

## ***SEASIDE PARK BOROUGH COUNCIL***

The Regular Meeting of the Borough Council of the Borough of Seaside Park was called to order at 9:25 p.m. on Thursday June 25, 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 Michael McKenna, Chief Ed Dickson, Jim Mackie, Dir. DPW

Mayor Connors called the meeting to order at 9:25 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 May 28, 2009: Work Session June 11, 2009

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

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

ABSTAIN: Appleby June 11.

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: Mike Tierney, N Street: He is against the revised amount of sick days allotted upon retirement being 45.

Pat DeGutis states it should be a cap amount.

John Vanna, Ocean Avenue is against any sick time buy out.

John Kleva, 29 1<sup>st</sup> Avenue: States he successfully fired employees during his tenure at work.

April Bengivenga, 138 H Street: In her home town of South Plainfield, town officials do not get health benefits.

After discussion, Council agrees to eliminate the sick time buy out of 45 days to 0, also reduce the sick days regarding a doctor's note from 5 to 3.

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

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

This ordinance will have another reading July 9 with the two changes.

MOTION CARRIED.

Final reading of Ordinance No. 1483 entitled:

**ORDINANCE APPROPRIATING \$56,800 FROM THE CAPITAL IMPROVEMENT FUN FOR VARIOUS IMPROVEMENTS TO AND ACQUISITIONS FOR THE MARINA IN AND BY THE BOROUGH OF SEASIDE PARK, IN THE COUNTY OF OCEAN, NEW JERSEY**

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF SEASIDE PARK, IN THE COUNTY OF OCEAN, NEW JERSEY AS FOLLOWS:

Section 1. \$56,800 is hereby appropriated from the Capital Improvement Fund for the various improvements to and acquisition for the Marina, including, but not limited to, electrical access and lighting, acquisition of office trailer, acquisition of Marina yard vehicles, lighting improvements, installation of security cameras and computer systems, including all work and materials necessary therefor and incidental thereto, in and by the Borough of Seaside Park, in the County of Ocean, New Jersey (the "Borough").

Section 2. 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 3. This ordinance shall take effect after final adoption and publication and otherwise as provided by law.

There were no comments from the audience.

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

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

MOTION CARRIED.

Final reading of Ordinance No. 1484 entitled:

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

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

**SECTION 1.** Beginning retroactively to June 11, 2009 and until otherwise legally changed, the annual salary and wage range for officials and employees serving in the designated part time salaried positions shall be as follows:

Part Time Code/Zoning Officer/Flood Plan Manager \$5,000 - \$15,000 per annum.

**SECTION 3.** This Ordinance shall become effective retroactively to June 11, 2009 upon and adoption and publication as required by law.

Audience: John Vanna asked if this was retroactive for Geoffrey Schwartz. He worked a few hours, he will be reimbursed.

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

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

MOTION CARRIED.

Ordinance Introductions:

First 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.

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

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

MOTION CARRIED.

First 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.

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

Resolutions: Adm. Julie Keizer reviewed the following resolutions:  
R2009-197 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>
2008-01	Brennan, Dennis & Josephine	4-12	Crusader Lien Services	\$19,329.82
			Premium Account	10,500.00
			Total	29,829.82

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.

R2009-198 entitled:

**Resolution of the 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:
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Sandy Madigan, 307 Cutty Ct. Toms River, NJ	\$300.00 beach fire
Ambassador Christian Academy, 700 Main St, Toms River NJ	\$300.00 beach fire
Judy Gasarowski, 112 11 <sup>th</sup> Avenue, Seaside Park, NJ	\$3000.00 beach fire
Alfonsia Leonard, 320 Parker Avenue, So. Amboy, NJ	\$100.00 rental permit
William Matus, P.O. Box 1294, Kearny, NJ	\$100.00 rental permit

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

R2009-199 entitled:

**Resolution of the Borough Council authorizing the adjustment of designated Water and Sewer Utility accounts.**

WHEREAS, the Borough of Seaside Park operates a Water and Sewer Utility and it is the policy of the Borough that a resolution of the Mayor and Council is required in any instance where the adjustment of an account would reduce the amount which had been previously billed; and

WHEREAS, the below designated accounts were previously billed for amounts which need to be adjusted due to leaking water meter.

WHEREAS, the Water and Sewer Utility Collector and the Water and Sewer Committee have recommended that the charges previously billed be cancelled and the account be adjusted accordingly.

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 Water and Sewer Utility Collector is hereby directed to cancel the charges previously billed to the designated accounts:

Block & Lot	Property Owner	Property Location	Billing Period	Amount Cancelled	Revised Billing
55/26	Santos	108 M Street	2009-2	\$50.32	-

2. The Borough Clerk is hereby directed to forward a certified copy of this resolution to the Water and Sewer Utility Collector.

R2009-200 entitled:

**Resolution of the Borough Council authorizing the partial reimbursement of a Sewer service charge.**

WHEREAS, the Borough of Seaside Park operates a Water and Sewer Utility and it is the policy of the Borough that a resolution of the Mayor and Council is required in any instance where the reimbursement of a fee is required and

WHEREAS, the below designated account incurred a fee for snaking of the sewer lines. The homeowner had called Rotor Rooter to fix the sewer problem. It was discovered the sewer problem was also a Borough sewer back-up and the Borough fixed the sewer line.

WHEREAS, the Water and Sewer Utility Collector and the Water and Sewer Committee have recommended that half of the charges paid by the homeowner be reimbursed.

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:

3. The CFO is hereby directed to refund half the charges to the homeowner:

Block & Lot	Property Owner	Property Location	Total Amount	Amount Refunded	
83/5	Lenora Vescera	1905 NW Central Ave	\$341.33	\$170.66	-

4. The Borough Clerk is hereby directed to forward a certified copy of this resolution to the Water and Sewer Utility Collector and the CFO.

R2009-201 entitled:

**RESOLUTION OF THE BOROUGH OF SEASIDE PARK, COUNTY OF OCEAN  
APPOINTING GEOFFREY SCHWARTZ TO THE INTERIM PART TIME POSITION OF  
ZONING/CODE ENFORCEMENT OFFICIAL/FLOOD PLAN MANAGER FOR THE BOROUGH  
OF SEASIDE PARK**

**Whereas**, the Mayor and Council have determined to appoint a interim Zoning/Code Enforcement Official/Flood Plan Manager on a part time basis in order to serve the needs of the Borough and its residents until such a time a Shared Service Agreement is in place; and

**Whereas**, the Borough of Seaside Park wishes to appoint Geoffrey Schwartz 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 \$15,000.00 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. Geoffrey Schwartz is hereby appointed to the interim part time position of Zoning/Code Enforcement Official/Flood Plan Manager subject to New Jersey DOP Rules and Regulations.

2. Said salary for the appointee shall be \$16.48 per hour, for up to 16 hours per week and shall not exceed \$15,000.00 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.

R2009-202 entitled:

**Resolution of the Borough Council approving the renewal of the Alcoholic Beverage  
Control Plenary Retail Consumption License issued to JOY-JAM INC. trading as  
Windjammer Motor Inn.**

WHEREAS, JOY JAM INC., trading as Windjammer Motor Inn, the holder of an Alcoholic Beverage Control Plenary Retail Consumption License has filed an application for the renewal of said license for the fiscal year July 1, 2009 to June 30, 2010.

WHEREAS, the licensee has paid the required state and municipal fees and the Chief of Police has reviewed the application and recommended its renewal without conditions; and

WHEREAS, there have been no objections filed regarding the renewal of this license and it is the desire of the Borough Council to authorize the license renewal.

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

1. The Alcoholic Beverage Control Plenary Retail Consumption License issued to JOY-JAM INC. trading as Windjammer Motor Inn is hereby renewed for the fiscal year July 1, 2009 to June 30, 2010.
2. The said Alcoholic Beverage Control License is renewed without special conditions attached.
3. The Borough Clerk is hereby directed to forward a certified copy of this resolution to the license holder and the State of N.J. Dept. of Law and Public Safety, Division of Alcoholic Beverage Control.

R2009-203 entitled:

**Resolution of the Borough Council approving the renewal of the Alcoholic Beverage Control Plenary Retail Distribution License issued to DIVYA POOJA LLC. Trading as White Oak Liquors.**

WHEREAS, DIVYA POOJA LLC, trading as White Oak Liquors, the holder of an Alcoholic Beverage Control Plenary Retail Distribution License has filed an application for the renewal of said license for the fiscal year July 1 2009 to June 30, 2010; and

WHEREAS, said licensee has paid the required state and municipal license fees and the Chief of Police has reviewed the application and recommended its renewal without conditions; and

WHEREAS, there have been no objections filed regarding the renewal of this license and it is the desire of the Borough Council to authorize the license renewal.

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

1. The Alcoholic Beverage Control Plenary Retail Distribution License issued to DIVYA POOJA, LLC trading as White Oak Liquors is hereby renewed for the fiscal year July 1, 2009 to June 30, 2010.
2. The said Alcoholic Beverage Control License is renewed without special conditions attached.
3. The Borough Clerk is hereby directed to forward a certified copy of this resolution to the license holder and the State of N.J. Department of Law and Public Safety, Division of Alcoholic Beverage Control.

R2009-204 entitled:

**Resolution of the Borough Council approving the renewal of the Alcoholic Beverage Control Plenary Retail Distribution License issued to HYMA TRADING LLC trading as Blue Front Liquors.**

WHEREAS, HYMA TRADING LLC trading as Blue Front Liquors, the holder of an Alcoholic Beverage Control Plenary Retail Distribution License has filed an application for the renewal of said license for the fiscal year July 1, 2009 to June 30, 2010; and

WHEREAS, said license has paid the required state and municipal license fees and the Chief of Police has reviewed the application and recommended its renewal without conditions; and

WHEREAS, there have been no objections filed regarding the renewal of this license and it is the desire of the Borough Council to authorize the license renewal.

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

1. The Alcoholic Beverage Control Plenary Retail Distribution License issued to HYMA TRADING LLC trading as Blue Front Liquors is hereby renewed for the fiscal year July 1, 2009 to June 30, 2010.
2. The said Alcoholic Beverage Control License is renewed without special conditions attached.
3. The Borough Clerk is hereby directed to forward a certified copy of this resolution to the license holder and the State of N.J., Dept. of Law and Public Safety, Division of Alcoholic Beverage Control.

R2009-205 entitled:

**Resolution of the Borough Council approving the renewal of the Alcoholic Beverage Control Club License issued to SEASIDE PARK YACHT CLUB INC. trading as Seaside Park Yacht Club.**

WHEREAS, SEASIDE PARK YACHT CLUB INC. trading as Seaside Park Yacht Club, the holder of an Alcoholic Beverage Control Club License has filed an application for the renewal of said license for the fiscal year July 1, 2009 to June 30, 2010; and

WHEREAS, said license has paid the required state and municipal license fees and the Chief of Police has reviewed the application and recommended its renewal without conditions; and

WHEREAS, there have been no objections filed regarding the renewal of this license and it is the desire of the Borough Council to authorize the license renewal.

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

1. The Alcoholic Beverage Control Club License issued to SEASIDE PARK YACHT CLUB INC. trading as Seaside Park Yacht Club is hereby renewed for the fiscal year July 1, 2009 to June 30, 2010.
2. The said Alcoholic Beverage Control License is renewed without special conditions attached.
3. The Borough Clerk is hereby directed to forward a certified copy of this resolution to the license holder and the State of N.J., Dept. of Law and Public Safety, Division of Alcoholic Beverage Control

R2009-206 entitled:

**RESOLUTION OF THE SEASIDE PARK BOROUGH COUNCIL AUTHORIZING THE RENEWAL OF PLENARY RETAIL ABC LICENSE FOR MILLION BUCKS, INC. TRADING AS THE SAWMILL CAFÉ. TABLED**

R2009=207 entitled:

**RESOLUTION**

Whereas, the Borough of Seaside Park desires to amend the 2009 Temporary Capital Budget of said municipality by inserting therein, the following projects:

Various Roadway Improvements to 7<sup>th</sup> Avenue  
Sanitary Sewer and Water Improvements to 7<sup>th</sup> Avenue

Now, therefore, be it resolved by the Governing Body of the Borough of Seaside Park of the County of Ocean, that the 2009 Temporary Capital Budget shall be amended as follows:

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

Project Title	Project Number	Estimated Total Cost	Debt Authorized
Various Roadway Improvements to 7 <sup>th</sup> Avenue	3	\$436,800.00	\$436,800.00
Sanitary Sewer and Water Improvements to 7 <sup>th</sup> Avenue	4	246,200.00	246,200.00
		<u>\$955,924.73</u>	<u>\$683,000.00</u>

The Clerk be and is authorized and directed to file a certified copy of this resolution with the Division of Local Government Services, Department of Community Affairs, State of New Jersey, within three days after adoption of this project for the 2009 Temporary Capital Budget, to be included in the 2009 Permanent Capital Budget as adopted.

ROLL CALL:

Ayes:

Nays:

R2009-208 entitled:

**RESOLUTION FOR JUNE 25, 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>1</b>	<b>Current Fund Appropriations:</b>		
	Code Enforcement:		
	Salaries & Wages		\$ 10,000.00
	Accumulated Leave:		
	Salaries & Wages		\$ 30,000.00
	Solid Waste Disposal		\$ 23,607.00
	Municipal Court:		
	Other Expenses		\$ 5,000.00
	NJ Green Trust Loan		
	Principal & Interest		
	Berkeley Township-Animal Control Services		\$ 5,200.00
	NJ Local Government Energy Program		
	Matching Funds		
	<b>Total - Current Fund</b>	<b>\$ -</b>	<b>\$ 73,807.00</b>
<b>2</b>	<b>Water Sewer Operating Fund Appropriations:</b>		
	Salaries & Wages		
	Social Security:		
	<b>Total - Water Sewer Operating Fund</b>	<b>\$ -</b>	<b>\$ -</b>

<b>3 Marina Operating Fund Appropriations:</b>		
Social Security		
Green Trust Loan-Principal & Interest		\$ 52,000.00
<b>Total - Marina Operating Fund</b>	<b>\$ -</b>	<b>\$ 52,000.00</b>

R2009-209 entitled:

**2009 BILL LIST BOROUGH OF SEASIDE PARK**

**June 25, 2009**

	<b>FUND ACCOUNT</b>	<b>CHECK NUMBERS</b>	<b>AMOUNT</b>
<b>Computer Checks:</b>	CURRENT ACCOUNT	025471 - 025511	\$ 53,152.30
	WATER & SEWER ACCOUNT	007492 - 007494	\$ 291.18
	MARINA OPERATING	002835 - 002841	\$ 54,625.19
	GENERAL CAPITAL ACCOUNT	003924 - 003926	\$ 10,048.97
	WATER SEWER CAPITAL	003812	\$ 274.00
	MARINA CAPITAL	050209 - 050210	\$ 2,751.00
	GENERAL TRUST	000408 - 000414	\$ 36,800.91
	DEVELOPERS ESCROW	001527 - '001528	\$ 1,059.25
	ANIMAL TRUST ACCOUNT		
	RECREATION TRUST	001013	\$ 525.00
<b>Manual Checks:</b>	CURRENT ACCOUNT		
	Interfunds		\$ 1,433.05
	Treasurer State of NJ		\$ 6,677.76
	O.C. Landfill		\$ 20,000.00
	Payroll		\$ 162,098.90
	NJ State Health Benefits		\$ 51,611.83
	WATER SEWER OPERATING		
	Interfunds		\$ 107.60
	Payroll		\$ 18,802.59
	MARINA OPERATING		
	Payroll		\$ 3,253.32
	Interfunds		\$ 443.75
	<b>TOTAL*</b>		<b>\$ 423,956.60</b>

R2009-210 entitled:

**RESOLUTION ESTABLISHING PARAMETERS FOR BEACH FIRES**

**WHEREAS**, the Beach and Recreation Committee has considered the issue of fires on the beach; and

**WHEREAS**, the Beach and Recreation Committee has recommended that the Borough stop accepting applications for any further fires as of June 25, 2009; and

**WHEREAS**, the Beach and Recreation Committee has further recommended that the existing scheduled beach fires will be honored, but beach fires shall hence forth be prohibited; and

**WHEREAS**, the location of the beach fires shall be at Ninth Avenue and G Street, but shall be assigned to Ninth Avenue first, and in the event Ninth Avenue is occupied shall than be assigned to G Street; and

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Seaside Park, County of Ocean, State of New Jersey that based on the recommendation of the Beach and Recreation Committee that the Borough shall stop accepting applications for beach fires, and discontinue the practice of beach fires in the future after honoring all current applications as of June 25, 2009.

R2009-211 entitled:

**RESOLUTION OF THE SEASIDE PARK BOROUGH COUNCIL ESTABLISHING THE NAME OF PATRIOTIC BIKE PARADE AS THE “ANNUAL ETHEL MOORE PATRIOTIC BIKE PARADE.”**

Whereas, the Fourth of July Bike Parade has been a long standing tradition in the Borough of Seaside Park; and

Whereas, Ethel Moore dedicated much time and effort over many years to making the bike parade a special event for the residents and visitors of Seaside Park; and

Whereas in honor of the many contributions of Ethel Moore the Borough Council would like to honor her memory by naming the bike parade the Annual Ethel Moore Patriotic Bike Parade

R2009-212 entitled:

**RESOLUTION OF THE BOROUGH OF SEASIDE PARK, COUNTY OF OCEAN, STATE OF NEW JERSEY**

**WHEREAS**, the Borough Council has previously adopted a Resolution instituting a spending freeze for any additional new capital projects and non-essential services; and

**WHEREAS**, there are pending capital projects that have partial grant funding that must be expended within the year 2009; and

**WHEREAS**, the governing body of the Borough of Seaside Park wishes to utilize the existing grant funding to offset the cost to the taxpayers, and

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

1. The Borough Council hereby rescinds the freeze for any additional new capital projects within the Borough of Seaside Park.

R2009-213 entitled:

**RESOLUTION ESTABLISHING AND APPROVING THE LOCATION OF SUMMER IN THE PARK SIGNS**

**WHEREAS**, the Borough Council wishes to designate areas approved for the placement of Summer in the Park signs within the Borough; and

**WHEREAS**, the Marina property, 13<sup>th</sup> Avenue Park, the Borough Lawn at 6<sup>th</sup> and Central, and J Street Recreation Center are hereby designated as areas that the Borough Council has approved for Summer in the Park signage; and

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Seaside Park, County of Ocean, State of New Jersey that the Summer in the Park signs may be erected at the above locations.

Dr. McHugh requests “j” and “n” be pulled and voted upon separately. Mayor requests “q” be pulled and voted upon separately.

There were no comments from the audience.

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

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

MOTION CARRIED.

Discussion on “j” pertaining to the Sawmill Liquor License.

They are in the process of changing owners. After some discussion it was decided to table this resolution. Discussion on “n” pertaining to beach fires. Dr. McHugh is against eliminating beach fires as is Mayor Connors.

Pat DeGutis of Stockton Avenue suggest keeping the fires local residents only.

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

AYES: Appleby, Brennan, Jablonski, Meyer.

NAYS: Dr. McHugh, Kelly.

MOTION CARRIED.

Discussion on “q” pertaining to Summer in the Park signs. After discussion it was decided to have the locations at the Marina, Boro Lawn, 13<sup>th</sup> Avenue and J Street including temporary banners.

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

AYES: Appleby, Brennan, Jablonski, Meyer

NAYS: Kelly, McHugh

MOTION CARRIED.

Committee Reports:

Mr. Appleby: The gross receipts for the Concession was \$7,882.00

Mr. Brennan: Regarding well no. 7; the camera will be sent down tomorrow. It is up and running and by next Thursday the water should be clean. We have well no. 9 if it is needed. Meeting with phase 1 contractor scheduled. Bids for garbage pick up opened and need to be analyzed. There was a power outage in the south end of town today for about 1 1/2 hours. Will check with JCP&L Maria Sessa.

Dr. McHugh: Marina committee met last Friday night and will meet again tomorrow. The water system is complete and committee is going over the finances. The committee is also over looking the ramp project at 13<sup>th</sup> Avenue. This Saturday the Coast Guard Aux. will be at the Marina to inspect boats and give stickers where appropriate. There will also be lessons in knot tying; coffee and donuts will be served. The fencing arrived as well as decking lumber which was the wrong type.

Mr. Meyer: Public Safety meeting scheduled for Tuesday. Summer in the Park will be running the annual July 4<sup>th</sup> bike parade on the 4<sup>th</sup>. The first annual fish fry will be held at Tri-Boro FAS August 9<sup>th</sup> to benefit the First Aid Squad and the Fire Co.

Mr. Kelly: Meeting held today with a representative from the State regarding Ameripay, our former payroll company who are in trouble. Negotiations with the union continue.

Mr. Jablonski: 8 services on the boardwalk being changed. Boardwalk looking at new rates by October. Checking into phone bills and gadgets etc.

Public Comments: Al Vassallo, 609 SE Central Avenue: He discusses the latest JCP&L outages and encourages solarizing.

Mike Tierney, N Street: Need the bike rack at the L Street beach.

Robert Bengivenga, H Street: He complains of dogs running lose on Bayview Avenue. Chief Dickson will look into.

Rich Benninger, O Street: He discusses the O Street playground which is scheduled to be complete by July 4<sup>th</sup>. He discusses O Street bulkhead which is scheduled to begin after Labor Day. He asks the brush be trimmed at Lake Ave. That should be done in 2 weeks. The curbing at the pump house is broken and a disgrace.

Jim Iozia, 1010 Central Avenue: He questions the tank at public works being rusty. Mr. Mackie states it is double containment and not a health hazard.

Meeting adjourned at 11:30 P.M. for a closed session.

Attend: 30

Res. submitted,

Barbara Greger, Dep. Borough Clerk