

RESOLUTION NO. 2019-123

**RESOLUTION AUTHORIZING ISSUANCE OF SEASONAL RETAIL CONSUMPTION
LICENSE NO. 1306-34-011-010 TO 1000 MAIN LIQUOR LICENSE LLC FOR THE
PERIOD ENDING JUNE 30, 2020**

WHEREAS, an application was made by 1000 Main Liquor License LLC for a Seasonal Retail Consumption License No. 1306-34-011-011; and

WHEREAS, said application is accompanied by an Affidavit of Publication and reports from Chief of Police and reports from Borough Inspection Officials, and Fire Official if applicable; and

WHEREAS, said license shall be held in pocket as an inactive license.

WHEREAS, said the licensing renewal term is July 1, 2019 to June 30, 2020, however said license is only permitted to be operational from July 1, 2019 to November 14, 2019 and May 1, 2020 to June 30, 2020.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council that a Seasonal Retail Consumption License be and is granted subject to the following special conditions as agreed upon by the Licensee.

BE IT FURTHER RESOLVED that the Borough Clerk be and is authorized to sign and deliver license certificate to said 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. Carvelli				
Mr. McCracken				
Ms. Wann				
Mr. Brennan				
Mayor Walsifer				

Adopted:

RESOLUTION NO. 2019-124

**RESOLUTION AUTHORIZING ISSUANCE OF PLENARY RETAIL
DISTRIBUTION LICENSE FOR DAI SENG CORP. T/A LITTLE RED BARN FOR THE
PERIOD ENDING JUNE 30, 2020**

WHEREAS, application has been made for Plenary Retail Distribution License by Dai Seng Corp., T/A The Little Red Barn; and

WHEREAS, said application is accompanied by an Affidavit of Publication and reports from Chief of Police and reports from Borough Inspection Officials, and Fire Official if applicable; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council that Plenary Retail Distribution License for the period from July 1, 2019 to June 30, 2020 both dates inclusive be issued to: 1306-44-012-003-Dai Sing Corp., t/a The Little Red Barn for the premises at 1506 Main St.

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 applicants.

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				
Ms. Wann				
Mr. Brennan				
Mayor Walsifer				

Adopted:

RESOLUTION NO. 2019-125

**RESOLUTION AUTHORIZING ISSUANCE OF PLENARY RETAIL CONSUMPTION
LICENSE NO. 1306-32-015-009 TO FUSAL, LLC T/A LA DOLCE VITA FOR THE
PERIOD ENDING JUNE 30, 2020**

WHEREAS, an application was made by Fusal LLC T/A La Dolce Vita for a Plenary Retail Consumption License No. 1306-32-015-009; and

WHEREAS, said application is accompanied by an Affidavit of Publication and reports from Chief of Police and reports from Borough Inspection Officials, and Fire Official if applicable; and

WHEREAS, said licensed premises at 400 Ocean Avenue is licensed including the front outside dining area facing Ocean Avenue.

WHEREAS, said licensing renewal term is July 1, 2019 to June 30, 2020.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council that a Plenary Retail Consumption License be and is granted subject to the following special conditions as agreed upon by the Licensee:

1. Service and sale of alcoholic beverages is to be permitted only in the licensed areas as described above.
2. No alcoholic beverages shall be sold, served, delivered to, or consumed in the license premises during such time as the number of persons, exclusive of employees, occupying the licensed premise exceeds the occupancy limits established herein.
3. That the Licensee shall provide the Chief of the Belmar Police Department, in writing, with the names and addresses of all employees.
4. The Licensee will operate the premises as a restaurant, with the inside bar to be used essentially as a service bar. No person may be served at the bar unless they are waiting to be seated at a table. The Licensee shall maintain a waiting list to ensure this condition is met.
5. Occupancy of the licensed areas as described above is limited as follows: La Dolce Vita: Interior is 137 occupants and exterior patio is 60 occupants and La Terrazza: La Terrazza interior is 137 and exterior is 96.
6. said occupancies are subject to compliance to applicable ordinances and laws relating to building, zoning, and liquor licenses within the Borough of Belmar.
7. The outdoor dining area shall be closed by 10:00 p.m. on weeknights, being Sunday through Thursday; and, by 11:00 p.m. on weekends, being Friday and Saturday, and on Sunday night if Monday is a holiday, such as Memorial Day weekend and Labor Day weekend. Any patron served alcohol in the outdoor dining area must be seated and dining. No bar of any type is permitted in the outdoor dining area. The outdoor dining area may not be used as a smoking area at anytime.
8. All sales of alcoholic beverages in the restaurant and at the service bar shall cease at 11:00 p.m. on weeknights, being Sunday through Thursday; and, by Midnight on weekends, being Friday and Saturday, and on Sunday night if Monday is a holiday, such as Memorial Day weekend and Labor Day weekend; and, no announcement shall be made that it is last call or using words to that effect.

9. It is a requirement that all wait staff, bartenders and personnel involved with the sale or service of alcohol undergo TAMS training within 30 days of being hired; records of this requirement are to be maintained by the licensee.
10. The licensee shall ensure that all employees who are involved with the sale and/or service of alcohol or who are involved with checking identification and/or handling of intoxicated and/or unruly patrons or who are involved in security; i.e. floor men, waitresses and bartenders have undergone Techniques in Alcohol Management (TAM) provided through the NJ Beverage Licenses Association. Certification of the employee's attendance will be provided to the Belmar Police Department. This training is to be completed within 30 days of the date of employment at the establishment.

BE IT FURTHER RESOLVED that the Borough Clerk be and is authorized to sign and deliver license certificate to said 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. Carvelli				
Mr. McCracken				
Ms. Wann				
Mr. Brennan				
Mayor Walsifer				

Adopted:

RESOLUTION NO. 2019-126

**RESOLUTION AUTHORIZING ISSUANCE OF PLENARY RETAIL
CONSUMPTION LICENSE NO. 1306-33-010-008 TO WATERVIEW PAVILION, INC.T/A
RIVERVIEW PAVILION, WATERVIEW PAVILION FOR PERIOD ENDING
JUNE 30, 2020**

WHEREAS, application has been made to the Borough Council for Plenary Retail Consumption License No. 1306-33-010-008 by Pat’s Diner, Inc. T/A Pat’s Riverview and the Waterview Pavilion; and

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

NOW, THEREFORE, BE IT RESOLVED by the Borough Council that a Plenary Retail Consumption License for the period from July 1, 2019 to June 30, 2020, both dates inclusive, be issued to the following, subject to the Special Conditions that no alcoholic beverages shall be sold, served, delivered to, or consumed in, or allowed to be sold, served, delivered to or consumed in the licensed premises during such time as the number of persons, exclusive of employees, occupying the licensed premises exceeds the number of persons listed after the names of the respective following license:

1306-33-010-005- Pat’s Riverview, Inc. is for strictly a catering business. Occupancy limited to Two Hundred Forty (240) people for the first floor, One Hundred Forty-One (141) people on the second floor and Seventeen (17) people on the deck. Waterview Pavilion is limited to Two Thousand (2,000) persons.

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 authorized to sign and deliver license certificate to said applicant after making notation of any Special Conditions upon the face of said license.

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				
Ms. Wann				
Mr. Brennan				
Mayor Walsifer				

Adopted:

RESOLUTION 2019-127

RESOLUTION TO ALLOW STATE OF NEW JERSEY DIVISION OF A.B.C TO RENEW CLUB LICENSE TO THE BELMAR FISHING CLUB FOR PERIOD ENDING JUNE 30, 2020

WHEREAS, the Belmar Fishing Club located at First & Ocean Avenues, Club License No. 1306-31-017-001 has applied for a renewal of their license; and

WHEREAS, Council members Tom Carvelli, Patricia Wann, James McCracken and Mayor Mark Walsifer are members of the Belmar Fishing Club; and

WHEREAS, since Council members Tom Carvelli, Patricia Wann, James McCracken and Mayor Mark Walsifer are members of the governing body of the Borough of Belmar, which also acts as the ABC issuing authority, which creates a lack of a quorum. Accordingly, the subject license is a “conflict” license and said renewal license application will be forwarded to the Director of the Division of Alcoholic Beverage Control for consideration pursuant to N.J.S.A. 33:1-20 and N.J.A.C. 13:2-4.1; and

WHEREAS, N.J.A. C. 13:2-4.6 requires the issuing authority to submit to the Director a certified resolution setting forth that the issuing authority has no objection to the renewal of the subject license and consents thereto, and furthermore, is not aware of any circumstances or provision of law or local ordinance which would prohibit the renewal of the subject license.

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

That the Mayor and Council has no objection to the renewal of Club License No. 1306-31-017-001 and consents thereto, and furthermore, is not aware of any circumstances or provisions of law or local ordinance which would prohibit the renewal of the subject license.

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				
Ms. Wann				
Mr. Brennan				
Mayor Walsifer				

Adopted:

RESOLUTION 2019-128

**RESOLUTION AUTHORIZING ISSUANCE OF CLUB LICENSE TO
THE ORDER OF FRIENDLY SONS OF SHILLELAGH FOR PERIOD
ENDING JUNE 30, 2020**

WHEREAS, application has been made by the Order of Friendly Sons of Shillelagh, Inc., Jersey Shore Chapter for the premises at 815-817 Sixteenth Avenue for a Club License No. 1306-31-020-001; and

WHEREAS, said application is accompanied by reports from Borough Inspection Officials, Chief of Police, Fire Official and Health Officer if applicable.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Belmar that a Club License No. 1306-31-020-001 for the period from July 1, 2019 to June 30, 2020 both dates inclusive, be granted and is subject to the following special conditions:

1. Order of Friendly Sons of Shillelagh, Inc., Jersey Shore Chapter for the premises at 815-817 Sixteenth Avenue, subject to compliance with N.J.A.C. 13:2-8.7 submission of club membership list.

2. No alcoholic beverages shall be sold, served, delivered to, or consumed in the licensed premises during such time as the number of persons, exclusive of employees, occupying the licenses premises exceeds the occupancy limit established by the Fire Official. Occupancy Ninety-Nine (99).

BE IT FURTHER RESOLVED that the Borough Clerk be and is authorized to deliver 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				
Ms. Wann				
Mr. Brennan				
Mayor Walsifer				

Adopted:

RESOLUTION NO. 2019-129

RESOLUTION AUTHORIZING ISSUANCE OF PLENARY RETAIL CONSUMPTION LICENSE TO KLEIN’S FISH MARKET, INC. FOR THE PERIOD ENDING JUNE 30, 2020

WHEREAS, application has been made for a Plenary Retail Consumption License No. 1306-33-008-011 by Klein’s Fish Market, Inc. for the premises at 702,704 and 708 River Road, Belmar, N.J.; and

WHEREAS, said application is accompanied by an Affidavit of Publication and reports from Chief of Police and reports from Borough Inspection Officials, and Fire Official if applicable; and

WHEREAS, the use of this license is to provide alcoholic beverages to dining room customers. A live music area is limited to two or three musicians from 6PM-10PM; that the entertainment be for seated customers only, with no standing audience; and that there be no music allowed after 10PM. Must comply with floor plan approved by Mayor & Council.

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.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council that a Plenary Retail Consumption License for the period from July 1, 2019 to June 30, 2020 both dates inclusive, be issued to Klein’s Fish Market, Inc. subject to the Special Condition that no alcoholic beverages shall be sold, served, delivered to, or consumed in the license premises during such time as the number of persons, exclusive of employees, occupying the licenses premises exceeds the occupancy limit established by the Fire Official.

Occupancy: The premises at 702,704 and 708 River Road Occupancy is limited to 223 persons inside dining, outside dining area 440 persons.

BE IT FURTHER RESOLVED that the Borough Clerk be and is authorized to sign and deliver license certificate to said 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. Carvelli				
Mr. McCracken				
Ms. Wann				
Mr. Brennan				
Mayor Walsifer				

Adopted:

RESOLUTION NO. 2019-130

RESOLUTION AUTHORIZING ISSUANCE OF PLENARY RETAIL DISTRIBUTION LICENSE TO ARPADO, INC. T/A HANLEY'S LIQUORS FOR THE PERIOD ENDING JUNE 30, 2020

WHEREAS, application has been made for Plenary Retail Distribution License No. 1306-44-009-003 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, 2019 to June 30, 2020 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. Carvelli				
Mr. McCracken				
Ms. Wann				
Mr. Brennan				
Mayor Walsifer				

Adopted:

RESOLUTION NO. 2019-131

**RESOLUTION AUTHORIZING ISSUANCE OF SEASONAL RETAIL CONSUMPTION
LICENSE TO D'JAIS LLC, T/A D'JAIS FOR THE PERIOD ENDING
JUNE 30, 2020**

WHEREAS, an application was made by D'Jais, LLC, t/a D'Jais 1801-1803 Ocean Ave. for renewal of their Seasonal Retail Consumption License No. 1306-34-003-003; and

WHEREAS, said application is accompanied by an Affidavit of Publication and reports from Chief of Police and reports from Borough Inspection Officials, and Fire Official if applicable; and

WHEREAS, said licensed premises at 1801 Ocean Ave. is licensed including the open porch between 1801 and 1803 Ocean Ave. The following areas are not part of the licensed premises, the existing snack bar or coffee shop, sitting rooms, lobby counters and outside counters.

WHEREAS, said the licensing renewal term is July 1, 2019 to June 30, 2020, however said license is only permitted to be operational from July 1, 2019 to November 14, 2019 and May 1, 2020 to June 30, 2020.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Belmar that a Seasonal Retail Consumption License be and is granted subject to the following special conditions:

1. Service and sale of alcoholic beverages is to be permitted only in the licensed areas as described above.
2. No alcoholic beverages shall be sold, served, delivered to, or consumed in the license premises during such time as the number of persons, exclusive of employees, occupying the licensed premise exceeds the occupancy limit established herein or by the Fire Official, whichever is less.
3. That the licensees provide the Chief of the Belmar Police Department, in writing, with the names and addresses of all employees.
4. That all floor men and security personnel of the licensee shall attend an in-service seminar concerning their duties and responsibilities. Said seminar shall be scheduled and conducted by the Belmar Police Department.
5. Licensee shall maintain counting system at each entrance to and exit from the licensed premises and at the entrance of each room within the premises to ensure compliance with occupancy limitations.
6. Occupancy is limited to six hundred and forty seven (647) seated inside with chairs/stools and tables and seven hundred and forty (740) standing room only inside as set by the Borough of Belmar Fire Official and is subject to compliance to applicable ordinances and laws relating to zoning within the Borough of Belmar.
7. There will be no amplified music at anytime in the area outdoors.
8. When drug activity is observed by any of their employees they will notify the police. This includes any suspicious activity.
9. All lines at all times shall be maintained to ensure they do not interfere with sidewalks and the safe and efficient ingress and egress to the licensed establishment.
10. All sales of alcoholic beverages shall cease at 1:30 a.m. and no announcement shall be made that it is last call or using words to that effect.

11. The licensee shall maintain a no entry list, which is a list of persons who the licensee does not permit in the establishment.

12. The licensee shall ensure that all employees who are involved with the sale and/or service of alcohol or who are involved with checking identification and/or handling of intoxicated and/or unruly patrons or who are involved in security; i.e. floor men, waitresses and bartenders have undergone TAMS training within 30 days of being hired; records of this requirement are to be maintained by the licensee.

13. Off-Duty Police Officer.

A. An off-duty Belmar Police Officer will be stationed in the vicinity of the D’Jais property, but no further than 100 feet from the property, on Friday, Saturday and Sunday evenings and on Holidays and on the night before Holidays (unless D’Jais is not open for business) from approximately 6:30 p.m. to 2:30 a.m. subject to adjustment as set forth herein. The Officer may call for on-duty back-up Officer(s) as may be required in the Officer’s judgment; however, D’Jais responsibility for the cost of the back-up Officer(s) is limited as further detailed herein. The cost of the Officer assigned to D’Jais shall be paid out of the escrow to be posted as further detailed herein. The reasonable cost of any back-up Officer(s) where the call involves a brawl or act of violence or any incident that would qualify as a Disorderly Conduct charge under NJSA 2C:33-2 or a Fighting and Disorderly Conduct charge under Belmar Borough Ordinance 16-15 on or about D’Jais property or otherwise attributable to D’Jais employees, whether or not such charge(s) is made, shall be paid out of the escrow to be posted as further detailed herein, provided, however that any time for the transportation of individuals to the Belmar Police Department lock-up shall not be charged to the escrow.

The exact times the off-duty Officer will be assigned to D’Jais on any specific night or whether an Officer will be posted on any particular night, shall be determined by the Chief of Police, or his designee (hereinafter “Chief”) in consultation with D’Jais. The Chief may adjust the times the Officer will be assigned or may determine that the Officer need not appear at all on a specific night, by taking into consideration such factors as the weather and the volume of business at D’Jais. The Chief shall make the final determination in regard to the assignment of the off-duty Officer.

B. The use of the “Shush” Patrols by the Licensee shall continue under the existing conditions and protocols. In addition, a representative of D’Jais shall meet with the Chief and create a schedule to set minimum and preferred staffing levels for Shush Patrols for weekends, Holidays and on the night before Holidays, covering at least Memorial Day Weekend through Labor Day Weekend subject to adjustment as set forth herein. The schedule shall be reduced to writing and a copy shall be provided to D’Jais, the Police Department, and the Mayor and Council.

The exact times and the number of Shush Patrol members to be deployed on any specific night shall be determined by the Chief in consultation with D’Jais. The Chief may adjust the times and the number of Shush Patrol members to be deployed on any specific night or may determine that no Shush Patrol may be required on a specific night, by taking into consideration such factors as the weather and the volume of business at D’Jais. The Chief shall make the final determination in this regard.

The Police Department shall employ written protocols, to be incorporated into the schedule described above, to ensure that the approved staffing levels of the Shush Patrol are maintained and D’Jais shall cooperate with

the Police Department in this regard. Should the Chief determine that approved Shush Patrol staffing levels are not be maintained and in the Chief's determination this amounts to a pattern of non-compliance, the Chief shall send a written Notice to the Borough Council and D'Jais. Upon receiving such Notice the Borough Council shall schedule a hearing in this regard to determine what actions should be undertaken to correct the matter, including but not limited to the Borough drawing monies from the escrow to be posted as further detailed herein, to pay for private security or like business to staff the Shush Patrols.

14. The Licensee shall post an escrow with the Borough in the amount of \$6,000.00 upon renewal of license. After the initial \$6,000.00 deposit is made, should the escrow be depleted to an amount of \$3,000.00 or less the Licensee shall be required to replenish the escrow to \$6,000.00, or such lesser amount as may be determined by the Borough's Chief Financial Officer, within ten (10) days of receiving notice to replenish the escrow. If the initial escrow is not posted or if the escrow is not replenished, the Licensee will not be permitted to serve alcoholic beverages until the full escrow is posted. These procedures and time frames for the posting of the escrow shall apply each year.

The use of the escrow shall be limited to the posting of an Officer and back-up Officers as set forth in Condition 13 A and the possible staffing of Shush Patrols or like remedial measures as set forth in Condition 13 B.

The Licensee shall be provided with reasonable documentation by the Borough, on a weekly basis, for all charges to the escrow. Should the Licensee object to any charges against the escrow the Licensee shall file a written objection to the charges with the Borough Administrator within ten (10) days of the receipt of the proposed charges.

BE IT FURTHER RESOLVED that the Borough Clerk be and is hereby authorized to deliver the 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. Carvelli				
Mr. McCracken				
Ms. Wann				
Mr. Brennan				
Mayor Walsifer				

Adopted:

RESOLUTION NO. 2019-132

RESOLUTION AUTHORIZING ISSUANCE OF SEASONAL PLENARY RETAIL CONSUMPTION ALCOHOLIC BEVERAGE LICENSE FOR CSL BELMAR LLC FOR PERIOD ENDING JUNE 30, 2020 TO BE HELD IN POCKET

WHEREAS, application has been made for Plenary Retail Consumption License No. 1306-34-004-003 by CSL Belmar LLC; and

WHEREAS, said application is accompanied by an Affidavit of Publication and reports from Chief of Police and reports from Borough Inspection Officials, and Fire Official if applicable; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council that Plenary Retail Consumption License No. 1306-34-004-002 for the period from July 1, 2019 to June 30, 2020, dates inclusive, be renewed as an inactive license held in pocket.

BE IT FURTHER RESOLVED that the Borough Clerk be and is authorized to sign and deliver license certificate to the said 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. Carvelli				
Mr. McCracken				
Ms. Wann				
Mr. Brennan				
Mayor Walsifer				

Adopted:

RESOLUTION 2019-133

**RESOLUTION AUTHORIZING ISSUANCE OF PLENARY RETAIL
CONSUMPTION LICENSE FOR JOBIL, INC., T/A
JACK'S TAVERN FOR PERIOD ENDING JUNE 30, 2020**

WHEREAS, application has been made for Plenary Retail Consumption License No. 1306-33-014-006 by Jobil, Inc. t/a Jack's Tavern; and

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

NOW, THEREFORE, BE IT RESOLVED by the Borough Council that a Plenary Retail Consumption License for the period from July 1, 2019 to June 30, 2020 both dates inclusive, be issued to the following, subject to the Special Conditions that no alcoholic beverages shall be sold, served, delivered to, or consumed in, or allowed to be sold, served, delivered to or consumed in the licensed premises during such times as the number of persons, exclusive of employees, occupying the licensed premises exceeds the number of persons as listed below:

1306-33-014-006-Jobil, Inc. T/a Jack's Tavern for the premises at 701, 703, 703½ Tenth Avenue. Occupancy limited to One Hundred Fourty Nine (149) persons inside, Outside Dining Area Forty-Five (45) persons.

BE IT FURTHER RESOLVED that the Borough Clerk be and is authorized to sign and deliver license certificate to said applicant after making notation of the aforementioned Special Conditions upon the face of said license.

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				
Ms. Wann				
Mr. Brennan				
Mayor Walsifer				

Adopted:

RESOLUTION NO. 2019-134

RESOLUTION APPROVING PAYMENT OF BILLS LIST ON JUNE 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 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	\$
03	Grant Account	\$
11	Water/Sewer Account	\$
21	Beach Utility Account	\$
55	Trust Fund Account	\$
Total:		\$

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				
Ms. Wann				
Mr. Brennan				
Mayor Walsifer				

Adopted:

RESOLUTION NO. 2019-135

RESOLUTION PROVIDING FOR THE INSERTION OF A SPECIAL ITEMS OF REVENUE IN THE BUDGET OF THE BOROUGH OF BELMAR PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159, P.L. 1948)

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Borough of Belmar will receive a total of \$158,889 from the Monmouth County Board of Chosen Freeholders – Community Development Block Grant and wishes to amend its 2019 Budget to include a portion of this amount as a revenue; and

NOW, THEREFORE, BE IT RESOLVED, that the council of the Borough of Belmar hereby requests the Director of the Division of Local Government Services to approve the insertion of items of revenue in the budget of the year 2019 in the sum of \$158,889, which is now available as a revenue.

BE IT FURTHER RESOLVED, that like sums are hereby appropriated under the caption of: Community Development Block Grant – ADA Improvements Phase I.

BE IT FURTHER RESOLVED, that the Clerk forward two copies of this resolution to the Director of Local Government Services.

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				
Ms. Wann				
Mr. Brennan				
Mayor Walsifer				

Adopted:

RESOLUTION NO 2019-136

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:

TAYLOR PAVILION SECURITY DEPOSITS

STEPHEN COLLINS - \$500
335 NORTH RIVERSIDE DRIVE
NEPTUNE, NJ 07753

HEATHER FIKE - \$500
45 KETTLE CREEK ROAD
FREEHOLD, NJ 07728

MARY TKACH-\$500
1700 RIVIERA COURT
POINT PLEASANT, NJ 08724

CHARLES RADIOLA - \$500
931 WOODLAND AVE
WALL, NJ 07719

TERESA GOOLCHARAS - \$500
709 BINGHAM STREET
NEPTUNE, NJ 07753

JOAN DANCY - \$500
PO BOX 8157
RED BANK, NJ 07701

DANIELLE ESCAYG - \$500
312 15TH AVENUE
BELMAR, NJ 07719

STEVE MILLER - \$70
57 BRIAR ROAD
WAYNE, PA 19087

ELI COLLAZO - \$160
240 SOUTH LINCOLN AVENUE APT 28
ELBERON, NJ 07740

JENNA ASMUSSEN
279 SKY MANOR BLVD.
BRICK, NJ 08723

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				
Ms. Wann				
Mr. Brennan				
Mayor Walsifer				

Adopted:

RESOLUTION NO. 2019-137

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:

Songwriters on the Beach: Thursdays, July 11th to August 29th, 2019. Event will take place on the 6th Avenue beach and boardwalk. Event setup begins at 3:00pm and event ends by 9:00pm. Organizers will remind those attending to take their garbage with them when they leave the beach. A \$100.00 payment is to be made to the Belmar Department of Public Works prior to the event.

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				
Ms. Wann				
Mr. Brennan				
Mayor Walsifer				

Adopted:

RESOLUTION 2019-

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF BELMAR
ESTABLISHING FEES FOR THE USE OF TAYLOR PAVILION**

WHEREAS, the Mayor and Council of the Borough of Belmar wish to establish fees for the rental and use of the Taylor Pavilion; and

WHEREAS, the fees shall be as listed on Schedule A, attached hereto.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Belmar that the above fees shall be in effect after the 20 day estoppel period expires for Ordinance 201-22

BE IT FURTHER RESOLVED, these fees shall remain in effect until superseded by a new resolution of the Mayor and Council.

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				
Ms. Wann				
Mr. Brennan				
Mayor Walsifer				

Adopted:

SCHEDULE A - JOHN A. TAYLOR PAVILION

FOR EVENTS OF ANY CAPACITY:

	Event Space - There shall be no outside food or beverages
Application Fee¹	For the remainder of 2019, a Fee of \$1,000 shall be due the Borough of Belmar upon reservation of an event date except if the event is under contract as of the adoption of this Resolution. No person may hold more than one date without paying the new application fee. <u>Residents are not subject to this Fee.</u> After 2019, the Application Fee shall be determined by the Vendor and not be payable to the Borough of Belmar
FACILITY FEE¹ - NON-RESIDENT <u>In-Season</u> (April-October) Friday or Sunday	Effective upon adoption of the Resolution there shall be a fee of \$2,500 per event, except for those events registered prior to the adoption of the Resolution.
FACILITY FEE¹ - NON-RESIDENT <u>In-Season</u> (April-October) Saturdays	Effective upon adoption of the Resolution there shall be a fee of \$3,000 per event, except for those events registered prior to the adoption of the Resolution
FACILITY FEE¹ - NON-RESIDENT <u>In-Season</u> (April-October) Monday - Thursday	Effective upon adoption of the Resolution there shall be a fee of \$1,500 per event, except for those events registered prior to the adoption of the Resolution
FACILITY FEE¹ - NON-RESIDENT <u>Out of Season</u> (Nov. - Mar.) Friday or Sunday	Effective upon adoption of the Resolution there shall be a fee of \$1,500 per event, except for those events registered prior to the adoption of the Resolution
FACILITY FEE¹ - NON-RESIDENT <u>Out of Season</u> (Nov. - Mar.) Saturdays	Effective upon adoption of the Resolution there shall be a fee of \$2,000 per event, except for those events registered prior to the adoption of the Resolution
FACILITY FEE¹ - NON-RESIDENT <u>Out of Season</u> (Nov. - Mar.)	Effective upon adoption of the Resolution there shall be a fee of \$750 per event,

Monday - Thursday	except for those events registered prior to the adoption of the Resolution
FACILITY FEE¹ - RESIDENT+ <u>In-Season</u>	50% of Non-Resident Fee
FACILITY FEE¹ - RESIDENT <u>Out-of-Season</u>	50% of Non-Resident Fee
FACILITY FEE¹ - OFF-HOURS	For rental of the facility during the hours of 10:00a.m. and 2:00p.m., subject to availability as determine by the Borough, the fee shall be \$500.00 per hour . Rental of the facility during off-hours remains subject to all other facility requirements and procedures previously set forth herein.
Food and Beverage	Must be provided by approved Vendor**
Parking*	No on-site parking
Nonprofit/Not-for-profit organization	Case by Case basis to be determined by the Mayor and Council
Security Deposit ++	Each approved Vendor shall provide the Borough of Belmar a Security Deposit of \$2,000 per event. This deposit may be rolled over to future events provided is it not subject to forfeiture by definition
Cleaning Requirement	Every Vendor is required to provide for independent cleaning of the facility by a qualified service. The Borough's Director of Public Works shall have the sole discretion to determine whether the facility properly cleaned. Violation is subject to disqualification and/or loss of security deposit.
Insurance+++	Every Vendor shall be required to establish and provide proof of insurance for each event. This insurance may be established on an annual basis.

Police

The Borough of Belmar shall pursuant to its internal procedures, determine if police are needed for an event. If it is determined that police are need, the expense shall be borne by the Vendor.

1 Shall apply to ALL fees referenced herein above and all said fees shall be paid in full within ten (10) days of either scheduling the event or execution of an "event" contract, whichever comes first. **The payment of said "fee(s)" shall be non-refundable.**

+Resident:

For the purpose of this provision, a resident shall mean a person having a dwelling that is their principal or permanent home. Vacation, summer or second homes do not qualify as a principal or permanent home to establish residency for the purpose of gaining a reduced use fee.

++Security Deposit:

The failure to leave the Pavilion clean, free of all garbage and in the same condition as before the event, violation of any rules or regulation for the use of Taylor Pavilion, loss of the key to Taylor Pavilion, the failure to abide by any conditions of a special event permit, if required, shall result in the forfeiture of the Vendor's ability to host events at this Pavilion.

The Vendor shall be solely responsible for fees, cost directly or related to reparation of any damage to the Pavilion. The Borough's Director of Public Works shall have the sole discretion to determine whether the facility properly cleaned.

+++ Insurance:

Insurance shall be obtained by the Vendor for either a singular event or, on an annual basis in the minimum amount of one million (\$1,000,000.00) dollars [If alcohol will be served, the minimum amount shall be two million (\$2,000,000.00) dollars. The policy of insurance shall name the Borough of Belmar as an additional insured and a hold harmless and indemnification agreement in favor of the Borough shall also be required on a form provided to the Borough.

**** Approved Vendors**

A. Any person/business seeking permission to conduct catered activities or operations at the "Taylor Pavilion" shall execute and be subject to a special license and indemnification agreement, which shall include conditions, limitations, fees and insurance requirements.

B. For the best interests of the general public and the residents of the Borough of Belmar approved vendors shall be subject to annual review.

C. Any person/business who has entered into a license and indemnification agreement to conduct catered activities or operations at the "Taylor Pavilion" may seek permission to serve alcoholic beverages in connection with catered functions, subject to the following:

- (1) The rules and regulations of the New Jersey Alcoholic Beverage Commission (the "NJABC"); and
- (2) The rules and regulations of the Borough of Belmar; and
- (3) In addition to the above requirements, the application for use of the facility shall be made by an entity that is duly authorized, as defined by the NJABC and the Borough of Belmar, and is able to perform the tasks and requirements necessary to conduct the proposed event.
- (4) If applicable, written approval by the Municipal Police Chief and the Municipal Clerk, in accordance with NJABC requirements.
- (5) Accompanied by a written narrative that shall describe the details of the event, including but not limited to a list of vendors, procedures for event setup, parking, crowd control, any temporary fencing, event security, ambulance/emergency response, procedures to ensure that minors and intoxicated persons are not served alcohol, trash control, post-event clean up and restoration of any damage to County property.

D. Accompanied by the name, address and contact information for the person(s) who shall be are seeking to have the event.

E. The approved vendor shall procure a liquor liability policy with limits of not less than \$2 million or greater.

F. The approved vendor shall be solely responsible for conducting the event in accordance with all applicable laws and ordinances in a manner that shall not cause damage to persons or property.

G. The approved vendor shall be responsible for preventing service of alcohol to any person who is under the legal age to consume alcoholic beverages in the State of New Jersey.

H. The approved vendor shall be responsible for preventing service of alcohol to any person who is visibly intoxicated or under the influence of alcohol or other intoxicants or stimulants.

I. Noise; music. The approved vendor shall take measures necessary to ensure that noise emanating from its catered events, including but not limited to music and other amusements, announcements and activities shall comply with the following Ordinances of the Borough of Belmar.