH OF SEA GIRT
COUNTY OF MONMOUTH
STATE OF NEW JERSEY**

**AN ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE
684 ENTITLED “AN ORDINANCE REGULATING THE BATHING
BEACHES, OCEAN AND AREAS CONTINGUOUS AND THERETO IN
THE BOROUGH OF SEA GIRT AND REPEALING ORDINANCE #646
AND ALL OTHER PRIOR ORDINANCES INCONSISTENT
HEREWITH”**

BE IT ORDAINED by the Borough Council of the Borough of Sea Girt in the County of Monmouth and State of New Jersey that:

SECTION 1.

Section 1, Rules and Regulations, subsection (f) is hereby deleted and replaced with the following:

- (f) The following activities are prohibited or restricted as follows:
- i. The throwing of frisbees, paddleballs, footballs and any similar object is prohibited on beaches during bathing hours during the entire beach season, such beach season as established by Resolution of the Borough Council.
 - ii. Games or activities involving the throwing or active use of any object, including but not limited to frisbees, paddleballs, footballs or hardballs of any type, are prohibited on the beach area north of the Beacon Boulevard jetty at all times from March 15 through September 30.
 - iii. Kite flying is prohibited on all beaches at all times from March 15 through September 30.
 - iv. Ball playing may be permitted as follows:
 - a. With the use of a “soft-ball”, defined herein as a ball with no hard cover. Baseballs, lacrosse balls, and softballs as used in the sport known as softball are prohibited at all times; and,
 - b. At such location designated by posted sign or verbal approval of the Borough Administrator, beach manager or chief lifeguard, such location not to impact on or interfere with the use and enjoyment of the beach by other persons, threatened or endangered species areas or habitat or beach access points.
 - c. The Borough Administrator, beach manager or chief lifeguard each retain the discretion to stop or otherwise prohibit ball playing at any time notwithstanding compliance with the above sections of this provision.

Section 1, Rules and Regulations, subsection (g) is amended to read:

It shall be unlawful for the owner or a person having custody or control of a dog to permit or suffer it to be upon the beach between March 15 through September 30, whether leashed or otherwise. At other times of the year the owner or a person having custody or control of a dog may permit or suffer it to be upon the beach only if such dog is securely confined and controlled by an adequate leash not more than six (6) feet in length. The requirements of Ordinance No. 485, Section A7 requiring clean up after any dog are hereby made applicable to the public beach area.

SECTION 2.

All ordinances or parts thereof in conflict or inconsistent with this ordinance are hereby repealed.

SECTION 3.

This ordinance shall take effect when passed and published

The foregoing Ordinance was approved for Adoption and Publication by the following Roll Call Vote:

AYES: Farrell, Niemeyer, Crawley, Fetzer, Bonacci

NAYS: None

ABSTAIN: None

ABSENT: Bogan

The Following Ordinance was tabled until the June 24, 2009 meeting.

Ordinance 14-2009 An Ordinance to Amend and Supplement Ordinance 2007-01 Entitled “ An Ordinance to Amend the Code of the Borough of Sea Girt, Chapter 33 Thereof Entitled “Salaries and Compensations:”

Second Reading

Public Hearing (comments limited to 4 minutes)

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

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.

Ordinance 15-2009 An Ordinance Fixing the Salaries of the Summer Season Employees of the Borough of Sea Girt in the County of Monmouth and State of New Jersey

Second Reading

Public Hearing (comments limited to 4 minutes)

ORDINANCE NO. 15-2009

**BOROUGH OF SEA GIRT
COUNTY OF MONMOUTH
STATE OF NEW JERSEY**

**AN ORDINANCE FIXING THE SALARIES OF THE SUMMER
SEASON EMPLOYEES OF THE BOROUGH OF SEA GIRT IN THE
COUNTY OF MONMOUTH AND STATE OF NEW JERSEY**

BE IT ORDAINED by the Borough Council of the Borough of Sea Girt in the County of Monmouth and State of New Jersey:

SECTION ONE - The salaries to be paid to summer season employees and the time for payment of same are hereby fixed as follows:

1. Beach Manager - \$1,076.02 per week for sixteen weeks, payable bi-weekly.
2. Head Cashier - \$11.44 per hour, payable bi-weekly.
3. Assistant Cashier - \$10.20 per hour, payable bi-weekly.
4. Lifeguard Chief - \$804.69 per week for sixteen weeks, payable bi-weekly.
5. Crew Chief - \$13.19 per hour, payable bi-weekly.
6. Lifeguard – Twenty + Years - \$12.61 per hour, payable bi-weekly.
7. Lifeguard – Fifteenth - Nineteenth Year - \$12.35 per hour, payable bi-weekly.
8. Lifeguard – Tenth - Fourteenth Year - \$12.09 per hour, payable bi-weekly.
9. Lifeguard – Fifth - Ninth Year - \$11.83 per hour, payable bi-weekly.
10. Lifeguard – Fourth Year - \$10.95 per hour, payable bi-weekly.
11. Lifeguard – Third Year - \$10.44 per hour, payable bi-weekly.
12. Lifeguard – Second Year - \$10.20 per hour, payable bi-weekly.
13. Lifeguard – First Year - \$9.66 per hour, payable bi-weekly.
14. Gateguard – Twenty + Years - \$9.33 per hour, payable bi-weekly.
15. Gateguard – Fifteenth – Nineteenth Year - \$9.07 per hour, payable bi-weekly.
16. Gateguard – Tenth – Fourteenth Year - \$8.82 per hour, payable bi-weekly.
17. Gateguard – Fifth – Ninth Year - \$8.56 per hour, payable bi-weekly.
18. Gateguard – Fourth Year - \$8.44 per hour, payable bi-weekly.
19. Gateguard – Third Year - \$8.09 per hour, payable bi-weekly.
20. Gateguard – Second Year - \$7.44 per hour, payable bi-weekly.
21. Gateguard – First Year - \$7.36 per hour, payable bi-weekly.
22. Beach Cleaner - \$7.83 per hour, payable bi-weekly.
23. Rest Room Attendant - \$11.02 per hour, payable bi-weekly.
24. Casual Labor Recreation Commission – an hourly wage not to exceed \$15.45 per hour, payable bi-weekly.
25. Recreation Commission Supervisor – an hourly wage not to exceed \$30.00 per hour, payable bi-weekly. Recreation Commission wages are at the discretion of the Commission Chairperson.

- 26. Jr. Lifeguard Director - \$13.19 per hour, payable bi-weekly.
- 27. Jr. Lifeguard Assistant – an hourly wage not to exceed \$12.36 an hour at the discretion of the Commission Chairperson.
- 28. Summer Recreation Assistant Director – an hourly wage not to exceed \$30.00 per hour, payable bi-weekly.
- 29. Additional certifications .52 for lifeguards and crew chiefs per hour - Additional Steps Lifeguards and cashiers .26 to .77 per hour. Restroom Attendant .26 per hour payable bi-weekly
- 30. Emergency Management Coordinator \$4,500 Annually

SECTION TWO – All ordinances or parts of ordinances in conflict with this ordinance or any part thereof are hereby repealed.

SECTION THREE – This ordinance shall take effect upon final passage and publication pursuant to law.

The foregoing Ordinance was approved for Adoption and Publication by the following Roll Call Vote:

AYES: Farrell, Niemeyer, Crawley, Fetzer, Bonacci

NAYS: None

ABSTAIN: None

ABSENT: Bogan

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

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.

Ordinance 16-2009 An Ordinance Authorizing the Execution, Acknowledgement and Delivery by the Borough of Sea Girt, in the County of Monmouth, State of New Jersey, of a Manasquan Reservoir Water Treatment System Treated Water Purchase Contract with the Southeast Monmouth Municipal Utilities Authority in Relation to Among Other Things, the Treatment and Transmission of Water by Such Authority
Second Reading

Public Hearing (comments limited to 4 minutes)

ORDINANCE 16-2009

**BOROUGH OF SEA GIRT
COUNTY OF MONMOUTH**

STATE OF NEW JERSEY

**ORDINANCE AUTHORIZING THE EXECUTION,
ACKNOWLEDGMENT AND DELIVERY BY THE
BOROUGH OF SEA GIRT, IN THE COUNTY OF
MONMOUTH, STATE OF NEW JERSEY, OF A
MANASQUAN RESERVOIR WATER TREATMENT
SYSTEM TREATED WATER PURCHASE CONTRACT
WITH THE SOUTHEAST MONMOUTH MUNICIPAL
UTILITIES AUTHORITY IN RELATION TO, AMONG
OTHER THINGS, THE TREATMENT AND
TRANSMISSION OF WATER BY SUCH AUTHORITY**

WHEREAS, pursuant to the Municipal and County Utilities Authorities Law, constituting Chapter 183 of the Laws of New Jersey of 1957, as amended and supplemented (N.J.S.A. 40:14B-1 *et seq.*) (the “Act”), the governing bodies of the Boroughs of Brielle, Sea Girt, Spring Lake and Spring Lake Heights and the Township of Wall (each individually, the “Municipality” or collectively, the “Municipalities”), by their respective ordinances created The Southeast Monmouth Municipal Utilities Authority (the “Authority”) as a public body politic and corporate of the State, organized and existing under the Act; and

WHEREAS, the Authority is charged with the accumulation, supply or distribution of water and to provide for such utility services to the Municipalities; and

WHEREAS, the Borough of Sea Girt, located in the County, a municipal corporation of the State (the “Borough”), along with the other Municipalities and the Authority is in the process of acquiring the Manasquan Water Treatment Plant and Transmission System (the “System”) from the Monmouth County Improvement Authority; and

WHEREAS, the Borough and the Authority have determined to enter into a Manasquan Reservoir Water Treatment System Treated Water Purchase Contract (the “Water Purchase Contract”) in accordance with the Act to provide for the payment of certain costs in connection with the use of the System and payment for water by the Borough in accordance with N.J.S.A. 40:14B-49 and other provisions of the Act; and

WHEREAS, the Borough believes: (i) it is in the public interest to accomplish such purpose; (ii) said purpose is for the health, welfare, convenience or betterment of the inhabitants of the Borough; and (iii) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the Borough and will not create an undue financial burden to be placed upon the Borough.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE BOROUGH OF SEA GIRT, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, as follows:

Section 1. The Mayor and/or the Chief Financial Officer of the Borough (each an “Authorized Officer”) are hereby each authorized and directed, upon the satisfaction of all the legal conditions precedent to the execution or acknowledgment and delivery by the Borough of the Water Purchase Contract, to execute or acknowledge said document on behalf of the Borough, in accordance with N.J.S.A. 40:14B-49 and other provisions of the Act for the purpose of providing for the treatment and transmission of water and the payment of certain costs in connection with the use of the System by the Borough. The form of the Water Purchase Contract, attached hereto as Exhibit A, is hereby approved, along with any and all changes, insertions or omissions, as an Authorized Officer of the Borough, may deem, upon the advice of Counsel, necessary and advisable to be made to such Water Purchase Contract. The execution by such Authorized Officer of the Water Purchase Contract with such changes, insertions or omissions, shall be conclusive evidence of the approval of such changes, insertions or omissions, and no further ratification or other action by the Borough shall be required with respect thereto.

Section 2. The full faith and credit of the Borough are hereby pledged to the punctual payment of the payment obligations set forth in the Water Purchase Contract, including the Annual Payment. The Purchaser’s Share of Treatment Facilities Debt Service Cost set forth in (a) of the definition of Annual Payment, the Purchaser’s Share of Transmission Facilities Debt Service Cost set forth in (b) of the definition of Annual Payment and the Purchaser’s Share of Debt Service Costs on Additional Output Capacity Bonds set forth in (h) of the definition of Annual Payment and any other payment of debt service costs of the Authority by the Borough to pay for and secure debt service on the Authority’s bonds or other obligations shall be considered the equivalent of debt service of the Borough and shall be a direct, unlimited and general obligation of the Borough, not subject to annual appropriation by the Borough, and unless paid from other sources, the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of the such debt service costs without limitation as to rate or amount. All other amounts payable by the Borough and set forth in (c), (d), (e), (f), (g), (i), (j) and (k) of the definition of Annual Payment and any other payments of operating, maintenance and administrative costs of the Authority by the Borough shall be considered the equivalent of operating expenses of the Borough.

Section 3. The Clerk of the Borough is hereby authorized and directed, upon the execution or acknowledgment of the Water Purchase Contract in accordance with the terms of Section 1 hereof, to attest to the Authorized Officer’s execution or acknowledgment of such document, and is hereby further authorized and directed to thereupon affix the seal of the Borough to such documents.

Section 4. Upon the execution or acknowledgment and attestation of, and if required, the placing of the seal on the Water Purchase Contract as contemplated by Sections 1 and 2 hereof, the Authorized Officer is hereby authorized and directed to (i) deliver the fully executed or acknowledged, attested and sealed document to the other parties thereto and (ii) perform such other actions as the Authorized Officer deems necessary, desirable or convenient in relation to the execution and delivery thereof.

Section 5. A public hearing shall be held on this ordinance on June 10, 2009 at Sea Girt Elementary School, Sea Girt, New Jersey.

Section 6. The Borough Clerk is hereby directed to publish and post notice of this ordinance as required by law.

Section 7. Upon the adoption hereof, the Borough Clerk shall forward certified copies of this ordinance to the Mayor, Chief Financial Officer, Borough Attorney, the Authority, and Bond Counsel to the Authority.

Section 8. Capitalized terms used herein and not otherwise defined shall have the meanings ascribed to them in the Water Purchase Contract.

Section 9. This ordinance shall take effect at the time and in the manner prescribed by law.

The foregoing Ordinance was approved for Adoption and Publication by the following Roll Call Vote:

AYES: Farrell, Niemeyer, Crawley, Fetzer, Bonacci

NAYS: None

ABSTAIN: None

ABSENT: Bogan

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

Ordinance 13-2009 An Ordinance Repealing Ordinance #844 and Providing for the Registration and Regulation of Taxi, Autocabs and Other Vehicles Engaged in the Business of Carrying Passengers for Hire, and the Owners and Drivers Thereof and the Business of Operating Taxis, Fixing License Fees, and Providing for Penalties for the Violation Thereof

Second Reading

Public Hearing (comments limited to 4 minutes)

Councilman Bonacci gave an overview of the ordinance and its purpose:

What we are really changing are the issues of accountability and just recording purposes. What makes this ordinance different from the previous ordinance is the requirements that have licenses and insurance on file with our Clerk's department. The issue is also the background check issue which extended the number of licenses to owners from 5 to 15 with an unlimited number of drivers. We also changed the fees, which I will address in a moment. It really called upon some of the state statues on whether there is a violation. After speaking with the police departments, some residents, and some owners, there are some issues I would like to bring up. I want the owners to know that if there is a violation, with background checks and what have you, that is not in any way, shape, or form an automatic invalidation. Just like the old ordinance, this ordinance says that the owner's license is granted upon discretion from the council. Just like a driver's license, this does not limit the operator to operate within the Borough of Sea Girt. All owners' licenses are really at the discretion of the council. So, a violation does not really invalidate this at all. One issue that is very important, after speaking with our police department, is the issue of a prominent display of the license on the vehicle likely to have some sort of serial number so our police department can know who the approved operators are in the Borough. We will have that license, on file. It will be at least two inches high on the vehicle. As far as the fees go, what I am proposing tonight is really to reduce the fees. They were originally \$50 for owners and \$50 for drivers. I had proposed that it'd be raised to \$350 and then subsequently \$100 for each vehicle after that. Because of the cost associated with the background checks and what have you, what I'd like the Council to consider is \$350 which includes the owner because of the difference of cost which can run to \$110 to \$120 per a driver. Therefore, that fee of \$350 would include five cabs and five drivers. So, there is not actually more money involved here at all, it might just be equal. Instead of charging five cabs at \$50 for \$250, the flat fee of \$350 which would include up to five vehicles and five drivers and reduce the cost associated. If there are more than five drivers, then it's back to where it used to be and that's \$50 a driver. Given what we know is going to be a rise in gas prices I suggest that we strike the \$1.50 fair within the Borough. Like we do with the beach, perhaps we should consider amending that every year by resolution to the given economic conditions. For the sake of rising gas prices that have once gone to \$3.50 I would consider we strike that completely from the ordinance. Then the companies themselves would set their charges. The overall of this ordinance and the main purpose has not been changed, but a lot of it has been changed. Yet, this is for the legitimate businessman who is providing a good service to the community and making it harder for those businessmen who do not wish to have the proper licenses and insurance. The illegitimate drivers shouldn't be in the town in the first place. That's the purpose of this ordinance. I am very concerned about safety and giving incentive to get the creditable, reputable owners to come into town.

Councilman Fetzer asked if Council would be able to make these changes & vote on the ordinance tonight. Mr. Brennan, Borough Attorney, stated that the ordinance would need to be republished due to the types of changes and the public hearing could continue but the vote would have to wait until the next council meeting.

Councilman Crawley questioned the insurance liability and the amounts. Mr. Brennan stated that there is a State Statute that sets up the minimum amount of coverage.

Council President Niemeyer asked if we had a place for the cabs to go to eliminate them from circling the block. Councilman Bonacci stated that our ordinance gives great discretion to our police department to decide exactly how they want to handle the matter. Mr. Brennan read Section 18a: The ranking or senior Borough police officer on duty may, in the event, the number of people at any location seeking transportation from taxi/autocabs creates or may create a safety concern and or may create a disturbance of the peace, may establish a temporary taxi stand at any public location, such temporary taxi stand to be designated by temporary traffic signs or other traffic devices identifying the Temporary Taxi Stand. The provisions of Section 18 applicable to Taxi Stands shall be applicable to Temporary Taxi Stands.

Mayor Clemmensen opened the meeting to the public.

John, owner of Johnny Babe's Taxi, commented about the rates and was glad they changed it and there are too many cabs and cars that can be near the Parker House. Taxis can't pull in because there are empty vans sitting there. Taxi owners want to be able to pull up to the curb and drop people off safely.

Liam, Leon's Transportation, commented on the background checks and that they are a good idea. There is a criterion for certain kind of licenses you should use (commercial) and some of the background check work is already done by the state. Yet, the state laws only check people who transport more than 5 people and he thinks guidelines for commercial licenses should be used for taxi cab licenses.

Chief Sidley commented that the taxi stands are not full all of the time and they are very diligent in trying to keep them moving. This ordinance came about because you the consistent taxi companies in the area came to us with the issues and as for the number of cabs, we cannot kick cabs out of town just because they are from out of the area. And the goal is to establish a set of rules so that we can cut down on the amount of cabs down there.

John, Johnny Babe's Taxi, asked the Chief if there is any way that they would be able to pick up their passengers by the lighthouse. They use to do that but now the police aren't letting us do that and he understands not being able to do that later in the night but doesn't see why that wouldn't be allowed earlier in the evening. Chief Sidley stated that they have tried everything they could think of at the Parker House to make the dropping off and picking up processes safer and that is why they are going through with this ordinance.

Tim Smith representing Coast Cities commented that maybe the solution to what Johnny brought up about being able to drop off at the curb would be to set up 2 staging areas. One for picking up and one for dropping off and that may eliminate the circling. As far as the background checks we all get them every year and they are kept on file with the State Police. We have to renew our licenses every year and get background checks so they are up to date every year.

Chief Sidley commented that he would have to look into that but feels that the flow of people is more like the tide and to have one area designated & then have to change it or need to adjust things may not work.

Ken Leopard, Ocean Transport, commented that the dropping off is overrated and the cops do a great job at regulating the drop-offs and they work very smoothly, but the picking-up is an issue. There should be two areas; one area for mini-vans and another area for 5-15 passenger vans. The essential problem is getting rid of the big vans.

Councilman Farrell stated that they've looked into First Avenue pick-up but this cannot be done because it's a county road. The other side of this is that this is a residential neighborhood. A lot of people don't have a lot of parking in the area and they park on the street, especially around the Parker House. We need a solution for the extra spots around the Parker House.

Tyler Walzack, Wally's Transportation, commented that he thinks Johnny's issue of being able to pick-up the passengers that they dropped off if they choose and that maybe The Parker House should look into making a section of the parking lot around the Parker House for scheduled pick-ups. People have the right to choose which cabs pick them up. It'd be a lot safer to pick up people at the drive-way then in the street. Cabs should be organized by where they are going. Example would be that cabs going to Wall in one spot and Spring Lake another.

Chief Sidley commented that once the ordinance goes through; it should significantly reduce poaching (other cabs stealing passengers) and once the licenses are issued that's when the cab companies are going to have to step up to the plate on this issue.

Eric, AC Liberty, commented the he prepared a diagram for two different staging areas and that the traffic is the biggest issue. Also, the large and small vehicles do not mix well so extending the line so the big vans are down on Ocean Ave and the taxi line itself should go around the Parker House. If you're in that line and just sitting there, you may think about how you're just sitting in that line and not making money elsewhere and this should cut down on the traffic.

Steve with Squan Taxi commented that policy around the insurance is awfully high. There should be more effort to look at the numbers in order to keep the reputable

people around. By giving out 15 licenses (owners) and unlimited drivers, you're really not cutting down on any traffic.

NEW BUSINESS

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

R-81-2009 Authorize Hiring of Part-Time Dispatchers

RESOLUTION R-81-2009

BOROUGH OF SEA GIRT COUNTY OF MONMOUTH STATE OF NEW JERSEY

RESOLUTION TO HIRE TWO PART-TIME DISPATCHERS IN THE POLICE DEPARTMENT

WHEREAS, the Sea Girt Police Department has a need for part-time dispatchers in, and

WHEREAS, they are considered a part-time employees of the Borough and therefore not entitled to the benefits afforded full-time permanent employees, and

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Sea Girt as follows:

1. Matt Eiseman is hereby employed by the Borough of Sea Girt, effective May 18, 2009 at an hourly rate of \$10.00.
2. Dana Naranjo is hereby employed by the Borough of Sea Girt, effective May 18, 2009 at an hourly rate of \$10.00.

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

AYES: Farrell, Niemeyer, Crawley, Fetzer, Bonacci

NAYS: None

ABSTAIN: None

ABSENT: Bogan

Council President Niemeyer offered and moved the following Resolution, Seconded, Councilman Fetzer.

R-82-2009 Affirming Change Order for Improvements to First Avenue

RESOLUTION R-82-2009

**BOROUGH OF SEA GIRT
COUNTY OF MONMOUTH
STATE OF NEW JERSEY**

**RESOLUTION AFFIRMING CHANGE ORDER FOR IMPROVEMENTS
TO FIRST AVENUE**

WHEREAS, a contract was awarded to Earle Asphalt Company, Inc. in the amount of \$230,913.13 in connection with the Improvements to First Avenue contract, and

WHEREAS, the Borough Council must affirm and approve the following changes orders, and

WHEREAS, it is necessary to provide a complete list of change orders reduced to writing in the form of a resolution, and

WHEREAS, these change orders are approved as follows:

- A. Change Order #1, this contract change is a result of changes in quantities and results in a net change of price as an additional amount of \$5,931.46 making the new total of the contract \$236,844.59 a representation of a 2.56% increase in the amount of the total contract value, and

WHEREAS, the amount of the contract for First Avenue Improvements shall be \$236,844.59, and

WHEREAS, the Chief Financial Officer has reviewed the Change Order #1 in the amount of \$5,931.46 and certifies that funds are available in the First Avenue Improvements Project for the said change order, and

WHEREAS, the change orders and respective Resolution is available for inspection by the public at the Office of the Clerk of the Borough of Sea Girt.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Sea Girt, does hereby authorize the above change orders as presented by the Borough Engineer, Leon S. Avakian, Inc.

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

AYES: Farrell, Niemeyer, Crawley, Fetzer, Bonacci

NAYS: None

ABSTAIN: None

ABSENT: Bogan

Council President Niemeyer offered and moved the following Ordinance as amended, Seconded, Councilman Crawley.

Ordinance 18-2009 A Bond Ordinance Providing an Appropriation of \$4,295,000 for Improvements for the Water Utility in and by the Borough of Sea Girt, in the County of Monmouth, New Jersey Authorizing the Issuance of \$4,295,000 Bonds or Notes of the Borough for Financing Part of the Appropriation.

Introduction

Public Hearing 6-24-2009

ORDINANCE #18-2009

**BOND ORDINANCE PROVIDING AN
APPROPRIATION OF \$4,295,000 FOR
IMPROVEMENTS FOR THE WATER UTILITY IN
AND BY THE BOROUGH OF SEA GIRT, IN THE
COUNTY OF MONMOUTH, NEW JERSEY AND
AUTHORIZING THE ISSUANCE OF \$4,295,000
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 improvement described in Section 3 of this Bond Ordinance (the "Improvement") is hereby authorized to be undertaken by the Borough of Sea Girt, in the County of Monmouth, New Jersey (the "Borough") as a general improvement. For the said Improvement there is hereby appropriated the amount of \$4,295,000. No down payment is 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") as the purpose authorized herein is deemed self-liquidating and the obligations authorized herein are deductible from the gross debt of the Borough, as more fully explained in Section 6(e) of this ordinance.

SECTION 2:

In order to finance the additional cost of the Improvement not covered by application of the Down Payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$4,295,000 pursuant to the provisions of the Local Bond Law (the "Bonds"). In anticipation of the issuance of the Bonds and to temporarily finance said Improvement or purposes, negotiable bond anticipation notes of the Borough are hereby authorized to be issued in the principal amount not exceeding \$4,295,000 pursuant to the provisions of the Local Bond Law (the "Bond Anticipation Notes" or "Notes").

SECTION 3:

(a) The Improvements hereby authorized and the purposes for the financing of which said obligations are to be issued is for improvements to the water utility including but not limited to, water

treatment plant upgrades, rehabilitation of well nos. 6 and 7, elevated water tank rehabilitation, and water distribution system improvements, and including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvement is \$4,295,000.

(c) The estimated cost of the Improvement is \$4,295,000 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 municipal finance 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 Acting Municipal Clerk and is available for public inspection.

SECTION 6:

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

(a) The Improvement described in Section 3 of this Bond Ordinance is not a current expense, and is a capital improvement or property 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 period of usefulness of the Improvement, within the limitations of the Local Bond Law, taking into consideration the respective amounts of all obligations authorized for such purpose, according to the reasonable life thereof computed from the date of the Bonds authorized by this Bond Ordinance, is 40 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough 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 \$4,295,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

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

(e) This bond ordinance authorizes obligations of the Borough solely for a purpose described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for a purpose that is deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c).

SECTION 7:

Any funds or grant monies received for the purpose described in Section 3 of this Ordinance shall be used for financing said Improvement by application thereof either to direct payment of the cost of said Improvement 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 Improvement 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 Improvement 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 cost of the Improvement is \$4,295,000.

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 and Publication by the following Roll Call Vote:

AYES: Farrell, Niemeyer, Crawley, Fetzer, Bonacci

NAYS: None

ABSTAIN: None

ABSENT: Bogan

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

R-83-2009 Resolution of the Borough of Sea Girt Directing Application Be Made to the Local Finance Board Pursuant to N.J.S.A 58:1158:11B-9(a) and 40A:2-26(e).

RESOLUTION R-83-2009

**BOROUGH OF SEA GIRT
COUNTY OF MONMOUTH
STATE OF NEW JERSEY**

**RESOLUTION OF THE BOROUGH OF SEA GIRT
DIRECTING APPLICATION BE MADE TO THE LOCAL
FINANCE BOARD PURSUANT TO N.J.S.A. 58:11B-9(a)
and 40A:2-26(e).**

WHEREAS, THE BOROUGH OF SEA GIRT (the "Borough") desires to make application to the Local Finance Board for its review of a proposed project financing in connection with a loan through the New Jersey Environmental Infrastructure Trust and approval to use a non-conforming maturity schedule for various improvements to the water utility including but not limited to, water treatment plant upgrades, rehabilitation of well nos. 6 and 7, elevated water tank rehabilitation, and water distribution system improvements; and

WHEREAS, THE BOROUGH OF SEA GIRT believes that:

- (a) it is in the public interest to accomplish such purposes,
- (b) said purposes or improvements are for the health, welfare, convenience or betterment of the inhabitants of the local unit or units,
- (c) the amounts to be expended for said purposes or improvements are not unreasonable or exorbitant,
- (d) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the local unit or units and such purposes or improvements will not cause any undue financial burden to be placed upon the local unit or units,

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH OF SEA GIRT, as follows:

Section 1. Application to the Local Finance Board for consideration by said Board of the Borough's proposed project financing and waiver for a non-conforming maturity schedule is hereby approved and the Borough's Bond Counsel, along with the other representatives of the Borough, are hereby authorized to prepare such application and to represent the Borough in the matters pertaining thereto.

Section 2. The Clerk of the Borough is hereby directed to cause a copy of this resolution to be filed with the Local Finance Board as a part of such application.

The foregoing Resolution was approved by the following Roll Call Vote:
AYES: Farrell, Niemeyer, Crawley, Fetzer, Bonacci
NAYS: None

ABSTAIN: None
ABSENT: Bogan

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

R-84-2009 Resolution Determining the Form and Other Details of Not Exceeding \$4,295,000 General Obligation Bonds, Series 2009 of the Borough of Sea Girt, in the County of Monmouth, New Jersey and Providing for Their Sale to the New Jersey Environmental Infrastructure Trust and the State of New Jersey Pursuant to the 2009 New Jersey Environmental Infrastructure Trust Financing Program

RESOLUTION R-84-2009

**BOROUGH OF SEA GIRT
COUNTY OF MONMOUTH
STATE OF NEW JERSEY**

**RESOLUTION DETERMINING THE FORM
AND OTHER DETAILS OF NOT
EXCEEDING \$4,295,000 GENERAL
OBLIGATION BONDS, SERIES 2009 OF THE
BOROUGH OF SEA GIRT, IN THE COUNTY
OF MONMOUTH, NEW JERSEY AND
PROVIDING FOR THEIR SALE TO THE
NEW JERSEY ENVIRONMENTAL
INFRASTRUCTURE TRUST AND THE
STATE OF NEW JERSEY PURSUANT TO
THE 2009 NEW JERSEY ENVIRONMENTAL
INFRASTRUCTURE TRUST FINANCING
PROGRAM**

June 10, 2009

WHEREAS, the Borough of Sea Girt (the "Local Unit") in the County of Monmouth, New Jersey, has determined that there exists a need within the Local Unit to acquire, construct, renovate or install the Project (the "Project"), as defined in each of that certain Loan Agreement (the "Trust Loan Agreement") to be entered into by and between the Local Unit and the New Jersey Environmental Infrastructure Trust (the "Trust") and that certain Loan Agreement (the "Fund Loan Agreement" and together with the Trust Loan Agreement, the "Loan Agreements") to be entered into by and between the Local Unit and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection (the "State"), all pursuant to the 2009 New Jersey Environmental Infrastructure Trust Financing Program (the "Program");

WHEREAS, the Local Unit has determined to finance the acquisition, construction, renovation or installation of the Project with the proceeds of a loan to be made by each of the Trust (the "Trust Loan") and the State (the "Fund Loan" and together with the Trust Loan, the "Loans") pursuant to the Trust Loan Agreement and the Fund Loan Agreement, respectively;

WHEREAS, to evidence the Loans, each of the Trust and the State require the Local Unit to authorize, execute, attest and deliver the Local Unit's General Obligation Bonds, Series 2009A to the Trust in an aggregate principal amount not to exceed \$2,200,000 (the "Trust Loan Bond") and General Obligation Bonds, Series 2009B to the State in the aggregate principal amount not to exceed \$2,095,000 (the "Fund Loan Bond" and together with the Trust Loan Bond, the "Local Unit Bonds") pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the "Local Bond Law"), other applicable law and the Loan Agreements; and

WHEREAS, N.J.S.A. 40A:2-27(a)(2) of the Local Bond Law allows for the sale of the Trust Loan Bond and the Fund Loan Bond to the Trust and the State, respectively, without any public offering, and N.J.S.A. 58:11B-9(a) allows for the sale of the Trust Loan Bond to the Trust, without any public offering, all under the terms and conditions set forth herein.

NOW, THEREFORE, BE IT RESOLVED by a 2/3 vote of the full membership of the governing body of the Local Unit as follows:

Section 1. In accordance with N.J.S.A. 40A:2-27(a)(2) of the Local Bond Law and N.J.S.A. 58:11B-9(a), the Local Unit hereby sells and awards its (a) Trust Loan Bond in an aggregate principal amount not to exceed \$2,200,000 to the Trust in accordance with the provisions hereof and (b) Fund Loan Bond in an aggregate principal amount not to exceed \$2,095,000 to the State in accordance with the provisions hereof. The Local Unit Bonds have been referred to and are described in bond ordinance #18-2009 of the Local Unit, which bond ordinance is entitled "BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$4,295,000 FOR IMPROVEMENTS FOR THE WATER UTILITY IN AND BY THE BOROUGH OF SEA GIRT, IN THE COUNTY OF MONMOUTH, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$4,295,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION" and was finally adopted by the Local Unit at a meeting thereof duly called and held on June 24, 2009, at which time a quorum was present and acted throughout, all pursuant to the terms of the Local Bond Law and other applicable law.

Section 2. The Chief Financial Officer of the Local Unit (the "Chief Financial Officer") is hereby authorized to determine, in accordance with the Local Bond Law and pursuant to the terms and conditions established by the Trust and the State under the Loan Agreements and the terms and conditions hereof, the following items with respect to the Trust Loan Bond and the Fund Loan Bond:

- (a) The aggregate principal amounts of the Trust Loan Bond and the Fund Loan Bond to be issued;
- (b) The maturity and annual principal installments of the Local Unit Bonds, which maturity shall not exceed forty (40) years;
- (c) The date of the Local Unit Bonds;
- (d) The interest rates of the Local Unit Bonds;
- (e) The purchase price for the Local Unit Bonds; and
- (f) The terms and conditions under which the Local Unit Bonds shall be subject to redemption prior to their stated maturities.

Section 3. Any determination made by the Chief Financial Officer pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the Local Unit Bonds by the parties authorized under Section 4(c) hereof.

Section 4. The Local Unit hereby determines that certain terms of the Local Unit Bonds shall be as follows:

- (a) The Trust Loan Bond shall be issued in a single denomination and shall be numbered T-1. The Fund Loan Bond shall be issued in a single denomination and shall be numbered F-1;
- (b) The Local Unit Bonds shall be issued in fully registered form and shall be payable to the registered owners thereof as to both principal and interest in lawful money of the United States of America; and
- (c) The Local Unit Bonds shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under official seal or facsimile thereof affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Local Unit Clerk.

Section 5. The Trust Loan Bond and the Fund Loan Bond shall be substantially in the form set forth in the Trust Loan Agreement and the Fund Loan Agreement, respectively.

Section 6. The law firm of Gibbons P.C., is hereby authorized to arrange for the printing of the Local Unit Bonds, which law firm may authorize McCarter & English, LLP, bond counsel to the Trust and the State for the Program, to arrange for same. The Local Unit auditor is hereby authorized to prepare the financial information necessary in connection with the issuance of the Local Unit Bonds. The Mayor, Chief Financial Officer and the Local Unit Clerk are hereby authorized to execute any certificates necessary or desirable in connection with the financial and other information.

Section 7. The terms of the Local Unit Bonds authorized to be set forth by the Chief Financial Officer in accordance with Section 2 hereof shall be ratified by the affirmative vote of 2/3 of the full membership of the governing body of the Local Unit.

Section 8. The Mayor and the Chief Financial Officer are hereby severally authorized to execute any certificates or documents necessary or desirable in connection with the sale of the Local Unit Bonds, and are further authorized to deliver same to the Trust and the State upon delivery of the Local Unit Bonds and the receipt of payment therefor in accordance with the Loan Agreements.

Section 9. This resolution shall take effect immediately.

Section 10. Upon the adoption hereof, the Local Unit Clerk shall forward certified copies of this resolution to John Draikiwicz, Esq., Gibbons P.C., bond counsel to the Local Unit, and Richard Nolan, Esq., McCarter & English, LLP, bond counsel to the Trust.

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

AYES: Farrell, Niemeyer, Crawley, Fetzer, Bonacci

NAYS: None

ABSTAIN: None

ABSENT: Bogan

Council President Niemeyer offered and moved the following Resolution, Seconded, Councilman Farrell.

R-85-2009 Authorizing the Execution and Delivery of Loan Agreements to be Executed by the Borough of Sea Girt and Each of the New Jersey Environmental Infrastructure Trust and the State of New Jersey, Acting by and through the Department of Environmental Protection, and Further Authorizing the Execution and Delivery of an Escrow Agreement, All Pursuant to the 2009 New Jersey Environmental Infrastructure Trust Financing Program

RESOLUTION R-85-2009

**BOROUGH OF SEA GIRT
COUNTY OF MONMOUTH
STATE OF NEW JERSEY**

**RESOLUTION AUTHORIZING THE
EXECUTION AND DELIVERY OF LOAN
AGREEMENTS TO BE EXECUTED BY THE
BOROUGH OF SEA GIRT AND EACH OF THE
NEW JERSEY ENVIRONMENTAL
INFRASTRUCTURE TRUST AND THE STATE
OF NEW JERSEY, ACTING BY AND THROUGH
THE DEPARTMENT OF ENVIRONMENTAL
PROTECTION, AND FURTHER AUTHORIZING
THE EXECUTION AND DELIVERY OF AN
ESCROW AGREEMENT, ALL PURSUANT TO
THE 2009 NEW JERSEY ENVIRONMENTAL
INFRASTRUCTURE TRUST FINANCING
PROGRAM**

June 10, 2009

WHEREAS, the Borough of Sea Girt (the "Local Unit") in the County of Monmouth, New Jersey, has determined that there exists a need within the Local Unit to acquire, construct, renovate or install the Project (the "Project"), as defined in each of that certain Loan Agreement (the "Trust Loan Agreement") to be entered into by and between the Local Unit and the New Jersey Environmental Infrastructure Trust (the "Trust") and that certain Loan Agreement (the "Fund Loan Agreement" and together with the Trust Loan Agreement, the "Loan Agreements") to be entered into by and between the Local Unit and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection (the "State"), all pursuant to the 2009 New Jersey Environmental Infrastructure Trust Financing Program (the "Program");

WHEREAS, the Local Unit has determined to finance the acquisition, construction, renovation or installation of the Project with the proceeds of a loan to be made by each of the Trust (the "Trust Loan") and the State (the "Fund Loan", and together with the Trust Loan, the "Loans") pursuant to the Trust Loan Agreement and the Fund Loan Agreement, respectively;

WHEREAS, to evidence the Loans, each of the Trust and the State require the Local Unit to authorize, execute, attest and deliver the Local Unit's General Obligation Bonds, Series 2009A to the Trust in an aggregate principal amount not to exceed \$2,200,000 (the "Trust Loan Bond") and the Local Unit's

General Obligations Bonds, Series 2009B to the State in the aggregate principal amount not to exceed \$2,095,000 (the "Fund Loan Bond", and together with the Trust Loan Bond, the "Local Unit Bonds") pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the "Local Bond Law"), other applicable law and the Loan Agreements; and

WHEREAS, the Trust and the State have expressed their desire to close in escrow the making of one or more of the Loans, the issuance of one or more of the Local Unit Bonds and the execution and delivery of one or more of the Loan Agreements, all pursuant to the terms of an Escrow Agreement (the "Escrow Agreement") to be entered into by and among the Trust, the State, the Local Unit and the escrow agent named therein.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Local Unit as follows:

Section 1. The Trust Loan Agreement, the Fund Loan Agreement and the Escrow Agreement (collectively, the "Financing Documents") are hereby authorized to be executed and delivered on behalf of the Local Unit by either the Mayor or the Chief Financial Officer in substantially the forms attached hereto as Exhibit A, B and C, respectively, with such changes as the Mayor or the Chief Financial Officer (each an "Authorized Officer"), in their respective sole discretion, after consultation with counsel and any advisors to the Local Unit (collectively, the "Local Unit Consultants") and after further consultation with the Trust, the State and their representatives, agents, counsel and advisors (collectively the "Program Consultants", and together with the Local Unit Consultants, the "Consultants"), shall determine, such determination to be conclusively evidenced by the execution of such Financing Documents by an Authorized Officer as determined hereunder. The Local Unit Clerk is hereby authorized to attest to the execution of the Financing Documents by an Authorized Officer of the Local Unit as determined hereunder and to affix the corporate seal of the Local Unit to such Financing Documents.

Section 2. The Authorized Officers of the Local Unit are hereby further severally authorized to (i) execute and deliver, and the Local Unit Clerk is hereby further authorized to attest to such execution and to affix the corporate seal of the Local Unit to, any document, instrument or closing certificate deemed necessary, desirable or convenient by the Authorized Officers or the Local Unit Clerk, as applicable, in their respective sole discretion, after consultation with the Consultants, to be executed in connection with the execution and delivery of the Financing Documents and the consummation of the transactions contemplated thereby, which determination shall be conclusively evidenced by the execution of each such certificate or other document by the party authorized hereunder to execute such certificate or other document, and (ii) perform such other actions as the Authorized Officers deemed necessary, desirable or convenient in relation to the execution and delivery thereof.

Section 3. This resolution shall take effect immediately.

Section 4. Upon the adoption hereof, the Local Unit Clerk shall forward certified copies of this resolution to John D. Draikiwicz, Esq., Gibbons P.C., Bond Counsel to the Local Unit and Richard Nolan, Esq., McCarter & English, LLP, Bond Counsel to the Trust.

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

AYES: Farrell, Niemeyer, Crawley, Fetzer, Bonacci

NAYS: None

ABSTAIN: None

ABSENT: Bogan

COUNCIL REPORTS

Councilman Farrell read the Beach Report:

Council 6/10/09
Beach Report
Jim Freda

Overall daily attendance has been down.

2009 Badge Sales Update:

Dailies sold to date = 2471
Seasons sold to date = 3813
Seniors sold to date = 311

Total Revenue including all fees + bath house lockers, kayaks, catamarans, and other =
\$ 389,396.00

(no catamarans have been sold to date)

In Comparison to 2008 to Date

Dailies sold to date = 3628
Seasons = 4298
Seniors = 268

Total Revenue including all fees + bath house lockers, kayaks, catamarans, and other =
\$388,472.00

Again this year we will be implementing the Wreck Pond 24-hour Rain Provisional Beach Closure Policy

North Beach-Beacon/Wreck Pond 24 Hr Rain Provisional Beach Closure Policy

Due to >.1inch of rain the day/night before North Beach/Beacon Beach will be closed on the ensuing day as a precautionary measure. North Beach/Beacon has been closed 2 days to date so far this summer.

Monday 5/25 .12 inches of rain/24hrs on Sunday night 5/24

Saturday 6/6 .88 inches of rain/24 hrs on Friday 6/5

In 2008 North Beach was closed 13 days during the season.

Again this year our water quality will be monitored by the Monmouth County Health Department.

Cooperative Coastal Monitoring Program/Water Quality

The Monmouth County Health Department samples the Terrace, Beacon, Chicago, Philadelphia, and Neptune beaches every Monday. Incubation period is 24 hours for cultures. If bacterial levels are elevated we are notified the next day. If levels exceed the standard for two consecutive days the bathing beach is closed. The beach will remain closed until subsequent daily monitoring indicates that the bacterial level is below the threshold for closures. The enterococcus bacterial level standard is 104 per 100 ml of sample. Information pertaining to the weekly levels for all monitored beaches in the County can be found on the web at www.state.nj.us/dep/beaches/mc.html.

Lifeguard Update:

To date: No rescues or assists.

We will also monitor and record the following again this year:

First Aid Cases/Misc

Abrasions 2
Allergic rash
Arrests
Coast Guard Assist
Contusions
Eye Injury

Fight on Beach
First Aid Response
Heat Exhaustion
Hit by Umbrella
Insect Bites
Lacerations
MVA
Neck and Back Injuries
Police Assist
Pre Season Rescues
Splinter
Unconscious
Use of Oxygen
First Aid Response/Town Beach Area 1

Sea Girt is a National USLA (United States Lifesaving Association) certified agency.

2009 Jr Lifeguard Update:

Registrations are currently taking place for the following programs:

Session One:

Mon & Wed June 22-July 29

Session Two:

Tues & Thurs June 23-July 30

100 registrations for Jr Guard to date

Jr Lifeguard cost per session \$100

Mini Guards:

Fridays July 10, 17, 24, 31

59 registrations for mini-guards to date

Mini-guard cost \$50.00

On Monday July 27 (tentative date) we plan to host the Mid-Atlantic Jr. Lifeguard Championships at the Sea Girt Army Camp with approximately 600 competitors from three states, NJ, NY, and DE.

Our Surf Camp will run from July 11 through August 14 and will have three sessions. The cost is \$100.00 for five 1-1/2 sessions. Go to our website www.SGBP.org for further details and registrations forms.
17 Surf Camp registrations to date

During the middle of July we will host the 30th Annual Kimberly McKnight Sea Girt Lifeguard Tournament at Chicago Blvd beach. The tournament starts at 6:00pm.

Respectfully submitted,
Jim Freda
Beach Manager

Councilman Bonacci read the Police Report:

TO: Police Commissioner Joseph Bonacci

FROM: Chief Edward J. Sidley Jr.

SUBJECT: Police Report June 24, 2009

Dear Sir,

Since our last Council Meeting, the Sea Girt Police Department has handled 506 calls for service. Of these were two 9-1-1 hang up calls, 11 burglar alarms, 8 animal complaints, 15 Borough Ordinance Violations resulting in 2 summonses, 0 disturbance call, 22 community policing calls, 10 Emergency Medical Service Calls, 4 fire calls, 2 Motor Vehicle Accidents and 5 parking summonses being issued. Additionally there 13 suspicious vehicles reported, 21 traffic related services, 83 traffic stops resulting in 21 summonses, and 2 check on the well being call.

Respectfully submitted,

Edward J. Sidley Jr.
Chief of Police

Councilman Bonacci reported on the Court Inter-Local, next session is the last session before the rehab. When we do go through in the inter-local we will not lose our judge or prosecutor. Security is a problem in the Borough Hall. The Wall Court facility (where the inter-local is being transferred) has a top of the line security system. There is court on the 18th and that will be the last session without the proper security standards. The process is underway and there is a Shore Alliance that is working to get the inter-local process moving and submit the paperwork to the county and state for proper funding. There is a concern about our employees with the court. Security compliance is the main reason for moving the court, the cost for meeting those requirements would be \$70,000. The age of our building is probably what mostly stands out when people come to settle. Council will have to address the building rehab if the court is kept where it is as well as security needs.

Mr. Crawley reported The Shore Alliance:

The director of the alliance Mr. Capikas has left. Yet, there is a new appointment mostly controlled by the Manasquan Council. I will be representing Sea Girt with Ms. Poperman in the Shore Alliance. The mission now is to submit all the paperwork to the county in order to receive the proper funding which is due by July. I will try to prepare reports for the council on a regular basis

Mr. Crawley

- The Manasquan First Aid did 144 calls in May, 30 here to Sea Girt, and 38 over the Memorial Day Weekend.

Council President Niemeyer reported on the Fire Dept. for Councilman Bogan:

Total calls for the year in 2008 were 71. Total calls to date are 28 for 2009. In the last month we had 4 alarm activations, a fire pit fire, 2 vehicle fires, a possible structure fire, and 1 electric fire.

Council President Niemeyer reported Street & Roads:
We have finished the First Ave repair and we are going out for some estimates for Beacon Blvd. We are having a problem with these roads; infrastructure that we thought was good is ending up being a problem.

R-86-2009 Resolution to Pay Bills

Council President Niemeyer offered and moved the following Resolution, Seconded, Councilman Farrell.

RESOLUTION R-86-2009

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 June 10, 2009 in total as follows:

| | | |
|------------------------------|----|-----------|
| CURRENT FUND | \$ | 91,125.59 |
| WATER / SEWER OPERATING FUND | \$ | 3,956.95 |
| BEACH OPERATING FUND | \$ | 25,684.96 |
| GRANT FUND | \$ | 0.00 |
| ANIMAL CONTROL FUND | \$ | 16.80 |
| TRUST FUND | \$ | 00.00 |
| GENERAL CAPITAL FUND | \$ | 55.00 |
| WATER / SEWER CAPITAL FUND | \$ | 0.00 |
| BEACH CAPITAL FUND | \$ | 0.00 |
| RECREATION TRUST FUND | \$ | 25.00 |
| 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, Bonacci

NAYS: None

ABSTAIN: Fetzer – Van Dalen Brower

ABSENT: Crawley

PUBLIC PARTICIPATION ON ANY SUBJECT (Comments limited to 7 minutes)

Catherine Matthew, Chamber of Commerce:

She announced that the Chamber is having its sand castle building contest August 20th and she would like to invite the Council to judge at 10:30 in the morning. The town engineer loves to be there.

OTHER BUSINESS

ADJOURNMENT

Councilman Fetzer offered and moved for adjournment at 10:30 pm, Seconded, Councilman Bonacci. The motion was approved by unanimous vote and the meeting adjourned.

Lauren Mayer
Acting Borough Clerk