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**MAYOR AND COUNCIL  
AGENDA  
REGULAR MEETING  
February 9, 2010**

Agenda Items are subject to change. If you have any questions regarding  
an agenda item please contact the Borough Clerk at 732 776-2999 Ext. 11

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **OPEN PUBLIC MEETINGS ACT STATEMENT**
4. **ROLL CALL**
5. **DISCUSSION ITEMS**
  - A. **Brinley Avenue Concession**
  - B. **Special Events application process**
6. **PROCLAMATION**

**Proclaims March 2010 as ARC Awareness Month**
7. **APPROVAL OF MINUTES**
8. **PUBLIC COMMENTS ON AGENDA ITEMS** – Public Session only on Agenda. We will continue to have a Public Session at the end of this meeting. There is a 5 minute limit on comments.
9. **ORDINANCES**
  - FINAL READING AND ADOPTION**
    - A. **ORDINANCE 2010-1**  
**AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)**
  - INTRODUCTION**
    - A. **BOND ORDINANCE 2010-2**  
**A BOND ORDINANCE FOR THE PURCHASE OF A CONCESSION TRAILER**

10. **COMMUNICATIONS (none at present)**
  
11. **RESOLUTIONS**
  - A. **Bill List**
  
  - B. **Authorizes the Borough Clerk to advertise for Brinley Avenue Concession Bids**
  
12. **ANNOUNCEMENTS**
  
13. **MAYOR'S APPOINTMENTS**
  
14. **MAYOR AND COUNCIL REPORTS**
  
15. **PUBLIC COMMENTS- There is a 5 minute limit on comments**
  
16. **EXECUTIVE SESSION (Pursuant to N.J.S.A. 10:4-13 et seq. if necessary).**
  
17. **ADJOURNMENT**

# **PROCLAIMS MARCH 2010 AS ARC AWARENESS MONTH**

**WHEREAS**, intellectual and developmental disabilities are conditions which affect more than 7 million Americans and their families; and

**WHEREAS**, public awareness and education enhance a community's understanding of the issues affecting people with intellectual and developmental disabilities; and

**WHEREAS**, people with intellectual and developmental disabilities can be vital and vibrant members of our communities, improving the quality of life for all of us; and

**WHEREAS**, the month of March has been designated Arc Awareness Month by the State of New Jersey with 20 chapters of The Arc undertaking public awareness, educational and fundraising initiatives; and

**WHEREAS**, The Arc of Monmouth serves over 1200 individuals with intellectual disabilities throughout Monmouth County and advocates for and with people with intellectual and developmental disabilities and their families; and

**WHEREAS**, The Arc of Monmouth is celebrating 60 years of service to families and individuals throughout Monmouth County.

**THEREFORE**, Honorable Julie Schreck, Mayor of Bradley Beach does hereby Proclaim March, 2010 as **ARC AWARENESS MONTH** in the Borough of Bradley Beach, New Jersey and urges that the citizens of Bradley Beach, New Jersey give full support to efforts towards enabling people with intellectual and developmental disabilities to live full and productive lives of inclusion in our communities.

Dated: February 9, 2010

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Julie Schreck, Mayor

Attest: \_\_\_\_\_  
Mary Ann Solinski, RMC, CMC  
Municipal Clerk

ORDINANCE 2010- 1

CALENDAR YEAR 2010  
AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET  
APPROPRIATION LIMITS  
AND TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A: 4-45.14)

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

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

**WHEREAS**, the Mayor and Council of the Borough of Bradley Beach in the County of Monmouth find it advisable and necessary to increase its CY 2010 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

**WHEREAS**, the Mayor and Council hereby determine that a 3.5% increase in the budget for said year, amounting to \$205,653.03 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

**WHEREAS**, the Mayor and Council hereby determine that any amount authorized herein above that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Council of the Borough of Bradley Beach, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2010 budget year, the final appropriations of the Borough of Bradley Beach shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5%, amounting to \$205,653.03, and that the CY 2010 municipal budget for the Borough of Bradley Beach be approved and adopted in accordance with this ordinance; and

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

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

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

\_\_\_\_\_  
Mary Ann Solinski, RMC, CMC  
Municipal Clerk

\_\_\_\_\_  
Julie Schreck  
Mayor

Introduced: January 26, 2010

Public Hearing & Adoption: February 9, 2010

Published Intro: \_\_\_\_\_

Published Final: \_\_\_\_\_

**BOROUGH OF BRADLEY BEACH  
BOND ORDINANCE NUMBER 2010-2**

**BOND ORDINANCE PROVIDING FOR THE ACQUISITION  
AND INSTALLATION OF A CONCESSION TRAILER, BY  
AND IN THE BOROUGH OF BRADLEY BEACH, IN THE  
COUNTY OF MONMOUTH, STATE OF NEW JERSEY;  
APPROPRIATING \$60,600 THEREFOR AND  
AUTHORIZING THE ISSUANCE OF \$60,600 IN BONDS  
OR NOTES TO FINANCE PART OF THE COST THEREOF**

**BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF  
THE BOROUGH OF BRADLEY BEACH, IN THE COUNTY OF MONMOUTH, STATE  
OF NEW JERSEY** (not less than two-thirds of all members thereof affirmatively  
concurring) **AS FOLLOWS:**

**SECTION 1.** The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized as a Beach Utility general improvement or purpose to be undertaken by the Borough of Bradley Beach, in the County of Monmouth, State of New Jersey (the "Borough"). For the said improvement or purpose stated in Section 3, there is hereby appropriated the sum of \$60,600 from the Beach Utility of the Borough, said sum being inclusive of all appropriations heretofore made therefor. Pursuant to the provisions of N.J.S.A. 40A:2-7(h) and 40A:2-11(c) of the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"), no down payment is required as the Beach Utility of the Borough is self-liquidating.

**SECTION 2.** For the financing of said improvement or purpose described in Section 3 hereof, negotiable bonds of the Beach Utility of the Borough are hereby authorized to be issued in the principal amount of \$60,600 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said

improvement or purpose, negotiable notes of the Borough in a principal amount not exceeding \$60,600 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

**SECTION 3.** (a) The improvement hereby authorized and purpose for the financing of which said bonds or notes are to be issued is the acquisition and installation of a concession trailer (a non-passenger vehicle) by and in the Borough and also including all engineering, design and inspection work and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for said improvement or purpose is \$60,600.

(c) The estimated cost of said improvement or purpose is \$60,600.

**SECTION 4.** In the event the United States of America, the State of New Jersey, and/or the County of Monmouth make a contribution or grant in aid to the Borough, for the improvement and purpose authorized hereby and the same shall be received by the Borough prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey and/or the County of Monmouth. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey and/or the County of Monmouth, shall be received by the Borough after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Borough as a result of using

funds from this bond ordinance as “matching local funds” to receive such contribution or grant in aid.

**SECTION 5.** 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. 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 of the Borough shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of N.J.S.A. 40A:2-8(a). 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 purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon 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 bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

**SECTION 6.** The capital budget of the Beach Utility of the Borough is hereby amended to conform with the provisions of this bond ordinance, and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs of the Beach

Utility as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, will be on file in the Office of the Clerk and will be available for public inspection.

**SECTION 7.** The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense and is an improvement or purpose which the Borough may lawfully undertake as a general beach utility improvement or purpose, 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 said improvement or purpose within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is five (5) years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and 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 or notes provided for in this bond ordinance by \$60,600 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$8,600 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 hereinbefore described.

**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 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.** The Borough reasonably expects to reimburse any expenditures toward the costs of the improvement or purpose described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Borough's official intent to reimburse any expenditures toward the costs of the improvement or purpose described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations §1.150-2. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the Borough for costs of the improvement or purpose described in Section 3 hereof, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds",

“pledged funds” or funds subject to a “negative pledge” (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or notes authorized herein or another issue of debt obligations of the Borough other than amounts deposited into a “bona fide debt service fund” (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to reimburse the Borough for any expenditures toward the costs of the improvement or purpose described in Section 3 hereof will be issued in an amount not to exceed \$60,600. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of section 150 of the Code. All reimbursement allocations will occur not later than eighteen (18) months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized herein is paid, or (ii) the date the improvement or purpose described in Section 3 hereof is “placed in service” (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than three (3) years after the expenditure is paid.

**SECTION 10.** The Borough covenants to maintain the exclusion from gross income under Section 103(a) of the Code of the interest on all bonds and notes issued under this ordinance.

**SECTION 11.** This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption and approval by the Mayor, as provided by the Local Bond Law.

ADOPTED ON FIRST READING  
DATED: February 9, 2010

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MARY ANN SOLINSKI,  
Borough Clerk

ADOPTED ON SECOND READING  
DATED: February 23, 2010

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MARY ANN SOLINSKI,  
Borough Clerk

APPROVAL BY THE MAYOR ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2010.

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JULIE SCHRECK  
Mayor



February 9, 2010

**RESOLUTION 2010-**

**AUTHORIZES THE BOROUGH CLERK TO ADVERTISE FOR  
BRINLEY AVENUE CONCESSION BIDS.**

Mayor Schreck offered the following resolution and moved its adoption:

BE IT RESOLVED, that the Borough Clerk is hereby authorized and directed to advertise for bids on the Brinley Avenue Concession in the official newspapers for a \_\_\_\_\_ year lease with a \$ \_\_\_\_\_ minimum bid.

Seconded by Council Member \_\_\_\_\_ and adopted upon the following vote:

	AYES	NAYS	ABSTAIN	ABSENT
Mr. Cotler				
Ms. Marchak-Ortiz				
Mr. Engelstad				
Mr. Galassetti				
Mayor Schreck				

**CERTIFICATION**

I, Mary Ann Solinski, Municipal Clerk, Borough of Bradley Beach, Monmouth County, New Jersey, do hereby certify that the foregoing resolution was duly adopted by the Mayor and Council at the February 9, 2010 meeting.

\_\_\_\_\_  
MARY ANN SOLINSKI, RMC, CMC  
Municipal Clerk