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**“GOD BLESS AMERICA”**

**REGULAR MEETING**

**MARCH 3, 2010**

A Regular Meeting of the Mayor and Council of the Borough of Belmar on the above date at 8:00 p.m. in the Municipal Building.

PRESENT: Mayor Pringle, Councilwoman Deicke, Councilman Wright, Councilman Doherty, Councilman Magovern, Karl Kemm, Esq., Administrator Robbin Kirk, and Acting Borough Clerk April Claudio

Adequate notice of this meeting has been provided to The Coast Star, the official newspaper of the Borough of Belmar, and the Asbury Park Press on December 28, 2009 notice of this meeting was prominently posted on the bulletin board of the Municipal Building and filed with the Clerk of the Borough of Belmar.

**PLEDGE OF ALLEGIANCE**

**MOMENT OF SILENCE:** Our troops and their families

**PROCLAMATIONS:** ARC Awareness Month & Women’s History Month

**PETITIONS:**

**APPROVAL OF MINUTES:**

**REPORTS OF MAYOR AND COUNCIL:**

**PUBLIC SESSION:** Public Session on resolutions only on the Agenda. We will continue to have a Public Session at the end of this meeting.

**CONSENT AGENDA:**

All matters listed in the Consent Agenda are considered to be routine by the Borough Council and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

**RESOLUTIONS BY CONSENT:**

**RESOLUTION AWARDING CONTRACT FOR BOARDWALK LUMBER**

**RESOLUTION APPROVING ELECTION OF DRIVER OF FIRE APPARATUS FOR VOLUNTEER HOOK & LADDER FOR 2010**

**RESOLUTION APPOINTING AND CONFIRMING APPOINTMENTS TO THE ENVIRONMENTAL COMMISSION AS PROVIDED BY BOROUGH ORDINANCE 1991-3 AND ORDINANCE 2004-19**

**RESOLUTION MAKING FINDINGS AND DETERMINATIONS ON LEGALIZED GAMES OF CHANCE APPLICATION NUMBER 2010-09,10,11**

**RESOLUTION PERMITTING SPECIAL EVENTS**

**RESOLUTION GRANTING TAXICAB OWNERS & DRIVER’S LICENSES FOR THE YEAR 2010**

**RESOLUTION AUTHORIZING PAYMENT OF BILLS FOR MARCH 3, 2010**

**ORDINANCE 2010-02: FIRST READING & INTRODUCTION**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XX, LICENSES GENERAL, NEW SUBSECTION, 20-15 COMMERCIAL FILM MAKING, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY**

**ORDINANCE 2010-03: FIRST READING & INTRODUCTION**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XL DEVELOPMENT REGULATIONS OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY**

**ORDINANCE 2010-04: FIRST READING & INTRODUCTION**

**BOND ORDINANCE PROVIDING FOR STREET LIGHTING IN AND BY THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$350,000 THEREFOR, AUTHORIZING THE ISSUANCE OF \$332,500 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE COST THEREOF AND DIRECTING THE**

**ORDINANCE 2010-05: FIRST READING & INTRODUCTION**

**BOND ORDINANCE PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$70,000 FOR IMPROVEMENTS TO PEDESTRIAN WALKWAYS IN AND BY THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$66,500 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION**

**ORDINANCE 2010-01: SECOND READING & PUBLIC HEARING**

**ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XVI POLICE REGULATIONS, SECTION 16-14.4 PERMITS AND SPECIAL EVENTS PERMITS OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY**

**PUBLIC SESSION:**

**ADJOURN**

## **MARCH IS ARC AWARENESS MONTH**

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

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

**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;

**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;

**WHEREAS**, The Arc of Monmouth serves over 1700 individuals with intellectual disabilities throughout Monmouth County and advocates for and with people with intellectual and developmental disabilities and their families;

**WHEREAS**, The Arc of Monmouth is celebrating 61 years of service to families and individuals throughout Monmouth County;

**NOW THEREFORE BE IT RESOLVED**, that Kenneth E. Pringle, Mayor of the Borough of Belmar, does hereby proclaim March, 2010 as Arc Awareness Month in the Borough of Belmar, county of Monmouth, State of New Jersey and urges that the citizens of Belmar, 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.

## **Resolution Designating the Month of March as “Women’s History Month”**

**Whereas** New Jersey women of every race, class, and ethnic background have made historic contributions to the growth and strength of our State in countless recorded and unrecorded ways;

**Whereas** New Jersey women have played and continue to play a critical economic, cultural, and social role in every sphere of the life of the State by constituting a significant portion of the labor force working inside and outside of the home;

**Whereas** New Jersey women have played a unique role throughout the history of the State by providing the majority of the volunteer labor force of the State;

**Whereas** New Jersey women were particularly important in the establishment of early charitable, philanthropic, and cultural institutions in our State;

**Whereas** New Jersey women of every race, class, and ethnic background served as early leaders in the forefront of every major progressive social change movement;

**Whereas** New Jersey women have been leaders, not only in securing their own rights of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, and other movements, especially the peace movement, which create a more fair and just society for all; and

**Whereas** despite these contributions, the role of women in history has been consistently overlooked and undervalued, in the literature, teaching and study of American history

**Whereas** the Department of Community Affairs, specifically the Division on Women’s goals are to remember and celebrate New Jersey women and to: Ensure that NJ women are offered equal opportunities in education, the workforce and healthcare regardless of age, sexual orientation, income, ethnicity, race or religion. Identify, implement, measure and coordinate programs that address the needs of NJ women. Engage in continuous study and research on issues affecting NJ women and their families, develop policy papers and legislative recommendations

**Now, therefore, be it resolved** by the Governing Body in the Borough of Belmar, State of New Jersey, that March 2010 is designated as "Women's History Month" under the National Women History Project’s 2010 theme: *Writing Women Back into History*.

**RESOLUTION NO. 2010-**

**RESOLUTION AWARDING CONTRACT FOR BOARDWALK LUMBER**

**WHEREAS**, on February 2, 2010 the Borough of Belmar received bids for lumber for the boardwalk;

**WHEREAS**, "Certification As To Availability Of Funds" is annexed hereto.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council on this 3<sup>rd</sup> day of March 2010 that:

1. Contract is awarded to Diamond M. Lumber Co. Inc., 1883 Route 38, Southampton, NJ 08088 in an amount not to exceed \$92,653.00

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**CERTIFICATION AS TO AVAILABILITY OF FUNDS**

I herewith certify that, as of March 3, 2010 funds are available in the appropriation account entitled Beach Utility Capital Outlay for the proposed contract noted above.

Robbin D. Kirk  
Chief Financial Officer

offered the above resolution and moved its adoption.

Seconded by and adopted by the following vote:

Councilmembers:	AYES	NAYS	ABSTAIN	ABSENT
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Mrs. Deicke  
Mr. Magovern  
Mr. Doherty  
Mr. Wright  
Mayor Pringle

Adopted:

**RESOLUTION NO. 2010-**

**RESOLUTION MAKING FINDINGS AND DETERMINATIONS ON  
LEGALIZED GAMES OF CHANCE APPLICATION NUMBER  
2010-09,10,11**

**WHEREAS**, the Borough Council has received from the Chief of Police a written report for the following named applicant for Legalized Games of Chance.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Borough Council of the Borough of Belmar that it is their Findings and Determinations that the following has qualified for the Raffle License:

<u>APPLICANT</u>	<u>APPL. NO.</u>	<u>PREMISES</u>	<u>DATE</u>	<u>TIME</u>
Central Assoc Parents/Ed.	2010-09 10	800 River Road	4/30/10	6:00-11:00pm
St. Rose High School	2010-11	607 7 <sup>th</sup> Avenue	4/22, 4/23 & 4/24/10	9:00 pm

**BE IT FURTHER RESOLVED** that said licenses are granted and the Clerk of the Borough of Belmar is authorized to issue said licenses upon the payment of required fee, and the Borough Clerk is authorized to file Findings and Determinations Form LGCC5A with the Legalized Games of Chance Commission as the verifying official.

Council member offered the above resolution and moved its adoption.

Seconded by Council member and adopted by the following vote.

Council members:	AYES	NAYS	ABSTAIN	ABSENT
Mrs. Deicke				
Mr. Magovern				
Mr. Doherty				
Mr. Wright				
Mayor Pringle				

Adopted:

**RESOLUTION NO. 2010-**

**RESOLUTION PERMITTING SPECIAL EVENTS**

**WHEREAS**, applications have been received by the Special Events Committee as per Ordinance 16-14.4 “Permits and Special Event Permits;” and

**WHEREAS**, said applications have been reviewed by the Special Events Committee and by the Borough Council; and

**WHEREAS**, the following events are recommended for approval with conditions if applicable:

Jersey Shore Running Club, 5K: Saturday, April 24, 2010, from 9:00 – 11:00 am. Barricades must be supplied by Lake Como. Cost for Police is \$750 due and payable by April 1, 2010.

Belmar Chamber of Commerce, Spring Fling/Kite Festival: Saturday, May 15, 2010 from 8:00 am – 6:00 pm and Sunday, May 16, 2010 from 8:00 am – 4:00 pm. Kite Festival (Saturday and Sunday) on Ocean Avenue between 2<sup>nd</sup> and 5<sup>th</sup> Avenues. Taylor Pavilion and electricity is available. The town wide garage sale is Saturday and Sunday and all participants must put stickers on any leftover merchandise that they want Public Works to pick up. There will not be any food vendors at either event. In addition there will be a scavenger hunt at Main Street businesses and the Chamber office, a craft station at Surf Taco and crafters will set up in Pyanoe Plaza. Cost for Public Works is \$250.00 and cost for the Police is \$300.00, for a total of \$550.00 due and payable by April 16, 2010. As to Taylor Pavilion, an in kind service will be due in lieu of payment.

District 28 luncheon and guest speakers: Taylor Pavilion, Saturday, May 15, 2010 from 11:00 am to 6:00 pm, and setup May 14, 2010 from 6:00 to 9:00 pm. Taylor Pavilion is not available, this was denied.

Crohn’s & Colitis Walk: Saturday, May 23, 2010. Previously granted, amended application to include a balloon arch at the beginning of the walk. The balloons can not be placed across Ocean Avenue, for safety reasons, but they may have it at Silver Lake.

DQ Events, Triathlon: Sunday, August 1, 2010 from 7:00 am – noon, with setup July 31, 2010

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Borough Council of the Borough of Belmar that permission is granted for the special events as noted above with conditions if cited.

Council member offered the above resolution and moved its adoption. Seconded by Council member and adopted by the following vote on roll call:

Council members:	AYES	NAYS	ABSENT	ABSTAIN
Mrs. Deicke				
Mr. Magovern				
Mr. Doherty				
Mr. Wright				
Mayor Pringle				

Adopted:

**RESOLUTION NO. 2010-**

**RESOLUTION GRANTING TAXICAB OWNERS & DRIVER'S  
LICENSE FOR THE YEAR 2010**

**WHEREAS**, applications have been received for 2010 Taxicab Owner's and Driver's Licenses for the person listed below under the provisions of Chapter XXI of the Revised General Ordinances of the Borough of Belmar for Taxi Driver's Licenses; and

**WHEREAS**, said applications appear to conform to the regulations as set forth in Borough Ordinances; and

**WHEREAS**, said applications have been reviewed by the Police Department as required by Borough ordinance and no objections have been received.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Borough Council of the Borough of Belmar that the following persons have applied for Taxicab Owner's and Driver's Licenses and have been approved by the Police Dept.

Ivy Pintado  
Jose Pintado  
Theodore Hay  
Patrick Duffy  
Arthur Russo  
Jerry Moore  
Harold Andrews

Council member offered the above resolution and moved its adoption.

Seconded by Council member and adopted by the following vote.

Council members:	AYES	NAYS	ABSTAIN	ABSENT
Mrs. Deicke				
Mr. Magovern				
Mr. Doherty				
Mr. Wright				
Mayor Pringle				

Adopted:

**RESOLUTION NO. 2010-**

**RESOLUTION APPROVING ELECTION OF DRIVER OF FIRE APPARATUS FOR  
VOLUNTEER HOOK & LADDER FOR 2010**

**WHEREAS**, Gary Young, Secretary of Volunteer Hook & Ladder has advised the Borough Council that the following persons have been approved as drivers or operators of fire apparatus for the year 2010:

**TRUCK NO. 87-2-86(Salvage)**  
Driver: Clifford Russell

**WHEREAS**, the aforesaid drivers or operators have been certified to and approved as competent by John Rizzitello, Administrator of the Fire Department.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Belmar that the action of the Volunteer Hook & Ladder Co. in appointing the aforesaid drivers or operators be and the same are confirmed and approved and the persons so appointed be confirmed in their respective positions.

**BE IT FURTHER RESOLVED** that the above named drivers be authorized to drive or operate either vehicle in the event of any emergency fire call.

offered the above Resolution and moved for its adopted. Seconded by Council Member and adopted by the following vote on roll call:

	AYES	NAYS	ABSTAIN	ABSENT
Mrs. Deicke				
Mr. Magovern				
Mr. Doherty				
Mr. Wright				
Mayor Pringle				

Adopted:

**RESOLUTION NO. 2010-**

**RESOLUTION APPOINTING AND CONFIRMING APPOINTMENTS  
TO THE ENVIRONMENTAL COMMISSION AS PROVIDED BY BOROUGH  
ORDINANCE 1991-3 AND ORDINANCE 2004-19**

**BE IT RESOLVED** by the Borough Council of the Borough of Belmar that the following appointments by Mayor Pringle for the Belmar Environmental Commission are approved and confirmed:

**BE IT RESOLVED** by the Council of the Borough of Belmar that the following are appointed to the Environmental Commission as recommended by Mayor Pringle per Borough Ordinance:

**ALTERNATE MEMBER**

Tom Latza

**TERM EXPIRING**

December 31, 2011

Council member offered the above resolution and moved its adoption.

Seconded by and adopted by the following vote on roll call:

	AYES	NAYS	ABSTAIN	ABSENT
Mrs. Deicke				
Mrs. Brennan				
Mr. Doherty				
Mr. Wright				
Mayor Pringle				

Adopted:

ORDINANCE NO. 2010 - 01

ORDINANCE AMENDING AND SUPPLEMENTING  
CHAPTER XVI POLICE REGULATIONS,  
SECTION 16-14.4 PERMITS AND SPECIAL EVENTS PERMITS  
OF THE REVISED GENERAL ORDINANCES OF  
THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY

WHEREAS, the Borough of Belmar wished to amend its Ordinances to clarify the definition of a "block party" for a Special Events permit.

NOW, THEREFORE, BE IT ORDAINED by the Borough of Belmar, County of Monmouth, New Jersey, that Chapter XVI Police Regulations of the Borough of Belmar Revised General Ordinances is hereby amended and supplemented as follows:

Section I. Chapter XVI Police Regulations is hereby amended and supplemented as follows:

16-14 REGULATION OF CONDUCT IN PUBLIC PARKS, RECREATION AREAS OR ANY OTHER PUBLIC PROPERTY.

16-14.4 Permits and Special Events Permits.

A person or organization desiring to hold any concert, race, walkathon, fair, carnival, festival, celebration, show, block party or other similar event in or upon any public grounds or private property, park, beach or road of the Borough, must first apply for and obtain a permit from the Borough Clerk in accordance with the requirements of subparagraph a of this section. Any such concert, race, walkathon, fair, carnival, festival, celebration, show, block party or other similar event, which is likely to require the expenditure of Borough resources in the form of Department of Public Safety and/or Department of Public Works salaries, wages or other expense, shall constitute a "Special Event." To obtain a permit for a special event, the applicant shall also satisfy the requirements of subparagraph b of this section.

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Additions are indicated by underline; and, deletions by ~~strikeout~~.

c. Standards.

1. The standards for the issuance of a permit pursuant to this section shall include the following findings:

(f) That a block party, or any similar event by whatever name employed, is only open to the residents of a block or neighborhood and their invited guests, and where the purpose of the event is to promote a sense of community among the residents of a block or neighborhood. As part of the application for a block party, the organizers shall: provide a signature list with names and addresses of at least 50% of the properties in the block/neighborhood effected by the event supporting the application; and provide a means of alternate ingress and egress for neighbors not participating in the block party; and if approved a plan to provide sufficient advanced notice to neighboring blocks, and where all other requirements of this section have been met subject to the review and approval of the Special Events Committee and the Borough Council.

**SECTION II.** If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

**SECTION III.** All Ordinances or parts of ordinances inconsistent with or in conflict with the ordinance are hereby repealed to the extent of such inconsistency.

**SECTION IV.** This Ordinance shall take effect 20 days after final passage, adoption and publication according to law.

**ORDINANCE 2010-03**

**AN ORDINANCE AMENDING AND SUPPLEMENTING  
CHAPTER XL DEVELOPMENT REGULATIONS  
OF THE REVISED GENERAL ORDINANCES OF  
THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH,  
NEW JERSEY**

**WHEREAS**, the Borough of Belmar wished to create two (2) new Zoning Districts being the R-50-B Zone and the R-40-B Zone, amend the Official Zoning Map of the Borough of Belmar accordingly, and amend the sections of the ordinances relating to Floor Area Ratio applicable to these new zones.

**NOW, THEREFORE, BE IT ORDAINED** by the Borough of Belmar, County of Monmouth, New Jersey, that Chapter XL Development Regulations, of the Borough of Belmar Revised General Ordinances is hereby amended and supplemented as follows:

**SECTION I.** Chapter XL Development Regulations, Article 5, Section 40-5.2, shall be amended to include two (2) new zones being the R-50-B and R-40-B Zones, as follows:

40-5.2 Description of Districts.

a. The Borough of Belmar is hereby divided into districts as follows:

R-50-B            Single-Family Residential Zone District

R-40-B            Single-Family Residential Zone District

**SECTION II.** The new R-50-B and R-40-B Zones shall encompass the following areas, and the Official Zoning Map of the Borough of Belmar shall be, and is hereby, amended accordingly, as follows:

The new R-50-B, Single-Family Residential Zone District, will generally encompass the existing R-50 Zone which is bordered by Twelfth Avenue to the north, the middle of the block between Thirteenth and Fourteenth Avenue to the south, the existing boundary with the R-75 Zone to the east, and “B” Street to the west, but not including the portion of the existing R-50 Zone to the west of “B” Street which shall remain in the R-50 Zone, and shall specifically include the following Block and Lots:

<b><u>BLOCK</u></b>	<b><u>LOT(S)</u></b>
120	2-15, 15.01, 16, 16.01
121	1-25
190	1, 6-18
191	7-11, 13, 14, 15
192	10, 11, 12,
193	8-9
200	1 – 17
201	1-12

The new R-40-B, Single-Family Residential Zone District, will generally encompass a portion of the existing R-40 Zone which is bordered by the middle of the block between Thirteenth and Fourteenth Avenue to the north, approximately to the middle of the block between Nineteenth and Twentieth Avenue to the south, the existing boundary with the R-75 Zone to the east, and “B” Street to the west, and shall specifically include the following Block and Lots:

<b><u>BLOCK</u></b>	<b><u>LOT(S)</u></b>
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Additions are indicated by underline; and, deletions by ~~strikeout~~.

130	2, 2.01, 3, 3.01, 4-12, 12.01, 12.02, 13-23
131	1-13, 13.01-13.03, 14-17
140	2-20
141	1-9, 9.01, 10, 10.01, 11-19, 19.01, 19.02, 20-22
150	2 – 15, 15.01, 16 – 18
151	1-19, 19.01, 19.02, 20 – 28
160	2 – 8, 8.01, 9 – 20, 20.01, 20.02, 21 – 24
161	1 – 5, 5.01, 5.02, 6 - 26
170	2 – 12
171	1 – 18
172	1, 1.01, 2 – 14, 14.01
173	1 – 19
180	2 – 13
181	1 – 16
182	1 – 15
183	1 – 15, 18 - 21
190	2-5
191	1-6
192	1 – 9, 13-16
193	1-7, 10, 11, 12

**SECTION III.** Chapter XL Development Regulations, Article 5, existing Schedule 40-5-1A, shall be amended as follows:

**SCHEDULE 40-5-1A.1**

**Schedule of Floor Area Ratio, Maximum Lot Coverage (Impervious Surface) and Building Coverage Requirements, Residential**

<b>Lot Size (square feet)</b>	<b>Maximum Floor Area Ratio (FAR)</b>	<b>Maximum Lot Coverage (Impervious Surface)</b>	<b>Maximum Building Coverage</b>
10,000 and over	50%	40%	20%
7,500 to 9,999	55%	50%	25% (1)
7,000 to 7,499	55%	50%	25% (2)
5,051 to 6,999	65%	55%	30% (3)(4)
4,000 to 5,050	70%	55%	30%
<u>4,000 to 5,050 in the R-50-B and R-40-B Zones</u>	<u>75%</u>	55%	30%
0 to 3,999	78%	55%	30%

**SECTION IV.** If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

**SECTION V.** All Ordinances or parts of ordinances inconsistent with or in conflict with the

Additions are indicated by underline; and, deletions by ~~strikeout~~.

ordinance are hereby repealed to the extent of such inconsistency.

**SECTION VI** This Ordinance shall take effect 20 days after final passage, adoption and publication according to law.

ORDINANCE 2010-04

BOND ORDINANCE PROVIDING FOR STREET LIGHTING  
IN AND BY THE BOROUGH OF BELMAR, IN THE COUNTY  
OF MONMOUTH, NEW JERSEY, APPROPRIATING \$350,000  
THEREFOR, AUTHORIZING THE ISSUANCE OF \$332,500  
BONDS OR NOTES OF THE BOROUGH FOR FINANCING  
PART OF THE COST THEREOF AND DIRECTING THE  
SPECIAL ASSESSMENT OF PART OF THE COST THEREOF.

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

Section 1. The improvement described in Section 3 of this bond ordinance is hereby  
authorized to be undertaken by the Borough of Belmar, New Jersey (the "Borough") as a local  
improvement. For the improvement or purpose described in Section 3, there is hereby  
appropriated the sum of \$350,000, including the sum of \$17,500 as the down payment required  
by the Local Bond Law. The down payment is now available by virtue of provision for down  
payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by  
application of the down payment, negotiable bonds are hereby authorized to be issued in the  
principal amount of \$332,500 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 acquisition and installation of street lighting, all as shown on and in accordance with the plans and specifications therefor on file in the office of the Clerk, which plans are hereby approved, 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. Notice is hereby given to the owners of all lots and parcels of real estate benefitted by the improvement described in Section 3 hereof and affected by the improvement described therein that the Borough intends to make and to levy special assessments against all such lots and parcels of real estate in an aggregate amount of not exceeding \$266,143. Such special assessments shall be made and levied in the manner provided by law and shall be as nearly as possible in proportion to and not in excess of the peculiar benefit, advantage or increase in value that the respective lots and parcels of real estate shall be deemed to receive by reason of the improvement. It is expected that the Borough will contribute \$83,857 to the cost of the improvement; however, if the amount of the special assessments as finally confirmed is less than \$266,143, then the Borough will also contribute the difference to the cost of the improvement.

Section 7. The owner of any land upon which an assessment for the local improvement shall have been made may pay such assessment in the number of equal yearly installments determined herein with legal interest on the unpaid balance of the assessment. The first of such installments shall be due and payable two months after the confirmation of the assessment, and each subsequent annual installment and interest shall be payable in each successive year at such time as the governing body shall determine by resolution, provided that any owner of land so assessed shall have the privilege of paying the whole of any assessment or any balance of installments with accrued interest thereon at one time. In case any such installment shall remain unpaid for thirty (30) days after the time it shall become due and payable, the whole assessment or the balance thereof shall become and be immediately due and payable, shall draw interest at the rate imposed upon the arrearage of taxes in the Borough and shall be collected in the same manner as provided by law for other past-due assessments. Such assessment shall remain a lien upon the land described herein until the assessment, with all installments and accrued interest thereon, shall be paid and satisfied. Notwithstanding anything herein to the contrary, the Borough shall have the right to waive default as may be permitted by law.

Section 8. The following additional matters are hereby determined, declared, recited and stated:

(a) The purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement that the Borough lawfully may undertake as a local improvement, the cost of which shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of 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 10 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 \$332,500, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount of not exceeding \$10,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

(e) The number of annual installments within which the special assessments are to be levied on the lots and parcels of real estate benefitted by the improvement is 10.

Section 9. The Borough hereby declares the intent of the Borough to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 9 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 10. 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 11. 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 12. 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 13. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

ORDINANCE 2010-05

BOND ORDINANCE PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$70,000 FOR IMPROVEMENTS TO PEDESTRIAN WALKWAYS IN AND BY THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$66,500 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.

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

Section 1. The improvement described in Section 3 of this bond ordinance has heretofore been authorized to be undertaken by the Borough of Belmar, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3, there is hereby appropriated the supplemental amount of \$70,000, such sum being in addition to the \$450,000 appropriated therefor by bond ordinance #2008-02 of the Borough finally adopted January 23, 2008, as supplemented in the amount of \$180,000 by bond ordinance #2009-06 of the Borough finally adopted April 8, 2009, and including the sum of \$3,500 as the additional down payment required by the Local Bond Law. The additional down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the additional cost of the improvement or purpose not covered by application of the additional down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$66,500 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 heretofore authorized and the purpose for the financing of which the bonds are to be issued is improvements to pedestrian walkways located on Main Street, including, but not limited to, street lighting and benches, including all work and

materials necessary therefor and incidental thereto and further including all related costs and expenditures incidental thereto, as described in bond ordinance #2008-02 finally adopted January 23, 2008, as supplemented by bond ordinance #2009-06 of the Borough finally adopted April 8, 2009.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is \$696,500, including the \$450,000 bonds or notes authorized by bond ordinance #2008-02 of the Borough finally adopted January 23, 2008, the \$180,000 bonds or notes authorized by supplemental bond ordinance #2009-06 finally adopted April 8, 2009, and the \$66,500 bonds or notes authorized herein.

(c) The estimated cost of the improvement or purpose is \$700,000, including the \$450,000 appropriated by bond ordinance #2008-02 of the Borough finally adopted January 23, 2008, the \$180,000 appropriated by supplemental bond ordinance #2009-06 finally adopted April 8, 2009, and the \$70,000 appropriated herein.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with

the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

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

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a 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 bond ordinance, is 10 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 \$66,500, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$150,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement. Of this amount, \$90,000 was estimated for these items of expense in bond ordinance #2008-02 of the Borough finally adopted January 23, 2008, \$37,000 was estimated for these items of expense in supplemental bond ordinance #2009-06 finally adopted April 8, 2009, and an additional \$23,000 is estimated therefor herein.

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

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

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

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

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

ORDINANCE No. 2010- Commercial Film Making

AN ORDINANCE AMENDING AND SUPPLEMENTING  
CHAPTER XX, LICENSES GENERAL,  
NEW SUBSECTION, 20-15 COMMERCIAL FILM MAKING,  
OF THE REVISED GENERAL ORDINANCES OF  
THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH,  
NEW JERSEY

**WHEREAS**, the Borough of Belmar has become a desirable location for the filming of motion pictures and television programs; and

**WHEREAS**, such filming has the potential to disrupt the peace and tranquility of the residents of Belmar, and to impose costs on the taxpayers of the Borough; and

**WHEREAS**, it is the desire of the Mayor and Council to minimize such disruptions and to provide a mechanism for covering costs incurred by the Borough, by regulating such activities; now therefore

**NOW, THEREFORE, BE IT ORDAINED** by the Borough of Belmar, County of Monmouth, New Jersey, that Chapter XX of the Revised General Ordinances of the Borough of Belmar, "Licenses General" is hereby amended and supplemented as follows:

**SECTION I.** New Subsection 20-15, entitled "Commercial Film Making" is hereby added as follows:

**20-15.1 Definitions.** As used in this chapter, these terms shall have the following meanings:

- a. *Filming* - The taking of still or motion pictures either on film, videotape, or similar recording medium, for any purpose intended for viewing on television, in theaters or for institutional uses. This term shall not include *Family Videos and Photography* and *News Media*, as defined herein, or as otherwise provided herein.
- b. *Motion Picture, Television Pictures, Still Photography* - All activities attendant to the staging and/or shooting of commercial motion pictures, television series, television movies, commercials and to the taking of single or multiple photographs for sale or commercial use where the photographer sets up stationary equipment in any one location for longer than five consecutive minutes.
- c. *Major Motion Picture* - Any film which is financed and/or distributed by a major motion picture studio or corporation for presentation in movie theaters, including any filming activity connected with any part of such a production; provided that the production has an overall budget of \$2,000,000.00, or more
- d. *News Media* - Photographic, filming, and/or videotaping for the purpose of spontaneous, unplanned television news broadcast or reporting for print media by reporters, photographers or cameramen.
- e. *Student Films* - Motion Picture, Television or Still Photography produced to satisfy a course or curriculum requirement at an accredited educational institution. The student filmmaker must supply proof that he/she is currently enrolled in any such educational institution.
- f. *Family Videos and Photography* - The filming or videotaping of motion pictures, or still photography, intended solely for private use.

- g. *Public Lands* - The areas including but not limited to any public building, street, sidewalk highway, sidewalk, square, park, playground, the beachfront, boardwalk and the marina, and other public places, which is within the jurisdiction and control of the Borough of Belmar.

#### **20-15.2 Permit Required.**

- a. No person shall use any Public Lands or private property, public right-of-way, facility, and/or residence for the purpose of taking motion pictures, television pictures or still photography without first applying for and receiving a permit from the Special Events Committee or the Borough Administrator of the Borough of Belmar, as applicable.
- b. The permit shall set forth the approved location of such filming and also the approved duration of such filming by specific reference to day or dates. No permit shall authorize filming for more than three (3) consecutive days in any one location and in no event shall filming at one location within the Borough exceed a total of six (6) days in any one calendar year, regardless of the number of permits utilized in reaching this six-day maximum. Either or both of the three-consecutive-day and the six-day limitations may be extended only if the filming requested satisfies the major motion picture exception defined by §20-15.9. Said permit must be readily available for inspection by Borough officials at all times at the site of the filming.
- c. All permits shall be applied for and obtained from the office of the Borough Clerk during normal business hours. Applications for such permits shall be in a form approved by the Borough Administrator and be accompanied by permit fees in the amounts established by this chapter in §20-15.11.
- d. If a permit is issued and filming does not in fact take place on the dates specified due to good cause, including but not limited to reasons of inclement weather, the Borough Administrator may issue a new permit for filming on other dates subject to full compliance with all other provisions of this chapter. No additional fee shall be paid for this new permit.
- e. The provisions of this section shall not apply to News Media, Family Videos and/or Student Films.
- f. The provisions of this section shall not apply to all activities attendant to the staging and/or shooting of a segment of a television series where all such activities occur on private property and within a building or other structure and are not visible outside of such building or structure.

#### **20-15.3 Issuance of Permits.**

- a. Permits shall be issued by the Borough Administrator after review and approval of the Borough's Special Events Committee at one of its regularly scheduled meetings. Any such review shall determine whether any additional municipal services may be reasonably required depending upon the nature of the activities proposed. If the events involving the filming also require a Special Events Permit per Ordinance Section 16-14.4 the Special Events Committee can issue the Filming Permit required by this Section, but shall not have the authority to issue an Expedited Permit.

- b. Expedited Permits may be issued by the Borough Administrator upon payment of the requisite fee. The Borough Administrator, after consultation with the Chief of Police, the Superintendent of Public Works and two (2) Councilmembers, may issue the permit without approval of the Special Events Committee, so long as the application complies with all other requirements of this Section. The Borough Administrator may determine whether any additional municipal services may be reasonably required depending upon the nature of the activities proposed. Expedited permits shall be issued at the close of the fourth business day after submission of a complete permit application.
- c. No permits shall be issued unless all fees and reasonably necessary reimbursable expenses are paid to the Borough.
- d. No permit shall be issued for filming upon Public Lands unless the applicant shall provide the Borough of Belmar with satisfactory proof of the following:
  - 1. Proof of Insurance Coverage including but not limited to, for Bodily injury to anyone person in the amount of \$1,000,000.00 and any occurrence in the aggregate amount of \$3,000,000.00;
  - 2. For Property damage for each occurrence in the aggregate amount of \$1,000,000.00;
  - 3. A written hold harmless and indemnification agreement acceptable to the Borough Attorney.
  - 4. The posting of cash or maintenance bond for the value of \$500.00 protecting and insuring that the location utilized for the filming will be left, in a satisfactory condition, free of debris, rubbish, and equipment, and that due observance of all Borough Ordinances, laws, and regulations will be followed. Within seven (7) days of the completion of the filming, the Borough will return the bond if there has been no damage to the public property or public expense caused by the filming.
- e. The holder of the permit shall take all reasonable steps to minimize interference with the free passage of pedestrians and traffic over Public Lands and shall comply with all lawful directives issued by the Belmar Police Department, the Fire Marshall and the Borough Administrator and with respect thereto.
- f. The applicant shall conduct filming in such a manner as to minimize the inconvenience or discomfort to adjoining property owners as a result of such filming and shall, to the extent practicable, abate noise and park vehicles off the public streets. All vehicles parked on public streets and rights of ways shall be done so in accordance with all applicable state and local regulations.
- g. The holder shall not interfere with previously scheduled activities upon Public Lands and limit, to the extent possible, any interference with normal public activity on such Public Lands.
- h. The applicant shall give written notice of the filming to all businesses and residents within two hundred feet (200') of the filming location and further provide written proof of such notice at least three business days prior to the submission of a completed permit application. Such written notice shall be in a form acceptable to the Borough Administrator and shall inform such businesses and residents that objections may be filed with the Borough Administrator within the next three business days, said objections to form a part of applicant's application and be

considered in the review of the same. However, an applicant may request a waiver of the notice requirement, and if the Special Events Committee or the Business Administrator in the case of an Expedited Permit finds that by not giving notice there would be less of a potential for disruption, if the Permit is granted, than a waiver may be granted by the Special Events Committee or the Business Administrator as applicable.

**20-15.4 Filming in Residential Areas.** Filming in residential areas shall be permitted Monday through Friday between the hours of 7:00 a.m. and 6:00 p.m. except from May 1 to November 1 of each year filming in residential areas shall be further limited to non-holiday weekdays and no nighttime filming shall be permitted. All activity shall meet the standards of Section 16.3, "Regulation of Noise" of this Code, provided that all requests for night scenes shall be approved in the permit to be granted in accordance with §20-15.7 hereof. The setup, production and breakdown required by all filming shall be included in the hours as set forth herein.

**20-15.5 Filming on or near properties containing Liquor Licenses.** No filming shall occur on or within 200 feet of any property which has an establishment with a Liquor License at any time the establishment is open for business.

**20-15.6 Refusal to Issue Permit; Employment of Patrolmen and Electrician.**

- a. The Borough of Belmar may refuse to issue a permit whenever it determines, on the basis of objective facts and after a review of the application by the Police Department and by other Borough agencies involved with the proposed filming site, that filming at the location and/or the time set forth in the application would violate any law or ordinance or would unreasonably interfere with the use and enjoyment of adjoining properties, unreasonably impede the free flow of vehicular or pedestrian traffic or otherwise endanger the public's health, safety or welfare.
- b. The Borough reserves the right to require one or more Belmar Police Officer(s), Fire Department personnel or any such other specialized Borough officials to remain on-site during the times indicated on the permit, in situations where the production may impede the proper flow of traffic, or otherwise impact upon public safety. The cost of all such personnel shall be borne by the applicant as cost of production. Where existing electrical power lines are to be utilized by the production, an on-site licensed electrician may be similarly required if the production company does not have a licensed electrician on staff.

**20-15.7 Waiver of Requirements of Section by Borough.** The Borough may authorize filming other than during the hours herein described. In determining whether to allow an extension of hours under this section, the Borough shall consider factors including but not limited to the following:

- a. Traffic congestion at the location;
- b. The Applicant's ability to remove film-related vehicles off the public streets;
- c. Whether the applicant is requesting restrictions on the use of public streets or public parking during the course of the filming;
- d. Nature of the film shoot itself; e.g. indoor or outdoor; day or night; on Public Lands or private lands; proximity

to residential neighborhoods; potential for disruption of normal residential or business activities; and

- e. Prior experience of the film company/applicant with the Borough, if any.

**20-15.8 Copies of Permit; Inspections.** Copies of the approved permit shall be sent to the Police and Fire Departments before filming takes place. The applicant shall permit the Police Department, the Fire Marshall or other Borough inspectors to inspect the site and equipment to be used. The applicant shall comply with all safety instructions issued by the Police Department, the Fire Marshall, or other Borough inspections.

**20-15.9 Reimbursement of Certain Costs.** In addition to any and all other fees or costs mentioned in this chapter, the applicant shall reimburse the Borough for any lost revenue, including but not limited to, repairs required to public property, and any revenues that the Borough was prevented from earning because of the filming.

**20-15.10 Special Regulations for Major Motion Pictures.**

- a. With regards to filming being done on a Major Motion Picture, and upon a favorable review of the factors set forth in §20-15.6 the Borough may grant an exemption of the three (3) consecutive filming day limit and/or the six (6) total filming days within a calendar year limit as defined in §20-15.2;
- b. Any days that are necessary for setup and preparation of a major motion picture filming may, at the discretion of the Borough, be counted as a filming day where such setup is anticipated to involve one or more of the factors set forth in §20-15.6 hereof.

**20-15.11 Fees.** The schedule of fees for the issuance of permits authorized by this chapter are as follows:

- a. Basic filming permit (Special Events Committee review ): \$250.00.
- b. Expedited Permit (Borough Administrator review): \$1,000.00.
- c. Daily filming fee payable in addition to basic filming permit: \$500.00 per day.
- d. Daily filming fee payable for filming a major motion picture: \$1,500.00 per day.
- e. Filming permit for nonprofit applicants filming for educational purposes: \$25.00 onetime fee.
- f. Overnight Parking/Use of Borough Lot: at cost.
- g. Police / Fire Protection: at cost.
- h. Use of Borough buildings or public parks: \$1,500.00 per day.

**20-15.12 Penalties.** Where the owner of the premises is not the applicant for a permit required by this chapter, both the owner and the applicant shall each be liable for violations hereof. Any person violating this chapter or these rules and regulations, upon conviction thereof, shall be punished by a fine not exceeding \$1,000.00 per day or by imprisonment in the county jail for a term not exceeding ninety (90) days, or both. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

**SECTION II.** If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

**SECTION III.** All Ordinances or parts of ordinances inconsistent with

or in conflict with the ordinance are hereby repealed to the extent of such inconsistency.

**SECTION IV.** This Ordinance shall take effect 20 days after final passage

**“GOD BLESS AMERICA”**

**REGULAR MEETING**

**MARCH 3, 2010**

A Regular Meeting of the Mayor and Council of the Borough of Belmar was held on the above date at the Municipal Complex at 8:00 pm.

**PRESENT:** Mayor Pringle, Councilman Magovern, Councilwoman Deicke, Councilman Wright, Councilman Doherty, Karl Kemm, Esq., Borough Administrator Robbin Kirk, and Acting Borough Clerk April Claudio

The Borough Clerk stated “Adequate notice of this meeting has been provided to The Coast Star, the official newspaper of the Borough of Belmar, and the Asbury Park Press on December 29, 2009. Notice of this meeting was prominently posted on the bulletin board of the Municipal Building and filed with the Clerk of the Borough of Belmar.

**PLEDGE OF ALLEGIANCE**

**MOMENT OF SILENCE:** Our troops and their families & residents of Haiti

**PETITIONS:** None

**PROCLAMATIONS:** ARC Awareness Month & Women’s History Month

**NOMINATIONS FOR COUNCIL PRESIDENT:**

Council member Deicke made a motion to nominate Council member Doherty as Council President, which was seconded by Council member Magovern, and being there were no further nominations Council member Doherty was appointed Council President by the following vote:

**AYES:** Deicke, Doherty, Wright, Magovern, and Pringle

**APPROVAL OF MINUTES:** Council member Deicke moved for approval of minutes for the regular meeting held on February 17, 2010 and the special workshop meetings held on February 11, 2010 and February 24, 2010, seconded by Council member Doherty and approved by the following vote:

**AYES:** Deicke, Doherty, Wright, Magovern, and Pringle

**REPORTS OF MAYOR AND COUNCIL:**

Council member Magovern: Historical Society is working on plans for Memorial Day celebration for the Breslin Monument. Met with Recreation Director Mike Campbell and discussed the need to resurface the basketball and tennis courts. Encouraged everyone to attend next week’s Shade Tree Commission meeting. Read DPW report.

Council member Deicke: Attended a meeting on February 24<sup>th</sup> for Team Hope, which is a teen suicide prevention group. The group is working on getting the word out on programs that will be offered for teens. Attended a meeting with the Municipal Coordinator Council at the Office on Aging regarding the importance of completing 2010 census forms. Monmouth University is hosting a Spring Swing event for seniors. St. Patrick’s Day senior luncheon is March 11<sup>th</sup>. The bicentennial tour of Belmar Elementary School is March 19<sup>th</sup>. The Mayor’s Wellness Campaign Community Walk in the gym is March 25<sup>th</sup>. The Belmar Cares concert at Taylor Pavilion is April 12<sup>th</sup>. Participated in a Read Across America event at Belmar Elementary School yesterday and read Dr. Seuss books to two Pre-K classes.

Council member Wright: Commended DPW for doing a good job removing snow and draining Lake Como and suggested they look into ways to prevent Lake Como from overflowing in the future. Mayor Pringle stated they could look into the creation of a Flood District which would assess the properties in that area for the costs of running a

pipe underground. Council member Wright asked what happened to creating a Lake Commission. Mayor Pringle stated Spring Lake was not interested.

Council member Doherty: Thanked the Council for nominating him Council President. Special Improvement District ordinance will be introduced at the next meeting. Saturday is the Celtic Run on the beach, Sunday is the parade, and March 12<sup>th</sup> there is an event at the Barclay with Irish music and dancers. Tickets for the event can be purchased through Pat McMahon or the Chamber of Commerce.

Mayor Pringle: Commended DPW for the snow removal. He also participated in the Read Across America event at the Belmar Elementary School by reading to three second grade classes.

**PUBLIC HEARING:** Public Session on resolutions only on the Agenda. We will continue to have a Public Session at the end of this meeting.

Sam Kaye, 414 Seventh Avenue, asked about the ordinance on the agenda for street lighting. Ms. Kirk stated the ordinance is for street lights on Main Street from 10<sup>th</sup> to 16<sup>th</sup> Avenue. There would be approximately three per a block and the cost would be \$350,000. Mr. Kaye asked if they would be a stronger wattage. Ms. Kirk stated they would be similar to the lighting on the boardwalk.

Mayor Pringle moved that the Public Hearing be closed, seconded by Council member Doherty and approved unanimously.

**CONSENT AGENDA:**

All matters listed in the Consent Agenda are considered to be routine by the Borough Council and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

**RESOLUTIONS BY CONSENT:**

Council member Deicke offered the following Resolutions and moved them for adoption:

**2010-47**

**RESOLUTION AWARDING CONTRACT FOR BOARDWALK LUMBER**

**2010-48**

**RESOLUTION APPROVING ELECTION OF DRIVER OF FIRE APPARATUS FOR VOLUNTEER HOOK & LADDER FOR 2010**

**2010-49**

**RESOLUTION APPOINTING AND CONFIRMING APPOINTMENTS TO THE ENVIRONMENTAL COMMISSION AS PROVIDED BY BOROUGH ORDINANCE 1991-3 AND ORDINANCE 2004-19**

**2010-50**

**RESOLUTION MAKING FINDINGS AND DETERMINATIONS ON LEGALIZED GAMES OF CHANCE APPLICATION NUMBER 2010-09,10,11**

**2010-51**

**RESOLUTION PERMITTING SPECIAL EVENTS**

**2010-52**

**RESOLUTION GRANTING TAXICAB OWNERS & DRIVER'S LICENSES FOR THE YEAR 2010**

**2010-53**

**RESOLUTION AUTHORIZING PAYMENT OF BILLS FOR MARCH 3, 2010**

**PAYMENT OF BILLS:** certification that the vouchers listed on the warrant register numbering 51415 thru 51490 are as follows and comply with requirements of State Law

and Borough Ordinance as to content and form, that proper and sufficient appropriations exist for the payment to be made and that there is legal authority as provided in N.J.S. 40A: 5-17(a)(1) for the payment to be made.

01	General Account	\$944,562.75
03	Grant Account	\$57.23
11	Water/Sewer Account	\$40,915.11
21	Beach Utility Account	\$22,550.14
55	Trust Fund Account	\$1,000.00
61	Tourism Development Account	\$1,658.00
Total:		\$1,010,743.23

Seconded by Council member Wright and approved by the following vote:

	AYES	NAYS	ABSTAIN	ABSENT
Mrs. Deicke	X			
Mr. Magovern	X			
Mr. Doherty	X			
Mr. Wright	X			
Mayor Pringle	X			

**ORDINANCE 2010-02: FIRST READING & INTRODUCTION**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XX, LICENSES GENERAL, NEW SUBSECTION, 20-15 COMMERCIAL FILM MAKING, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY**

The Mayor and Council discussed additional revisions to the ordinance during the workshop meeting, therefore the introduction of this ordinance was postponed until the March 18<sup>th</sup> meeting.

**ORDINANCE 2010-03: FIRST READING & INTRODUCTION**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XL DEVELOPMENT REGULATIONS OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY**

Council member Wright made a motion to offer ordinance 2010-03 for first reading and schedule it for second reading and public hearing on March 18, 2010, which was seconded by Mayor Pringle and approved by the following vote:

AYES: Deicke, Doherty, Wright, Magovern, and Pringle

**ORDINANCE 2010-04: FIRST READING & INTRODUCTION**

**BOND ORDINANCE PROVIDING FOR STREET LIGHTING IN AND BY THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$350,000 THEREFOR, AUTHORIZING THE ISSUANCE OF \$332,500 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE COST THEREOF AND DIRECTING THE**

Council member Doherty made a motion to offer ordinance 2010-03 for first reading and schedule it for second reading and public hearing on March 18, 2010, which was seconded by Council member Wright and approved by the following vote:

AYES: Deicke, Doherty, Wright, Magovern, and Pringle

**ORDINANCE 2010-05: FIRST READING & INTRODUCTION**

**BOND ORDINANCE PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$70,000 FOR IMPROVEMENTS TO PEDESTRIAN WALKWAYS IN AND BY THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$66,500 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION**

Mayor Pringle made a motion to offer ordinance 2010-03 for first reading and schedule it for second reading and public hearing on March 18, 2010, which was seconded by Council member Deicke and approved by the following vote:

AYES: Deicke, Doherty, Wright, Magovern, and Pringle

**ORDINANCE 2010-01: SECOND READING & PUBLIC HEARING**  
**ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XVI POLICE REGULATIONS, SECTION 16-14.4 PERMITS AND SPECIAL EVENTS PERMITS OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY**

Public Hearing: Mike Marino, 202 Eighth Avenue, asked if the ordinance would infringe on the right to assemble. Mr. Kemm explained it would not because the ordinance only pertains to block parties. Mr. Kemm and Mayor Pringle explained the ordinance further to Mr. Marino.

Mayor Pringle made a motion to close the public hearing on Ordinance 2010-01, which was seconded by Council member Wright and approved unanimously.

Council member Doherty made a motion to offer Ordinance 2010-01 for adoption, which was seconded by Council member Wright and approved by the following vote:

AYES: Deicke, Doherty, Wright, Magovern, and Pringle

**PUBLIC:**

Gene Creamer, 318 Fourth Avenue, informed everyone that saltwater fisherman need to register with NOAA.

Neil Scheck, 410 Fourth Avenue, asked if the beach could be cleaned up before the Celtic Run on Saturday. Mr. Meuerle stated it would be. Mayor Pringle also suggested cleaning up Main Street before the parade. Mr. Meuerle stated it will be started tomorrow morning.

Mike Marino, 202 Eighth Avenue, informed Mayor Pringle about his pleasant experience with NJ Transit.

Sam Kaye, 414 Seventh Avenue, asked if there would be a light rail installed from Belmar to Asbury Park. Mayor Pringle explained there has been discussion about a bus or trolley shuttle service between Belmar and Asbury Park but it is still in the planning stages.

Mayor Pringle closed the public, which was seconded by Council member Doherty and approved unanimously.

Mayor Pringle made a motion to adjourn the regular meeting and offer **RESOLUTION 2010-54 AUTHORIZING CLOSED MEETING**, which was seconded by Council member Doherty and approved by the following vote:

AYES: Deicke, Doherty, Wright, Magovern, and Pringle

Items to be discussed: personnel & contract negotiations

Respectively submitted,

April Claudio  
Acting Borough Clerk