

BOROUGH OF OCEAN GATE

COUNCIL WORKSHOP MEETING MINUTES

July 10, 2024

Minutes of a Council Meeting of the Borough of Ocean Gate held on the above date at the Municipal Building, 801 Ocean Gate Avenue, Ocean Gate, N.J.

The Mayor Curtin called the meeting to order at 1:00 pm and announced that in compliance with the "OPEN PUBLIC MEETING LAW" P.L. 1975 C231 notice of this meeting had been advertised in the Star Ledger issue of September 20, 2023 posted in the Municipal Office Building, Adrian Hall and the Ocean Gate Post Office.

Following a salute to the flag roll call was taken with the following members present; Curtin, McGrath, Nicastro, Haug, Cox, Fry, Zieser.

ORDINANCE 694-24 BOROUGH OF OCEAN GATE COUNTY OF OCEAN BOND
ORDINANCE NO. 694-24 BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF
OUTFITTER POLICE VEHICLES AND CONSTRUCTION/CODE DEPARTMENT
SOFTWARE, APPROPRIATING \$175,000 THEREFOR AND AUTHORIZING THE
ISSUANCE OF \$166,250 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS
THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF OCEAN GATE, IN THE
COUNTY OF OCEAN, NEW JERSEY

A motion was made by Councilman Cox to open the public hearing for ord. 694-24. Second to the motion made by Council President McGrath. All in Favor. Motion Approved.

A motion was made by Councilman Cox to close the public hearing for ord. 694-24. Second to the motion made by Council President McGrath. All in Favor. Motion Approved.

A motion was made by Councilman Cox to adopt ord. 694-24. Second to the motion made by Council President McGrath. Roll Call Vote Ayes: McGrath, Haug, Nicastro, Cox, Fry, Zieser. Motion Approved.

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

Section 1. The improvements described in Section 3 of this bond ordinance are hereby authorized as general improvements to be undertaken in and by the Borough of Ocean Gate, in the County of Ocean, New Jersey (the "Borough"). For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$175,000, said sum being inclusive of all appropriations heretofore made therefor, including the sum of \$8,750 as the down payment for said purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in the Capital Improvement Fund of one or more previously adopted budgets.

Section 2. In order to finance the costs of said improvements or purposes not provided for by the application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount not to exceed \$166,250, pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and

within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized and the purposes for which the obligations are to be issued consist of the acquisition of police vehicles and related equipment, and software for the Construction/Code Department, together with all purposes necessary, incidental or appurtenant thereto, all as shown on and in accordance with contracts, plans, specifications or requisitions therefor on file with or through the Borough Clerk, as finally approved by the governing body of the Borough.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes described in Section 3(a) hereof is \$166,250, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$175,000, which is equal to the amount of the appropriation herein made therefor. The excess of the appropriation of \$175,000 over the estimated maximum amount of bonds or notes to be issued therefor being the amount of said \$8,750 down payment for said purposes.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Borough, provided that no note shall mature later than one (1) year from its date. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer, who shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of such notes occurs, such report shall include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The following additional matters are hereby determined, declared, recited and stated:

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

(b) The average period of usefulness of the improvements or purposes, within the limitations of the Local Bond Law and taking into consideration the amount of the obligations authorized for said purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is five (5) years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such Statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$166,250 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$17,500 for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.

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

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

Section 7. Any grant or similar moneys from time to time received by the Borough for the improvements or purposes described in Section 3 hereof, shall be applied either to direct payment of the cost of the improvements within the appropriation herein authorized or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are received and so used.

Section 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and, unless paid from other sources, the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation as to rate or amount.

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

ORDINANCE 696-24 BOROUGH OF OCEAN GATE, COUNTY OF OCEAN, STATE OF NEW JERSEY STORMWATER CONTROL ORDINANCE

A motion was made by Councilman Cox to introduce ord. 696-24. Second to the motion made by Councilman Zieser. Roll Call Vote Ayes: McGrath, Haug, Nicastro, Cox, Fry, Zieser. Motion Approved.

Section I. Scope and Purpose:

A. Policy Statement

Flood control, groundwater recharge, and pollutant reduction shall be achieved through the use of stormwater management measures, including green infrastructure Best Management Practices (GI BMPs) and nonstructural stormwater management strategies. GI BMPs should be utilized to meet the goal of maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge, and reduce pollution. GI BMPs should be developed based upon physical site conditions and the origin, nature and the anticipated quantity, or amount, of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the

established performance standards for green infrastructure, water quality, quantity, and groundwater recharge.

B. Purpose- The purpose of this ordinance is to establish minimum stormwater management requirements and controls for “major development,” as defined below in Section II.

C. Applicability

1. This ordinance shall be applicable to the following major developments:

- i. Non-residential major developments and redevelopment projects; and
- ii. Aspects of residential major developments and redevelopment projects that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21 et seq.

2. This ordinance shall also be applicable to all major developments undertaken by Borough of Ocean Gate.

3. Applicability of this ordinance to major developments shall comply with last amended N.J.A.C. 7:8-1.6, incorporated herein by reference.

D. Compatibility with Other Permit and Ordinance Requirements

Development approvals issued pursuant to this ordinance are to be considered an integral part of development approvals and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

This ordinance is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this ordinance imposes restrictions different from those imposed by any

other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

Section II. Definitions:

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this ordinance clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The definitions used in this ordinance shall be the same as the last amended Stormwater Management Rules at N.J.A.C. 7:8-1.2, incorporated herein by reference.

Section III. Design and Performance Standards for Stormwater Management Measures:

This section establishes design and performance standards for stormwater management measures for major development intended to minimize the adverse impact of stormwater runoff on water quality and water quantity and loss of groundwater recharge in receiving water bodies. Design and performance standards for stormwater management measures shall comply with last amended N.J.A.C. 7:8-5, incorporated herein by reference.

Section IV. Solids and Floatable Materials Control Standards:

A. Site design features identified under Section III above, or alternative designs in accordance with Section III above, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section IV.A.2 below.

1. Design engineers shall use one of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
 - i. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or
 - ii. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension. Note that the Residential Site Improvement Standards at N.J.A.C. 5:21 include requirements for bicycle safe grates.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater system floors used to collect stormwater from the surface into a storm drain or surface water body.

- iii. For curb-opening inlets, including curb-opening inlets in combination inlets, the clear space in that curb opening, or each individual clear space if the curb opening has two or more clear spaces, shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.

2. The standard in IV.A.1. above does not apply:

- i. Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;
- ii. Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;
- iii. Where flows from the water quality design storm as specified in the last amended Stormwater Management rules at N.J.A.C. 7:8 et seq. are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
 - a. A rectangular space four and five-eighths (4.625) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or
 - b. A bar screen having a bar spacing of 0.5 inches.

Note that these exemptions do not authorize any infringement of requirements in the Residential Site Improvement Standards for bicycle safe grates in new residential development (N.J.A.C. 5:21-4.18(b)2 and 7.4(b)1).

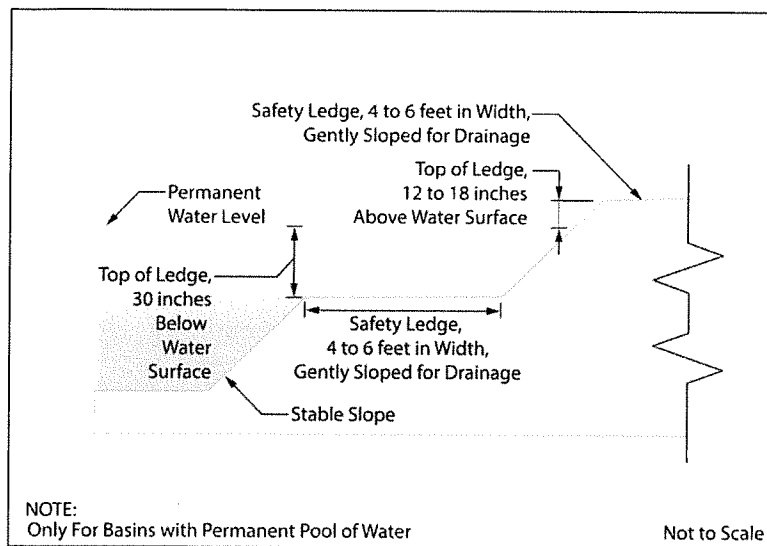
- iv. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1 inch) spacing between the bars, to the elevation of the Water Quality Design Storm as specified in N.J.A.C. 7:8; or
- v. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

Section V. Safety Standards for Stormwater Management Basins:

A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management basins. This section applies to any new stormwater management basin. Safety standards for stormwater management measures shall comply with last amended N.J.A.C. 7:8-6, incorporated herein by reference.

B. Safety Ledge Illustration

Elevation View –Basin Safety Ledge Configuration



Section VI. Requirements for a Site Development Stormwater Plan:

A. Submission of Site Development Stormwater Plan

1. Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at Section VI.C below as part of the submission of the application for approval.
2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.
3. The applicant shall submit [*specify number*] copies of the materials listed in the checklist for site development stormwater plans in accordance with Section VI.C of this ordinance.

B. Site Development Stormwater Plan Approval

The applicant's Site Development project shall be reviewed as a part of the review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the municipality's review engineer to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this ordinance.

C. Submission of Site Development Stormwater Plan

The following information shall be required:

1. Topographic Base Map

The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of 1"=200' or greater, showing 2-foot contour intervals. The map as appropriate may indicate the

following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.

2. Environmental Site Analysis

A written and graphic description of the natural and man-made features of the site and its surroundings should be submitted. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.

3. Project Description and Site Plans

A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations will occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high groundwater elevations. A written description of the site plan and justification for proposed changes in natural conditions shall also be provided.

4. Land Use Planning and Source Control Plan

This plan shall provide a demonstration of how the goals and standards of Section III is being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

5. Stormwater Management Facilities Map

The following information, illustrated on a map of the same scale as the topographic base map, shall be included:

- i. Total area to be disturbed, paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.
- ii. Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.

6. Calculations

- i. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in Section III of this ordinance.
- ii. When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high water table, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

7. Maintenance and Repair Plan

The design and planning of the stormwater management facility shall meet the maintenance requirements of Section VII.

8. Waiver from Submission Requirements

The municipal official or board reviewing an application under this ordinance may, in consultation with the municipality's review engineer, waive submission of any of the requirements in Section VI.C.1 through VI.C.6 of this ordinance when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

Section VII. Maintenance and Repair:

A. Applicability

Projects subject to review as in Section I.C of this ordinance shall comply with the requirements of Section VII.B and VII.C.

B. General Maintenance

1. Maintenance for stormwater management measures shall comply with last amended N.J.A.C. 7:8-5.8, incorporated herein by reference.
2. The following requirements of N.J.A.C. 7:8-5.8 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department:
 - i. If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation; and

- ii. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.
- 3. In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property.
- C. Nothing in this subsection shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53.

Section VIII. Penalties:

Any person(s) who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this ordinance shall be subject to the following penalties:

- A. Fines of up to \$500.00 per day for each day the violation persists.
- B. Nothing in this Section shall be construed to prevent the Borough of Ocean Gate from using any other lawful means to enforce this Ordinance.

Section IX. Severability:

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

Section X. Effective Date:

All ordinances or parts of ordinances of this municipality inconsistent herewith are hereby repealed to the extent of such inconsistency.

This ordinance shall take effect immediately upon its final passage, approval and publication, as required by law.

The 5K Run was a great success, therefore the event coordinators would like to begin the process for next year and have asked that the governing body approve July 6, 2025, as the date for the Ocean Gate 2025 5K Run/Walk.

A motion was made by Councilman Cox to approve the July 6, 2025 5K Run. Second to the motion made by Councilman Haug. Roll Call Vote Ayes: McGrath, Haug, Nicastro, Cox, Fry, Zieser. Motion Approved.

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.

A motion was made by Councilman Cox to approve the Consent Agenda. Second to the motion made by Council President McGrath. Roll Call Vote Ayes: McGrath, Haug, Nicastro, Cox, Fry, Zieser. Motion Approved.

RESOLUTION 2024-162 RESOLUTION OF THE BOROUGH OF OCEAN GATE, OCEAN COUNTY, NEW JERSEY, APPOINTING OFFICER RICHARD ZONIN AS MUNICIPAL ALLIANCE COORDINATOR AND COUNCIL PRESIDENT JAMES MCGRATH AS CO-COORDINATOR FOR THE FISCAL YEAR 2024

BE IT RESOLVED, by the governing body of the Borough of Ocean Gate, Ocean County New Jersey as follows:

1.The Mayor has recommended and the Council consents to the appointment of Officer Richard Zonin as Municipal Alliance Coordinator and Council President James McGrath As Co-Coordinator for Fiscal Year 2024, expiring December 31, 2024.

2,The Municipal Clerk shall send a certified copy of this resolution to each of the following:

- Mayor and Council
- Jean Cipriani, Municipal Attorney
- Ocean County Municipal Alliance
- Officer Zonin, Municipal Alliance Coordinator

RESOLUTION 2024-163 RESOLUTION AUTHORIZING A LEGAL SERVICES AGREEMENT WITH DILWORTH PAXSON LLP IN CONNECTION WITH THE FINANCING OF THE ACQUISITION OF A NEW AERIAL LADDER FIRE TRUCK BY THE BOROUGH OF OCEAN GATE

WHEREAS, there exists a need for specialized legal services in connection with the financing, through the U.S. Department of Agriculture, Farmers Home Administration (the “USDA”), of the acquisition of a new aerial ladder fire truck by the Borough of Ocean Gate, in the County of Ocean, New Jersey (the “Borough”); and

WHEREAS, such special legal services can be provided by a recognized bond counsel firm, and the law firm of Dilworth Paxson LLP, Freehold, New Jersey is so recognized by the financial community; and

WHEREAS, the law firm of Dilworth Paxson LLP has previously been retained by the Borough to provide bond counsel services to the Borough, but the USDA requires that legal services in connection with the proposed financing be represented by a separate legal services agreement in the form prescribed by the USDA; and

WHEREAS, funds are or will be available for this purpose; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., requires that notice with respect to contracts for Professional Services awarded without competitive bids must be publicly advertised.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE BOROUGH OF OCEAN GATE, COUNTY OF OCEAN, AS FOLLOWS:

1. The law firm of Dilworth Paxson LLP, Freehold, New Jersey, is hereby retained to provide the specialized legal services necessary in connection with the financing, through the USDA, of the acquisition of a new aerial ladder fire truck by the Borough, in accordance with a Legal Services Agreement submitted to the governing body of the Borough (the "Contract").
2. The Contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a), because it is for services performed by persons authorized by law to practice a recognized profession.
3. A copy of this resolution as well as the Contract shall be placed on file with the Clerk of the Borough.
4. A notice in accordance with the Local Public Contracts Law of New Jersey in the form attached hereto shall be published in the Star Ledger.

RESOLUTION 2024-164 RESOLUTION OF THE BOROUGH OF OCEAN GATE, IN THE COUNTY OF OCEAN, NEW JERSEY PROVIDING FOR AN ISSUE OF GENERAL OBLIGATION BONDS AND AUTHORIZING THE SALE OF \$930,100 PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS, SERIES 2024 TO FINANCE A PORTION OF THE COST OF ACQUISITION OF A NEW AERIAL LADDER FIRE TRUCK FOR THE BOROUGH, DETERMINING THE FORM, MATURITIES, INTEREST RATES AND OTHER DETAILS OF SUCH BONDS, AUTHORIZING THE SALE OF SUCH BONDS TO THE UNITED STATES DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, AND AUTHORIZING AND RATIFYING OTHER MATTERS RELATING THERETO

WHEREAS, on March 29, 2022, the United States Department of Agriculture, Rural Development (the "USDA") issued a Letter of Conditions (the "Letter of Conditions") to the Borough of Ocean Gate, in the County of Ocean, New Jersey (the "Borough"), setting forth certain requirements that must be met by the Borough in order to be eligible for receipt of a Rural Housing Service Community Facilities Direct loan in amount not to exceed \$930,100 (the "USDA Loan") and a grant not to exceed \$47,900 (the "USDA Grant"), each in respect of a proposed acquisition by the Borough of a new aerial ladder

truck (the “Fire Truck”), which will be used by the Ocean Gate Volunteer Fire Company #1 on behalf of the Borough; and

WHEREAS, on May 25, 2022, the Borough adopted a Loan Resolution providing for the receipt by the Borough of the USDA Loan and the USDA Grant; and

WHEREAS, on June 22, 2022, the Borough finally adopted Ordinance No. 660-22 (the “Bond Ordinance”) authorizing, inter alia, an appropriation of \$1,069,500 and the issuance of bonds and notes in the amount of \$1,016,025 for a general improvement consisting of acquisition of a fire truck and various firehouse improvements for the Borough Fire Department; and

WHEREAS, the Borough now intends to issue and sell its general obligation bonds pursuant to the Bond Ordinance in order to evidence the USDA Loan; and

WHEREAS, by resolution adopted on February 8, 2023, the Local Finance Board in the New Jersey Department of Community Affairs approved the Borough’s application, pursuant to N.J.S.A. 40A:2-26(e), for use of a non-conforming maturity schedule in respect of said general obligation bonds;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Ocean Gate, in the County of Ocean, New Jersey (not less than two-thirds of full membership thereof affirmatively concurring), as follows:

Authorization of Issuance and Sale of Bonds. Of the \$1,069,500 principal amount of bonds and notes authorized by the Bond Ordinance for the purpose identified above, the Borough hereby determines to issue its general obligation bonds in the aggregate principal amount of \$930,100 (the “Bonds”). The Bonds shall be designated “General Obligation Bonds, Series 2024” and, unless otherwise determined by the Chief Financial Officer, shall be numbered R-1 and issued in a single denomination for the entire principal amount thereof. The Bonds are authorized to be sold in accordance with the terms of this Resolution.

Determination of Average Period of Usefulness. The average period of usefulness for the general improvements financed by the Bonds is 10 years.

Details of the Bonds. The Bonds shall be dated their date of delivery and shall be issued in fully registered form. The Bonds shall bear interest at the lower of 2.125% per annum and such fixed rate of interest per annum as may be determined by the Chief Financial Officer based on the prevailing interest rate requirements of the USDA. The Bonds shall be payable in twenty (20) consecutive semi-annual payments of principal and interest of substantially equal amounts, as shall be determined by the Chief Financial Officer. Interest on the Bonds shall be calculated on the basis of a 360-day year of twelve 30-day calendar months, or as may be determined by the Chief Financial Officer based on the prevailing requirements of the USDA. The Bonds shall be subject to redemption without penalty at any time prior to maturity at the option of the Borough by payment of all the unpaid principal then due plus interest due to the date of redemption.

Sale of the Bonds. Pursuant to N.J.S.A. 40A:2-27(a)(2), the Bonds are hereby sold and awarded to the USDA by private sale, at a purchase price equal to 100% of the principal amount thereof. Settlement for the Bonds will be made in immediately available funds on such date as may be agreed to by the Borough and the USDA, upon satisfaction or waiver of the conditions set forth in the Letter of Conditions (as the same may be modified from time to time).

Execution of the Bonds. The Bonds shall be signed by the Mayor and Chief Financial Officer of the Borough, by their manual or facsimile signatures, and the official seal of the

Borough shall be affixed thereto, or imprinted or reproduced thereon, and shall be attested by the manual signature of the Borough Clerk or any Deputy Clerk of the Borough.

Section 6. Form of the Bonds. The Bonds and the registration provisions endorsed thereon shall be in substantially the following form, with such changes and insertions as may be determined by the Chief Financial Officer: No. R-1 \$930,100

RESOLUTION 2024-165 RESOLUTION RATIFYING RESIDENT SPONSORED CAT FEEDING AND TNR PILOT PROGRAM ON BOROUGH PROPERTY LOCATED AT 900 OCEAN GATE AVENUE

A motion was made by Councilwoman Nicastro to approve the reso. 2024-165. Second to the motion made by Councilman Haug. Roll Call Vote: Ayes: McGrath, Haug, Nicastro, Fry, Zieser. No: Cox. Motion Approved.

WHEREAS, Borough residents, coordinated by Councilwoman Joella Nicastro have requested ratification of a resident sponsored cat feeding and Trap Neuter Release (TNR) Program on Borough Property located at 900 Ocean Gate Avenue; and

WHEREAS, the Governing Body believes it would be beneficial to permit such activity as a pilot program for the remainder of 2024.

NOW THEREFORE, BE IT RESOLVED:

1. Resident Sponsored Cat Feeding and TNR Pilot Program is hereby approved and ratified for calendar year 2024.
2. Resident activities shall be coordinated by Councilwoman Nicastro.
3. Feeding times shall be at 7:00am and 4:00pm. No food shall ever be left out.

RESOLUTION 2024-166 AUTHORIZATION FOR PAYMENT OF BILLS

A motion was made by Councilman Cox to approve the reso. 2024-166. Second to the motion made by Council President McGrath. Roll Call Vote: Ayes: McGrath, Haug, Nicastro, Cox, Fry, Zieser. Motion Approved.

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 \$335,257.89 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 2024 vouchers amounting to the sum of \$335,257.89 the same are hereby authorized to be paid on July 10, 2024.

Seeing no one else wishing to be heard the Mayor asked for a motion to adjourn. Motion was made by Councilman Cox. Second to the motion made by Council President McGrath. All in Favor. Motion Approved.

Respectfully Submitted:

Ileana Vazquez-Gallipoli