

RESOLUTION 2019-38

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF BELMAR
APPOINTING MUNICIPAL ASSESSOR WILLIAM FITZPATRICK
EFFECTIVE FEBRUARY 2, 2019**

WHEREAS, pursuant to N.J.S.A. 40A:9-146, the governing body or chief executive, as shall be the appropriate form of government of the municipality, shall provide for the appointment of a municipal assessor;

WHEREAS, pursuant to N.J.S.A. 40A:9-148, every municipal assessor shall hold his office for a term of four years from the first day of July next following his appointment and vacancies other than due to expiration of term shall be filled by appointment for the unexpired term; and

WHEREAS, the Borough's current Assessor, Mr. Edward Mullane, has provided the Borough with notice of retirement effective February 1, 2019; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Belmar, County of Monmouth, that it hereby appoints William Fitzpatrick as Assessor of the Borough of Belmar for the period of February 2, 2019 until July 30, 2019.

BE IT FURTHER RESOLVED by the Council of the Borough of Belmar, County of Monmouth, that it hereby appoints William Fitzpatrick as Assessor of the Borough of Belmar for a first four-year term from July 1, 2019 to June 30, 2023.

BE IT FURTHER RESOLVED that a certified copy of the within resolution be forwarded to:

1. Edward Kirschenbaum, Borough Administrator
2. April Claudio, Municipal Clerk
3. Christine Manolio, CFO
4. Ed Mullane, Tax Assessor
5. William Fitzpatrick, Assessing Clerk
6. Matthew Clark, Monmouth County Board of Taxation
7. Al Jardin, Tax Collector

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. Brennan				
Ms. Wann				
Mr. McCracken				
Mr. Carvelli				
Mayor Walsifer				

Adopted:

RESOLUTION 2019-39

**RESOLUTION OF THE BOROUGH OF BELMAR, COUNTY OF MONMOUTH,
AMENDING BUS STOP LOCATIONS**

BE IT RESOLVED by the borough council, in the Borough of Belmar, County of Monmouth, State of New Jersey,

That pursuant to N.J.S.A. Title 39:4-197, described herein shall be, and hereby are, **deleted** as a No Parking Bus Stop zone:

1. Along Route 71, northbound, on the easterly side thereof at:

- a. **8th Avenue** – near side
Beginning at the southerly curblineline of 8th Avenue and extending 105 feet southerly therefrom. (Stay Gold Café & Lounge)

BE IT RESOLVED by the city council, in the Borough of Belmar, County of Monmouth, State of New Jersey,

That pursuant to N.J.S.A. Title 39:4-197, described herein shall be, and hereby are, **added** as a No Parking Bus Stop zone:

1. Along Route 71, northbound, on the easterly side thereof at:

- a. **8th Avenue** – far side
Beginning at the northerly curblineline of 8th Avenue and extending 100 feet northerly therefrom.

BE IT FURTHER RESOLVED that this resolution shall take effect upon approval of the Commissioner of Transportation as provided by law.

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. Brennan				
Ms. Wann				
Mr. McCracken				
Mr. Carvelli				
Mayor Walsifer				

Adopted:

(Mayor, Manager or Executive)

and the _____
(Municipal Clerk, Clerk of the Board, etc.)

Please Notarize

RESOLUTION NO 2019-40

**RESOLUTION AUTHORIZING TRANSFER OF
APPROPRIATIONS FOR 2019**

WHEREAS, N.J.S.A. 40A:4-58 provides for the transfer of appropriations when it shall become necessary to expend for any of the purposes specified in the Budget an amount in excess of the respective sums appropriated therefore; and when there shall be an excess in one or more appropriations over and above the amount deemed to be necessary to fulfill the purpose of such appropriations; and

WHEREAS, this condition now exists;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Belmar that the following transfer of 2018 appropriations be and the same are hereby authorized and the Chief Financial Officer be and is hereby directed to make said transfers on the records:

CURRENT FUND	To	From
Financial Administration		
Other Expenses	\$3,100.00	
Snow Removal		
Salaries & Wages		\$8,000.00
Other Expenses	\$8,000.00	
Recreation		
Other Expenses		\$3,100.00
Gasoline & Diesel Fuel Resale		
Other Expenses	\$700.00	
Celebration of Public Events		
Other Expenses	\$400.00	
Harbor Commission		
Other Expenses		\$1,100.00
TOTAL	\$12,200.00	\$12,200.00

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. Brennan				
Ms. Wann				
Mr. McCracken				
Mr. Carvelli				
Mayor Walsifer				

Adopted:

RESOLUTION 2019-41

**RESOLUTION AUTHORIZING MARINA FEES FOR THE YEAR
2019 AT THE BELMAR MARINA**

BE IT RESOLVED, by the Mayor & Council of the Borough of Belmar, that the slip rental fees for the year 2019 are as follows:

KAYAK RACK

Belmar Resident	\$150.00 per rack – Jan. 1 st to Dec. 31 st
Non-Belmar Resident	\$200.00 per rack – Jan. 1 st to Dec. 31 st

JET SKIS

Belmar Resident	\$650.00 per slip – April 15 th to Dec. 14 th
Non-Belmar Resident	\$900.00 per slip – April 15 th to Dec. 14 th

WOODEN DOCKS (DOCKS AA, BB, CC)

Season Rate	\$85.00 per foot of the boat – Apr. 15 th to Dec. 14 th
-------------	---

**A 10% discount will be offered for 1 and 2 year contracts if paid in full by January 31, 2019. If signing a 2 year contract, 2019 rate can be locked in for 2020 if 50% is paid by July 1, 2019*

**An additional 5% discount will be offered for residents of the Borough of Belmar*

CONCRETE FLOATING DOCKS (DOCK B THROUGH L)

Season - 30ft	\$131.33 per foot of slip – Apr. 15 th to Dec. 14 th
Season - 35, 40, 45, 50 & 60ft	\$139.73 per foot of slip – Apr. 15 th to Dec. 14 th
Annual - (30, 35, 40, 45, 50 & 60)	\$144.98 per foot of slip – Jan. 1 st to Dec. 31 st

**A 10% discount will be offered for 1 year contracts if paid in full by January 31, 2019. If signing a 2 year contract, 2019 rate can be locked in for 2020 if 50% is paid by July 1, 2019*

**An additional 5% discount will be offered for residents of the Borough of Belmar*

BEACH LAUNCH/STORAGE

Season	\$ 50.00 per vessel - May 15 th – October 15 th
--------	---

BOAT RAMP

Daily Rates	\$25.00
Annual Rates	\$375.00
Dealers/Boat Haulers	\$900.00

TRANSIENT FEES

Daily Rate	\$2.25 per foot of boat
Weekly Rate	\$2.00 per foot of boat

WINTER WET STORAGE

Winter Rate 2019	\$25.00 per foot of slip - Dec. 15, 2018 to Apr. 14,
---------------------	--

PARTY BOATS

Party Boat Slip 1	\$27,656.14
Party Boat Slip 2	\$27,656.14

Party Boat Slip 3	\$27,656.14
Party Boat Slip 4	\$27,656.14
Party Boat Slip 5	\$27,656.14
Party Boat Slip 6	\$27,656.14
Party Boat Slip 7	\$18,069.04
Party Boat Slip 8	\$18,069.04
Party Boat Slip 9	\$13,828.00
Party Boat Slip 10	\$13,828.00

CHARTER BOATS

1-6 Passenger – 50’ Slip	\$ 6,857.53
7-15 Passenger – 50’ Slip	\$ 7,637.51
7-15 Passenger – 60’ Slip	\$ 9,164.59
16+ Passenger Boat – 50’ Slip	\$ 9,198.11
16+ Passenger Boat – 60’ Slip	\$10,725.19
16+ Passenger Boat – 70’ Slip	\$12,252.27

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. Brennan				
Ms. Wann				
Mr. McCracken				
Mr. Carvelli				
Mayor Walsifer				

Adopted:

RESOLUTION NO. 2019-42

RESOLUTION DESIGNATING THE DATES FOR CLOSING THE BEACHFRONT EXCEPT FOR PAYMENT OF CERTAIN FEES TO THE GENERAL PUBLIC AND RESIDENTS OF THE BOROUGH OF BELMAR FOR 2019

WHEREAS, Section 18-2.2 of the Revised General Ordinances of the Borough of Belmar provides that the Borough Council shall designate by resolution, the dates for closing of the beachfront to the general public and residents of the Borough of Belmar except upon payment of certain fees; and the protected bathing beaches from which persons must bathe and swim; and

WHEREAS, Section 18-2.7w of the Revised General Ordinances of the Borough of Belmar provides that the Borough Council shall designate, by resolution, the specific areas where surf mats and surfboards may be used.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Beach and Beachfront of the Borough of Belmar from the northern boundary line adjacent to the Shark River Inlet to the southern boundary line adjacent to the Borough of Spring Lake are hereby declared closed for the 2019 summer session, except upon payment of beach badge fees as follows:
 - a. Weekends beginning May 25, 2019 including Memorial Day and every day beginning June 17, 2019 through September 2, 2019.
 - b. In accordance with section 18-2.4 of the ordinances of the Borough of Belmar, each and every person over the age of 12 years, entering upon and using the beachfront of the Borough, during the hours of 9am to 5pm on weekdays and 9am to 6pm on weekends and holidays, on the dates listed in a. above shall obtain and display a beach badge.
2. The official Bathing Beaches hereby set aside for the season of 2019 are:
 - a. 2nd, 3rd, 4th, 5th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 16th, 17th, 18th and 20th Avenues and any additional beaches at the discretion of the lifeguards.
3. Inflatable surf mats and boogie boards, as described in Section 18-2.7w of the Revised General Ordinances of the Borough of Belmar, shall be used at the following designated beaches, only when posted for such use and within the area posted.
 - a. An area immediately north of the 8th Avenue Official Bathing Beach, and
 - b. South of the 13th Avenue jetty and north of the 16th Avenue and 17th Avenue jetty.
 - c. South of 19th Avenue jetty-only when posted for such use at the discretion of lifeguards.
4. Surf Boards, as described in Section 18-2.7w of the Revised General Ordinances of the Borough of Belmar, shall be used only south of the jetty located between 16th Avenue and 17th Avenue and north of the 19th Avenue jetty and south of the 19th Ave. jetty only when posted for such use at the discretion of the lifeguards. The lifeguards will take into consideration the number of surfers, when the number is less than three, the head lifeguard will exercise their discretion to allow swimmers to use the above-designated area for swimming. The lifeguards in exercising their discretion will take into consideration, wind direction, wave heights, and other conditions effecting surfing.
5. Jetties - No person shall be permitted on the jetties unless they are wearing non-slip footwear. Jetties may not be used for any activity except fishing.
6. "L" Street Beach will be open to swimming only when posted and staffed by a lifeguard.

7. Personal Kayaks and Standup Paddleboards may be used south of the 20th Ave. Bathing Area at the discretion of the lifeguards.
8. The Mayor and Council reserve the right to partition off certain sections of the beach for a Special Event and authorize the Borough Administrator to donate, for purposes of beach promotion, 100 daily beach badges to charitable and promotional causes.

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. Brennan				
Ms. Wann				
Mr. McCracken				
Mr. Carvelli				
Mayor Walsifer				

Adopted:

RESOLUTION NO 2019-43

**RESOLUTION ESTABLISHING SEASONAL BEACH BADGE FEES
FOR THE 2019 SEASON IN THE BOROUGH OF BELMAR, MONMOUTH COUNTY, NEW
JERSEY**

WHEREAS, Borough Code Section 18-2.5 provides for the establishment of Beach Badge fees by resolution

NOW, THEREFORE, BE IT RESOLVED by the Borough of Belmar, County of Monmouth, New Jersey, that the following Seasonal Beach Badge fees are hereby established for the 2019 Season. This Resolution shall become effective March 1, 2019.

- a. Season badges, for entry at any time during the dates when a fee is required, per person ages 16 through 64, unless otherwise designated below\$70.00
- b. Senior Citizen season badges, for entry any time during the dates when a fee is required, per person sixty-five (65) years of age or over.....\$30.00
- c. Junior Citizen season badges, for entry any time during the dates when a fee is required, per person ages 12 through 15 years of age\$30.00
- d. Daily badges, for entry on any one (1) calendar day during the dates when a fee is required, per person, per day\$9.00
- e. Disabled individuals, who meet the disability criteria for disability benefits under Title I of the federal Social Security Act (42 U.S.C. 401 et seq.) and who posses adequate proof of the same issued by the Social Security Administration, for entry anytime during the dates when a fee is required, per person for a seasonal badge..... \$30.00
- g. All Monmouth County Volunteers serving in First Aid, Emergency Medical Technician and Fire Service positions as well as Disabled Veterans and Gold Star Family with proper Identification and Active military, including but not limited to the NJ National Guard, Coast Guard and all United States Armed Forces branches and their dependents This shall apply ONLY to the individual meeting the criteria.....NO CHARGE
- h. The Appointing Authority, by resolution adopted by the Borough Council, may be authorized to develop and approve promotions consisting of free or discounted daily and/or season beach badges, including, but not limited to, special promotions in concert with the Belmar Business Partnership, Inc and the Special Events Committee of the Borough of Belmar.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Borough of Belmar, County of Monmouth, New Jersey, that the forgoing Beach Badge fees shall remain in effect for future seasons until superceded by a subsequent Resolution.

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. Brennan				
Ms. Wann				

Mr. McCracken
Mayor Walsifer
Adopted:

RESOLUTION NO 2019-44

**RESOLUTION ESTABLISHING
BEACH STORAGE LOCKER FEES FOR THE 2019 SEASON
IN THE BOROUGH OF BELMAR, MONMOUTH COUNTY, NEW JERSEY**

WHEREAS, Borough Code Section 18-2.5 provides for the establishment of Beach Storage Locker fees by Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Belmar, County of Monmouth, New Jersey, that the following Beach Storage Locker fees are hereby established for the 2019 Season:

- 1. Storage lockers, for seasonal rental
(Friday prior to Memorial Day through September 15)
payable at the time of agreement execution.
Annual rental fee:.....\$200.00
- 2. Storage lockers, Seniors, for seasonal rental
(Friday prior to Memorial Day through September 15)
payable at the time of agreement execution for individuals who rented a storage locker during the 2018 Season and were sixty-five (65) years of age or older at any time during the 2018 Season and are renewing their storage locker rental for the 2019 Season.
Annual rental fee:.....\$155.00

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Borough of Belmar, County of Monmouth, New Jersey, that the forgoing Beach Storage Locker fees shall remain in effect for future seasons until superseded by a subsequent Resolution.

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. Brennan				
Ms. Wann				
Mr. McCracken				
Mr. Carvelli				
Mayor Walsifer				

Adopted:

RESOLUTION NO. 2019-45

RESOLUTION ADOPTING AMENDMENTS TO THE BOROUGH EMPLOYEE HANDBOOK AND POLICES AND PROCEDURES FOR THE BOROUGH OF BELMAR, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

WHEREAS, it is the policy of Borough of Belmar to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, (the New Jersey Civil Service Act,) (the New Jersey Attorney General’s guidelines with respect to Police Department personnel matters,) the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meeting Act; and

WHEREAS, the Mayor and Council has determined that there is a need for personnel policies and procedures to ensure that employees and prospective employees are treated in a manner consistent with these laws and regulations.

NOW, THEREBY, BE IT RESOLVED by the Mayor and Council that the Employee Handbook, Personnel Policies and Procedures Manual be amended as per the attached hereto is hereby adopted.

BE IT FURTHER RESOLVED that these personnel policies and procedures shall apply to all borough officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

BE IT FURTHER RESOLVED that this manual is intended to provide guidelines covering public service by borough employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Borough of Belmar.

BE IT FURTHER RESOLVED that to the maximum extent permitted by law, employment practices for the borough shall operate under the legal doctrine known as “employment at will.”

BE IT FURTHER RESOLVED that Chuck Schlager is hereby appointed as Labor Attorney to advise the borough in personnel matters.

BE IT FURTHER RESOLVED that the Borough Administrator and all managerial/supervisory personnel are responsible for these employment practices. The Labor Attorney shall assist the Borough Administrator in the implementation of the policies and procedures in this manual.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Belmar that the attached amendments be adopted and incorporated into the Borough Employee Handbook and Policies and Procedures manual.

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. Brennan				
Ms. Wann				
Mr. McCracken				
Mayor Walsifer				

Adopted:

RESOLUTION 2019-46

RESOLUTION TO AFFIRM THE BOROUGH OF BELMAR'S CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTEERS, INDEPENDENT CONTRACTORS, AND MEMBERS OF THE PUBLIC THAT COME INTO CONTACT WITH MUNICIPAL EMPLOYEES, OFFICIALS AND VOLUNTEERS

WHEREAS, it is the policy of the Borough of Belmar to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act, and

WHEREAS, the governing body of the Borough of Belmar has determined that certain procedures need to be established to accomplish this policy

NOW, THEREFORE BE IT ADOPTED by the Mayor and Council of the Borough of Belmar that:

Section 1: No official, employee, appointee or volunteer of the Borough of Belmar by whatever title known, or any entity that is in any way a part of the Borough of Belmar shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the Borough of Belmar's business or using the facilities or property of the Borough of Belmar

Section 2: The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Borough of Belmar to provide services that otherwise could be performed by the Borough of Belmar.

Section 3: Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

Section 4: The Business Administrator shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

Section 5: No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

Section 6: The Business Administrator shall establish written procedures that require all officials, employees, appointees and volunteers of the Borough of Belmar as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

Section 7: The Business Administrator shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.

Section 8: At least annually, the Business Administrator shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Borough of Belmar. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the Borough of Belmar's web site.

Section 9: This resolution shall take effect immediately.

Section 10: A copy of this resolution shall be published in the official newspaper of the Borough of Belmar in order for the public to be made aware of this policy and the Borough of Belmar's commitment to the implementation and enforcement of this policy.

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. Brennan				
Ms. Wann				
Mr. McCracken				
Mayor Walsifer				

Adopted: