

RESOLUTION NO. 2019-47

RESOLUTION APPROVING PAYMENT OF BILLS LIST ON FEBRUARY 5, 2019

BE IT RESOLVED that the bills as presented as by the Borough Clerk, all having been certified and approved by the Borough Clerk to be complete as to form, goods having been delivered and/or services performed and sufficient funds being available for payment for said bills, be paid.

Certification that the vouchers listed on the warrant register numbering _____ thru _____ are as follows and comply with requirements of State Law and Borough Ordinance as to content and form, that proper and sufficient appropriations exist for the payment to be made and that there is legal authority as provided in N.J.S. 40A: 5-17(a)(1) for the payment to be made.

01	General Account	\$
11	Water/Sewer Account	\$
21	Beach Utility Account	\$
41	Dog License Account	\$
55	Trust Fund Account	\$
61	Tourism Development Account	\$
	Total:	\$

offered the above resolution and moved its adoption.

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

Council members:	AYES	NAYS	ABSTAIN	ABSENT
Mr. Carvelli				
Mr. McCracken				
Ms. Wann				
Mr. Brennan				
Mayor Walsifer				

Adopted:

RESOLUTION NO. 2019-48

RESOLUTION AUTHORIZING THE COUNTY OF MONMOUTH MOSQUITO CONTROL DIVISION TO CONDUCT AERIAL MOSQUITO CONTROL OPERATIONS WITHIN THE BOROUGH OF BELMAR

WHEREAS, the Monmouth County Board of Chosen Freeholders, pursuant to N.J.S.A. 26:9-27 et seq. has elected through its Mosquito Control Division to perform all acts necessary for the elimination of mosquito breeding areas and/or to exterminate mosquitoes within the county; and

WHEREAS, the County has instituted an Integrated Pest Management Program consisting of surveillance, water management, biological control, and chemical control to exterminate the mosquito population within the county of Monmouth; and

WHEREAS, prior to conducting aerial dispensing operations over a designated “congested area” the County is required, pursuant to Federal Aviation Administration Regulation (FAR Part 137.51), to secure prior written approval from the governing body of the political subdivision over which the aircraft is to be operated; and

WHEREAS, the Borough of Belmar is designated as a “congested area” by the Federal Aviation Administration and the County has requested that this governing body consent to its proposed aerial dispensing operations.

NOW, THEREFORE, be it resolved as follows:

1. The Governing Body hereby authorizes the County of Monmouth Mosquito Control Division or its agent to apply pesticides by aircraft for mosquito control in certain areas of the municipality designated by the County as being either larval mosquito habitat or areas harboring high populations of mosquitoes constituting either a nuisance, a health hazard, or both within the understanding that:
 - a. The County shall utilize pesticides, application equipment and aircraft that are approved for aerial applications by the applicable Federal (USEPA) and State (NJDEP) agencies; and
 - b. Such operations will be performed in compliance with applicable Federal and State regulations; and
 - c. The County will notify the police department of each municipality over which aerial pesticide operations are planned prior to commencement of such operations.

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

Adopted:

I, April Claudio, Clerk of the Borough of Belmar, hereby attest that the foregoing resolution was adopted at a regular meeting of the Governing Body of the Borough of Belmar held on _____.

RESOLUTION NO. 2019-49

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:

New Jersey Seafood Festival, Friday-Sunday May 17th 18th & 19th 2019. Event will move to a new location at Pyanoe Plaza and 8th Avenue between Railroad and Main Street, or Main Street between 8th and 10th Avenue.

Jersey Shore "Team Hope" 5K, Saturday May 4th ,2019. Event begins and ends at Bar Anticipation in Lake Como. Race MUST begin by 9:00AM. Race organizer must direct all participants who have not completed the route by 10:30AM that they must move on to the sidewalks as the streets will begin to open. Race organizers must inform all residents impacted by street closure. Race organizers must conform to race route as approved by the Belmar Police Department. Race organizer must submit letter of event approval from Spring Lake. Race organizer must clearly mark out route (suggest removable lawn signs) Cost for the event is \$2,500.00 payable to the Borough of Belmar no later than March 1st , 2019.

CROSSFIT Competition, Saturday July 20th ,2019. Event setup will begin on Friday July 19th and breakdown will be complete by 6:00PM on Saturday July 20th ,2019. Event organizers must adhere to the layout submitted with the Special Event Application. Any tents over 10 X 10 must be inspected by the Belmar Fire Marshall. All food vendors must be inspected by the Monmouth County Health Department and the Belmar Fire Marshall. Event area must be left in the same condition in which it was found. Cost for the event is \$1000.00 payable to the Borough of Belmar no later than March 1st , 2019.

NJFMB Fallen Heroes Memorial 5K, Saturday September 7th ,2019. Event begins and ends at Bar Anticipation. Race must begin by 9:00Am. Race organizers must conform to race route as approved by the Belmar Police Department. No additional resources are required.

Jersey Shore "Out of the Darkness Walk, Saturday September 14th ,2019. Event begins and ends at Bar Anticipation. Race must begin no later than 9:00AM. Event organizers must reach out to the Belmar Police Department to confirm route. Event organizers must direct all participants who have not completed the route by 11:00AM to move to the sidewalk as the streets will begin to open. Event organizers must inform all residents impacted by street closure. Costs for the event are \$2,500.00 payable to the Borough of Belmar no later than March 1st ,2019

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

Adopted:

RESOLUTION NO. 2019-50

**RESOLUTION AUTHORIZING THE ACCEPTANCE OF THE COPS IN SHOPS
SUMMER SHORE INITIATIVE 2019 GRANT #AL-18-45-05-01 AWARD**

WHEREAS, the State of New Jersey Department of Law and Public Safety, Division of Alcoholic Beverage Control has received grant funds from the Federal Fiscal Year 2019 National Priority Safety programs which is funded by the Department of Transportation, National Highway Traffic Safety Administration; and

WHEREAS, this program is a cooperative effort between the Division of Highway Safety, the Division of Alcoholic Beverage Control and Belmar Police Department; and

WHEREAS, it is the intent and spirit of the State of New Jersey Department of Law and Public Safety, Division of Alcoholic Beverage Control to use the grant to assist local undercover law enforcement officers to join forces with local establishments to deter the sale of alcohol to people under the legal age; and

WHEREAS, it is the recommendation of the Belmar Borough Administrator and the Belmar Police Department to accept this grant award as follows:

Belmar	\$3,520.00
Lake Como	\$7,040.00

WHEREAS, it is the desire of the Mayor and Council to accept this grant.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Belmar, County of Monmouth and State of New Jersey, the Borough of Belmar hereby accepts the grant award as set forth in the Cops in Shops Summer Shore Initiative 2019 Grant program.

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

Adopted:

RESOLUTION NO 2019-51

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:

JOSEPH JORGENSON
14 MEYER PLACE
POMPTON PLAINS, NJ 07444
TAYLOR PAVILION SECURITY DEPOSIT \$250

YOUNG'S WATER & SEWER
1150 HIGHWAY 9
HOWELL, NJ 07731
STREET OPENING PERMIT DEPOSIT -42 INLET TERRACE \$500

MICHAEL MARZARELLA
24 MAGEE AVENUE
LAVALETTE NJ 08735
ANIMAL HOUSE BOND FOR 220 15TH AVENUE \$5000

RESCUE RIDGE
PO BOX 223
SPRING LAKE, N7 07762
TAYLOR PAVILION SECURITY DEPOSIT \$500

DIANE HATHAWAY
81 HIGHWAY 35
NEPTUNE, NJ 07753
TAYLOR PAVILION SECURITY DEPOSIT \$500

CATHLEEN CORBITT-DIPIERRO
8 SCARLET OAK COURT
JACKSON, NJ 08527
TAYLOR PAVILION SECURITY DEPOSIT \$500

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

Adopted:

RESOLUTION NO 2019-52

**RESOLUTION APPROVING MEMBERSHIP APPLICATIONS FOR VOLUNTEER
HOOK & LADDER FIRE DEPARTMENT**

WHEREAS, Borough Council has been advised that the following have submitted applications to join the Volunteer Hook & Ladder Fire Department as probationary members:

Matthew Manzella

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

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

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

Council members:

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

AYES NAYS ABSTAIN ABSENT

Adopted:

RESOLUTION NO 2019-54

**RESOLUTION APPOINTING ROBERT FERGUSON AS AN
ADMINISTRATIVE VOLUNTEER FOR THE BOROUGH OF BELMAR**

BE IT RESOLVED, by the Mayor and Borough Council that Robert Ferguson be appointed as an administrative volunteer for the Borough at a rate of \$1.00 (one dollar) per year.

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

RESOLUTION NO 2019-55

RESOLUTION AUTHORIZING THE SIGNING OF CERTIFICATES OF COMPLETIONS FOR VARIOUS REDEVELOPMENT PROJECTS

WHEREAS, the Borough of Belmar entered into various redevelopment agreements for projects along Main Street.

WHEREAS, per the Redevelopment Developer's Agreements a Certificate of Completion shall be issued upon completion of the project(s).

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council that the Business Administrator be authorized to sign the Certificate of Completions for the following redevelopment projects:

1. Seaport Ventures Urban Renewal LLC – Block 76 Lot 1
2. 800 Main Street Urban Renewal LLC – Block 85 Lots 9 & 10
3. 5th and Main Urban Renewal LLC – Block 45 Lot 1

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

Adopted:

RESOLUTION NO 2019-56

RESOLUTION REGARDING A CLOSED-END MOTOR VEHICLE LEASE

WHEREAS, Belmar Borough Chamber of Commerce a NJ Non Profit Corporation (Lessee) (the Entity) is a public body corporate and politics, duly organized and existing under the laws of the State/Commonwealth of New Jersey, with the requisite power and authority to incur obligations; and

WHEREAS, the Entity desires to procure one or more motor vehicles (the Vehicle(s)) for use by the Entity in conjunction with the responsibilities and authority granted to it by law; and

WHEREAS, the Entity believes that it would be in the best interests of the Entity to procure the Vehicle(s) by the entering into of one or more closed-end motor vehicle leases (the Lease(s)) with Sea Coast Chevrolet (Dealership), a motor vehicle dealership.

NOW, THEREFORE, BE IT RESOLVED, that the procurement of the vehicle(s) be and hereby is authorized, and that the agents of the Entity be, and they hereby are, authorized, empowered, and directed to do or cause to be done all such acts and things as they may deem necessary or advisable in connection with the lease(s), including, without limitation, the preparation and finalization of the lease(s) and all documents required to be executed in conjunction therewith (collectively, the Transaction Documents); and

BE IT FURTHER RESOLVED, if and to the extent required by the Transaction Documents, the Entity be and hereby is authorized to grant a lien on and security interest in certain assets of the Entity as set forth in the Transaction Documents as collateral for the obligations of the Lease;

BE IT FURTHER RESOLVED, that Edward Kirschenbaum, Borough Administrator shall be and hereby is authorized to execute the Transaction Documents in the name and on behalf of the Entity, and deliver such Transaction Documents; and

BE IT FURTHER RESOLVED, that the appropriate agents of the Entity be, and they hereby are, authorized, empowered, and directed, for and on behalf of the Entity, to pay all amounts, including fees and expenses, in connection with the lease; and

BE IT FURTHER RESOLVED, that in addition to and without limiting the foregoing and any all acts and things heretofore or hereafter done and any consents, certificates, agreements, undertakings, commitments, and other instruments and documents heretofore and hereafter entered into, executed, delivered and performed by any one or more of the agents of the Entity, for and on behalf of the Entity as they deem necessary or appropriate to carry out and effectuate the intent or purposes of the foregoing resolutions are hereby authorized, adopted, approved, and ratified in all respects.

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

Adopted:

RESOLUTION NO. 2019-57

RESOLUTION 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, there was adequate notice to the public of this meeting; and

WHEREAS, the Borough Council is of the opinion that such circumstances presently exist.

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

1. The Public shall be excluded from discussion of and action upon the hereinafter-specified subject matter.
2. The general nature of the subject matter to be discussed is personnel matters and pending litigation, specifically lifeguards, and liquor license transfer applications.
3. Minutes will be kept of the closed session.
4. It is anticipated at this time that the above subject matter will be made public when the need for the confidentiality no longer exists.
5. 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. Carvelli				
Mr. McCracken				
Mr. Brennan				
Ms. Wann				
Mayor Walsifer				

Adopted:

RESOLUTION NO. 2019-58

RESOLUTION AUTHORIZING A PERSON TO PERSON AND PLACE TO PLACE
TRANSFER OF SEASONAL RETAIL CONSUMPTION LICENSE 1306-34-011-009
SLBD ASSOCIATES LLC TO 1000 MAIN LIQUOR LICENSE LLC

WHEREAS, application has been made to the Mayor and Council for a person to person transfer and a place to place transfer for seasonal retail consumption license no. 1306-34-011-009 in the name of SLBD Associates LLC held as an inactive (pocket) license to 1000 Main Liquor License LLC., and

WHEREAS, said application is accompanied with the appropriate fees.

WHEREAS, the Borough Council finds the following:

1. The application form received August 23, 2018 is complete.
2. The applicant is qualified to be licensed according to all standards established by statute, rules and regulations.
3. The applicant has disclosed the source of all financing obtained in connection with the licensed premises.
4. The Police Department has completed their investigation.
5. The premises is at 1000 Main Street – D/B/A Flames Brazilian Steakhouse

NOW, THEREFORE BE IT RESOLVED by the Borough Council that seasonal retail consumption License No. 1306-34-011-009 for the period beginning on completion of transfer and expiring June 30, 2019 be granted.

BE IT FURTHER RESOLVED that the Borough Clerk be and is authorized to endorse the transfer on the license certificate.

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

Adopted:

RESOLUTION NO 2019-59

RESOLUTION OF THE COUNCIL OF THE BOROUGH OF BELMAR, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, TO ACCEPT AND APPROVE THE SETTLEMENT AGREEMENT TO RESOLVE THE LITIGATION IN THE MATTER OF RAY ELMS, ET AL VS. THE BOROUGH OF BELMAR, MATTHEW DOHERTY, BRIAN MAGOVERN, ANDREW HUISMAN, COLLEEN CONNOLLY, THOMAS BRENNAN, JENNIFER NICOLAY, and JOHN DOES 1-5

WHEREAS, this litigation now exists and as it is upon advice of counsel the Appointing Authority deems it is in the best interests of the Borough and it is Residents to reach a resolution;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Belmar that the terms of the General Release and specifically to authorize payment in the amount of One Hundred Twenty Thousand Dollars (\$120,000.00) to Plaintiffs Attorney to be shared equally by the Borough and Summit Risk Insurance less the Borough's deductible that is payable to Summit Risk

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 Waisifer				

Adopted:

RESOLUTION 2019-60

RESOLUTION AUTHORIZING THE HIRING OF 2019 LIFEGUARDS AND THE ESTABLISHMENT OF 2019 PAY RATES

WHEREAS, the Belmar Beachfront is a vibrant and thriving destination for hundreds of thousands of visitors and residents every year; and

WHEREAS, the Borough of Belmar is dedicated to protecting our visitors and residents both during bathing beach hours and after through the efforts of our Lifeguards, Water Rescue Team, First Aid and Police Department; and

WHEREAS, Belmar strives to have the safest and most professionally run beachfront in the State of New Jersey; and

WHEREAS, this Administration is dedicated to placing the preeminent individuals in supervisory positions to achieve these objectives;

BE IT RESOLVED, by the Mayor & Council of the Borough of Belmar, to appoint Harry Harsin to the position of Lifeguard Director (“Chief of Lifeguards”), Corrina Weinkofsky and Eric Kerecman as Lifeguard Assistant Supervisors;

BE IT FURTHER RESOLVED, by Mayor & Council of the Borough of Belmar, that the Lifeguard Director and Lifeguard Assistant Supervisors shall meet, discuss and reach mutual agreement with the Director of Public Safety Andrew Huisman, Business Administrator Edward D. Kirschenbaum, Sr., and Mayor Mark Walsifer to appoint other supervisory and non-supervisory positions;

offered the above resolution and moved its adoption.

Council Members:

Mr. Brennan

Ms. Wann

Mr. McCracken

Mr. Carvelli

Mayor Walsifer

AYES

NAYS

ABSTAIN

ABSENT

Adopted: