

RESOLUTION 2019-128

RESOLUTION TO ALLOW STATE OF NEW JERSEY DIVISION OF A.B.C TO RENEW CLUB LICENSE TO THE ORDER OF THE FRIENDLY SONS OF THE SHILLELAGH

WHEREAS, 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 has applied for a renewal of their license; and

WHEREAS, Mayor Mark Walsifer, Council members James McCracken and Thomas Brennan are members of the Order of the Friendly Sons of the Shillelagh.

WHEREAS, since Mayor Walsifer, Council members McCracken, and Brennan are members of the governing body of the Borough of Belmar, which also acts as the ABC issuing authority, the subject license is a “conflict” license. Accordingly 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. 1306-31-020-001 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 NO. 2019-139

**RESOLUTION AUTHORIZING ISSUANCE OF A PLENARY RETAIL
CONSUMPTION LICENSE NO. 1306-33-001-013 FOR CHEFS INTERNATIONAL INC.
FOR THE PERIOD ENDING JUNE 30, 2020**

WHEREAS, application has been made for Plenary Retail Consumption License No. 1306-33-001-013 by Chefs International Inc. for the premises at 713-715 Main Street, 700 Eighth Ave. and 709-711 Main Street DBA Anchor Tavern; 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 a Plenary Retail Consumption License for the period from to July 1, 2019 to June 30, 2020 both dates inclusive, be issued to Chefs International Inc. subject to the Special Condition 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 listed after the names of the respective following license:

1306-33-001-013- The premises at 713-715 Main St. and 700 Eighth Ave. and for storage in the basement of 700 Eighth Ave. Occupancy limited to Two Hundred and Fifty Five (255) persons inside and outside dining area is limited to One Hundred and forty two (142) persons.

WHEREAS, the following conditions are placed on this license:

1. Counting of all those people entering and leaving shall be conducted on Friday, Saturday, or any special promotional night. One mechanical counter will be used for those entering the premises and a separate one will be used for those exiting.
2. 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.
3. It is a requirement that the appropriate software updates are provided for the scan system.
4. No person shall be allowed to sit, stand or dance on top of the bar.
5. The continued use of Shush Patrols by the licensee from Memorial Day to Labor Day should be continued and coordinated with the Police Dept.
6. The licensee shall maintain a no entry list, which is a list of persons who the licensee does not permit in the establishment.
7. Live Music in the outdoor enclosed bar/dining area will be permitted provided that it shall be limited to 3 pieces (without heavy percussion) and DJ's (with amplification) and shall conclude by no later than 10:00 pm.
8. The outdoor dining area, including bar shall be enclosed at all times with controlled access points through the restaurant or on 8th Avenue only. The licensee will have posted a minimum of one (1) security personnel outside the entrance on 8th Avenue on Friday and Saturday from 6pm to closing as well as on high volume Holidays/Sundays as needed in coordination with the Belmar Police Department.
9. Unruly Patrons: All personnel responsible for the distribution of alcohol and providing security will be trained in the ServSafe program as well as have knowledge of the local ordinances. When a patron acts in a manner that is violent, abusive, indecent, profane, boisterous, or otherwise disorderly, they will be immediately asked to leave. If a patron refuses, management will notify the Borough of Belmar's Police Department.

10. Intoxicated Patrons: All personnel may not sell, dispense, or give away alcohol to any person who is deemed intoxicated. When a customer has been “cut-off”, the server will notify the other employees. Management will support the server’s decision to terminate service to any customer. The customer will be asked to leave and management will secure a sober driver or provide a taxi service to take the patron home. If the customer refuses, management will notify the Borough Belmar’s Police Department with a description of the person and the license plate number of the vehicle, if possible.
11. False IDs: All identification cards used to prove age must be valid (i.e., may not be expired), and must be government issued. If the identification card is expired or appears at all questionable to the employee, the employee shall request a second form of identification. The employee shall make sure that the individual purchasing the liquor resembles the identification card. All employees are encouraged to ask purchasers questions relating to their identification in order to verify the information. If the employee checking an ID has a strong suspicion that an ID is false, altered, or belongs to someone other than the person presenting the ID, he/she shall confiscate the ID and turn it over to management, to be presented to the police.
12. Control/Supervision of Patron under 21 (restaurant applications) Licensee will request proof of age from any customer who appears to be 30 years of age or younger, and will refuse service to any customer who cannot produce adequate ID.
13. Circumstances under which the Police will be called: The police will be called, in a timely manner, any time management or staff has information to believe a crime has been or is about to be committed and/or whenever a threat of or act of violence occurs in the premises or off premises in areas that would be considered in view or earshot of the establishment.
14. Handling of Physical Disturbances, including Fights: Security or management will ask anyone who is fighting to leave. If necessary, security or management will call the local law enforcement agency for assistance. Licensee will permanently refuse admittance to any chronic problem customer.

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. 2019-140

**RESOLUTION AUTHORIZING ISSUANCE OF A RETAIL CONSUMPTION
LICENSE TO THE IRISH CURSE, LLC DBA 10TH AVENUE BURRITO
LICENSE NO. 1306-33-007-005, FOR THE PERIOD ENDING
JUNE 30, 2020**

WHEREAS, an application was made by the Irish Curse LLC, DBA 10th Avenue Burrito, 801 Belmar Plaza, for renewal of their Retail Consumption License No. 1306-33-007-005; 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 801 Belmar Plaza is licensed.

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

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

1. The occupancy limit for the licensed establishment shall be as follows: Outside Enclosed Bar/Dining area-120, Inside Dining Area-78, and Inside Bar 49.
2. 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.
3. Live Music in the outdoor enclosed bar/dining area will be permitted provided that it shall be limited to 3 pieces (without heavy percussion) and DJ's (with amplification) and shall conclude by no later than 10:00 pm.
4. The outdoor dining area, including bar shall be enclosed at all times with controlled access points through the restaurant or on Belmar Plaza only. The licensee will have posted a minimum of one (1) security personnel outside the entrances on Belmar Plaza on Friday and Saturday from 6pm to closing as well as on high volume Holidays/Sundays as needed in coordination with the Belmar Police Department.
5. Licensee will designate a clean-up crew for area of Belmar Plaza adjacent to the licensed premise. This clean-up crew shall wear 10th Avenue Burrito shirts and the hours of operation shall be at closing.

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 2019-142

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:

John Kelly Mechanical
932 Fourth Avenue
Neptune, NJ 07753
\$500 – 1210 Main Street – Street Opening Deposit
\$500 – 207 15th Avenue – Street Opening Deposit

Taylor Pavilion and Huisman Gazebo Refunds

Linda Weinberg	PO BOX 6055, Freehold, NJ 07728	\$200.00
Lisa Brown	184 Elton Ave, Trenton, NJ 08620	\$200.00
Steven Hudson	204 17 th Ave., Belmar, NJ 07719	\$200.00
Danielle Minolfo	61 Hunlley Way, Bridgewater, NJ 08807	\$200.00
Jessie Shannon	15 Grand Tenton Ave., Howell, NJ 07731	\$200.00
Mark Hueth	2005 Millpond Ct., Wall, NJ 07719	\$500.00
Mary Bavaro	14 Southard Ave., Farmingdale, NJ 07727	\$500.00
Deja Gascot	38 Hope Lane, Long Branch, NJ 07740	\$500.00
Grela Nunn	66 Riveredge Rd., Tinton Falls, NJ 07724	\$500.00

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

Adopted:

RESOLUTION NO 2019-143

**RESOLUTION AUTHORIZING WAIVING OF INTEREST ON A
WATER/SEWER ACCOUNT**

WHEREAS, Section 29-10 of the Borough's Revised General Ordinances states employees are not permitted to make a promise or agreement regarding the Water-Sewer Utility Department, without written approval from the Mayor and Council; and

WHEREAS, the Water-Sewer Utility Department has requested the interest on account 4155-0 be waived and a six month payment plan be established due to a billing error.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council that the above agreement is hereby approved and permission is given to the Water-Sewer Utility Department to grant said agreement.

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. 2019-144

RESOLUTION APPOINTING SPECIAL POLICE OFFICERS FOR 2019

Therefore, be it resolved by the Mayor and Borough Council of the Borough of Belmar that the following persons are hereby appointed and confirmed effective immediately:

Class One Specials

Colin Cooper

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: