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“GOD BLESS AMERICA”

REGULAR MEETING

AUGUST 18, 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., Borough 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

PRESENTATION:

Tom Manzi of DQ Events is presenting a donation check to the First Aid Squad

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 PERMITTING SPECIAL EVENTS

RESOLUTION MAKING FINDINGS AND DETERMINATIONS ON LEGALIZED GAMES OF CHANCE APPLICATION NUMBER 2010-22,23,24,25

RESOLUTION APPROVING MEMBERSHIP APPLICATION FOR HOOK & LADDER FIRE DEPARTMENT

RESOLUTION AWARDING CONTRACT FOR NINTH AVENUE PIER IMPROVEMENTS

RESOLUTION AUTHORIZING APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE ROADWAY IMPROVEMENTS TO 13TH AVENUE PROJECT

RESOLUTION AUTHORIZING APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE ROADWAY IMPROVEMENTS

TO MAPLEWOOD ROAD PROJECT

RESOLUTION AUTHORIZING APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR TRANSIT VILLAGE STREETScape IMPROVEMENTS PROJECT

RESOLUTION APPOINTING MEMBERS TO THE HARBOR COMMISSION AS PERMITTED BY N.J.S.A. 40:68-22 AND BOROUGH ORDINANCE 1995-02

RESOLUTION AUTHORIZING PAYMENT OF BILLS – AUGUST 18, 2010

ORDINANCES:

First Reading and Introduction:

2010-18

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XXIX WATER-SEWER UTILITY DEPARTMENT TO REVISE AND ADD ADDITIONAL FEES, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY

2010-19

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XVI POLICE REGULATIONS, SECTION 16-3 REGULATION OF NOISE, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY

2010-20

ORDINANCE REAPPROPRIATING \$100,000 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL INLET TERRACE WATER MAIN PROJECT IN ORDER TO PROVIDE FOR THE WATER, SEWER AND STORM DRAIN REPLACEMENT IN AND BY THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY.

PUBLIC SESSION:

ADJOURN

RESOLUTION NO. 2010-

RESOLUTION AUTHORIZING APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE ROADWAY IMPROVEMENTS TO 13TH AVENUE PROJECT

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Belmar formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2011-Belmar Borough-00746 to the New Jersey Department of Transportation on behalf of the Borough of Belmar.

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Belmar and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Council member offered the above resolution and moved its adoption.

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

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

Certified as a true copy of the resolution adopted by the Council on this day of August, 2010.

Clerk

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST AND AFFIX SEAL _____
CLERK

MAYOR

RESOLUTION NO. 2010-

RESOLUTION AUTHORIZING APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE ROADWAY IMPROVEMENTS TO MAPLEWOOD ROAD PROJECT

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Belmar formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2011-Belmar Borough-00747 to the New Jersey Department of Transportation on behalf of the Borough of Belmar.

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Belmar and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Council member offered the above resolution and moved its adoption.

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

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

Certified as a true copy of the resolution adopted by the Council on this day of August, 2010.

Clerk

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST AND AFFIX SEAL _____
CLERK

MAYOR

RESOLUTION NO. 2010-

**RESOLUTION AUTHORIZING APPROVAL TO SUBMIT A GRANT APPLICATION
AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT
OF TRANSPORTATION FOR TRANSIT VILLAGE STREETScape
IMPROVEMENTS PROJECT**

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Belmar formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as TV-2011-Belmar Borough-00008 to the New Jersey Department of Transportation on behalf of the Borough of Belmar.

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Belmar and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Council member offered the above resolution and moved its adoption.

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

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

Certified as a true copy of the resolution adopted by the Council on this day of August, 2010.

Clerk

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST AND AFFIX SEAL _____
CLERK

MAYOR

RESOLUTION NO. 2010-

RESOLUTION AWARDING CONTRACT FOR NINTH AVENUE PIER IMPROVEMENTS

WHEREAS, on April 28, 2010 the Borough of Belmar received bids for the Ninth Avenue Pier improvements;

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

NOW, THEREFORE, BE IT RESOLVED by the Borough Council on this 18th day of August 2010 that:

1. Contract is awarded to Precise Construction Inc., 1016 State Highway 33 Freehold, NJ 07728, in the amount of \$508,831.00

CERTIFICATION AS TO AVAILABILITY OF FUNDS

I herewith certify that, as of August 18, 2010 funds are available for the proposed contract noted above.

Robbin D. Kirk
Chief Financial Officer

Council member offered the above resolution and moved its adoption.

Seconded by and adopted by the following vote:

Councilmembers: AYES NAYS ABSTAIN ABSENT

Mrs. Deicke
Mr. Magovern
Mr. Doherty
Mr. Wright
Mayor Pringle

Adopted:

RESOLUTION NO. 2010-

**RESOLUTION APPOINTING MEMBERS TO THE HARBOR
COMMISSION AS PERMITTED BY N.J.S.A. 40:68-22 AND
BOROUGH ORDINANCE 1995-02**

BE IT RESOLVED by the Borough Council of the Borough of Belmar that the following persons be and are hereby appointed to the Harbor Commission as recommended by Mayor Pringle per N.J.S.A. 40:68-22 and Borough Ordinance 1995-02.

Robert Lynch - term expires December 31, 2012

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				
Mr. Magovern				
Mr. Doherty				
Mr. Wright				
Mayor Pringle				

Adopted:

RESOLUTION NO. 2010-

**RESOLUTION APPROVING MEMBERSHIP APPLICATION FOR HOOK & LADDER
FIRE DEPARTMENT**

WHEREAS, Gary Young of Hook and Ladder Fire Department has advised the Borough Council that the following have submitted applications to join Hook & Ladder Fire Department:

TUCKER BRENDLE
LOGAN ROGERS

WHEREAS, each application will be reviewed by the Belmar Police Department;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Belmar that the above application be hereby approved pending final approval from the Police Department.

Council member 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 MAKING FINDINGS AND DETERMINATIONS ON
LEGALIZED GAMES OF CHANCE APPLICATION NUMBER
2010-22, 23, 24, 25**

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>
St. Rose High School PTA	2010-22	607 7 th Avenue	10/16/10	7-11:00 pm
St Rose High School PTA	2010-23	607 7 th Avenue	05/06/11	6-11:00 pm
Wall Intermediate School	2010-24	507 Main Street	09/18/10	6 - 9:00 pm
Wall Intermediate School	2010-25	507 Main Street	09/18/10	6 – 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 on roll call:

	AYES	NAYS	ABSTAIN	ABSENT
Mrs. Deicke				
Mr. Doherty				
Mr. Magovern				
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:

Eastern Lines Foster Pro Surfing Contest: September 9- 20, 2010 including setup and breakdown between 16th & 18th Avenues. The preliminary events are September 11th & 12th and the main events are September 16th – 19th. In addition there will be unsupervised camping starting September 16th. This will be limited to between 15 –25 spots with four people per spot. There will also be a bonfire on the 16th and a movie on the 18th. If a phone line is needed they must provide their own and pay for it. Proper beach entrances must be used and no one is allowed on the dunes. No cooking is allowed and garbage must be bagged. Contact Andy Meuerle 2 days prior to event regarding setup. Banners cannot be set up in the dunes and must be put close to the water. All vendors must be in the sand and not blocking the entrances. The parking will be blocked off between 16th & 18th Avenues. The proper paperwork must be completed for the bonfire and all Borough Ordinances must be obeyed. The cost for the fire permit is \$42.00, cost for the police is \$1200.00 and the cost for public works is \$300.00, due and payable August 25, 2010.

NJFMBA – 5k Walk and Run: Saturday, September 18, 2010, from 6:00 am to 2:00 pm. They will go to 17th Avenue and down Green Street. The cost for police is \$725 due and payable by August 27, 2010.

Belmar Chamber of Commerce, Fall Festival: Sunday, October 10, 2010 from 7:00 am to 6:00 pm. Including setup and breakdown from Main Street between 8th and 10th Avenues. Make arrangements early with public works. There will not be a stage this year, nor will there be a pie contest. If any cooking is done on the premises, they must get a permit and be inspected that day. The Fire Official John Rizzitello must be notified one week prior to the event. Vehicles and trailers will only be allowed in Pyanoe Plaza for dropping off and picking up. The Chamber is responsible for paying for the corn stalks, bales of hay and the mums. Public Works will pick up and place the same. A donation of \$500.00 will be made to the Police Explorers. The cost for public works is the \$500.00 credit from the Spring Fling.

Belmar Chamber of Commerce, Art Walk: Sunday, April 17, 2011 from 11:00 am to 7:00 pm, including set up and breakdown. No Borough resources needed.

Belmar Chamber of Commerce, Farmer Market: Saturdays from May 21 to September 2011 from 8:30 am to 2:00 pm, including set up and breakdown. No vehicles are allowed in the plaza. Public Works will supply the cones. No other Borough resources needed.

Belmar Chamber of Commerce, Cruise Nights: The 3rd Thursday from May 21 to September, 2011 from 5:00 to 9:00 pm, in the Plaza Parking lot next to Pyanoe Plaza. They must supply their own cones and place them. No Borough resources needed.

Belmar Tourism Commission, Friday Night Concerts: June to September 2011, from 5:30 to 10:30 pm, including set up and breakdown. Two cones will be provided for the band's vehicles. No Borough resources are needed.

Seafood Festival: June 10 – 12, 2011, Friday 4:00 – 8:00 pm and Saturday and Sunday 11:00 am – 7:00 pm. They will hire a landscaper to clean the grounds. No generator can be run after 7:00 pm and vendors must close by 7:00 pm. No one can stay in the trailers overnight. Vehicles are allowed to drop off wares, however those that are double or triple parked for longer than dropping off will be towed. No parking will be allowed on the north side of Silver Lake between

A & B Streets or in front of Taylor Pavilion. Two trolleys will run both days in a reverse pattern. No dogs are allowed and signs will be posted at the perimeters of the park. There must be 3 feet between the food vendors and they must report to the fire official when they change their propane. In addition the fire official will randomly check all food vendors. The wine tent entrances and exits will be manned and no one under 21 will be allowed in the wine tent. There will be no seating in the wine tent. Taylor Pavilion will be the hospitality tent for sponsors. The explorers will be given \$400.00 and the cost for the police and public works is \$4,000.00 each all due and payable May 2, 2011.

Belmar Tourism Commission, Sandcastle Contest: Wednesday, July 13, 2011 at 18th Avenue Beach. Cost for Public Works is \$250.00 due and payable June 22, 2011

The IGA Nephropathy Foundation of America, Pork Roll cook-off: Saturday, August 13, 2011 from 10:00 am to 6:00 pm at Huisman Gazebo. This was denied as it is too large of an event during the summer.

Glaceau, building sand cabanas and giving out free water: Saturday, August 27, 2011. This was denied as it is not allowed.

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:

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

Adopted:

2010-18

**ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER XXIX WATER-SEWER UTILITY DEPARTMENT
TO REVISE AND ADD ADDITIONAL FEES,
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 certain sections of the ordinance relating to the fees for the Water-Sewer Utility Department.

NOW, THEREFORE, BE IT ORDAINED by the Borough of Belmar, County of Monmouth, New Jersey, that Chapter XXIX Water-Sewer Utility Department, of the Borough of Belmar Revised General Ordinances is hereby amended and supplemented as follows:

Section I. Chapter XXIX Water-Sewer Utility Department, is hereby amended and supplemented as follows:

29-2.3 Extension of Systems.

Applicants for extensions of the water or sewer systems which will result in or require additional or relocated meters, pipes, lines, or service to any property already being served by the water or sewer systems shall be required to pay the cost of the extension and tap in addition to the cost as noted below of any additional meters and lines. Extensions of main lines will be assessed as local improvements and charged to owners of abutting property according to the requirements of State law. Water service will not be supplied through private systems or lines.

<i>Meter Size</i>	<i>Inside Meter</i>	<i>Outside Meter</i>
<i>5/8" Water meter</i>	<i>Wall Mount</i>	<i>In Pit</i>
	<i>\$250.00</i>	<i>\$275.00</i>
<i>1" Water meter</i>	<i>350.00</i>	<i>375.00</i>
<i>1 1/2" Water meter</i>	<i>550.00</i>	<i>575.00</i>
<i>2" Water meter</i>	<i>675.00</i>	<i>700.00</i>
<i>New or replacement</i>	<i>100.00</i>	<i>100.00</i>
<i>ARB Box or Pit Cap</i>		

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

	<u>Inside Meter</u>	<u>Outside Meter</u>
<u>Meter Size</u>	<u>Wall Mount</u>	<u>In Pit</u>
<u>5/8" Water meter</u>	<u>\$350.00</u>	<u>\$350.00</u>
<u>1" Water meter</u>	<u>475.00</u>	<u>475.00</u>
<u>1 1/2" Water meter</u>	<u>650.00</u>	<u>650.00</u>
<u>2" Water meter</u>	<u>1200.00</u>	<u>1200.00</u>
<u>New or replacement ARB Box or Pit Cap</u>	<u>150.00</u>	<u>150.00</u>

Additional charge of one hundred twenty-five (\$125.00) dollars per meter will be charged for installation/inspection of installation by others of meter.

29-3.5 Meter Readings.

Water meters for private premises will be read quarterly, as provided by subsection 29-7.1. The readings shall be conclusive on all parties except where it has been determined that the meter has been registering incorrectly. In cases where the meter has been registering incorrectly, the meter shall either be repaired or replaced and an adjusted bill shall be rendered in the same manner set forth in subsection 29-3.6, provided that if the meter has not been registering at all, the adjusted bill shall be equal to the next regular quarterly reading after the meter is repaired or replaced. If the faulty registration is due to damage to the meter occurring after the meter was installed on the property, the owner shall be required to pay for the repair or replacement of the meter as required by subsection 29-3.4.

Any interested party may request an interim meter reading for any purpose. The request must be in writing on a form prescribed by the Municipal Clerk and must be accompanied by a fee of ~~fifteen (\$15.00)~~ twenty five (\$25.00) dollars. Interim meter readings may be used for the purpose of paying water charges to the date of the interim reading (for example, in connection with real estate closings), but will not alter the schedule for regular quarterly readings pursuant to subsection 29-7.1.

29-3.6 Meter Testing.

Upon prepayment of a fee of ~~one hundred (\$100.00)~~ one hundred twenty five dollars (\$125.00), the Department will, at the written request of any owner, arrange to have a meter tested to determine whether the meter is accurately registering the volume of water passing through the meter. If the test reveals a deviation from actual volume of two (2%) percent or more, an adjusted bill will be issued for the preceding quarter to account for the deviation, and the meter will be reset to reflect actual usage in the current quarter. If the adjusted bill requires an additional payment by the owner, the additional payment shall be made within

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

- (a) ~~On bituminous surface treated roads~~ \$2,000.00
- (b) ~~On concrete roads~~ \$2,100.00

- 2. ~~For a one and one-half (1 1/2") inch pipe:~~
 - (a) ~~On bituminous surface treated roads~~ \$2,400.00
 - (b) ~~On concrete roads~~ 2,500.00

- 3. ~~For a two (2")-inch pipe:~~
 - (a) ~~On bituminous surface treated roads~~ \$2,500.00
 - (b) ~~On concrete roads~~ 2,600.00

- 4. ~~Taps larger than two (2") inches in size or work performed by an outside contractor hired by the Borough: Special arrangements are to be made with the Water Sewer Utility Department and the applicant shall pay the full and actual costs of installation, but in no case less than a minimum charge of three thousand (\$3,000.00) dollars.~~

b. ~~Connecting Sewer Mains. Charges for connecting sewer mains with lines to curbs including street excavations not exceeding thirty-five (35') linear feet shall be as follows:~~

- 1. ~~For a four (4") inch pipe:~~
 - ~~(a) On bituminous surface treated Roads~~ \$1,200.00
 - ~~(b) On concrete roads~~ \$1,300.00
- 2. ~~Connections larger than four (4") inches:~~
~~Special arrangements are to be made with the Water Sewer Utility Department and the applicant shall pay the full and actual costs of the installation, but in no case less than a minimum charge of two thousand five hundred (\$2,500.00) dollars.~~

- 1. For a one (1")-inch pipe:
 - (a) On bituminous surface treated roads \$2,400.00
 - (b) On concrete roads \$2,500.00
- 2. For a one and one-half (1 1/2")-inch pipe:
 - (a) On bituminous surface treated roads \$2,800.00
 - (b) On concrete roads 2,900.00
- 3. For a two (2")-inch pipe:
 - (a) On bituminous surface treated

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

	<u>roads</u>	<u>\$2,900.00</u>
(b)	<u>On concrete roads</u>	<u>3,000.00</u>

4. Taps larger than two (2") inches in size or work performed by an outside contractor hired by the Borough: Special arrangements are to be made with the Water-Sewer Utility Department and the applicant shall pay the full and actual costs of installation, but in no case less than a minimum charge of three thousand (\$3,000.00) dollars plus the cost of a new meter pursuant to Section 29-2.3, and a ten (10%) percent administrative fee not to be less than three hundred dollars (\$300.00).

b. Connecting Sewer Mains. Charges for connecting sewer mains with lines to curbs including street excavations not exceeding thirty-five (35') linear feet shall be as follows:

1. For a four (4")- inch pipe:

	<u>(a) On bituminous surface treated</u>	
	<u>Roads</u>	<u>\$1,700.00</u>
	<u>(b) On concrete roads</u>	<u>\$1,800.00</u>

2. Connections larger than four (4") inches:

Taps larger than four (4") inches in size or work performed by an outside contractor hired by the Borough: Special arrangements are to be made with the Water-Sewer Utility Department and the applicant shall pay the full and actual costs of installation, but in no case less than a minimum charge of three thousand (\$3,000.00) dollars plus the cost of a new meter pursuant to Section 29-2.3, and a ten (10%) percent administrative fee not to be less than three hundred dollars (\$300.00).

29-7.8 Services Requiring Excavation of More than Thirty-Five (35') Lineal Feet.

Where the connection of a sewer service line or the tapping of a water service line requires the excavation of any street for more than thirty-five (35') linear feet, the applicant shall pay a street opening fee in accordance with the full and actual costs to the Borough, but in no case less than the minimum charge for the first thirty-five (35') linear feet as provided in subsection 29-7.7 preceding, plus the following charges:

- | | | |
|----|---|---------|
| a. | On bituminous surface treated roads, for each linear foot over thirty-five (35') feet | \$50.00 |
| b. | On concrete roads, for each linear foot over thirty-five (35') linear feet | \$60.00 |

29-7.9 Automatic Sprinkler and Standpipe System Connections.

For each connection to be used exclusively for the extinguishment of fires, there shall be an annual charge in advance for water service as follows:

- a. Connection of four (4") inches or smaller, per year ~~\$100.00~~
\$200.00
- b. Connection of five (5") inches or six (6") inches per year ~~200.00~~
400.00
- c. *Connection size regulations:*
The size of a private fire service connection shall in no case exceed six (6") inches in diameter.
- d. *Provisions for charges:*
The rates provided by this subsection shall be available only for service connections used exclusively for the extinguishment of fires. No additional charges shall be made for sprinkler heads, fire hydrants or other fire service connection, and no charge shall be made for water used in extinguishing fires where service is furnished under this subsection. If the consumer desires to use water for general purposes through the same connection, or if any private service connection is used for unauthorized purposes, then the service connection shall be metered and the consumer charged the rates provided for water service and sewer service in subsection 29-7.2 preceding.

29-7.10 Excavating and Trenching Charge.

Any work relating to water and/or sanitary system facilities which requires the excavation and/or trenching of a public street shall be subject to a restoration fee in the amount of \$750.00 per area of disturbance. The restoration fee shall be paid in full before any water and/or sewer permit is issued. The payment of the restoration fee prior to work commencing shall not prevent the Borough from imposing additional restoration fees if additional street disturbances are made during the course of work which were not anticipated and paid for prior to the permit being issued.

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.

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

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

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

ORDINANCE NO. 2010-19

ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER XVI POLICE REGULATIONS,
SECTION 16-3 REGULATION OF NOISE,
OF THE REVISED GENERAL ORDINANCES OF
THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY

WHEREAS, the Borough of Belmar wishes to amend its Ordinances regarding the regulation of noise; and

NOW, THEREFORE, BE IT ORDAINED by the Borough of Belmar, County of Monmouth, New Jersey, that Chapter XVI Police Regulations, 16-3 Regulation of Noise of the Borough of Belmar Revised General Ordinances is hereby amended and supplemented as follows:

Section I. Chapter XVI Police Regulations, 16-3 Regulation of Noise is hereby amended and supplemented as follows:

16-3.2 Definition of Noise.

The following acts are declared to be loud, disturbing and unnecessary noises in violation of this section, but such enumeration shall not be construed to be a limitation or be deemed to be exclusive:

- k. The erection (including excavation), demolition, alteration or repair of any building ~~is prohibited, other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, and 8:00 a.m. and 5:00 p.m. on weekends and holidays, except the same is permitted:~~
- (1) between the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday and between the hours of 8:00 a.m. to 5:00 p.m. on Saturdays,
 - (2) between the hours of 8:00 a.m. to 5:00 p.m. on Sundays and holidays only by homeowners performing routine repair and maintenance on the interior or exterior of any building,
 - (3) between the hours of 8:00 a.m. to 5:00 p.m. on Sundays and holidays by contractors provided that all work is performed on the interior of a building
 - (4) except in case of urgent necessity in the interest of public health and safety; provided, however, that a permit therefor has been obtained from the Building Official. Such permit may be granted while the emergency continues for a period not to exceed three (3) days and may be renewed for periods of three (3) days or less.
- n. The operation ~~between the hours of 6:00 p.m. and 8:00 a.m.~~ of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other similar appliances, ~~the use of which is attended by loud or unusual noise~~ except during the times permitted in section 16-3.2(k).

- p. ~~Operating or causing to be operated any equipment used in commercial construction, repair, alteration or demolition work on buildings, structures, streets, alleys, or appurtenances thereto, in residential or commercial land use categories, between the hours of 6:00 p.m. and 8:00 a.m. the following day on weekdays, between 6:00 p.m. Saturday night and 8:00 a.m. Monday morning and on legal holidays.~~

Reserved.

- w. Operating, or permitting to be operated, any powered saw, sander, drill, grinder, garden equipment or tools of like nature, used primarily for domestic purposes, outdoors in residential zones ~~between the hours of 8:00 p.m. and 8:00 a.m. the following day~~ except during the times permitted in section 16-3.2(k).

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 2010-20

ORDINANCE REAPPROPRIATING \$100,000 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL INLET TERRACE WATER MAIN PROJECT IN ORDER TO PROVIDE FOR THE WATER, SEWER AND STORM DRAIN REPLACEMENT IN AND BY THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY.

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. Pursuant to N.J.S.A. 40A:2-39, it is hereby determined that \$100,000 of the proceeds of obligations originally made available pursuant to bond ordinance #2009-12 of the Borough of Belmar, in the County of Monmouth, New Jersey (the "Borough"), finally adopted June 24, 2009, is no longer necessary for the Inlet Terrace Project consisting of the construction of water mains along Inlet Terrace West to replace the existing ductile iron water main and restore water pressure for fire fighting and to residents, as well as acquisition and installation of new fire hydrants, individual service connections, trench repair, pavement overlay, traffic control and restoration, including all work and materials necessary therefor and incidental thereto, for which the obligations previously were authorized and issued.

Section 2. The \$100,000 described in Section 1 and made available pursuant to N.J.S.A. 40A:2-39 is hereby reappropriated to provide for the water, sewer and storm drain replacement on 7th Avenue, 8th Avenue and Main Street to Railroad Avenue, including all work and materials necessary therefor and incidental thereto.

Section 3. 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 4. This ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.