

RESOLUTION 2018-
RESOLUTION AMENDING RESOLUTION NO. 2017-118 AUTHORIZING
EXECUTIVE SESSION

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Borough Council of the Borough of Belmar (“Council”) adopted Resolution 2017-118 on July 11, 2017, authorizing the Council to enter into Executive Session for the purpose of discussing then-pending litigation, captioned as Loko Co., L.L.C. v. Borough of Belmar, et al., OCN-C-299-16 (“Loko Litigation”); and

WHEREAS, the Borough received a request pursuant to the Open Public Records Act, which caused the Council to evaluate whether the need for confidentiality of the matter discussed in Executive Session continues to exist; and

WHEREAS, although the Loko Litigation has been dismissed, upon further review by the Council, the triggering event for the release of the minutes has not yet occurred, as the Borough and related parties remain defendants in a matter captioned as Harmon, et al. v. Borough of Belmar, et al., Civil Action 17-CV-02437, which remains pending in the United States District Court for the District of New Jersey (“Harmon Litigation”); and

WHEREAS, in the Harmon Litigation, plaintiffs have made allegations concerning the nature, substance, and resolution of the Loko Litigation, such that the need for confidentiality and attorney-client privilege continues to exist with respect to the minutes of the Executive Session held on July 11, 2017.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Belmar, County of Monmouth, State of New Jersey, as follows:

- 1. Confidentiality of the Minutes of the Executive Session held on July 11, 2017, will be needed until, at the earliest, the Harmon Litigation has been fully resolved.
- 2. The Minutes of the Executive Session held on July 11, 2017 will be made public when the need for the confidentiality no longer exists.
- 3. This Resolution shall take effect immediately.

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

Council members:	AYES	NAYS	ABSTAIN	ABSENT
Mr. Walsifer				
Mr. Levis				
Mrs. Nicolay				
Mr. Brennan				
Mayor Magovern				

Adopted:

RESOLUTION NO. 2018-

RESOLUTION BY THE MAYOR AND COUNCIL AUTHORIZING THE TAX COLLECTOR TO EXTEND THE GRACE PERIOD FOR THIRD QUARTER PROPERTY TAXES

WHEREAS, according to N.J.S.A. 54:4-64 the delivering of tax bills to property owners shall be at least 47 days before the third installment of taxes fall due, and

WHEREAS, due to a delay in the printing and mailing of the tax bills, the tax bills for the third quarter were not mailed out until July 27, 2018; and

WHEREAS, the Mayor and Council have granted an extension of the grace period to August 24, 2018 and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Belmar that the Tax Collector be authorized to grant this extension until August 24, 2018.

offered the above resolution and moved its adoption.

Seconded by and adopted by the following vote:

Councilmembers:	AYES	NAYS	ABSTAIN	ABSENT
Mr. Walsifer				
Mr. Levis				
Mr. Brennan				
Mrs. Nicolay				
Mayor Magovern				

Adopted:

RESOLUTION NO. 2018-

**RESOLUTION AUTHORIZING ISSUANCE OF PLENARY RETAIL DISTRIBUTION
LICENSE TO ARPADO, INC. T/A HANLEY’S LIQUORS FOR THE PERIOD ENDING
JUNE 30, 2019**

WHEREAS, application has been made for Plenary Retail Distribution License No. 1306-44-009-002 by ARPADO, Inc. t/a Hanley’s Liquors; and

WHEREAS, said application is accompanied by reports from the borough inspection officials, health inspector and Chief of Police if applicable.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council that Plenary Retail Distribution License for the period from July 1, 2018 to June 30, 2019 both dates inclusive be issued to:

ARPADO, Inc. t/a Hanley’s for the premises at 807 Main St. (Southeast store, rear southeast section of west store, 40 feet by 11 feet, portion of the storefront to the north, and the northeast section of north store Furnace Room).

1. It is a requirement that all employees licensed to handle alcoholic beverages undergo TAMS training within 30 days of being hired; records of this requirement are to be maintained by the licensee.

BE IT FURTHER RESOLVED that the Borough Clerk be and is hereby authorized to sign and deliver license certificate to the aforementioned applicant.

offered the above resolution and moved its adoption.

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

Council members:	AYES	NAYS	ABSTAIN	ABSENT
Mr. Walsifer				
Mr. Levis				
Mrs. Nicolay				
Mr. Brennan				
Mayor Magovern				

Adopted:

RESOLUTION NO. 2018-

**RESOLUTION PURSUANT TO N.J.A.C. 5:30-14.4 ET SEQ. CHANGE ORDER
NUMBER FOUR FOR THE LAKE COMO STORMWATER OUTFALL
IMPROVEMENTS**

WHEREAS, the Borough Administrator has certified Change Order Number Four to amend project costs by agreement with the contractor, J.E. Hannon Inc. T/A Bird Construction for the Lake Como stormwater outfall improvements project; and

WHEREAS, the Council of the Borough of Belmar has also received from the Mayor a request for this Change Order to amend the cost of the project as shown by the documentation attached to said request and having investigated the same and being assured that the change is necessary and that it will actually be carried out and the total net change for Change Order Number Three is a net decrease of \$368,926.00

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Clerk be and are hereby authorized to enter into written amendatory contract covering the change requested in the aforesaid project.

REQUEST PURSUANT TO 5:30-14.4 ET SEQ.

I am the Mayor of the Borough of Belmar and the changes are required to amend the bid specifications for the project as listed. No changes were authorized by me or the Council prior to this resolution for noted items and the change order requested by the Contractor and the Administrator is necessitated for the reasons given by them in the annexed documents and are permissible under Regulations of the Local Finance Board.

Brian Magovern
Mayor

offered the above resolution and moved its adoption.

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

Council members:	AYES	NAYS	ABSTAIN	ABSENT
Mr. Walsifer				
Mr. Levis				
Mrs. Nicolay				
Mr. Brennan				
Mayor Magovern				

Adopted:

RESOLUTION NO. 2018-

**RESOLUTION PURSUANT TO N.J.A.C. 5:30-14.4 ET SEQ. CHANGE ORDER
NUMBER ONE FOR THE 2017 SIDEWALK PROGRAM**

WHEREAS, the Borough Administrator has certified Change Order Number One to amend project costs by agreement with the contractor, A&A Curbing Inc. for the 2017 Sidewalk Program; and

WHEREAS, the Council of the Borough of Belmar has also received from the Mayor a request for this Change Order to amend the cost of the project as shown by the documentation attached to said request and having investigated the same and being assured that the change is necessary and that it will actually be carried out and the total net change for Change Order Number One is a net increase of \$47,769.65.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Clerk be and are hereby authorized to enter into written amendatory contract covering the change requested in the aforesaid project.

REQUEST PURSUANT TO 5:30-14.4 ET SEQ.

I am the Mayor of the Borough of Belmar and the changes are required to amend the bid specifications for the project as listed. No changes were authorized by me or the Council prior to this resolution for noted items and the change order requested by the Contractor and the Administrator is necessitated for the reasons given by them in the annexed documents and are permissible under Regulations of the Local Finance Board.

Brian Magovern
Mayor

CERTIFICATION

I hereby certify that adequate appropriations and funds are available in accordance with N.J.A.C.50:30-14.5 for the aforesaid request for change order in Bond Ordinance 2017-20.

Robbin D. Kirk
Chief Financial Officer

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

Council members:	AYES	NAYS	ABSTAIN	ABSENT
Mr. Walsifer				
Mr. Levis				
Mrs. Nicolay				
Mr. Brennan				
Mayor Magovern				

Adopted:

RESOLUTION NO. 2018-

**RESOLUTION AUTHORIZING EMERGENCY PURCHASE
PURSUANT TO NJSA 40A:11-6**

WHEREAS, an emergency had arisen with respect to a repair to water well #12.

WHEREAS, certification of an imminent hazard was received from the Richard Brand, Licensed Water Operator and Superintendent of Public Works Michael Campbell.

WHEREAS, an emergency purchase pursuant to NJSA 40A:11-6 may be awarded without advertisement for bids or bidding in that an emergency affecting the health and public safety requires the immediate performance of the service.

WHEREAS, Three contractors where called to immediately rebuild the well pump, and two contractors have submitted proposals with AC Schultes being the lowest of the proposals with a price of \$49,490.00 and such contract may be awarded without competitive bidding as permitted by NJSA 40A:11-6.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Belmar that the Chief Financial Officer be and is hereby authorized to award said contract to AC Schultes.

CERTIFICATION AS TO AVAILABILITY OF FUNDS

I hereby certify that, as of August 7, 2018 the free and unencumbered balance prior to this emergency purchase in the appropriation account entitled Water/Sewer Capital Outlay is \$60,164.90.

Robbin D. Kirk
Chief Financial Officer

offered the above resolution and moved its adoption.

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

Council members:	AYES	NAYS	ABSTAIN	ABSENT
Mr. Walsifer				
Mr. Levis				
Mrs. Nicolay				
Mr. Brennan				
Mayor Magovern				

Adopted:

RESOLUTION 2018-

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF BELMAR
ESTABLISHING A BEACH PLANTING AREA AT THE 3RD AVENUE BEACH**

WHEREAS, the Mayor and Council of the Borough of Belmar wish to establish a native dune plant installation at the 3rd Avenue Beach not to exceed 1,500 square feet.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Belmar that the Business Administrator is hereby authorized to install the native dune plant installation at 3rd Avenue Beach.

offered the above resolution and moved its adoption.

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

Council members:	AYES	NAYS	ABSTAIN	ABSENT
Mr. Walsifer				
Mr. Levis				
Mrs. Nicolay				
Mr. Brennan				
Mayor Magovern				

Adopted:

RESOLUTION NO 2018-

RESOLUTION AUTHORIZING REFUNDS

BE IT RESOLVED, by the Mayor and Borough Council that the following refunds are hereby authorized upon certification by the Chief Financial Officer to the following:

Geoff Racier
506 7th Avenue
Belmar, NJ 07719
\$205 damaged kayak

Ron Bak
701 1/2 21st Street
Lake Como, NJ 07719
Water bill over payment \$435

Summer Camp refunds:
Tamara Graves (\$600.00)
1704 Synder Avenue
Belmar, NJ 07719

Keri Stewart (\$600.00)
706 Hammond Avenue
Bradley Beach, NJ 07720

Taylor Pavilion refunds:
Kathleen Reilly (\$500.00)
2000 Gardner Road
Wall, NJ 07719

Tara Palaima (\$500.00)
313 Sea Spray Lane
Neptune, NJ 07753

offered the above resolution and moved its adoption.

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

Council members:	AYES	NAYS	ABSTAIN	ABSENT
Mr. Walsifer				
Mr. Levis				
Mrs. Nicolay				
Mr. Brennan				
Mayor Magovern				

Adopted:

RESOLUTION NO. 2018-

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:

The Friendly Sons of the Shillelagh Annual 5K, Saturday October 13th, 2018. Event begins and ends at Bar Anticipation in Lake Como. Set up begins at 9:00AM and event is complete by 11:30AM. Event organizers will reach out to the Belmar Police Department prior to the event to confirm route and coordinate volunteers. No additional Borough resources are required.

Belmar Business Partnership Sidewalk Sale, Saturday August 25th, 2018. Event will take place downtown Belmar and will begin at 9:00AM and end by 6:00PM. Event will also involve activities in Pyanoe Plaza. Patrons will be encouraged to remain on the sidewalks. Pyanoe Plaza will be left in the same condition in which it was found. No additional Borough resources are required.

JDRF 5K, Sunday October 7th, 2018. Event begins and ends in Avon-by-the-Sea. Event begins at 8:00AM and will end by 1:00PM. All participants will cross over the Ocean Avenue Bridge and walk on the Belmar Boardwalk. A payment of \$500.00 must be made to the Borough of Belmar no later than September 15th ,2018.

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.

offered the above resolution and moved its adoption.

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

Council members:	AYES	NAYS	ABSTAIN	ABSENT
Mr. Walsifer				
Mr. Levis				
Mrs. Nicolay				
Mr. Brennan				
Mayor Magovern				

Adopted: