

RESOLUTION NO. 2019-222

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF BELMAR,
COUNTY OF MONMOUTH, STATE OF NEW JERSEY, ACCEPTING AND
AUTHORIZING EXECUTION OF A REDEVELOPMENT AGREEMENT WITH
NEWMAN VENTURES, LLC**

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., as amended from time to time (the “Redevelopment Law”) authorizes municipalities to determine whether certain parcels of land in the municipality constitute “areas in need of redevelopment,” as defined in the Redevelopment Law; and

WHEREAS, the Borough Council of the Borough of Belmar (“Belmar”) adopted ordinances which designated the area known as Block 117, Lots 3, 4 and 5 (the “Redevelopment Area”) as an area in need of redevelopment pursuant to Section 5 of the Redevelopment Law; and

WHEREAS, on August 13, 2003, Belmar adopted Ordinance #2003-18, which designated the “Seaport Redevelopment Plan” prepared by Schoor DePalma, Inc. dated June 3, 2003 (the “Original Redevelopment Plan”) as the redevelopment plan for the Seaport Redevelopment Area; and

WHEREAS, Belmar adopted the “Redevelopment Plan Update” prepared by Maser Consulting, P.A. dated April 15, 2011 as the amended redevelopment plan and on March 7, 2012 Belmar adopted Ordinance #2012-02 which approved and adopted further amendments to the Original Redevelopment Plan (collectively, the “Amended Redevelopment Plan”); and

WHEREAS, on July 20, 2016 Belmar adopted a resolution designating the property commonly known as Block 106, Lots 5 and 6 (the “Property”), amongst other parcels, on the tax map of the Borough as an area in need of redevelopment without the power of condemnation, to be included with the Seaport Redevelopment Area (the “Expanded Seaport Redevelopment Area”); and

WHEREAS, on July 20, 2016 Belmar adopted Ordinance No. 2016-10, which amended the Seaport Redevelopment Plan to include the Expanded Seaport Redevelopment Area (the “Amended and Restated Redevelopment Plan”), and later adopted Ordinance No. 2018-13 concerning certain other development standards in the Expanded Seaport Redevelopment Area; and

WHEREAS, Redeveloper has made application to be designated as the redeveloper for the Property, for which Redeveloper is the owner or contract purchaser, and Redeveloper has provided information consisting of documentation evidencing financial responsibility and capability with respect to the Project (as defined herein), estimated total development costs, and estimated time schedule for commencement and completion of construction; and

WHEREAS, in order to implement the development, financing, construction, operation and management of the Project, Belmar has determined to enter into this Agreement with Redeveloper, which specifies the rights and responsibilities of the Borough, designates Redeveloper as redeveloper of the Project Area and specifies the rights and responsibilities of Redeveloper with respect to the Project; and

NOW, THEREFORE, BE IT RESOLVED this 17th day of December, 2019, by the Mayor and Council of the Borough of Belmar, County of Monmouth, State of New Jersey, as follows:

1. Newman Ventures, LLC, is hereby designated as the Redeveloper for the Project.
2. The Borough accepts and authorizes execution of the Redevelopment Agreement with Newman Ventures, LLC, in order to develop the project as detailed hereinabove. A copy the Redevelopment Agreement is on file with the Office of the Borough Clerk and can be reviewed by the public during normal business hours.
3. The Borough authorizes and directs the Mayor, Borough Clerk, Borough Administrator to execute any and all necessary documents in order to implement the intent of this Resolution.
4. A certified copy of this Resolution shall be forwarded by the Borough Clerk to the following:
 - (a) Honorable Mark Walsifer, Mayor;
 - (b) Edward D. Kirschenbaum, Sr., Borough Administrator;
 - (c) Jerry J. Dasti, Esquire;
 - (d) William Shippers, Esquire; and
 - (e) Newman Ventures, LLC.

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 2019-223

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 2019 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 per the attached spreadsheet.

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

Adopted:

		TO		FROM
CURRENT FUND				
Public Buildings and Grounds				
Other Expenses		\$ 20,000.00		
Group Insurance				\$ 20,000.00
TOTAL CURRENT FUND		\$ 20,000.00		\$ 20,000.00
BEACH UTILITY				
Administrative and Executive				
Salary and Wages		\$ 1,000.00		
Financial Administration				
Salary and Wages				\$ 1,000.00
		\$ 1,000.00		\$ 1,000.00

RESOLUTION NO. 2019-224

**RESOLUTION AUTHORIZING THE EXECUTION OF AN
AGREEMENT FOR ANIMAL CONTROL SERVICES FOR 2020**

BE IT RESOLVED, by the Borough Council of the Borough of Belmar that the Borough is authorized to execute an agreement with the Monmouth County SPCA beginning from January 1, 2020 and ending December 31, 2020.

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 2019-225

**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:

Riley O'Toole

WHEREAS, each application was 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.

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 2019-226

RESOLUTION AWARDING CONTRACT FOR IMPROVEMENTS TO TWELFTH AVENUE PHASE II

WHEREAS, on November 26, 2019 the Borough of Belmar received bids for Improvements to 12th Avenue Phase II (Main Street to C Street); and

WHEREAS, “Certification As To Availability Of Funds” is annexed hereto.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council that:

1. Contract is awarded to: Fiore Paving Company, 4 Fiore Court, Oceanport, NJ 07757
2. In the amount of \$270,277.43

CERTIFICATION AS TO AVAILABILITY OF FUNDS

I herewith certify that, as of December 17, 2019 funds will be available in the 2019 Capital Budget Account C-05- -150-203 and the NJDOT Grant for the proposed contract noted above.

Christine Manolio
Chief Financial Officer

offered the above resolution and moved its adoption.

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

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

Adopted:

RESOLUTION NO 2019-227

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:

Suzanne Gordon Ochse
425 Willow Road
Hillsborough, NJ 08844
Animal House Bond \$1000 – 318 16th Avenue

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

Adopted:

RESOLUTION NO. 2019-228

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF BELMAR, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AUTHORIZING AN EMERGENCY APPROPRIATION TO THE CURRENT FUND TO PAY TWO OUTSTANDING JUDGMENTS AGAINST THE BOROUGH OF BELMAR

WHEREAS, an emergency has risen with regard to two monetary judgments entered against the Borough of Belmar, which litigation resulted in assessments of substantial attorney's fees against Belmar in favor of the Plaintiff; and

WHEREAS, there now is an obligation for Belmar to pay the judgment in order to forestall any lien being assessed against Belmar; and

WHEREAS, no adequate provision was made in the 2019 budget for the aforesaid purpose; and

WHEREAS, N.J.S.A. 40A:4-48 provides for the creation of an emergency appropriation for the purpose above mentioned; and

WHEREAS, the total amount of emergency appropriation(s) created including the appropriation to be created by this resolution is \$219,858.17 and three percent of the current fund in the budget for 2019 is \$498,675.22; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Belmar, County of Monmouth, State of New Jersey, (not less than two thirds of the members thereof affirmatively concurring) that in accordance with N.J.S.A. 40A:4-48:A that:

1. An emergency appropriation be and the same is hereby made to the current fund for \$219,858.17.
2. Said emergency appropriation shall be provided in full in the 2020 budget.
3. The Chief Financial Officer has certified that the expenditures to be financed through this resolution is related to the aforementioned emergency.
4. Two certified copies of this resolution be filed with 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 2019-229

RESOLUTION CANCELING 2019 APPROPRIATION AND REVENUE BALANCES

WHEREAS, the Borough Council of the Borough of Belmar adopted its Budget on May 21, 2019 and,

WHEREAS, it has been determined that certain 2019 appropriation and revenue balances may be cancelled as they are no longer required;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council as follows:

1. The attached list of Current Fund 2019 revenue balances in the amount of \$22,085.84 and Beach Utility 2019 revenue balances in the amount of \$118,600.00 and Parking Utility 2019 revenue balances in the amount of \$50,000 are no longer necessary and are hereby cancelled.
2. The attached list of a Current Fund 2019 appropriation balance in the amount of \$43,146.06, Beach Utility 2019 revenue balance in the amount of \$118,600 and Parking Utility 2019 revenue balance in the amount of \$50,000 are no longer necessary and is hereby cancelled.
3. That two certified copies of this Resolution be filed with the Director of Local Government Services.
4. That the Township Clerk forward a certified copy of this Resolution to each of the following:
 - A. Affected Department Heads
 - B. Township Auditor
 - C. Director of Finance/Chief Financial Officer

offered the above resolution and moved its adoption.

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

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

Adopted:

CANCELING 2019 REVENUE AND APPROPRIATION BALANCES

REVENUES			
CURRENT FUND			
Miscellaneous Revenues-Shared Service Agreements Offset with Appropriations			
Borough of Spring Lake			
Finance Office			20,128.00
Municipal Court			1,117.84
Fire Offical			840.00
			22,085.84
BEACH UTILITY FUND			
Concession Rentals			8,000.00
Bathing Fees			73,000.00
Parking Meter Fees			37,600.00
			118,600.00
PARKING UTILITY			
Parking Meters			50,000.00
			50,000.00
APPROPRIATIONS			
CURRENT FUND			
Shared Services Agreements:			
Borough of Spring Lake			
Salaries and Wages			
Finance Office			20,128.00
Municipal Court			1,117.84
Fire Offical			840.00
Municipal Debt Service - Excluded from "CAPS"			
Interest on Bonds			21,060.22
Total Current Fund			43,146.06
BEACH UTILITY FUND			
Administrative and Executive			
Salaries and Wages			5,600.00
Legal Services and Costs			
Other Expenses			10,000.00
Surveying and Engineering Sercies and Costs			
Other Expenses			20,000.00

CANCELING 2019 REVENUE AND APPROPRIATION BALANCES

Insurance - Other Expenses			
Other Expense			3,000.00
Police			
Salaries and Wages			10,000.00
Police Radio and Communications			
Salaries and Wages			10,000.00
Recreation			
Salaries and Wages			15,000.00
Bathing Beach			
Salaries and Wages			20,000.00
Beachfront			
Salaries and Wages			15,000.00
Celebration of Public Events			
Other Expense			10,000.00
			118,600.00
PARKING UTILITY			
Operating			
Salaries and Wages			35,000.00
Other Expense			15,000.00
			50,000.00

RESOLUTION NO. 2019-230

**RESOLUTION AUTHORIZING PERSON-TO-PERSON TRANSFER OF PLENARY
RETAIL CONSUMPTION LICENSE NO. 1306-33-014-006 JOBIL INC. D/B/A JACK'S
TAVERN TO MBLIQ LLC FOR THE PERIOD ENDING JUNE 30, 2020**

WHEREAS, application has been made for a person-to-person transfer of Jobil Inc. D/B/A Jack's Tavern for Plenary Retail Consumption License No. 1306-33-014-006 to MBLIQ LLC; and

WHEREAS, said application is accompanied with the appropriate fees.

WHEREAS, the Borough Council finds the following:

1. The application form received September 3, 2019 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 licensed premises is located at 703 10th Avenue.
6. The following conditions shall be placed on the license:
 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. Occupancy is limited to one hundred-forty-nine (149) persons seated inside which includes table/ chairs and standing room.
 4. Outdoor dining occupancy is limited to forty-five (45) persons.
 5. It is the 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 maintained by the license and available upon request.
 6. 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, upon request. This training is to be completed within 30 days of the date of employment at the establishment.
 7. The following employees are required to obtain and maintain an Alcoholic Beverage Control Card, issued by the Belmar Police Department. Employees involved in the handling, sale and/or service of alcoholic beverages, shall include, but not limited to managers, and/or supervisors, servers, cashiers, bartenders, barbacks, bouncers, ad security guards. This identification card is required to be

updated annually with the police department. Employees must register within 24 hours of new employment with the Belmar Police Department in order to start the process of obtaining an ABC card to work in the establishment.

8. Live music in the inside 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 no later than 1:30am.
9. The outdoor dining area shall be closed by 10:00pm on weeknights, being Monday through Thursday; and, by 11:00 p.m. on weekends, being Friday through Sunday. If Monday is the holiday, such as Memorial Day weekend or Labor Day weekend, the hours of operation will extend to 11:00pm. 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 any time.
10. All sales of alcoholic beverages in the restaurant and at the bar shall cease pursuant to their hours of operation.
11. Unruly Patrons: All personnel responsible for the distribution of alcohol and providing security will be trained in 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 Police Department.
12. 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 Belmar Police Department with a description of the person and the license plate number of the vehicle, if possible.
13. 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 identification in order to verify the information. If the employee checking an ID has a 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.
14. Control/Supervision of Patron under 21 (restaurant applications) Licensee will request proof of age from any customer who appears to be under the legal age and will refuse service to any customer who cannot produce adequate ID.
15. 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 about to be committed and/or whenever a threat of or act of violence occurs in the premises or off the premises in areas that would be considered in view or earshot of the establishment.
16. 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.
17. 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, upon request. This training is to be completed within 30 days of the date of employment at the establishment.

18. CCTV cameras will be installed on the property, which will include both entrances/ exits, exterior dining area, administrative areas, bar areas, interior dining area, liquor storage area and points throughout the perimeter. An alarm activation system is necessary for all office, liquor storage areas, and refrigerated areas. Video must be maintained for 30 days and available upon request from the Belmar Police Department.
19. Theme nights or any other special event function must be submitted in writing and approved by Mayor and Council.
20. Private parties will adhere to the hours of operation of the restaurant. There will be no exception to the closing time for and private parties or special events.
21. The License shall reimburse the Borough of Belmar for the cost of additional police patrol hours in the affected areas that are made necessary because of the operation of the Licensee. The determination of need for extra police patrol hours shall be in the sole discretion of the Police Chief and the cost shall be based on the hourly rate of the cost of the patrol.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council that the place-to-place transfer be approved for the period of July 1, 2019 to June 30, 2020 both dates inclusive.

BE IT FURTHER RESOLVED that the Borough Clerk be and is authorized to deliver a copy of this resolution to the applicant and the Local Alcoholic Beverage Control Board.

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: