

SEASIDE PARK BOROUGH COUNCIL

The Regular Meeting of the Borough Council of the Borough of Seaside Park was called to order at 8:00 p.m. on Thursday August 27, 2009 in the Borough Council Meeting Room located at Sixth & Central Avenues, Seaside Park, with Mayor Thomas E. Connors presiding.

"In accordance with the requirements of New Jersey's Open Public Meetings Act, public notice of this meeting was included in the required Annual Meeting Notice which was filed in the Office of the Seaside Park Borough Clerk; posted on the Bulletin Board located in the Municipal Building; and forwarded to the Ocean County Observer, the Asbury Park Press, and to all persons requesting notice and providing self-addressed, postage-paid envelopes."

Present: Mayor Connors, Robert Brennan, David Meyer, Andy Kelly, Fritz McHugh, Randy Appleby

Absent: James Jablonski.

Mayor Connors called the meeting to order at 8:00 P.M.
Dep. Clerk Barbara Greger read the Statement of Compliance, the announcements and no smoking policy.
Dep. Clerk Barbara Greger takes roll call recorded above.

Mayor asked all to stand for a moment of silent prayer remembering those in the Armed Forces and the Pledge of Allegiance.

Approval of minutes: Regular Meeting July 23, 2009 – Work Session August 13, 2009

Motion for approval made by Mr. Kelly and seconded by Mr. Appleby.

AYES: Appleby, Brennan, McHugh, Kelly, Meyer.

MOTION CARRIED.

Reports: None

Public Hearings: Budget Amendment. Adoption of the 2009 Municipal Budget.

Dr. McHugh makes a motion to adopt the 2009 Municipal Budget. There is no second. Mr. Appleby would like to see more cuts and suggests the budget go back to the committee for further review.

Audience: Faith Liguori, 8th Avenue: Discusses the cap waivers which we did obtain. Mr. Meyer explains we have a few extenuating circumstances causing expenditures we did not anticipate.

Faye Haring, I Street: She also discusses the anticipated increases.

There is no second to Dr. McHugh's motion to adopt this budget.

Final reading of Ordinance No. 1490 entitled:

AN ORDINANCE OF THE BOROUGH OF SEASIDE PARK, OCEAN COUNTY, NEW JERSEY AMENDING CHAPTER 76 ENTITLED "VEHICLE AND TRAFFIC" ARTICLE VI ONE WAY STREETS DESIGNATED

BE IT ORDAINED by the Borough Council of the Borough of Seaside Park, County of Ocean and State of New Jersey as follows:

SECTION 1. Section 76-8 of the Code of the Borough of Seaside Park entitled, "One Way Streets Designated", is hereby supplemented by the inclusion of the following streets:

Name of Street	Direction	Location
C Street	East	Between Ocean Avenue and East Central Avenue
Island Avenue	East	Between Ocean Avenue and East Central Avenue
Brighton Avenue	West	Between Ocean Avenue and East Central Avenue
North Avenue	West	Between Ocean Avenue and East Central Avenue
First Avenue	East	Between Ocean Avenue and East Central Avenue
Second Avenue	West	Between Ocean Avenue and East Central Avenue
M Street	West	Between Lake Avenue and West Central Avenue
N Street	East	Between Lake Avenue and West Central Avenue
O Street	West	Between Lake Avenue and West Central Avenue

SECTION 2. This Ordinance repeals any inconsistent ordinance or ordinances or part or parts thereof.

SECTION 3. This Ordinance shall take effect immediately upon its final passage and publication as required by law.

Audience: John Kleva, 29 1st Ave. He is very much against this ordinance as it will create more traffic problems and speeding on the one way streets. He has not been studied properly. Mr. Brennan (lives on C Street) is in favor of the ordinance. Dr. McHugh, (North Ave.) states it is important but not urgent. Study it a little more.

Mr. Kanya, Central Avenue: He is against the ordinance. Chief Dickson states an ordinance must be made and sent to the State before a study can be done.

Carol Case, M Street: She is in favor of the ordinance.

Harold Duryea, Farragut Avenue, (a one way street). He states the ordinance will create speeding.
Anthony Landi, C & Ocean Ave. In favor of the ordinance.
Marlene Polnick, L Street: She states the ordinance will not suite everyone.
Eileen Norloff, Island Avenue: It will cause speeding, keep the town family oriented.
Mr. Appleby states the changes will become effective in the spring.
Motion for approval made by Mr. Brennan and seconded by Mr. Meyer.
AYES: Appleby, Brennan, Kelly, Meyer.
NAYS: McHugh
MOTION CARRIED.

Final reading of Ordinance No. 1488 entitled:

AN ORDINANCE OF THE BOROUGH OF SEASIDE PARK, OCEAN COUNTY, NJ AMENDING CHAPTER 25 (DEVELOPMENT REGULATIONS.)

BE IT ORDAINED by the Borough Council of the Borough of Seaside Park, County of Ocean, and State of New Jersey as follows:

SECTION 1. There is hereby created a new Chapter 25 of the Code of the Borough of Seaside Park reading as follows:

Chapter 25 Development Regulations
(attached hereto and containing: Title, Table of Contents, pp. 2501 through 2629)

SECTION 2. This Ordinance repeals any inconsistent ordinance or ordinances or part or parts thereof.

SECTION 3. If any section, subsection, paragraph, sentence or any part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance but shall be confirmed in its effect to the action, subsection, paragraph, sentence or other part of this ordinance directly involved in the controversy in which such judgment shall have been rendered.

SECTION 4. This Ordinance shall take effect immediately upon its final passage and publication as required by law.

Pl. Bd. Attorney Mr. Montenegro explains the high lights of the ordinance and the major revisions. Mr. Appleby explains he was on the committee, having 27 meetings with engineers and attorney Mr. Montenegro. Mr. Brennan states the ordinance needs to be consistent and can always be amended. At this time, Mayor Connors reads a lengthy letter from Mr. Jablonski who is against the ordinance as written and states his suggestions for changes. Committee member Sal Mattia answers the questions raised in Mr. Jablonski's letter regarding set backs and non-conforming properties. All motels are non-conforming. Mr. Kanya, 1106 Central Avenue states this ordinance is non-welcoming to visitors. Robert Belantoni, 6th Avenue, committee member: He states the goal of the committee was to improve the town and be fair.
Pat Barry, owner of J Street Service Center: His concerns were replacing his buildings after fire or destruction; leaving the business to his children as it is now and continued use if the business was sold.
Attorney Steve Yost for his mother: He is not in favor of the ordinance as the family property is a mixed use.
Cheryl Raley, Charlroy Motel, Ocean Avenue: If her building was destroyed, she could only replace half of it so she is vehemently against this ordinance.
Faye Haring, I Street: She has a 2 family house that could not be replaced as such if it was destroyed. Not in favor of the ordinance.
Faith Liguori, 8th Avenue: She just purchased a mixed use property on N Street. She is not in favor of the ordinance. The ordinance is not business friendly.
Mike Juliano, L Street: He suggests moving the ordinance forward.
Attorney Mike Jacobus: He would like the ordinance tabled for 60 days. He is representing the commercial properties.
Pat DeGutis, Stockton Avenue: The ordinance has been in the works for years, she is in favor of it. She discusses the results of a survey done by the Taxpayer's Assoc. indicating the residents want to keep the town residential.
Laura Procassino, 28-30 J Street: She is against the ordinance.
Chuck Appleby, 10th Avenue. He believes changing R-2 zone to R-1 is good. He is in favor of the ordinance.
Fred Klenk, N Street: He sees many violations in the ordinance especially with lagoon properties.
Faith Liguori, 8th Avenue: She discusses commercial zones.
Linda Stefanik, NW Central Avenue: There are conflicts with commercial business owners.
Ed Gallagher, 144 K Street: He has been a business man for 5 days.
Bonnie Peterson, 801 N. Ocean Avenue: She sees a trend to move the town residentially.
Tom Corrino, Luna Mar Motel: He is against the ordinance.
Motion for approval made by Mr. Meyer and seconded by Mr. Brennan.
AYES: Appleby, Brennan, Kelly, Meyer.
NAYS: McHugh
MOTION CARRIED.

Council takes a recess and resumes in 5 minutes.

First reading of Ordinance No. 1489 entitled:

AN ORDINANCE OF THE BOROUGH OF SEASIDE PARK, COUNTY OF OCEAN STATE OF NEW JERSEY FIXING AND DETERMINING SALARIES TO BE PAID TO DESIGNATED BOROUGH EMPLOYEES

BE IT ORDAINED by the Mayor and Council of the Borough of Seaside Park, in the County of Ocean, State of New Jersey, as follows:

SECTION 1. In accordance with the Memorandum of Agreement with the Borough of Seaside Park and the Office & Professional Employees International Union, Local No. 32, for the years 2008-2010, the annual base salaries for the designated titles shall be as follows:

TITLE	2007	2008	2009	2010
<u>Deputy Municipal Court Administrator</u>				
Fourth Year	38,798	40,156	41,561	42,808
Third Year	36,557	37,836	39,161	40,336
Second Year	34,304	35,505	36,747	37,850
First Year	32,051	33,173	34,334	35,364
Senior Account Clerk/Typing	32,051	33,173	34,334	35,364
Senior Clerk Typist	28,589	29,590	30,625	31,544
Senior Account Clerk	28,589	29,590	30,625	31,544
Violations Clerk	28,589	29,590	30,625	31,544
<u>Clerk Typist, Account Clerk, & Assistant Violations Clerk</u>				
Fourth Year	23,016	23,822	24,655	25,395
Third Year	21,511	22,264	23,043	23,734
Second Year	20,373	21,086	21,824	22,479
First Year	19,760	20,452	21,167	21,802
Senior Public Safety Telecommunicator Public Safety Telecommunicator/ Senior Police Records Clerk	38,205	39,542	40,926	42,154
Public Safety Telecommunicator, Police Records Clerk				
Fourth Year	34,335	35,537	36,781	37,884
Third Year	32,808	33,956	35,145	36,199
Second Year	31,357	32,454	33,590	34,598
First Year	29,981	31,030	32,116	33,080
Public Safety Telecommunicator Trainee	26,351	27,273	28,228	29,075
Off Scale Senior Account Clerks A. Shadiack, A. Rice, & C. Wroblewski	34,586	35,797	37,049	38,161
Technical Assistant to Construction Official	2,000	2,070	2,142	2,207

SECTION 2. This Ordinance repeals any inconsistent ordinance or ordinances, or part of parts thereof.

SECTION 3. This Ordinance shall become effective retroactively to January 1, 2008 upon adoption and publication as required by law.

Motion for approval made by Mr. Appleby and seconded by Dr. McHugh.
 AYES: Appleby, Brennan, McHugh, Kelly, Meyer.
 MOTION CARRIED.

First reading of Ordinance No. 1492 entitled:
**AN ORDINANCE OF THE BOROUGH OF SEASIDE PARK, OCEAN COUNTY, NEW JERSEY
 AMENDING CHAPTER 38 ENTITLED "GARBAGE TRASH AND RECYCLING" OF THE**

BOROUGH CODE IN ORDER TO COMPLY WITH NEW JERSEY STATE RECYCLING REGULATIONS

BE IT ORDAINED by the Borough Council of the Borough of Seaside Park, County of Ocean and State of New Jersey as follows:

SECTION 1. Section 38-1.2 of the Code of the Borough of Seaside Park entitled, "Definitions", is hereby deleted and in its place and stead the following shall be inserted:

"§38-1.2 Definitions.

The words, terms and phrases used in this Chapter shall have the following meanings:

ALUMINUM CANS — Empty all-aluminum beverage and food containers.

BRUSH — means branches, woody plants and other like vegetative material. Leaves and grass do not constitute brush

BULK WASTE — Trash items such as appliances, carpets, furniture, tires and other large items exceeding fifty (50) pounds in weight or of irregular shape or size.

CARDBOARD — corrugated cardboard containers, no chipboard or pizza boxes.

COMMERCIAL ESTABLISHMENTS — Those properties used primarily for commercial purposes.

DESIGNATED RESIDENTIAL RECYCLABLE MATERIALS — those materials designated within the Ocean County Solid Waste Management Plan to be source separated for the purpose of recycling. These materials include: commingled bottles, cans and plastic containers, newspaper, mixed paper, cardboard, leaves, white goods (refrigerators, stoves, microwaves etc.) tires, motor oil, brush, ferrous and non ferrous scrap metal as described in §38-3.2.

DESIGNATED COMMERCIAL, INDUSTRIAL & INSTITUTIONAL RECYCLABLE MATERIALS — those materials designated within the Ocean County Solid Waste Management Plan to be source separated for the purpose of recycling. These materials include commingled bottles, cans and plastic containers, newspaper, cardboard, high grade office paper, concrete, asphalt, brick, block, tree stumps, tree parts, leaves, automobile batteries, motor oil, white goods (refrigerators, stoves, microwaves etc. etc.) tires, ferrous and non-ferrous scrap metal as described in §38-3.2.

DUAL STREAM — Commingled glass and plastic bottles, aluminum and steel cans; Paper — newspaper, magazines, catalogs, junk mail, office paper, school paper, corrugated cardboard.

ELECTRONIC WASTE — Items such as computer central processing units and associated hardware including keyboards, modems, printers, scanners, faxes, CRT's (cathode ray tubes) flat panel displays, or similar video display devices with a screen greater than 4 inches measured diagonally, and that contains one or more circuit boards, including televisions, and cell phones.

FERROUS CONTAINERS — Empty steel or tin food or beverage containers.

GLASS CONTAINERS — Bottles and jars made of clear, green or brown glass. Expressly excluded are non-container glass, plate glass, blue glass and porcelain and ceramic products.

INDUSTRIAL ESTABLISHMENTS — Those properties used primarily for industrial purposes.

INSTITUTIONAL ESTABLISHMENTS — Those facilities that house or serve groups of people, including but not limited to, hospitals, schools, nursing homes, libraries and governmental offices.

MIXED PAPER — magazines, catalogs, junk mail, school paper, computer paper.

MULTI-FAMILY DWELLING — means any building or structure, or complex of buildings in which three or more dwelling units are owner-occupied or rented or leased, or offered for rental or lease, for residential purposes (see N.J.S.A. 13:1E-99.13a) and shall include hotels, motels, or other guest houses serving transient or seasonal guests as those terms are defined under subsection (j) of section 3 of the "Hotel and Multiple Dwelling Law," P.L. 1967, c. 76 (C55: 13-A-1 et seq.)

MULTI-PAPER – consists of cardboard, newspaper, and mixed paper as defined in this section.

MUNICIPAL RECYCLING COORDINATOR – means the person or persons appointed by the municipal governing body and who shall be authorized to, among other things, enforce the provisions of this Ordinance, and any rules and regulations which may be promulgated hereunder.

MUNICIPAL SOLD WASTE (MSW) STREAM – means all solid waste generated as residential, commercial, and institutional establishments within the boundaries of the municipality of the Borough of Seaside Park.

NEWSPAPERS — Paper of the type commonly referred to as newsprint and distributed at fixed intervals, having printed thereon news and opinions and containing advertisements and other matters of public interest. Expressly excluded, however, are newspapers which have been soiled. Newspapers shall be deemed soiled if they have been exposed to substances or conditions rendering them unusable for recycling.

PERSON — Every owner, lessee and occupant of a residence, commercial or institutional establishment within the boundaries of the Borough of Seaside Park.

PLASTIC CONTAINERS – plastic containers that have a neck narrower than the container.

RECYCLABLE MATERIALS — Those materials which are designated in §38-3.2 and are required to be separated from other garbage and trash.

RESIDENCE — Any occupied single or multi-family dwelling.

SINGLE STREAM – The combination of commingled and paper listed under “dual stream” in one container. Do not included plastic bags, food waste, paper towels, paper napkins, pizza boxes, egg cartons, aluminum foil, plastic cups and utensils. No plastic other than bottles. No juice boxes or bags. No garbage.

SOURCE SEPARATED RECYCLABLE MATERIALS – means recyclable materials which are separated at the point of generation by the generator thereof from solid waste for the purposes of recycling.

SOURCE SEPARATION – means the process by which recyclable materials which are separated at the point of generation by the generator thereof from solid waste for the purposes of recycling.”

SECTION 2. Section 38-2.4 of the Code of the Borough of Seaside Park entitled, “Preparation of garbage and trash for municipal collection”, is hereby amended to delete Sections C, D, and F and to insert in its place and stead the following:

- “C. The Borough shall not collect any industrial waste or industrial equipment.
- D. No part of any article shall exceed three (3) feet in length or weigh more than fifty (50) pounds, except for bulk trash as described in §38-2.8
- F. Filled containers shall not exceed fifty (50) pounds in weight or exceed forty-five (45) gallons in capacity.”

SECTION 3. Section 38-2.5 of the Code of the Borough of Seaside Park entitled, “Garbage and trash containers” is hereby amended to delete Subsection A and to insert in its place and stead the following:

- “A. Garbage must be placed in heavy gauge, two (2) to three (3) mil black plastic bags or metal, plastic or vinyl containers which are designed for such purpose with handles and a tight lid. No cardboard boxes may be used in place of garbage or metal, plastic or vinyl containers.”

SECTION 4. Section 38-2.5 of the Code of the Borough of Seaside Park entitled, “Garbage and trash containers” is hereby supplemented to include the following additional Subsections:

- “D. Containers used for garbage shall not exceed forty-five (45) gallons in capacity.
- E. Use of “Robo-Cans” or “Roll-out Cans” are prohibited.”
- F. The Borough is not liable for broken or missing garbage cans/lids.

SECTION 5. Section 38-2.7 of the Code of the Borough of Seaside Park entitled, “Use of public litter receptacles for household garbage and trash prohibited” is hereby supplemented by the inclusion of the following sentence:

“Violators shall be subject to penalties as described in Section 38-4.2.”

SECTION 6. Section 38-3.1 of the Code of the Borough of Seaside Park entitled, “Recycling program established; municipal recyclable material collections” is hereby supplemented by the inclusion of the following Subsections:

“§38-3.1a Residential Dwelling Compliance Requirements

The owner of any property shall be responsible for compliance with this Ordinance. For multifamily units, the management or owner is responsible for setting up and maintaining the recycling system, including collection for recyclable materials, in accordance with guidelines or regulations established by the Borough of Seaside Park. Violations and penalty notices will be directed to the owner or management, in those instances where the violator is not easily identifiable. The management shall issue notification and collection rules to new tenants when they arrive and every 6 months during their occupancy.

§38-3.1b Non-Residential Establishment Compliance Requirements

- A. All commercial and institutional generators of solid waste shall be required to comply with the provisions of this Ordinance.
- B. The arrangement for collection of designated recyclables hereunder shall be the responsibility of the commercial, institutional or industrial property owner or their designee, unless the municipality provides for collection of designated recyclable materials. All commercial, institutional or industrial properties which provide outdoor litter receptacles and disposal service for their contents shall also provide receptacles for designated recyclable materials, for those materials commonly deposited, in the location of the litter receptacle, and shall provide for separate recycling service for their contents.
- C. Every business, institution, or industrial facility shall report on an annual basis to the Recycling Coordinator, on such forms as may be prescribed, on recycling activities at their premises, including the amount of recycled material, by material type, collected and recycled and the vendor or vendors providing recycling service.
- D. All food establishments, as defined in the Health Code, shall, in addition to compliance with all other recycling requirements, be required to recycle grease and/or cooking oil created in the processing of food or food products, and maintain such records as may be prescribed, for inspection by any code enforcement officer.

§38-3.1c New Developments of Multi-Family Residential Units or Commercial, Institutional, or Industrial Properties (Pursuant to N.J.S.A. 13:1E-99.13a and 99.16c).

- A. Any application to the planning board of the municipality of the Borough of Seaside Park, for subdivision or site plan approval for the construction of multi-family dwellings of three or more units, single family developments of 50 or more units or any commercial, institutional, or industrial development for the utilization of 1,000 square feet or more of land, must include a recycling plan. The plan must contain at a minimum, the following:
 - 1. A detailed analysis of the expected composition and amount of solid waste and recyclables generated at the proposed development and
 - 2. Locations documented on the application’s site plan that provide for convenient recycling opportunities for all owners, tenants, and occupants. The recycling area shall be of sufficient size, convenient location and contain other attributes (signage, lighting, fencing, etc.) as may be determined by the municipal recycling coordinator.
- B. Prior to the issuance of a Certificate of Occupancy by the municipality of the Borough of Seaside Park, the owner of any new multi-family housing or commercial, institutional, or industrial development must supply a copy of a duly executed contract with a hauling company for the purposes of collection and recycling of source-separated recyclable materials, in those instances where the municipality does not otherwise provide this service.
- C. Provision shall be made for the indoor, or enclosed outdoor, storage and pickup of solid waste, to be approved by the municipal engineer.

SECTION 7. Section 38-3.2 of the Code of the Borough of Seaside Park entitled, “Recycling materials designated” is hereby deleted and in its place and stead the following shall be inserted:

“§38-3.2 Recyclable materials designated.

The following materials are hereby designated as recyclables:

A. Residential Recyclable Materials

1. Leaves
2. Aluminum Cans
3. Ferrous Containers
4. Glass Containers
5. Newspaper
6. Plastic Containers (neck smaller than container)
7. Motor Oil
8. Oil Filters
9. Automobile Batteries
10. Cardboard
11. Mixed Paper
12. White Goods
13. Brush
14. Ferrous & Non Ferrous Scrap Metal
15. Household batteries
16. Electronic Waste

B. Commercial, Industrial, and Institutional Recyclable Materials

1. Leaves
2. Aluminum Cans
3. Ferrous Containers
4. Glass Containers
5. Newspaper
6. Plastic Containers (neck smaller than container)
7. Motor Oil
8. Oil Filters
9. Automobile Batteries
10. Cardboard
11. High Grade Office Paper
12. White Goods
13. Tree Parts & Stumps
15. Concrete, Asphalt, Block, & Brick
16. Ferrous & Non Ferrous Scrap Metal
17. Electronic Waste
18. Cooking oil/grease

SECTION 8. Section 38-3.4 of the Code of the Borough of Seaside Park entitled, “Source separation and proper disposal required” is hereby supplemented by the following Subsection:

“§38-3.4a Prohibition of the Collection of Solid Waste Mixed with Recyclable Materials

- A. It shall be unlawful for solid waste collectors to collect solid waste that is mixed with, or contains visible signs of, designated recyclable materials. It is also unlawful for solid waste collectors to remove for disposal bags or containers of solid waste which visibly display a warning notice sticker or some other device indicating that the load of solid waste contains designated recyclable materials.
- B. It shall be the responsibility of the resident or occupant to properly segregate the uncollected solid waste for proper disposal or recycling. Allowing such unseparated solid waste and recyclables to accumulate will be considered a violation of this article and the local sanitary code.
- C. Once placed in the location identified by this Ordinance, or any rules or regulations promulgated pursuant to this Ordinance, no person, other than those authorized by the municipality, shall tamper with, collect, remove, or otherwise handle designated recyclable materials.

SECTION 9. Section 38-3.5 of the Code of the Borough of Seaside Park entitled, “Use of public litter receptacles and public recycling containers for household recyclable materials prohibited” is hereby deleted and in its place and stead the following shall be inserted:

“§38-3.5 Use of public litter receptacles and public recycling containers for household recyclable materials prohibited.

Disposal of household recyclable materials in public litter receptacles and/or public recycling containers is prohibited.”

SECTION 9a. Section 38-3.6 of the Code of the Borough of Seaside Park entitled, “Preparation of recyclable materials for municipal collection” is hereby amended to delete subsection B and to insert in its place and stead the following:

- B. Containers for the collection of recyclable materials shall be clearly labeled “RECYCLABLES” and shall not exceed fifty (50) pounds in weight or thirty two (32) gallons in capacity and must have removable lids.

SECTION 10. Section 38-3.8 of the Code of the Borough of Seaside Park entitled, “Alternative collection of recyclable materials” is hereby deleted in its entirety.

SECTION 11. Section 38-3.10 of the Code of the Borough of Seaside Park entitled, “Exemptions from recycling regulations” is hereby deleted and in its place and stead the following shall be inserted:

“§38-3.10 Exemptions from recycling regulations.

Pursuant to N.J.S.A. 13:1E-99.16(d), the Borough Council may exempt persons occupying commercial and institutional establishments within its municipal boundaries from the source separation requirements of this Chapter if those persons have otherwise provided for the recycling of the designated recyclable materials. To be eligible for an exemption, the persons seeking the same shall, file an application for exemption with the municipal recycling coordinator on forms to be provided for this purpose. The form shall include, at a minimum the following information: the name of the commercial or institutional entity; the street address locations and lot and block designation; the name, official title and phone number of the person making the application on behalf of the commercial or institutional entity; the name, address, official contact person and telephone number of the facility which provides the service of recycling those designated recyclable materials, and a certification that the designated recyclable materials will be recycled, and that, said recycling service provider or commercial/institutional generator shall provide, prior to April 1st of each year, written documentation to the Borough of the total amount of materials recycled during the preceding calendar year.”

SECTION 12. Section 38-4.1 of the Code of the Borough of Seaside Park entitled, “Enforcement” is hereby deleted and in its place and stead the following shall be inserted:

“§38-4.1 Enforcement.

- A. The Police Department, Code Enforcement Officers, Recycling Coordinator and Assistants and the Public Works Superintendent or Director, the Ocean County Health Department, are hereby authorized and directed to enforce the provisions of this Chapter and any implementing regulations adopted hereunder.
- B. An inspection may consist of sorting through containers and opening of solid waste bags to detect, by sound or sight, the presence of any recyclable material.”

SECTION 13. Section 38-4.2 of the Code of the Borough of Seaside Park entitles “Violations and penalties” is hereby deleted and in its place and stead the following shall be inserted:

“§38-4.2 Violations and penalties.

- A. Any person who violates any one (1) or more sections of this ordinance shall be subject to a fine of not less than two hundred fifty (\$250) dollars and not more than two thousand (\$2,000.00) dollars for each separate offense and/or confinement in the Ocean County Jail for a period of not more than ninety (90) days. The Municipal Court shall have the option of imposing community service for a violation of any offense under this ordinance.
- B. Each and every day in which a violation of any of the provisions of this Chapter exists shall constitute a separate offense.
- C. Fines levied and collected pursuant to the provisions of this Ordinance shall be immediately deposited into the Municipal Recycling Trust Fund (or equivalent). Monies into the MRTF (or equivalent) shall be used for the expenses of the municipal recycling program.

SECTION 14. This -Ordinance repeals any inconsistent ordinance or ordinances or part or parts thereof.

SECTION 15. This Ordinance shall take effect immediately upon its final passage and publication as required by law.

Motion for approval made by Mr. Brennan and seconded by Dr. McHugh.

AYES: Appleby, Brennan, McHugh, Kelly, Meyer

MOTION CARRIED.

First reading of Ordinance No. 1493 entitled:

BOND ORDINANCE PROVIDING FOR THE DESIGN PORTION OF PHASE II OF THE WATER & SEWER INFRASTRUCTURE IMPROVEMENTS IN AND BY THE BOROUGH OF SEASIDE PARK, IN THE COUNTY OF OCEAN, NEW JERSEY, APPROPRIATING \$92,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$92,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING THE COST THEREOF.

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF SEASIDE PARK, IN THE COUNTY OF OCEAN, 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 is hereby authorized to be undertaken by the Borough of Seaside Park, in the County of Ocean, New Jersey (the "Borough"). For the improvement or purpose described in Section 3, there is hereby appropriated the sum of \$92,000. No down payment is required 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 cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$92,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3(a). The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is for the design portion of Phase II of the water & sewer infrastructure improvements, including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by 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 chief financial officer's signature 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 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 governing body 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 Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a self-liquidating purpose of a municipal public utility. No part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$92,000, but that the net debt of the Borough determined as provided in the Local Bond Law is not increased by this bond ordinance. The obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$92,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

(e) This bond ordinance authorizes obligations of the Borough solely for purposes 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. The Borough hereby declares the intent of the Borough to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

Section 8. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Motion for approval made by Mr. Appleby and seconded by Mr. Brennan.

AYES: Appleby, Brennan, McHugh, Kelly, Meyer

MOTION CARRIED.

RESOLUTIONS: Mr. Appleby requests the bill list be voted upon separately.

R2009-253 entitled:

RESOLUTION OF THE SEASIDE PARK BOROUGH COUNCIL AUTHORIZING THE DESIGNATED MISCELLANEOUS REFUND

WHEREAS, the Borough of Seaside Park collects fees for various services and programs and occasionally it is necessary to refund the payment of the fee when the service or program is cancelled or otherwise not provided; and

WHEREAS, upon the recommendation of the appropriate Borough Official it is necessary for the governing body to authorize the legitimate refund of the fee paid.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Seaside Park, in the County of Ocean, State of New Jersey as follows:

The following refund is hereby authorized.

Refund to:	Address:	Refund amount:
Rocco Spano Jr.	6 Drury Lane, Whiting, NJ 08759	Boat Slip \$1,980.
D. Gail Anderson	114 9 th Ave. Seaside Park, 08752	Beach fire dep. \$300.
Joseph M. Curry	18 South St. Spotswood, NJ 08884	Beach fire dep. \$300.
Adele Barbosa	712 S. Bayview Ave. Seaside Park, 08752	Beach fire dep. \$300.
Wendy D. Bartel	25 North St. Bay Head, NJ 08742	Beach fire dep. \$300.
Betty Vanstratton	1100 S. Bayview, Seaside Park, 08752	Beach fire dep. \$300.

The Borough Clerk is hereby directed to forward a certified copy of this resolution to the Borough treasurer, CFO.

R2009-254 entitled:

RESOLUTION OF THE BOROUGH OF SEASIDE PARK, COUNTY OF OCEAN APPOINTING RICHARD KENNY AS ASSESSOR FOR THE BOROUGH OF SEASIDE PARK

Whereas, the Mayor and Council have determined to appoint an Assessor in order to serve the needs of the Borough and its residents; and

Whereas, the Borough of Seaside Park wishes to appoint Richard Kenny to that position subject to New Jersey Department of Personnel Regulations; and

Whereas, it is further determined that said salary shall not exceed the sum of \$14,800.00 as established in the Borough's Salary Ordinance as amended.

Now Therefore be it resolved by the Borough Council of the Borough of Seaside Park, County of Ocean, State of New Jersey as follows:

1. Richard Kenny is hereby appointed to the position of Assessor subject to New Jersey DOP Rules and Regulations.

2. Said salary for the appointee shall not exceed \$14,800.00 per annum in accordance with the Borough of Seaside Park Salary Ordinance which shall be amended to reflect that salary.

3. This appointment is subject to Rules and Regulations of the New Jersey Department of Personnel and a copy of said Resolution shall be forwarded to the NJDOP.

4. The Borough Clerk is hereby authorized to forward copies of same to the Borough Administrator, the Borough's CFO, and any other interested parties.

R2009-255 entitled:

RESOLUTION OF THE SEASIDE PARK BOROUGH COUNCIL APPOINTING BEACH CONTROL AND BEACH CONCESSION EMPLOYEES FOR THE SUMMER OF 2009.

WHEREAS, N.J.S.A.40A:14-146.8 authorizes a Municipality to appoint summer employees for various departments within a municipality; and

WHEREAS, in accordance with this authorization, the Borough's Director of Beach Operations has recommended the employment of the following individuals for the summer of 2009 in the Department of Beach Control and Beach Concession.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of seaside Park, Ocean County, N.J. as follows:

1. The following individuals as listed are hereby appointed as employees in the Department of Beach Control and Beach Concession for the summer of 2009.

Casey McDonnell	Kim Alfaro	Mike Purpuro
Matt Leneghan	Megan Kohr	Jeff Eckardt
Shannon Burk		

2. The Borough Clerk is hereby directed to forward a certified copy of this Resolution to the Director of Beach Operations and the Borough Chief Financial Officer.

R2009-256 entitled:

RESOLUTION OF THE SEASIDE PARK BOROUGH COUNCIL APPOINTING TEMPORARY SEASONAL BEACH PATROL EMPLOYEES FOR THE SUMMER OF 2009.

WHEREAS, N.J.S.A.40A:14-146.8 authorizes a Municipality to appoint summer employees for the Department of Beach Patrol; and

WHEREAS, in accordance with this authorization, the Borough's Life Guard Captain has recommended the employment of the following individuals for the summer of 2009.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of seaside Park, Ocean County, N.J. as follows:

1. The following individuals described hereto are hereby appointed as employees in the Department of Beach Patrol for the summer of 2009.

Terrance Sherrer	William Stopa	David Wilt
James Skopis		

2. The Borough Clerk is hereby directed to forward a certified copy of this Resolution to the Life Guard Captain and the Borough Chief Financial Officer.

R2009-257 entitled:

RESOLUTION OF THE SEASIDE PARK BOROUGH COUNCIL CONFIRMING THE APPOINTMENT OF MEMBERS TO THE BOROUGH'S EMERGENCY MANAGEMENT VOLUNTEER STAFF FOR THE YEAR 2009.

WHEREAS, the Borough's Emergency Management Coordinator has recommended the appointment of designated individuals as members of the Borough's Emergency Management Volunteer Staff for the year 2009 to assist in traffic control, public information and other purposes during declared emergencies and training exercises; and

WHEREAS, it is the desire of the Borough Council to approve these appointments.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Seaside Park, in the County of Ocean, State of New Jersey, as follows:

1. The following are hereby appointed members of the Borough's Emergency Management Volunteer Staff for the year 2009 and shall serve for a term of one (1) year and until a successor Emergency Management Volunteer Staff shall be appointed:

Chuck Appleby
John Kleva
Rob Winkle
Steve Shadiack

2. Members of the Emergency Management Volunteer staff shall not be eligible to participate in the Borough Health Benefits Plan and shall be paid no salary.
3. The Borough Clerk is hereby directed to forward a certified copy of this Resolution to the Borough's Emergency Management Coordinator and the Borough Chief Financial Officer.

R2009-259 entitled:

RESOLUTION OF THE SEASIDE PARK BOROUGH COUNCIL TO AMEND THE APPROVED CAPITAL BUDGET SECTION OF THE BUDGET.

Whereas, the 2009 capital budget of the Borough of Seaside Park has been approved on August 27, 2009; and,

Whereas, it is desired to amend said approved capital budget section,

Now, therefore, be it resolved by the Governing Body of the Borough of Seaside Park of the County of Ocean, that the following amendment to the approved 2009 capital budget be made:

Capital Budget of the
Borough of Seaside Park
(Current Year Action)
2009

<u>Project Title</u>	<u>Project Number</u>	<u>Estimated Total Cost</u>	<u>Debt Authorized</u>
Phase II Water and Sewer Improvements along Bay Ave.	09-23	\$9,536,870.00	\$92,000.00
Totals - All Projects		<u>\$21,478,362.00</u>	<u>\$2,322,675.00</u>

Capital Budget of the
Borough of Seaside Park
3 Year Capital Program
Anticipated Project Schedule and Funding Requirements
2009 - 2011

<u>Project Title</u>	<u>Project Number</u>	<u>Estimated Total Cost</u>	<u>Estimated Completion Time</u>	<u>Budget Year 2009</u>
Phase II Water and Sewer Improvements along Bay Ave.	09-23	\$9,536,870.00	2010	\$392,000.00
Totals - All Projects		<u>\$21,478,362.00</u>	-	<u>\$8,591,200.00</u>

Capital Budget of the
Borough of Seaside Park
3 Year Capital Program
Summary of Anticipated Funding Source and Amounts
2009 - 2011

<u>Project Title</u>	<u>Estimated Total Cost</u>	<u>Self-Liquidating Bonds and Notes</u>
Phase II Water and Sewer Improvements along Bay Ave.	\$9,536,870.00	\$92,000.00
Totals - All Projects	<u>\$21,478,362.00</u>	<u>\$2,128,617.00</u>

R2009-260 entitled:

RESOLUTION OF THE SEASIDE PARK BOROUGH COUNCIL AUTHORIZING THE TAX COLLECTOR TO MAIL ESTIMATED TAX BILLS FOR 3RD QUARTER 2009.

WHEREAS, by N.J.S.A. 54:4-64, the Tax Collector shall complete the work of preparing the tax bills at least 25 days before the third installment of taxes falls due; and

WHEREAS, the Tax Collector, Wendy J. Prior, has confirmed that because the certification of the tax rate was not completed in a timely manner, the tax bills for 2009/2010 will be mailed late; and

WHEREAS, the Tax Collector is requesting that the grace period for interest to be collected (within ten days after the date upon which same becomes payable) be extended; and

There were no comments from the audience.

Motion for approval made by Mr. Brennan and seconded by Dr. McHugh.

AYES: Appleby, Brennan, McHugh, Kelly, Meyer.

MOTION CARRIED.

R2009-258 entitled: **2009 BILL LIST BOROUGH OF SEASIDE PARK**

	FUND ACCOUNT	CHECK NUMBERS	AMOUNT
Computer Checks:	CURRENT ACCOUNT	025716 - 025765	\$ 59,117.79
	WATER & SEWER ACCOUNT	007525 - '007534	\$ 263,726.97
	MARINA OPERATING	002857 - 002858	\$ 152.42
	GENERAL CAPITAL ACCOUNT	003948 - 003950	\$ 1,314.58
	WATER SEWER CAPITAL	003819 - '003821	\$ 65,855.96
	MARINA CAPITAL	050213	
	GENERAL TRUST	000421 - '000425	\$ 1,500.00
	DEVELOPERS ESCROW	001529 - '001531	
	ANIMAL TRUST ACCOUNT		
	RECREATION TRUST	001030 - '001033	\$ 1,331.23
Manual Checks:	CURRENT ACCOUNT:		
	State Health Benefits		\$ 49,915.43
	I/F to Trust		\$ 2,502.77
	TRUST GENERAL		
	NJ Sales Tax		\$ 2,202.77
	TOTAL*		\$ 447,619.92

Mr. Appleby questioned mileage for a Borough employee which is justified and mileage is set by the State.

Motion for approval made by Dr. McHugh and seconded by Mr. Brennan.

AYES: Appleby, Brennan, McHugh, Kelly, Meyer.

MOTION CARRIED

Committee Reports:

Mr. Appleby: Reports on upcoming Antiques Show Sept. 6th; beach badge sales are up by over \$7,000.00. Arts and Crafts Show is Sept. 6th; Farmer's Market continues on Mondays.

Dr. McHugh: The finger docks are being replaced by Borough employees. There will be road construction equipment stored at the Marina property. We had a bid opening for new construction break water and bulkhead, the attorney is reviewing the bids received. Hopefully we will be starting the 13th Avenue ramp soon.

Mr. Meyer: The talent show is tomorrow at the N Street bath house beach at 6:30 P.M. Our 7th grade students will be going to Toms River in Sept.; he will have more information for the next meeting. It will be a savings of about \$250,000.00 to \$300,000.00. It is a contract between the school and the parents. No fee for tuition.

Mr. Kelly: No report:
Mr. Brennan, No report.

Public Comments: John Rugo, 31 C Street: He discusses the school situation.
Al Vassallo, Central Avenue: He discusses the senior lunches and the vendors providing the lunch.

Meeting adjourned at 10:50 P.M.
Attend: About 100.

Res. submitted,

Barbara Greger, Dep. Borough Clerk.