## Borough of Surf City Governing Body Meeting Minutes

Mayor F. Hodgson called the meeting to order, reading the following statement: in compliance with the Open Public Meetings Act of the State of New Jersey, adequate notice of this meeting of the Borough Council has been provided to three newspapers and published in the January 13, 2022, issue of the Beach Haven Times.

Roll call reflected the following members present: Councilman Peter M. Hartney, Councilman John D. McMenamin, Councilman James B. Russell, Councilwoman Jaqueline L. Siciliano & Mayor Francis R. Hodgson. Absent: Councilman William D. Hodgson and Council President John H. Klose.

All present joined Mayor F. Hodgson in a salute to the Flag.

Councilman Russell moved to approve the minutes from the July 13, 2022, regular meeting. Councilman Hartney seconded the motion. With a vote in the affirmative, the minutes were approved as presented.

Roll call reflected the following votes in approval: Mr. Hartney, Mr. McMenamin, Mr. Russell & Mrs. Siciliano. Nays: none. Abstentions: none. Absent: Mr. Wm. Hodgson and Mr. Klose.

Councilwoman Siciliano moved to approve Ordinance 2022-05 as introduced and read by title. Councilman Hartney seconded the motion. With a vote in the affirmative, the following was approved.

## ORDINANCE 2022-05

## AN ORDINANCE AMENDING AN ORDINANCE ENTITLED "REVISED GENERAL ORDINANCES OF THE BOROUGH OF SURF CITY, COUNTY OF OCEAN, STATE OF NEW JERSEY, 2000" AS THE SAME IN CHAPTER 7 PERTAINS TO "TRAFFIC".

Roll call reflected the following votes in approval: Mr. Hartney, Mr. McMenamin, Mr. Russell & Mrs. Siciliano. Nays: none. Abstentions: none. Absent: Mr. Wm. Hodgson and Mr. Klose.

Councilman Russell moved to approve Ordinance 2022-06 as introduced and read by title. Councilman Hartney seconded the motion. With a vote in the affirmative, the following was approved.

## ORDINANCE 2022-06

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED "REVISED GENERAL ORDINANCES OF THE BOROUGH OF SURF CITY, COUNTY OF OCEAN, STATE OF NEW JERSEY, 2000" AS THE SAME IN CHAPTER 30 PERTAINS TO "ZONING". Roll call reflected the following votes in approval: Mr. Hartney, Mr. McMenamin, Mr. Russell & Mrs. Siciliano. Nays: none. Abstentions: none. Absent: Mr. Wm. Hodgson and Mr. Klose.

Councilman Hartney moved to approve Ordinance 2022-07 as introduced and read by title. Councilwoman Siciliano seconded the motion. With a vote in the affirmative, the following was approved.

## ORDINANCE 2022-07

## AN ORDINANCE AMENDING AN ORDINANCE ENTITLED "REVISED GENERAL ORDINANCES OF THE BOROUGH OF SURF CITY, COUNTY OF OCEAN, STATE OF NEW JERSEY, 2000" AS THE SAME IN CHAPTER 19 PERTAINS TO "PARKS, BEACHES, AND RECREATION AREAS".

Roll call reflected the following votes in approval: Mr. Hartney, Mr. McMenamin, Mr. Russell & Mrs. Siciliano. Nays: none. Abstentions: none. Absent: Mr. Wm. Hodgson and Mr. Klose.

Councilman Hartney moved to open the public hearing for Ordinance 2022-03. Councilman Russell seconded the motion. With a vote in the affirmative, the public hearing was opened. There were no comments. Roll call reflected the following votes in approval: Mr. Hartney, Mr. McMenamin, Mr. Russell & Mrs. Siciliano. Nays: none. Abstentions: none. Absent: Mr. Wm. Hodgson and Mr. Klose.

Councilwoman Siciliano moved to approve the adoption and second reading by title for Ordinance 2022-03. Councilman Russell seconded the motion. With a vote in the affirmative, Ordinance 2022-03 was adopted, as attached and referred by title below.

#### ORDINANCE 2022-03

BOND ORDINANCE AMENDING IN PART BOND ORDINANCE NO. 2021-11 ADOPTED ON AUGUST 11, 2021, PROVIDING FOR THE 2021 ROAD IMPROVEMENT PROJECT AND RELATED EXPENSES FOR THE BOROUGH OF SURF CITY, IN ORDER TO INCREASE THE APPROPRIATION THEREFOR BY \$150,000 FOR A TOTAL APPROPRIATION OF \$850,000, TO INCREASE THE AUTHORIZED BONDS AND NOTES TO BE ISSUED TO FINANCE A PORTION OF THE COSTS THEREOF BY \$142,500 FOR A TOTAL DEBT AUTHORIZATION OF \$807,500, AND TO INCREASE THE ALLOCATION OF THE APPROPRIATION TO COSTS PERMITTED UNDER N.J.S.A. 40A:2-20, AUTHORIZED IN AND BY THE BOROUGH OF SURF CITY, IN THE COUNTY OF OCEAN, NEW JERSEY.

Roll call reflected the following votes in approval: Mr. Hartney, Mr. McMenamin, Mr. Russell & Mrs. Siciliano. Nays: none. Abstentions: none. Absent: Mr. Wm. Hodgson and Mr. Klose.

Councilman Hartney moved to open the public hearing for Ordinance 2022-04. Councilman Russell seconded the motion. With a vote in the affirmative, the public hearing was opened. There were no comments. Roll call reflected the following votes in approval: Mr. Hartney, Mr. McMenamin, Mr. Russell & Mrs. Siciliano. Nays: none. Abstentions: none. Absent: Mr. Wm. Hodgson and Mr. Klose. Councilman Hartney moved to approve the adoption and second reading by title for Ordinance 2022-04. Councilman Russell seconded the motion. With a vote in the affirmative, Ordinance 2022-04 was adopted, as attached and referred by title below.

## ORDINANCE 2022-04

BOND ORDINANCE PROVIDING FOR ROAD RECONSTRUCTION AND IMPROVEMENTS, APPROPRIATING \$700,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$665,000 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF SURF CITY, IN THE COUNTY OF OCEAN, NEW JERSEY.

Roll call reflected the following votes in approval: Mr. Hartney, Mr. McMenamin, Mr. Russell & Mrs. Siciliano. Nays: none. Abstentions: none. Absent: Mr. Wm. Hodgson and Mr. Klose.

Resolutions 2022-128 to Resolution 2022-133 were considered and approved, as attached.

Mayor F. Hodgson acknowledged the public that appeared to speak to the consideration of Resolution 2022-134, relating to the relief of the outdoor amplified music ban.

Matt Nichols, resident in Surf City and owner of Northside, stated all of his employees downloaded a decibel meter to ensure the noise is not too loud.

Mayor F. Hodgson informed the public present of the email/phone call complaints the offices have received and explained that the decibel meter requires a certified reader.

Joan Moynihan, 31 N. 8<sup>th</sup> Street, asked why the music has to be amplified. She said it starts at 3 pm and it lasts until 7:15 pm. The crowd does not leave when the music turns off.

Jennifer Bitman, 32 N. 8<sup>th</sup> Street, said it is terribly loud from 3 pm to 7 pm and then the speakers outside stay on until 9 pm. It is a bar; people are drunk and loud. She went by the Northside and mentioned that it was quieter than she expected. She doesn't feel that asking someone to quiet down is enough and is asking for the music not be amplified.

Chuck Edwards, 242 N. 2<sup>nd</sup> Street, mentioned Todd Kostrub asked the Surf City Taxpayer Association (SCTA) to intervene on his behalf. The SCTA advised that they do not get involved in member disputes. He offered with Bob Lieber, to set up a meeting with the Northside owner and Todd has rescinded the RSVP for the meeting.

Mayor F. Hodgson asked if the SCTA took a poll. Bob Lieber replied, out of six hundred households – ninety percent of the homeowners are in favor of keeping the music in town.

Jennifer Bitman said taking a poll of people that are unaffected is an inaccurate representation. She suggested getting rid of the amplification and speakers.

Jake Mesa, 36 N. 8<sup>th</sup> Street, said the problem is that it has continued to expand. Now it's every day. Last month, people talked about neighbor noise being loud. The people who are most affected have no recourse. Music may be shut off in time, but the crowd is not cleared out until 10 pm. The impact of the music is 3 pm through 11 pm at night.

Mayor F. Hodgson asked what he suggested.

He is asking for limits at some point and suggested the music only be on Friday and Saturday.

Joan Moynihan asked if the Borough has a decimeter.

Jennifer Bitman said bars with music, have been inside with music for over forty years now. She said the music needs to go back inside.

Chief Casella stated that the complaints come in through the Clerk's office on Monday morning. Calls should be made to the non-emergency number, as the situation occurs.

Donna McDowell, 201 N. 17<sup>th</sup> Street, commented that, recently, Northside has been much quieter than usual.

Bob Lieber, 17 N. 12<sup>th</sup> Street, asked if a homeowner could call the property owner's personal phone to mention the music is too loud, as a possible compromise.

Steve Joerg, 277 N. 13<sup>th</sup> Street, said the noise is not an issue. It has increased Wednesday through the weekend. He suggested folk music rather than amplified music because musicians cannot police themselves. The idea is to provide ambiance and his suggestion is to limit the days the amplified music.

Mayor F. Hodgson called for any more comments.

Matt Nichols said he is willing to compromise. Northside would limit Wednesday/Thursday music times.

Jennifer Bitman, stated she is confused why the music cannot be inside.

Councilman McMenamin moved that there be no amplified music on Wednesday and Thursday from 3:00 pm to 5:00 pm, as recommended by the public present. Councilman Russell seconded the motion. With a vote in the affirmative, Resolution 2022-134 was approved, as attached.

The Doctrine of Necessity was invoked for the consideration of Resolutions 2022-135 & 2022-136 due to conflicts of interest. With that, such action was necessary. Councilwoman Siciliano moved to approved the consent agenda Resolutions 2022-117 through 2022-124. Councilman McMenamin seconded the motion. With a vote in the affirmative, the resolutions were approved as attached. Councilman Hartney and Councilman Russell recused themselves.

Mayor F. Hodgson provided the Chief Financial Officer and Municipal Court reports for June 2022.

Councilman McMenamin read the sanitation report. He then moved Resolution 2022-139, which was considered and approved, as attached.

Councilman Russell announced the lifeguard report for July 2022. The water temp average has been the lowest since we have been keeping record, about sixty-two degrees. The first Borough hosted Lifeguard in Training tournament is this Friday. The Gator operation is going very well.

Many lifeguards will be going back to school soon. He moved Resolution 2022-137, appointing additional lifeguards, which was considered and approved, as attached.

Councilwoman Siciliano stated that streets & roads are very busy. Our next major road project will be out to bid in the coming weeks. Lenny Wilson, acting Borough Superintendent is creating a list for pot hole repairs. The DPW continues to repair street ends and barricades. She then moved Resolutions 2022-138 and 2022- 141, both were considered and approved, as attached.

Councilman Hartney announced that the Tuesday Bay program is a great success. The beach rake was down for one day but the acting Borough Superintendent got it up and running. He provided the monthly badge report. He moved Resolution 2022-140, which was considered and approved, as attached.

A letter was received from Kyle Costabile requesting permission to borrow snow fence and barricades for the 2<sup>nd</sup> annual Cornhole Tournament on Saturday, September 24, 2022. Councilwoman Siciliano moved to approve the request. Councilman McMenamin seconded the motion. With a vote in the affirmative, the request was approved utilizing the doctrine of necessity.

Roll call reflected the following votes in approval: Mr. McMenamin & Mrs. Siciliano. Nays: none. Abstentions: none. Absent: Mr. Klose and Mr. Wm. Hodgson. Mr. Hartney & Mr. Russell recused themselves from the matter.

The following letters were received:

- From Maniero Schwing requesting a memorial bench to be located by the Ocean and N. 12<sup>th</sup> Street.
- From Susan Leonard requesting a memorial bench to be located at Ocean and Division Street.
- From Thomas Meitzler requesting a memorial bench to be located at the Ocean and 6<sup>th</sup> Street.

Councilman Hartney moved to approve the requested memorial benches under the supervision of the Borough Superintendent. Councilman Russell seconded the motion. With a vote in the affirmative, the bench requests were considered and approved.

Roll call reflected the following votes in approval: Mr. Hartney, Mr. McMenamin, Mr. Russell & Mrs. Siciliano. Nays: none. Abstentions: none. Absent: Mr. Klose and Mr. Wm. Hodgson.

Councilwoman Siciliano moved to approve paying the bills. Councilman Russell seconded the motion. With a vote in the affirmative of the members present, the bills were approved to be paid.

BE IT RESOLVED BY COUNCIL OF THE BOROUGH OF SURF CITY, N.J. that the appurtenances known as "Scheduled Payment Reports" containing vouchers to be paid in the

total amounts of:

Water & Sewer \$212,697.64 Current \$2,924,386.80 Payroll Account \$376,584.21 Dog License Account \$1.2 Ice Cream Vendor Account \$0.00 Escrow Release \$25,579.23 Tax Certificate Account \$0.00

are hereby ordered paid and the Mayor and Clerk are authorized to draw an order upon the Borough Treasurer for same.

Approved by: Council President Klose Councilman Hartney Councilman Russell

Date: August 10, 2022.

/s/ Francis R. Hodgson, Mayor

Roll call reflected the following votes in approval: Mr. Hartney, Mr. Wm. Hodgson, Mr. Russell & Mrs. Siciliano. Nays: none. Abstentions: none. Absent: Mr. Klose & Mr. McMenamin.

Mayor F. Hodgson called for any comments from the public.

Tony Pace, 333 N. 1<sup>st</sup> Street, would like to improve the tennis/pickleball courts. He is asking to resurface the courts, paint visible lines, install 6-foot wind curtains, and finally consider putting four pickleball courts, where two exist. Mayor F. Hodgson confirmed that nets can be wheeled around to create pickleball courts.

Mayor F. Hodgson explained that the courts do not stay level due to their location. The Borough received quotes that it would be \$60,000 to rehabilitate the tennis/pickleball courts. Taxes will go up when spending. Some people are asking for a full playground at the Bay beach, and want shade pavilions and mats on all of the beaches. The most important spending is to stay ahead of the flooding and raise the roads. The committee can bring information about the prices of the pickleball court. Mr. Pace agreed.

Mayor F. Hodgson explained further that Bay Beach is not a playground. The Borough met the taxpayer requests over time which is why a couple of things are there. It is not a playground or a picnic area, it's a beach. We cannot add to the sand. The Borough added sand at one time and the State called and demanded it is removed.

Steve O'Brien, 286 N. 17<sup>th</sup> Street, recommended relocating the courts if they cannot be maintained at that location by the Bay. He would like to stay home in Surf City and play pickleball.

Mayor F. Hodgson explained that the Borough made an offer to buy the EJ School for more recreational space.

Tom Carey, 917 Long Beach Boulevard, brought up areas in the Borough that do not have stop signs. Mayor F. Hodgson assured Mr. Carey that Chief Casella is looking into it.

Paul Tighe, 105 S. Barnegat Avenue, was on the beach today and he was not permitted to use a monopole umbrella he had just purchased. He claims that it is safer than an umbrella.

The Borough Clerk explained the ordinance being introduced in relation to umbrellas on the beach.

Paul Tighe also asked about the electric golf carts in town. Chief Casella explains that golf carts are actually low-speed vehicles.

Bill Hennig, 318 S. 1st Street, described the low-speed vehicle he just bought.

Donna McDowell spoke again to give "kudos" to Surf City Police Department for their aid in rescues.

Mayor F. Hodgson explained that we have to address bike riding on the sidewalk and not obeying traffic laws.

Jim Nast, 16 N. Central Avenue, advised that the SCTA agreed to start a committee to provide public relations for pedestrian and bike safety.

Steve O'Brien thinks that the most dangerous section is the corner of N. 17<sup>th</sup> Street and Barnegat Avenue. The acting Borough Superintendent was instructed to ask the County to check all the signs.

With no further comments, Councilman Russell moved to adjourn the meeting. Councilman Hartney seconded the motion. With a vote in the affirmative, the meeting was adjourned.

Roll call reflected the following votes in approval: Mr. Hartney, Mr. Wm. Hodgson, Mr. Russell & Mrs. Siciliano. Nays: none. Abstentions: none. Absent: Mr. Klose & Mr. McMenamin.

Respectfully submitted,

Christine Hannemann, RMC/CMR/QPA

Borough Clerk/Administrator

#### BOROUGH OF SURF CITY

#### COUNTY OF OCEAN

#### BOND ORDINANCE NO. 2022-03

BOND ORDINANCE AMENDING IN PART BOND ORDINANCE NO. 2021-11 ADOPTED ON AUGUST 11, 2021, PROVIDING FOR THE 2021 ROAD IMPROVEMENT PROJECT AND RELATED EXPENSES FOR THE BOROUGH OF SURF CITY, IN ORDER TO INCREASE THE APPROPRIATION THEREFOR BY \$150,000 FOR A TOTAL APPROPRIATION OF \$850,000, TO INCREASE THE AUTHORIZED BONDS AND NOTES TO BE ISSUED TO FINANCE A PORTION OF THE COSTS THEREOF BY \$142,500 FOR A TOTAL DEBT AUTHORIZATION OF \$807,500, AND TO INCREASE THE ALLOCATION OF THE APPROPRIATION TO COSTS PERMITTED UNDER N.J.S.A. 40A:2-20, AUTHORIZED IN AND BY THE BOROUGH OF SURF CITY, IN THE COUNTY OF OCEAN, NEW JERSEY

WHEREAS, the Borough of Surf City, in the County of Ocean, New Jersey (the "Borough") finally adopted Bond Ordinance No. 2021-11 on August 11, 2021 (the "Prior Ordinance") providing for the 2021 Road Improvement Project and related expenses for the Borough; and

WHEREAS, the Borough has determined that the costs associated with said improvements are higher than anticipated and has determined to supplement the appropriation and bonds and notes authorized therefor; and

WHEREAS, the Borough has determined that the \$80,000 authorized by the Prior Ordinance for purposes permitted under N.J.S.A. 40A:2-20 is insufficient and desires to increase such allocation by \$10,000 to an aggregate amount of \$90,000.

NOW, THEREFORE, BE IT ORDAINED by the BOROUGH COUNCIL OF THE BOROUGH OF SURF CITY, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvements described in Section 3 of this bond ordinance are hereby authorized as general improvements to be undertaken in and by the Borough and were previously authorized by the Borough by the Prior Ordinance. For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$150,000 in addition to the \$700,000 appropriated by the Prior Ordinance, said sums being inclusive of all appropriations heretofore made therefor, including \$372,200 grant funds expected to be received from the New Jersey Department of Transportation (NJDOT) and previously appropriated by the Prior Ordinance, and including the sum of \$42,500 as down payment, \$35,000 of such down payment was previously appropriated by the Prior Ordinance, and an additional down payment of \$7,500 is authorized hereby and is now available by virtue of provision for down payment or for capital improvement purposes in the Capital Improvement Fund of one or more previously adopted budgets.

Section 2. In order to finance the costs of said improvements or purposes, \$142,500 negotiable bonds are hereby authorized to be issued in addition to the \$665,000 previously

authorized by the Prior Ordinance for a total principal amount not to exceed \$807,500 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, 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 improvements hereby authorized and the purpose for which the bonds are to be issued consist of the 2021 Road Improvement Project, including, but not limited to, improvements to North 1st Street and North 3rd Street located in the Borough, together with all purposes necessary, incidental or appurtenant thereto, all as shown on and in accordance with contracts, plans, specifications or requisitions therefor on file with or through the Borough Clerk, as finally approved by the governing body of the Borough.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes described in Section 3(a) hereof is \$807,500 including the \$142,500 authorized herein, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$850,000, which is equal to the amount of the \$150,000 supplemental appropriation herein made therefor and the \$700,000 appropriation made by the Prior Ordinance.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Borough, provided that no note shall mature later than one (1) year from its date. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer, who 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. 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 such notes occurs, such report shall 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 following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not a current expense and are improvements or purposes that the Borough may lawfully undertake as general improvements and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby. (b) The average period of usefulness of the improvements or purposes, within the limitations of the Local Bond Law and taking into consideration the amount of the obligations authorized for said purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is ten (10) years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Municipal 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 \$142,500 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$90,000, including \$10,000 authorized hereby and \$80,000 authorized by the Prior Ordinance, for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.

(e) To the extent that moneys of the Borough are used to finance, on an interim basis, costs of said improvements or purposes, the Borough reasonably expects such costs to be paid or reimbursed with the proceeds of obligations issued pursuant hereto. This ordinance shall constitute a declaration of official intent for the purposes and within the meaning of Section 1.150-2(e) of the United States Treasury Regulations.

Section 6. The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Municipal Clerk and is available there for public inspection.

Section 7. Any grant or similar moneys from time to time received by the Borough for the improvements or purposes described in Section 3 hereof, shall be applied either to direct payment of the cost of the improvements 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 received and so used.

Section 8. 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, unless paid from other sources, the Borough shall be obligated to levy *advalorem* taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation as to rate or amount.

Section 9. All Ordinances or parts of ordinances in conflict or inconsistent with any of the terms of this ordinance are hereby repealed to the extent that they are in such conflict or are inconsistent. In the event that any section, part or provision of this ordinance shall be held to be unconstitutional or invalid by any court, such holding shall not affect the validity of this ordinance as a whole, or any part hereof other than the part so held unconstitutional or invalid.

Section 10. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Moved: Councilwoman Siciliano

Second: Councilman Russell

#### BOROUGH OF SURF CITY

#### COUNTY OF OCEAN

#### BOND ORDINANCE NO. 2022-04

BOND ORDINANCE PROVIDING FOR ROAD RECONSTRUCTION AND IMPROVEMENTS, APPROPRIATING \$700,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$665,000 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF SURF CITY, IN THE COUNTY OF OCEAN, NEW JERSEY

BE IT ORDAINED by the BOROUGH COUNCIL OF THE BOROUGH OF SURF CITY, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvements described in Section 3 of this bond ordinance are hereby authorized as general improvements to be undertaken in and by the Borough of Surf City, in the County of Ocean, New Jersey (the "Borough"). For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$700,000, said sum being inclusive of all appropriations heretofore made therefor, including the sum of \$35,000 as the down payment for said purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in the Capital Improvement Fund of one or more previously adopted budgets.

Section 2. In order to finance the costs of said improvements or purposes not provided for by the application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount not to exceed \$665,000, pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, 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 improvements hereby authorized and the purposes for which the obligations are to be issued consist of the reconstruction of and improvements to various streets throughout the Borough, together with all purposes necessary, incidental or appurtenant thereto, all as shown on and in accordance with contracts, plans, specifications or requisitions therefor on file with or through the Borough Clerk, as finally approved by the governing body of the Borough.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes described in Section 3(a) hereof is \$665,000, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$700,000, which is equal to the amount of the appropriation herein made therefor. The

excess of the appropriation of \$700,000 over the estimated maximum amount of bonds or notes to be issued therefor being the amount of said \$35,000 down payment for said purposes.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Borough, provided that no note shall mature later than one (1) year from its date. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer, who 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. 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 such notes occurs, such report shall 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 following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not a current expense and are improvements or purposes that the Borough may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the improvements or purposes, within the limitations of the Local Bond Law and taking into consideration the amount of the obligations authorized for said purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is ten (10) years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk, and a complete executed duplicate thereof has been filed in the office of the Director 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 \$665,000 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$140,000 for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.

(e) To the extent that moneys of the Borough are used to finance, on an interim basis, costs of said improvements or purposes, the Borough reasonably expects such costs to be paid or reimbursed with the proceeds of obligations issued pursuant hereto.

Section 6. The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Borough Clerk and is available there for public inspection.

Section 7. Any grant or similar moneys from time to time received by the Borough for the improvements or purposes described in Section 3 hereof, shall be applied either to direct payment of the cost of the improvements within the appropriation herein authorized 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 received and so used.

Section 8. 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, unless paid from other sources, the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation as to rate or amount.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Moved: Councilman Hartney

Second: Councilman Russell

WHEREAS, the Borough of Surf City, New Jersey desires to amend the 2022 Capital Budget of said municipality by increasing the amount thereon to include for improvements to the streets/roads and related expenses, for the Borough of Surf City.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Surf City, County of Ocean, New Jersey, as follows:

Section 1. The 2022 Capital Budget of the Borough of Surf City is hereby amended by adding thereto a Schedule to read as follows:

## AMENDMENT ∦1 CAPITAL BUDGET OF THE BOROUGH OF SURF CITY, NEW JERSEY Projects Schedules for 2021 Method of Financing

PROJECT	EST. COST	CAPITAL	CAPITAL	GENERAL	CAPITAL
_		IMP.	SURPLUS	BONDS	RESERVE
		FUND			
IMPROVEMENTS	\$850.000	\$142,500		\$807,500	
STREETS AND ROADS					
IMPROVEMENTS	\$700,000	\$35,000		\$665,000	
STREETS AND ROADS					

Section 2. The Clerk be and is authorized and directed to file two certified copies of this resolution with the Division of Community Affairs, State of New Jersey, within three days after the adoption of these projects to be included in the 2022 Capital Budget as adopted.

#### CERTIFICATION

I, CHRISTINE HANNEMANN, Municipal Clerk of the Borough of Surf City, do hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Governing Body of The Borough of Surf City at a meeting held on August 10, 2022 at 7:30 pm in the Council Chambers at 813 Long Beach Boulevard, Surf City, NJ

Christine Hannemann, RMC/CMR/QPA Municipal Clerk/Borough Administrator

Moved: Councilwoman Siciliano

Second: Councilman Hartney

NOW, THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Surf City that the Chief Financial Officer be and is hereby authorized to pay the State of New Jersey, Department of Environmental Protection Environmental fees in the total amount of \$720.00

## CERTIFICATION

I, CHRISTINE HANNEMANN, Municipal Clerk of the Borough of Surf City, do hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Governing Body of The Borough of Surf City at a meeting held on August 10, 2022 at 7:30 pm in the Council Chambers at 813 Long Beach Boulevard, Surf City, NJ

Christine Hannemann, RMC/CMR/QPA Municipal Clerk/Borough Administrator

Moved: Councilman Russell

Second: Councilman Hartney

WHEREAS, the Governing Body of the Borough of Surf City, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the direction of the Qualified Purchasing Agent; and

WHEREAS, pursuant to Ordinance 2-11.2 purchase may be issued over the amount of \$2,000 with the approval of the Mayor & Council; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Surf that the final purchase orders be issued by the Department of Finance for the following items in the corresponding approximate amounts.

Item	Department	Amount	Vendor	
Portable Radios &	Police	\$33,267.63	Motorola Solutions	
Repeaters Armor – Uniform	Department	\$6,3843.00	Action Uniform	
Tires	Department of Public Works	\$4,134.00	STTC Service Tires	
Enforcement Sticks for Public Litter Receptacles	Department of Sanitation	\$2,503.46	Atlantic Printing	
Repair Well & Sensor	Water Department	\$2,172.00	C&D Instrument Services	
Emergency Repair of Sewer Lateral at Division Avenue	Streets & Roads	\$29,820.00	Shore Connection, Inc.	

## CERTIFICATION

I, CHRISTINE HANNEMANN, Municipal Clerk of the Borough of Surf City, do hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Governing Body of The Borough of Surf City at a meeting held on August 10, 2022 at 7:30 pm in the Council Chambers at 813 Long Beach Boulevard, Surf City, NJ.

Christine Hannemann, RMC/CMR/QPA

Municipal Clerk/Borough Administrator

Moved: Councilwoman Siciliano

Second: Councilman Hartney

WHEREAS Surf City Borough is a member of the Ocean County Municipal Joint Insurance Fund; and

WHEREAS, said renewed membership terminates as of December 31, 2022, unless earlier renewed by agreement between the Municipality and the Fund; and

WHEREAS, the Borough desires to renew membership; and

NOW THEREFORE, BE IT RESOLVED as follows:

- 1. The Surf City Borough agrees to renew its membership in the Ocean County Municipal Joint Insurance Fund and to be subject to the Bylaws, Rules and Regulations, coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the Fund.
- 2. The Mayor and Borough Clerk shall be and hereby are authorized to execute the agreement to renew membership annexed hereto and made a part hereof and to deliver same to the Ocean County Municipal Joint Insurance Fund evidencing the Municipality's intention to renew its membership.

## CERTIFICATION

I, CHRISTINE HANNEMANN, Municipal Clerk of the Borough of Surf City, do hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Governing Body of The Borough of Surf City at a meeting held on August 10, 2022 at 7:30 pm in the Council Chambers at 813 Long Beach Boulevard, Surf City, NJ

Christine Hannemann, RMC/CMR/QPA

Municipal Clerk/Borough Administrator

Moved: Councilman Hartney

Second: Councilman Russell

## RESOLUTION NO. 2022-132

RESOLUTION OF THE BOROUGH OF SURF CITY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE SETTLEMENT OF A CLAIM WITH NEW JERSEY NATURAL GAS COMPANY.

WHEREAS, the Borough of Surf City (hereinafter "Borough") filed a claim with New Jersey Natural Gas Company (hereinafter "NJNG") for damage to a storm drainage system arising during a road reconstruction project; and

WHEREAS, NJNG has agreed to pay \$5,000.00 in full and a final settlement of the claim filed by the Borough; and

WHEREAS, the Borough desires to settle the claim with NJNG.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Surf City, County of Ocean, State of New Jersey as follows:

1. That the governing body does hereby authorize the settlement of the Borough's claim with NJNG.

2. That the Mayor is hereby authorized to execute and the Borough Clerk to attest to any and all documents in furtherance of this settlement including a release, a copy of which is attached hereto and made a part hereof as Schedule "A".

3. That a certified copy of this resolution together with the executed release shall be forwarded to NJNG and the Chief Financial Officer of the Borough of Surf City.

## CERTIFICATION

I, CHRISTINE HANNEMANN, Municipal Clerk of the Borough of Surf City, do hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Governing Body of The Borough of Surf City at a meeting held on August 10, 2022 at 7:30 pm in the Council Chambers at 813 Long Beach Boulevard, Surf City, NJ

Christine Hannemann, RMC/CMR/QPA

Municipal Clerk/Borough Administrator

Moved: Councilman Russell

Second: Councilman McMenamin

WHEREAS, Pursuant to Ordinances 04-09 and 04-11, a performance guarantee may be posted with the Borough for permanent curb installation at the time of exchange of ownership;

WHEREAS, the below listed person(s) posted a guarantee in the corresponding amount prior to the exchange of ownership; and

WHEREAS, the Zoning Official made a final inspection and approved same to be in conformance with the Borough ordinances; and

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE BOROUGH OF SURF CITY, COUNTY OF OCEAN, STATE OF NEW JERSEY, that the following guarantees may be released.

<u>Applicant</u>	<u>Type</u>	<u>Posted</u> <u>Amount</u>	<u>Amount to</u> <u>Applicant</u>	<u>Amount to</u> <u>Borough</u>
Lanzetta	Curb Bond	\$10,080	\$10,080	\$O
Sprunk	Curb Bond	\$4,400	\$4,400	\$0
Holmes	Curb Bond	\$15,000	\$15,000	\$O
Shaw	Curb Bond	\$7,060	\$7060	\$O
FHW	Professional Bond	\$1,500	\$370.28	\$1,129.72
Malay	Professional Bond	\$2,500	\$1,550.36	\$949.64
Intrepid	Professional Bond	\$1,500.00	\$996.94	\$503.06
Kaplan	HMGP	\$3,432.76	\$0	\$3,432.76
Freeman	HMGP	\$3,363.75	\$0	\$3,363.75

#### CERTIFICATION

I, CHRISTINE HANNEMANN, Municipal Clerk of the Borough of Surf City, do hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Governing Body of The Borough of Surf City at a meeting held on August 10, 2022 at 7:30 pm in the Council Chambers at 813 Long Beach Boulevard, Surf City, NJ

Christine Hannemann, RMC/CMR/QPA

Municipal Clerk/Borough Administrator

Moved: Councilman Russell

Second: Councilman McMenamin

WHEREAS, on March 9, 2020 Governor Philip D. Murphy declared a State of Emergency and a Public Health Emergency in response to the COVID-19 pandemic: and

WHEREAS, Governor Philip D. Murphy has since issued a series of executive orders resulting in the closure or limited scope of operations to local businesses within the Borough of Surf City; and

NOW, THEREFORE BE IT RESOLVED by the Governing Body of Surf City that the ban of amplified music be temporarily suspended, effective immediately with the following provisions.

1. Outdoor amplified/live music be permitted from 11:00 am until 9:00 pm, daily except Wednesdays and Thursdays between the hours of 3 pm and 5 pm.

2. Effective August 11, 2022 until September 14, 2022 unless terminated by Mayor or Council.

## CERTIFICATION

I, CHRISTINE HANNEMANN, Municipal Clerk of the Borough of Surf City, do hereby certify the foregoing to be a true and exact copy of a resolution duly adopted by the Governing Body at a meeting held on August 10, 2022 at 7:30 PM in the Council Chambers at 813 Long Beach Boulevard Surf City, NJ

## CHRISTINE HANNEMANN, RMC/CMR/QPA

Municipal Clerk/Administrator

Moved: Councilman McMenamin

Second: Councilman Hartney

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Surf City that the application for probationary membership in the Surf City Volunteer Fire Co. as submitted by Donald Schule is hereby approved.

## CERTIFICATION

I, CHRISTINE HANNEMANN, Municipal Clerk of the Borough of Surf City, do hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Governing Body of The Borough of Surf City at a meeting held on August 10, 2022 at 7:30 pm in the Council Chambers at 813 Long Beach Boulevard, Surf City, NJ

Christine Hannemann, RMC/CMR/QPA Municipal Clerk/Borough Administrator

Moved: Councilman McMenamin

Second: Councilman Siciliano

Roll call reflected the following votes in approval: Mr. McMenamin and Mrs. Siciliano. Nays: none. Abstentions: none. Absent: Mr. Wm. Hodgson and Mr. Klose. Mr. Hartney and Mr. Russell recused themselves.

WHEREAS, the Women's Auxiliary of the Surf City Vol. Fire Company #1 and EMS has applied for a license for an on-premise bingo game to be held on October 1, 2022; and

WHEREAS, pursuant to N.J.A.C. 13:45-2.1, the Surf City Vol. Fire Company #1 and EMS has obtained ID number 485-9-17286 from the Legalized Games of Chance Control Commission; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Surf City that license 22-11 be issued for on-premise merchandise raffle to be held on October 1 2022 at 5:00 pm to 10:00 pm.

BE IT FURTHER RESOLVED that the Municipal fee for said license be and is hereby waived in accordance with Ordinance 95-4.

## CERTIFICATION

I, CHRISTINE HANNEMANN, Municipal Clerk of the Borough of Surf City, do hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Governing Body of The Borough of Surf City at a meeting held on August 10, 2022 at 7:30 pm in the Council Chambers at 813 Long Beach Boulevard, Surf City, NJ

Christine Hannemann, RMC/CMR/QPA Municipal Clerk/Borough Administrator

Moved: Councilman McMenamin

Second: Councilman Siciliano

Roll call reflected the following votes in approval: Mr. McMenamin and Mrs. Siciliano. Nays: none. Abstentions: none. Absent: Mr. Wm. Hodgson and Mr. Klose. Mr. Hartney and Mr. Russell recused themselves.

NOW, THEREFORE, BE IT RESOLVED that the following individuals be appointed to the Lifeguard Department effective August 2, 2022 at the corresponding weekly rate of pay, pending satisfactory approval of a physical and all eligibility requirements have been met prior to start date. Said appointments shall terminate on September 17, 2022.

Sofia Ciminello, 1<sup>st</sup> Year Guard at \$15.00 per hour. Isabella Turner, 4<sup>th</sup> Year Guard at \$16.50 per hour.

## CERTIFICATION

I, CHRISTINE HANNEMANN, Municipal Clerk of the Borough of Surf City, do hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Governing Body of The Borough of Surf City at a meeting held on August 10, 2022 at 7:30 pm in the Council Chambers at 813 Long Beach Boulevard, Surf City, NJ

Christine Hannemann, RMC/CMR/QPA Municipal Clerk/Borough Administrator

Moved: Councilman Russell

Second: Councilman Hartney

# RESOLUTION OF THE BOROUGH OF SURF CITY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE APPOINTMENT OF WALT HIGGINS AS TAX ASSESSOR.

WHEREAS, N.J.S.A. 40A:9-146 requires every Municipality to provide for the appointment of a Tax Assessor; and

WHEREAS, IT IS THE DESIRE OF THE Mayor and Council of the Borough of Surf City to appoint Walt Higgins to fill the term of office starting on July 1, 2022 and for a four-year appointment pursuant to N.J.S.A. 40A:9-146; beginning July 1, 2022 and ending on June 30, 2026.

WHEREAS, the assessor will hold public office hours on Monday. Tuesday and Wednesday from 1:00 pm to 4:00 pm;

WHEREAS, Resolution 2018-100 was approved by the Borough of Surf City appointing Walter Higgins from July 1, 2018 through June 30, 2022; and

NOW THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Surf City that Walt Higgins be appointed for a four-year term beginning July 1, 2022 through June 30, 2026 resulting in tenure; and

BE IT FURTHER RESOLVED THAT, certified copies of said Resolution shall be forwarded to the following:

- 1. Director, Division of Taxation
- 2. Administrator, Board of Taxation
- 3. Administrator of the Municipality
- 4. Tax Assessor

## CERTIFICATION

I, CHRISTINE HANNEMANN, Municipal Clerk of the Borough of Surf City, do hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Governing Body of The Borough of Surf City at a meeting held on August 10, 2022 at 7:30 pm in the Council Chambers at 813 Long Beach Boulevard, Surf City, NJ

Christine Hannemann, RMC/CMR/QPA

Municipal Clerk/Borough Administrator

Moved: Councilwoman Siciliano

Second: Councilman Russell

NOW, THEREFORE, BE IT RESOLVED that the following salaries be adjusted to \$17.00 per hour for the following employees, effective August 5, 2022 through September 30, 2022.

## Ryan Cocca, Isiah Cortes and Matthew Fishman

NOW, THEREFORE, BE IT FURTHER RESOLVED that a \$1,000.00 bonus be awarded to employees in the Department of Public Works for completion of service through September 30, 2022 working an average of 30 hours per work.

## CERTIFICATION

I, CHRISTINE HANNEMANN, Municipal Clerk of the Borough of Surf City, do hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Governing Body of The Borough of Surf City at a meeting held on August 10, 2022 at 7:30 pm in the Council Chambers at 813 Long Beach Boulevard, Surf City, NJ

Christine Hannemann, RMC/CMR/QPA Municipal Clerk/Borough Administrator

Moved: Councilman McMenamin

Second: Councilman Russell

NOW, THEREFORE, BE IT RESOLVED that the following listed individuals are appointed seasonal employees in the Bathing Beach Department, effective as of this date unless otherwise noted, and shall terminate on September 5, 2022 at the corresponding rate of pay.

## BEACH BADGE CHECKER/SELLERS

<u>1st Year</u> \$13.00 per hour

Juliana Maltese

FILL IN ASSISTANT SUPERVISOR - \$15 /per hour

Kyle Wright

Lindsay D'Adamo

Grace Hagermann

## CERTIFICATION

I, CHRISTINE HANNEMANN, Municipal Clerk of the Borough of Surf City, do hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Governing Body of The Borough of Surf City at a meeting held on August 10, 2022 at 7:30 pm in the Council Chambers at 813 Long Beach Boulevard, Surf City, NJ

Christine Hannemann, RMC/CMR/QPA

Municipal Clerk/Borough Administrator

Moved: Councilman Hartney

Second: Councilman Russell

NOW, THEREFORE, BE IT RESOLVED that the following individuals be appointed part time clerks in the municipal offices with no benefits at a rate of \$17.00 per hour, effective August 10, 2022 through December 31, 2022.

Rachel Sharkey

Shawna Scheidt

## CERTIFICATION

I, CHRISTINE HANNEMANN, Municipal Clerk of the Borough of Surf City, do hereby certify the foregoing to be a true and exact copy of a resolution duly adopted by the Governing Body at a meeting held on June 08, 2022 at 7:30 PM in the Council Chambers at 813 Long Beach Boulevard Surf City, NJ

CHRISTINE HANNEMANN, RMC/CMR/QPA

Municipal Clerk/Administrator

Moved: Councilwoman Siciliano

Second: Councilman Hartney