

## **SEASIDE PARK BOROUGH COUNCIL**

The Regular Meeting of the Borough Council of the Borough of Seaside Park was called to order at 8:30 p.m. on Thursday July 9, 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, James Jablonski, David Meyer, Andy Kelly, Robert Brennan, Fritz McHugh, Randy Appleby

Absent:

Also Attending Barbara Greger, Dep. Clerk, Adm. Julie Keizer, Attorney Bill Hering, Chief Ed Dickson, Jim Mackie, Dir. DPW

Mayor Connors called the meeting to order at 8:30 P.M.  
Adm. Julie Keizer read the Statement of Compliance, the announcements and no smoking policy.  
Mayor Connors read the mission statement and asked all to stand for a moment of silence and Pledge of Allegiance remembering those in the Armed Forces.  
Adm. Julie Keizer takes roll call recorded above.

Approval of minutes: Regular Meeting June 11, 2009.  
Motion for approval made by Mr. Kelly and seconded by Mr. Brennan.  
AYES: Brennan, Jablonski, McHugh, Kelly, Meyer.  
ABSTAIN: Appleby  
MOTION CARRIED.

Reports: None

Public Hearings: Final reading of Ordinance No. 1481 entitled:  
**ORDINANCE OF THE BOROUGH OF SEASIDE PARK, COUNTY OF OCEAN, STATE OF NEW JERSEY, ESTABLISHING PERSONNEL POLICIES**

**SECTION 1.** Be it ordained by the Mayor and Borough Council of the Borough of Seaside Park, in the County of Ocean, and State of New Jersey, as follows:

61-1. Purpose.

The purpose of this ordinance is to establish and codify benefits and emoluments of service for officers and employees of the municipality serving in full-time salaried positions which are not defined within a collective bargaining agreement.

61-2. Full-time salary positions.

Salaries, wages and other compensation paid to officials and employees serving in full-time salary positions shall be as set forth in the annual salary ordinance, as amended from time-to-time, which shall be kept on file by the borough Clerk for examination and inspection by the public.

A. Overtime. Pursuant to the Federal Fair Labor Standards Act certain employees such as those who serve in managerial, supervisory, administrative and professional positions are exempt from the overtime provisions of the Act. Those exempt employees shall not receive overtime compensation for work beyond regular work schedule. The Borough employees shall notify all exempt employees of their status. Exempt employees are not eligible for overtime and may be required to work additional hours needed to fulfill their job duties and responsibilities. Compensation time for those additional hours may be approved by the Borough Administrator at the sole discretion of the Borough Administrator.

Other employees are classified as non-exempt employees shall be paid overtime pursuant to the relevant collective bargaining agreement or the Fair Labor Standards Act if the employee is not a member of the collective bargaining unit.

B. Longevity. Officials and employees in exempt full-time salaried positions shall not be eligible for longevity.

C. Holidays. Officials and employees serving in full-time salaried positions shall receive holiday pay equal to one day's pay without working for the following days:

1. New Year's Day
2. King's Birthday
3. Lincoln's Birthday
4. President's Day
5. Good Friday
6. Memorial Day

7. Independence Day
8. Labor Day
9. Columbus Day
10. General Election Day
11. Veteran's Day
12. Thanksgiving Day
13. Friday after Thanksgiving
14. Christmas Day.

The holidays set forth above shall be observed on the dates specified each December by the Borough Council, which shall be subject to change by the Borough Council upon thirty (30) days notice. Officials and employees required to work on a holiday shall be compensated in accordance with departmental policy.

D. Vacation Leave. Officials and employees serving in full-time salaried positions shall be granted annual paid vacation leave based on years of continuous full-time service with the Borough in accordance with the following schedule:

Up to one (1) year of service	one (1) day per month
2 through 4 years	twelve (12) working days
5 through 9 years	fifteen (15) working days
10 through 14 years	eighteen (18) working days
15 through 20 years	twenty (20) working days
21 <sup>st</sup> year and over	one (1) day for each year employed by the Borough of Seaside Park

(1) Officers and employees hired after January 1, 1981 shall receive a maximum of twenty two (22) days vacation leave each year after twenty years of service.

(2) Vacation leave shall be credited at the beginning of each calendar year and prorated but employees must receive their supervisor's approval at least two weeks in advance of taking the first vacation day. Vacation time cannot be taken in more than two week increments without approval of the department head and the Borough Administrator. Vacation leave credits shall not accumulate or accrue after an employee has resigned or retired although the employee may be retained on the payroll until the employee's leave time is totally exhausted.

(3) Vacation leave not used during the calendar year may be carried forward into the first quarter of the following year with the approval of the department head and Borough Administrator.

(4) Continuous service, for purposes of this section, shall mean continuous employment with the Borough without interruption due to resignation, retirement or removal. Periods of employment before and after layoff, suspension, or leave without pay shall be considered continuous service.

E. Sick Leave. Employees are entitled to fifteen (15) working days of sick leave per calendar year. Sick leave is to be used only in cases where the employee is ill and unable to work, or in cases of illness of a family member. Employees absent on sick leave for three (3) or more consecutive working days must submit a doctor's verification of illness or injury. If an employee is attending to an immediate family member, including civil union partner, a doctor's verification of that individual is required. After the tenth day of absence on sick leave in one calendar year, a doctor's verification must be submitted for all sick leave absences, regardless of duration. Prior to the return to work, the Borough of Seaside Park may require an employee to be examined by a physician designated by the Borough of Seaside Park to verify fitness to return to normal duties. An employee will not be permitted to return to work until the verification is received.

Effective October 1, 2009 employees with accumulated sick time in excess of 45 days on January 1, 2009 may use accumulated sick time only in case of personal illness and are unable to work. Employees will not accrue any additional sick time until their accumulated sick time bank is reduced below 45 days. Any employee hired after January 1, 2009 cannot accumulate more than 45 days of sick leave. Sick leave shall not accrue during a leave of absence without pay or suspension.

The Water Superintendent/Licensed Operator Joseph Walker shall be entitled to one hundred percent (100%) of accumulated sick leave upon retirement to a maximum of \$46,769.00.

F. Bereavement Leave. Officers and employees are entitled to five consecutive calendar days of leave for the death of an employee's immediate family. Unused bereavement leave does not accumulate. Immediate family includes spouse, significant other, civil union partner, child, parent, stepchild, sibling, grandparent, daughter-in-law, son-in-law, grandchildren, niece, nephew, uncle, aunt or any person related by blood or marriage residing in the employee's household.

G. Personal Leave. Officers and employees serving in a full-time salaried position shall be entitled to three (3) personal days each year. Personal days must be used during the calendar year earned and shall not accumulate from year to year.

H. Medical Benefits. Employees and the immediate family members and those eligible to receive benefits by State law are provided health insurance coverage by the State Health Benefits Plan. To be eligible, an individual must be a full-time employee for more than twenty-five (25) hours per week or an appointed or elected official receiving a salary from the Borough. Employees serving in full-time salaried

positions shall receive benefits pursuant to the existing State Health Benefits Plan at the time of the application for the benefit.

Health insurance for employees on a leave of absence or those who cease to be Borough employees will terminate pursuant to the State Health Benefit Plan. Coverage will continue for those on leave pursuant to Federal and State Family Medical Leave Act. Eligible employees who elect not to participate in the Borough's medical health benefit plan shall receive an annual health insurance option payment in the amount of three thousand dollars (\$3,000.00) for those employees who select no medical coverage and/or three thousand dollars (\$3,000.00) for those selecting no vision, prescription or dental coverage.

The health insurance option payments shall be prorated and paid in two equal installments at the completion of each insurance period. Employees desiring to elect this option shall make the election in writing during the month period to the policy renewal or designated.

**SECTION 2.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

**SECTION 3.** This ordinance shall take effect upon publication.

Audience: Faye Haring, I Street: She questions the 14 holidays which are contractual. She also questions benefits for employees working over 25 hours a week. That is set by state statute.

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

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

NAYS: Meyer.

MOTION CARRIED.

Final reading of Ordinance No. 1485 entitled:

**BOND ORDINANCE PROVIDING FOR SANITARY SEWER AND WATER IMPROVEMENTS TO 7TH AVENUE IN AND BY THE BOROUGH OF SEASIDE PARK, IN THE COUNTY OF OCEAN, NEW JERSEY, APPROPRIATING \$246,200 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$246,200 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(a) 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 the purpose described in Section 3(a), there is hereby appropriated the sum of \$246,200. 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 the purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$246,200 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 various sanitary sewer and water improvements to 7th Avenue, including construction of water mains, replacement of gravity sanitary collection sewers and installation of lateral lines, 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 the purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or the 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 the purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough lawfully may 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 the 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 40 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 \$246,200, 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 \$21,200 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 the 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(a) 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(a) 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.

There were no comments from the audience.

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

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

MOTION CARRIED.

Final reading of Ordinance No. 1486 entitled:

**BOND ORDINANCE PROVIDING FOR VARIOUS ROADWAY IMPROVEMENTS TO 7TH AVENUE IN AND BY THE BOROUGH OF SEASIDE PARK, IN THE COUNTY OF OCEAN, NEW JERSEY, APPROPRIATING \$436,800 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$436,800 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF 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(a) 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") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$436,800, including \$400,000 in grants expected to be received from the State of New Jersey Department of Transportation (the "State Grants"). Pursuant to N.J.S.A. 40A:2-11(c), no down payment is provided since a portion of the costs of the improvements are to be funded from the above referenced State Grants.

Section 2. In order to finance the cost of the improvement or purpose and in anticipation of receipt of the State Grant, negotiable bonds are hereby authorized to be issued in the principal amount of \$436,800 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 the various roadway improvements to 7th Avenue, 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(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a general improvement, and 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 ordinance, is 20 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 \$436,800, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$40,800 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.

Section 7. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

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.

There were no comments from the audience.

Motion for approval made by Mr. Brennan and seconded by Mr. Kelly,

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

MOTION CARRIED.

Ordinance Introductions: First reading of Ordinance No. 1487 entitled:

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et. seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Governing Body of the Borough of Seaside Park in the County of Ocean finds it advisable and necessary to increase its CY 2009 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Governing Body hereby determines that a 3.5% increase in the budget for said year, amounting to \$72,252.86 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Governing Body hereby determines that any amount authorized hereinabove that is not appropriated as part of its final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Governing Body of the Borough of Seaside Park in the County of Ocean, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2009 budget year, the final appropriations of the Borough of Seaside Park shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$252,885.01 and that the CY 2009 municipal budget for the Borough of Seaside Park be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to the final appropriations in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

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

AYES: Brennan, McHugh, Jablonski.

NAYS: Appleby, Kelly, Meyer.

Mayor Connor broke the tie with a yes vote.

MOTION CARRIED.

Resolutions: Adm. Julie Keizer reviews the following resolutions:

R2009-214 entitled:

**RESOLUTION OF THE SEASIDE PARK BOROUGH COUNCIL GRANTING A LEAVE OF ABSENCE TO WAYNE KIERNEY.**

WHEREAS, Wayne Kierney is employed by the Public Works Department of the Borough of Seaside Park; and

WHEREAS, Wayne Kierney has requested a medical unpaid leave of absence; and

WHEREAS, the Borough of Seaside Park wishes to grant the leave of absence from June 6, 2009 to September 6, 2009 if required; and

WHEREAS, the Borough Administrator has recommended that this request be approved by the Borough Council.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Seaside Park, County of Ocean, State of New Jersey that the request for a medical leave of absence be and hereby is granted to Wayne Kierney.

R2009-215 entitled:

**RESOLUTION OF THE SEASIDE PARK BOROUGH COUNCIL APPOINTING SEASONAL PUBLIC WORKS EMPLOYEES FOR THE SUMMER SEASON, 2009.**

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

WHEREAS, in accordance with this authorization, the Borough's Director of Public Works 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, County of Ocean, State of New Jersey as follows:

1. The following individuals described in Schedule A, attached hereto are hereby appointed as employees in the Department of Public Works for the summer of 2009.
  2. The Borough Clerk is hereby directed to forward a certified copy of this Resolution to the Director of Public Works and the Chief Financial Officer.
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R2009-216 entitled:

**RESOLUTION AUTHORIZING THE TAX COLLECTOR TO CANCEL THE DESIGNATED TAX SALE CERTIFICATE.**

WHEREAS, the Tax Collector has been paid the amounts necessary to redeem the Tax Sale Certificate on a selected property; and

WHEREAS, the Tax Collector has recommended that the liens on this property be cancelled.

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 Tax Collector is hereby authorized to cancel the lien on the following designated property from the Borough's records and forward the certificate endorsed for cancellation to the designated property owner.

<i>No.</i>	<i>Property Owner</i>	<i>Premises Block-Lot</i>	<i>Certificate Holder</i>	<i>Amount</i>
2008-2	Artalie, Linda	31-3	Plymoth Park Tax	\$ 419.25
			Premium Acct	3,100.00
			Total	\$3,519.25

2. The Borough Treasurer is hereby authorized and directed to draw a check in the total amount indicated above payable to the holders of the designated Tax Sale Certificate and forward said check to the Tax Collector.
3. The Borough Clerk is hereby directed to forward a certified copy of this Resolution to the Borough Treasurer and the Tax Collector.

R2009-217 entitled:

**RESOLUTION OF THE SEASIDE PARK BOROUGH COUNCIL TO JOIN NEW JERSEY SUSTAINABLE ENERGY JOINT MEETING.**

WHEREAS, Local Units of the State of New Jersey are authorized to enter into a joint contract to provide for the formation of a joint meeting for the joint procurement of natural gas, electricity and other forms of energy as permitted by N.J.S.A. 40A:65-14 et seq.; and

WHEREAS, the statutes regulating the creation and establishment of a Joint Meeting contain a mechanism for local units to aggregate their collective energy consumption in order to negotiate and contract for energy in a cost-effective, environmentally sensitive manner, furthering the public interest entrusted to such a Joint Meeting; and

WHEREAS, the governing body of the Seaside Park has determined that membership in the Joint Meeting is in the best interest of the Borough.

**NOW THEREFORE, BE IT RESOLVED**, that the governing body of the Borough of Seaside Park does hereby resolve and agree to become a member in the New Jersey Sustainable Energy Joint Meeting (NJSEM) for the purpose of joining with other Local Units in the State to aggregate purchasing power of energy so as to achieve financial savings and to encourage Local Units to cooperate in seeking ways to jointly implement sustainable energy alternatives;

**BE IT FURTHER RESOLVED** that the Mayor is authorized to execute the Joint Contract Joinder Agreement, attached hereto, and that the Borough Administrator is hereby designated to represent the Local Unit as a member of the State Management Committee of the NJSEM; and

**BE IT FURTHER RESOLVED** that the Mayor is authorized and directed to execute such other documents signifying their membership in the NJSEM, and make payment of the Initial Membership Fee of \$600 as required by the NJSEM's Bylaws and to deliver same to the Executive Director of the NJSEM.

R2009-218 entitled:

**RESOLUTION OF THE SEASIDE PARK BOROUGH COUNCIL APPOINTING SEASONAL RECREATION EMPLOYEES FOR THE SUMMER SEASON OF 2009.**

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

WHEREAS, in accordance with this authorization, the Borough's Director of Recreation 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, County of Ocean, State of New Jersey as follows:

3. The following individuals described in Schedule A, attached hereto are hereby appointed as employees in the Department of Recreation for the summer of 2009.
  4. The Borough Clerk is hereby directed to forward a certified copy of this Resolution to the Director of Recreation and the Chief Financial Officer.
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R2009-219 entitled:

**RESOLUTION OF THE SEASIDE PARK BOROUGH COUNCIL REQUESTING EXTENTION OF TIME IN WHICH TO AWARD A CONTRACT FOR THE RECONSTRUCTION OF 7<sup>TH</sup> AVENUE.**

**WHEREAS**, the Borough of Seaside Park, in the County of Ocean and State of New Jersey, has made application for Municipal Aid to the New Jersey Department of Transportation (hereinafter NJDOT) for reconstruction of 7<sup>TH</sup> Avenue; and

**WHEREAS**, the NJDOT has awarded a grant based on said applicaton which stipulates that a contract award must be made by a certain date; and

**WHEREAS**, the Borough of Seaside Park Borough Engineer, CME has requested an extension from the NJDOT for said contract to be awarded; and

**WHEREAS**, it is in the best interest of the Borough of Seaside Park to request an extension from the NJDOT for said contract to be awarded in order to preserve funding for said project; and

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Seaside Park, in the County of Ocean, State of New Jersey, that the Borough hereby requests that NJDOT grant the Borough of Seaside Park a six (6) month extension of time allowing the Borough of Seaside Park to make award for the proposed reconstruction of 7<sup>TH</sup> Avenue; and

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution be forwarded to the following:

1. Julie Horner-Keizer, Borough Administrator/Clerk
  2. William T. Hering, Esquire, Borough Attorney
  3. CME, Borough Engineer
  4. New Jersey Department of Transportation  
Local Aid and Economic Development  
District III Office  
100 Daniels Way  
Freehold, N.J. 07728
- Attn: Robert Werkmeister

R2009-220 entitled:

**RESOLUTION OF THE SEASIDE PARK BOROUGH COUNCIL AUTHORIZING THE BOROUGH CLERK TO ADVERTISE, SOLICIT AND RECEIVE BIDS FOR 13<sup>TH</sup> AVENUE BOAT RAMP AND MARINA BREAKWATER IMPROVEMENTS.**

**WHEREAS**, the Borough Council has previously reviewed and approved certain capital projects; and

**WHEREAS**, the Borough Engineer has prepared bid specifications and proposed contract documents; and

**WHEREAS**, it is the desire of the Borough Council authorize the Borough Clerk to advertise, solicit and receive bids for the following capital projects:

13<sup>TH</sup> AVENUE BOAT RAMP and MARINA BREAKWATER IMPROVEMENTS

**NOW, THEREFORE BE IT RESOLVED** that the Borough Clerk is hereby authorized to advertise, solicit and receive bids for the aforementioned projects.

**BE, IT FURTHER RESOLVED** that a copy of this Resolution be forwarded to CME and the Chief Financial Officer

R2009-221 entitled:

**RESOLUTION OF THE SEASIDE PARK BOROUGH COUNCIL MAKING APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO NJSA40A:4.**

**WHEREAS**, the Borough Council of the Borough of Seaside Park in the County of Ocean desires to make application to the Local Finance Board for its approval of a proposed appropriations waiver pursuant to N.J.S.A. 40:4; and

**WHEREAS**, the Borough Council believes that:

- (a) it is in the public interest to accomplish such purpose; and,

- (b) the appropriation cap waiver is for the health, wealth, convenience or betterment of the inhabitants of the Borough of Seaside Park; and,
- (c) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the Borough of Seaside Park and will not create an undue financial burden to be placed upon the Borough of Seaside Park;

NOW THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Seaside Park as follows:

Section 1. The application to the Local Finance Board is hereby approved, and the Chief Financial Officer, along with other representatives of the Borough of Seaside Park are hereby authorized to prepare such application and to represent the Borough of Seaside Park in matters pertaining thereto.

Section 2. The Municipal Clerk of the Borough of Seaside Park is hereby directed to file a copy of the proposed appropriation cap waiver with the Local Finance Board as part of such application.

Section 3. The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as provided by the applicable New Jersey Statute.

R2009-222 entitled:

**RESOLUTION OF THE SEASIDE PARK BOROUGH COUNCIL INTRODUCING THE 2009 MUNICIPAL BUDGET.**

**BE IT RESOLVED**, by the Mayor and Borough Council of the Borough of Seaside Park, on this 9th day of July 2009, that the 2009 Local Municipal Budget of the Borough of Seaside Park (copy of which is annexed hereto) be and is hereby introduced on first reading and the Borough Clerk is directed to read the title thereof in full. The public hearing for the budget will be August 13, 2009 at 8:00 PM at Council Chambers, 6<sup>th</sup> and Central Avenues, Seaside Park, New Jersey.

R2009-223 entitled:

**RESOLUTION FOR JULY 9, 2009, FOR EMERGENCY TEMPORARY APPROPRIATIONS FOR PERIOD BETWEEN THE BEGINNING OF THE CURRENT FISCAL YEAR AND THE DATE OF THE ADOPTION OF THE BUDGET FOR SAID YEAR, ACCORDING TO 40A:4-20:**

<b>Current Fund Appropriations:</b>		
Social Security System		\$ 20,000.00
Telephone		\$ 5,000.00
Ocean County Tourism Grant:		
Local Match		\$ 700.00
Fuel for Motor Vehicles		\$ 20,000.00
Public Works:		
Other Expenses		\$ 20,000.00
Vehicle Maintenance:		
Other Expenses		\$ 10,000.00
<b>Total - Current Fund</b>	<b>\$ -</b>	<b>\$ 75,700.00</b>
<b>Water Sewer Operating Fund Appropriations:</b>		
Salaries & Wages		
Social Security:		
<b>Total - Water Sewer Operating Fund</b>	<b>\$ -</b>	<b>\$ -</b>
<b>Marina Operating Fund Appropriations:</b>		
Social Security		
Green Trust Loan-Principal & Interest		
<b>Total - Marina Operating Fund</b>	<b>\$ -</b>	<b>\$ -</b>

R2009-224 entitled:

**RESOLUTION OF THE SEASIDE PARK BOROUGH COUNCIL APPROVING THE BILL LIST DATED JULY 9, 2009.**

**2009 BILL LIST BOROUGH OF SEASIDE PARK**

**July 9, 2009**

	FUND ACCOUNT	CHECK NUMBERS	AMOUNT
<b>Computer Checks:</b>	CURRENT ACCOUNT	025512 - 025567	\$ 104,910.18
	WATER & SEWER ACCOUNT	007495 - 007501	\$ 8,386.91
	MARINA OPERATING	002842 - 002845	\$ 878.10
	GENERAL CAPITAL ACCOUNT	003927 - 003929	\$ 7,737.50
	WATER SEWER CAPITAL	003813	\$ 405.00
	MARINA CAPITAL	050211	\$ 316.00
	GENERAL TRUST	000415	\$ 3,519.25
	DEVELOPERS ESCROW	001527 - '001528	
	ANIMAL TRUST ACCOUNT		
	RECREATION TRUST	001014	\$ 1,643.45
<b>Manual Checks:</b>	CURRENT ACCOUNT		
	Interfunds		
	Treasurer State of NJ		\$ 3,917.54
	O.C. Landfill		
	Payroll		\$ 197,588.35
	NJ State Health Benefits		
	WATER SEWER OPERATING		
	Interfunds		
	Payroll		\$ 13,536.18
	MARINA OPERATING		
	Payroll		\$ 3,279.16
	Interfunds		
	<b>TOTAL*</b>		<b>\$ 346,117.62</b>

Resolutions “h” making application to the local finance board and “I” introducing the budget will be voted upon separately.

Public comments: Mike Tierney, N Street questions the summer employees; all are included on the resolution and are budgeted for.

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

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

MOTION CARRIED.

Resolution “I” introducing the budget which includes no furloughs and a slight increase of 3.42%.

Public: Karen Barna, Ocean Avenue: She asks for a copy of the budget which is on the table.

Faye Haring, I Street: She discusses the tax rate; we do not have one yet.

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

AYES: Brennan, McHugh, Jablonski.

NAYS: Appleby, Kelly, Meyer.

Mayor Connors breaks the tie vote with a yes vote.

MOTION CARRIED.

Resolution “h” making application to the local finance board. There were no comments from the public. Motion for approval made by Mr. Jablonski and seconded by Dr. McHugh.  
AYES: Brennan, McHugh, Jablonski.  
NAYS: Appleby, Kelly, Meyer.  
Mayor Connors broke the tie vote with a yes vote.  
MOTION CARRIED.

Committee Reports:

Mr. Meyer: Two public safety meetings were held in the past 2 weeks discussing personnel and promotions. We had a busy holiday week-end, discussed one way streets with Chief Dickson who provided a list of suggested streets.  
C Street, Island, Brighton and North Avenues; 1<sup>st</sup>, 2<sup>nd</sup> Avenues, M, N and O Streets.

Mr. Kelly: The O Street playground is installed. The White Collar contract is settled, they will no longer have Lincoln’s Birthday but will have one half day Christmas Eve day and one half day New Year’s Eve day. Pubic Works is ongoing.

Mr. Appleby: The beach was very busy over the Holiday week-end. Over 8,500 daily tickets were sold. Summer In the Park schedules are out. There will be a movie on the O Street beach Saturday July 11<sup>th</sup>. The Concession stand took in \$10,589.00 and badges are .33% over last year’s sales.

Mr. Brennan: We have trouble with well no. 7; the garbage bids are being reviewed. The Sawmill has a new owner with a temporary C.O. for the 2<sup>nd</sup> floor. Resolution on for Boro vehicle bids. Julie reads the resolution approved on a motion made by Mr. Brennan and seconded by Mr. Appleby. There were no comments from the public.  
AYES: Appleby, Brennan, Jablonski, McHugh, Kelly, Meyer.  
MOTION CARRIED. R2009-225.

Dr. McHugh: The new water system at the Marina is up and running, new decking on the finger piers will start next week. New fire extinguisher boxes are in and the new fencing is up half completed. The doggie stations are working well. Kevin Kusion finished his Eagle Scout project; we will have him here for the next meeting for recognition. Thanks to the Sand Dollar Garden Club for planting the activity sign at the Marina property. Saturday June 27<sup>th</sup> the Coast Guard Aux. conducted a free vessel inspection; also held knot tying class.

Mr. Jablonski: We are waiting for the results of the energy audit.

Public: John Vanna, S. Ocean Avenue: He comments on the resignation of the Tax Assessor. The Planning Board has significant issues. We are receiving resumes. He also discusses COAH; we have to make a decision. He discusses the July 22<sup>nd</sup> meeting; the Land Use committee and report.

Al Vassallo, 609 SW Central Avenue. He asked if the meetings are taped; discusses cap and revenue figures.

Ed Gallagher, K Street: He comments on the handicap railings on the boardwalk, they look great and are safe.

John Vanna, Ocean Avenue: The Land Use Committee did a good job; we do not want Seaside Heights in Seaside Park. He discusses fishing and crabbing on K Street and the ordinance in Toms River which is still in effect. He comments on the lifeguard headquarters building; it is falling apart. He would like a full account of the spending that is ongoing there. He states it is a waste of money.

Maryann Palmisano, 1 S. Ocean Avenue: She is in favor of the proposed one way streets. She discusses shared services; Mr. Appleby states we are working on it. She discusses life guard headquarters also.

Nancy Koury, 33 6<sup>th</sup> Avenue: She also discusses lifeguard headquarters.

Shirley Kreszl, 700 N. Bayview Avenue: She states the railings are fine, she would like to hear a more comprehensive police report; she questions the new fence at the Marina; would like Marina surplus money used elsewhere in the town; Dr. McHugh states there are many needs at the Marina. She commends Mayor and Council for sitting there taking all the verbal abuse; also having to contend with the many rumors that go around town. Dr. McHugh agrees.

Rich Benninger, O Street: The O Street playground needs a bigger sign for closing time. He would like the seaweed in the area removed. Mr. Mackie is working on that with Public Works.

Mayor and Council will have a closed session authorized by R2009-226.

Meeting adjourned at 10:25 P.M.  
Attend: 23

Res. submitted;

Barbara Greger, Dep. Borough Clerk.