

BOROUGH OF OCEAN GATE

**COUNCIL MEETING
AGENDA**

April 22, 2020

CALL TO ORDER:

SUNSHINE STATEMENT: Notice of this meeting was advertised in the Asbury Park Press issues of April 11, 2020 and posted in the Municipal Office Building, Adrian Hall and the Ocean Gate Post office.

SALUTE TO THE FLAG AND A MOMENT OF SILENCE

ROLL CALL: Mayor Kennedy, Council President Kendrick, Councilwoman Nicastro, Councilman Haug, Councilman Martinez, Councilwoman Padham-Iaria, Councilman Livingston

PRIVILEGE OF THE FLOOR

ORDINANCE 628-20 CALENDAR YEAR 2020 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

Motion to introduce ord. 628-20: _____ Second:

Roll call vote: Kendrick, Nicastro, Haug, Martinez, Padham-Iaria, Livingston

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

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

WHEREAS, the Borough Council of the Borough of Ocean Gate in the County of Ocean finds it advisable and necessary to increase its CY 2020 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$90,873.79 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated, as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Ocean Gate, in the County of Ocean, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2020 budget year, the final appropriations of the Borough of Ocean Gate shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 1.0%, amounting to \$25,963.94, and that the CY 2020 municipal budget for the Borough of Ocean Gate be approved and adopted in accordance with this ordinance; and,

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

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

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

RESOLUTION 2020-96 Introduction of 2020 Municipal Budget

Motion: _____ **Second:**

Roll call vote: Kendrick, Nicastro, Haug, Martinez, Padham-Iaria, Livingston

CONSENT AGENDA

The items listed below are considered to be routine by the Borough of Ocean Gate and will be enacted by one motion. There will be no formal discussion of these items. If discussion is desired, this item will be removed from the Consent Agenda and will be considered separately.

Motion: _____ **Second:**

Roll call vote: Kendrick, Nicastro, Haug, Martinez, Padham-Iaria, Livingston

- RESOLUTION 2020-97 Self Examination of Budget
- RESOLUTION 2020-98 Establishing the Rate of Interest for Delinquent Taxes Due to COVID-19
- RESOLUTION 2020-99 Authorization to Expunge Water or Sewer Charges
- RESOLUTION 2020-100 Emergency Temporary Appropriation
- RESOLUTION 2020-101 Payment of Bills

Motion to adjourn:

Motion: _____ Second:

Roll call vote: Kendrick, Nicastro, Haug, Martinez, Padham-Iaria, Livingston

RESOLUTION 2020-96

MUNICIPAL BUDGET NOTICE

Section 1.

Municipal Budget of the Borough of Ocean Gate, County of Ocean for the Fiscal Year 2020

Be it Resolved, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2020.

Be it Further Resolved, that said Budget be published in the Asbury Park Press Issue of April 22, 2020,

The Governing Body of The Borough of Ocean Gate does hereby approve the following Budget for the year 2020:

Recorded	((Abstained	(
Vote	(((
(Last Names)	Ayes	(Nays	(
	((((
	((Absent	(
	(((

Notice is hereby given that the Budget and Tax Resolution was approved by the Governing Body of the Borough of Ocean Gate, County of Ocean on April 22, 2020.

A hearing on the Budget and Tax Resolution will be held on May 20, 2020 at 7:00pm at which time and place objections to said Budget and Tax Resolution for 2020 may be presented by taxpayers or other interested persons.

RESOLUTION 2020-97

SELF-EXAMINATION OF BUDGET RESOLUTION

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Borough of Ocean Gate has been declared eligible to participate in the program by the Division of Local government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2020 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the Borough of Ocean Gate that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.

2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).

3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated,
 - b. Items of appropriation are properly set forth

c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

CERTIFICATION

I, Ileana Vazquez-Gallipoli, Municipal Clerk of the Borough of Ocean Gate, County of Ocean, State of New Jersey, hereby certify that the foregoing resolution is a true and correct copy of resolution adopted at the Reorganization meeting held on April 22, 2020.

Ileana Vazquez-Gallipoli, RMC, CMR
Municipal Clerk

RESOLUTION 2020-98

ESTABLISHING THE RATE OF INTEREST FOR DELINQUENT TAXES DUE TO COVID-19 PANDEMIC

WHEREAS , N.J.S.A. 54:4-67a permits the governing body by resolution to fix the rate of interest to be charged for the nonpayment of taxes, assessments, or other municipal liens or charges, on or before the date when they would become delinquent; and

WHEREAS , the statute fixes the rate of interest cannot exceed 8% per annum on the first \$1,500.00 of the delinquency and 18% per annum on any amount in excess of \$1,500.00, to be calculated from the date the tax was payable until the date that actual payment to the tax collector is made; and

WHEREAS , the Borough of Ocean Gate adopted *Resolution Number 2020-2* setting the Rate of Interest for Delinquent Taxes at 8% on the first \$1,500.00 and 18% on the amount over \$1,500.00 on January 2, 2020; and

WHEREAS , due to the COVID-19 pandemic and the State and Federal declarations of a major disaster throughout New Jersey, the governing body of the Borough of Ocean Gate wishes to change the rate of interest for an additional 21 day period from May 1, 2020 to May 31, 2020 delinquent tax payments;

NOW THEREFORE, BE IT RESOLVED , by the governing body of the Borough of Ocean Gate in the County Ocean that the rate of interest for taxes unpaid after May 1, 2020 is fixed at 0.000001% on the first \$1,500.00 of delinquency and 0.000001%. per annum on any amount of taxes in excess of \$1,500.00 effective May 1, 2020; and

BE IT FURTHER RESOLVED , that the rate of interest for taxes unpaid shall be calculated from date of the quarterly payment until the date of actual payment; and

BE IT FURTHER RESOLVED , this Resolution shall be published in its entirety once in the official newspaper of the Borough of Ocean Gate and a copy of this adopted Resolution forwarded to the Division of Local Government Services in the Department of Community Affairs

BE IT FURTHER RESOLVED , effective June 1, 2020 the rate of interest for taxes unpaid after June 1, 2020 is fixed at 8% on the first \$1,500.00 of delinquency and 18% per annum on any amount of taxes in excess of \$1,500.00 effective May 1, 2020.

CERTIFICATION

I, Ileana Vazquez-Gallipoli, Municipal Clerk of the Borough of Ocean Gate, County of Ocean, State of New Jersey, hereby certify that the foregoing resolution is a true and correct copy of resolution adopted at the Reorganization meeting held

RESOLUTION 2020-99

AUTHORIZATION TO EXPUNGE WATER & OR SEWER CHARGES

WHEREAS, Elizabeth V. Barger, Tax Collector for the Borough of Ocean Gate, had been notified by Public Works that the following home will be demolished and/or raised, and have had their water and sewer lines cut and capped in preparation of the demolition;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Ocean Gate, County of Ocean, State of New Jersey, that the Tax Collector is hereby authorized to expunge the following sewer charges for 2020, the property will be billed for water and sewer quarters when the reconnect inspection is signed off by the Construction Office:

<u>Block/lot</u>	<u>Address</u>	<u>Name</u>	<u>Amount to be expunged</u>
55-7	442 E Long Branch	Newman	\$200.00 1 st pd 2020-water

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the following:

- Elizabeth V. Barger, Tax/Utility Collector
- Glen Newman

CERTIFICATION

I, Ileana Vazquez-Gallipoli, Municipal Clerk of the Borough of Ocean Gate, County of Ocean, State of New Jersey, hereby certify that the foregoing resolution is a true and correct copy of resolution adopted at the Reorganization meeting held on April 22, 2020.

Ileana Vazquez-Gallipoli, RMC, CMR
Municipal Clerk

RESOLUTION 2020-100

EMERGENCY TEMPORARY APPROPRIATION

WHEREAS, an emergent condition has arisen with respect to the ability of the Borough of Ocean Gate to continue paying its employees and vendors; and
WHEREAS, no adequate provision has been made in the 2020 Temporary Budget for the aforesaid purpose, and N.J.S. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned; and
WHEREAS, the total emergency temporary resolutions adopted in the year 2020 pursuant to the provisions of Chapter 96, P.L.1951 (N.J. S. 40A:4-20) including this resolution total for the Current Fund \$1,775,146.00, for the Water Operating Fund \$147,810.00 and the Sewer Utility Fund \$214,700.00,
NOW, THEREFORE, BE IT RESOLVED (not less than two-thirds of all members thereof affirmatively concurring) that in accordance with N.J.S. 40A:4-20:
An emergency temporary appropriation be and the same is hereby made for

<u>CURRENT FUND</u>			
<u>GENERAL GOVERNMENT FUNCTIONS</u>	<u>FROM</u>		<u>TO</u>
Mayor & Council			
Salaries and Wages	\$ 12,500.00		\$ 25,000.00
Other Expenses	500.00		1,500.00
Administrative & Executive			
Other Expenses	5,250.00		10,500.00
Municipal Clerk			
Salaries and Wages	12,200.00		24,400.00
Other Expenses	1,840.00		3,680.00
Financial Administration			
Salaries and Wages	9,200.00		18,400.00
Other Expenses	2,875.00		5,750.00
Audit Service			
Other Expenses	4,500.00		9,000.00
Collection of Taxes			
Salaries and Wages	15,350.00		30,700.00
Other Expenses	1,500.00		3,000.00
Assessment of Taxes			
Salaries and Wages	7,675.00		15,350.00
Other Expenses	1,000.00		2,000.00
Law Services (Law Department)			

Other Expenses	12,500.00		25,000.00
Engineering Services			
Other Expenses	12,500.00		25,000.00
Land Use Administration:			
Planning Board			
Salaries and Wages	1,800.00		3,600.00
Other Expenses	2,300.00		4,600.00
<u>INSURANCES</u>			
General Liability	70,000.00		140,000.00
Workers Compensation	35,000.00		70,000.00
Employee Group Health	80,000.00		160,000.00
<u>PUBLIC SAFETY FUNCTIONS</u>			
Police Department			
Salaries and Wages	215,000.00		430,000.00
Other Expenses	21,000.00		42,000.00
Office of Emergency Management			
Other Expenses	500.00		1,000.00
Fire			
Other Expenses	7,600.00		15,200.00
Uniform Safety Act			
Other Expenses	350.00		700.00
Municipal Prosecutors			
Other Expenses	1,500.00		3,000.00
<u>PUBLIC WORKS FUNCTIONS</u>			
Division of Streets and Road			
Salaries and Wages	8,000.00		16,000.00
Other Expenses	3,000.00		6,000.00
Beachfront Maintenance			
Salaries and Wages	4,800.00		9,600.00
Other Expenses	4,300.00		8,600.00
Solid Waste Collection			
Salaries and Wages	5,500.00		11,000.00
Buildings and Grounds			
Salaries and Wages	8,000.00		16,000.00
Other Expenses	34,000.00		68,000.00
<u>PARKS AND RECREATION FUNCTIONS</u>			
Board of Recreation Commissioners			
Other Expenses	1,000.00		2,000.00

Beach Patrol			
Other Expenses	1,600.00		3,200.00
<u>MUNICIPAL COURT FUNCTIONS</u>			
Municipal Court			
Salaries and Wages	7,700.00		15,400.00
Other Expenses	1,000.00		2,000.00
Public Defender (P.L. 1997, c256)			
Other Expenses	1,500.00		3,000.00
<u>STATE UNIFORM CONSTRUCTION CODE</u>			
Construction Official			
Salaries and Wages	18,750.00		37,500.00
Other Expenses	3,000.00		6,000.00
<u>UNCLASSIFIED:</u>			
<u>UTILITY EXPENSES AND BULK PURCHASES</u>			
Electricity	15,000.00		30,000.00
Street Lighting	8,000.00		16,000.00
Telephone (excluding equipment acquisition)	7,500.00		15,000.00
Natural Gas	8,000.00		16,000.00
Gasoline	5,000.00		10,000.00
<u>LANDFILL/SOLID WASTE DISPOSAL COSTS</u>			
Sanitary Landfill			
Other Expenses	20,000.00		40,000.00
Contract Services	27,500.00		55,000.00
<u>STATUTORY EXPENDITURES</u>			
Contributions to:			
Public Employees Retirement System	-		30,990.00
Social Security (O.A.S.I.)	24,500.00		49,000.00
Police & Firemen's Retirement System of NJ	-		170,976.00
Unemployment Insurance	-		-
<u>(A) OPERATIONS EXCLUDED FROM "CAPS"</u>			
Beach Patrol			
Salaries & Wages	-		10,000.00
<u>SHARED SERVICE AGREEMENTS</u>			
Township of Berkeley			

Animal Control	1,000.00		2,000.00
Code Enforcement	2,000.00		4,000.00
Financial Services	13,750.00		27,500.00
Public Works Services	5,000.00		10,000.00
Gas & Diesel Fuel	7,500.00		15,000.00
Total	\$ 781,340.00		\$ 1,775,146.00
<u>EXCLUDED</u>			
<u>Capital Improvement Fund</u>			
Capital Improvement Fund	\$ 20,000.00		\$ 20,000.00
<u>Municipal Debt Service</u>			
Payment of Bond Principal	160,000.00		160,000.00
Payment of Bond Anticipation Notes and Capital Notes	-		187,376.00
Interest on Bonds	6,909.37		13,818.75
Interest on Notes	-		27,978.24
Total	\$ 186,909.37		\$ 381,194.75
<u>WATER OPERATING FUND</u>			
Water Operating:			
Salaries & Wages	\$ 23,300.00		\$ 46,600.00
Other Expenses	48,750.00		97,500.00
Social Security	1,810.00		3,710.00
Total Water Operating Fund	\$ 73,860.00		\$ 147,810.00
<u>EXCLUDED</u>			
Payment of Bond Anticipation Notes and Capital Notes	\$ -		\$ 15,969.00
Interest on Notes	-		3,709.71
USDA	7,839.00		7,839.00
NJ EIT - Loan Repayments for Principal and Interest	15,498.05		15,498.05
Total	\$ 23,337.05		\$ 43,015.76
<u>SEWER OPERATING FUND</u>			

Sewer Operating:			
Salaries & Wages	\$ 17,000.00		\$ 34,000.00
Other Expenses	20,000.00		40,000.00
Sewer Treatment Costs	74,000.00		138,000.00
Social Security	1,300.00		2,700.00
Total Sewer Operating Fund	\$ 112,300.00		\$ 214,700.00
	-		
EXCLUDED	-		
NJ EIT - Loan Repayments for Principal and Interest	\$ 4,015.63		\$ 4,015.63

CERTIFICATION

I, Ileana Vazquez-Gallipoli, Municipal Clerk of the Borough of Ocean Gate, County of Ocean, State of New Jersey, hereby certify that the foregoing resolution is a true and correct

copy of resolution adopted at the Reorganization meeting held on April 22, 2020.

Ileana Vazquez-Gallipoli, RMC, CMR
Municipal Clerk

RESOLUTION 2020-101

AUTHORIZATION FOR PAYMENT OF BILLS

WHEREAS, the Borough Council has carefully examined all vouchers presented to the Borough for payment of claims; and

WHEREAS, after due consideration of said vouchers, the Borough Council has approved the payment of same; and

WHEREAS, the Chief Financial Officer has certified that the bill list has been audited and is in order for payment and funds totaling \$149,170.17 available in the respective accounts as set forth below;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Ocean Gate, County of Ocean, as follows:

1. The said approved 2020 vouchers amounting to the sum of \$149,170.17 and the same are hereby authorized to be paid on April 22, 2020.

BE IT FURTHER RESOLVED, that the Municipal Clerk be, and is hereby directed to file the bill list in the Municipal Clerk's Office.

CERTIFICATION

I, Ileana Vazquez-Gallipoli, Municipal Clerk of the Borough of Ocean Gate, County of Ocean, State of New Jersey, hereby certify that the foregoing resolution is a true and correct copy of a resolution adopted at a Council Meeting held on April 22, 2020.

Ileana Vazquez-Gallipoli, RMC, CMR
Municipal Clerk