

Proclamation

51st ANNUAL PROFESSIONAL MUNICIPAL CLERKS WEEK

May 3 - May 9, 2020

Whereas, The Office of the Professional Municipal Clerk, a time honored and vital part of local government exists throughout the world, and

Whereas, The Office of the Professional Municipal Clerk is the oldest among public servants, and

Whereas, The Office of the Professional Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels, and

Whereas, Professional Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all.

Whereas, The Professional Municipal Clerk serves as the information center on functions of local government and community.

Whereas, Professional Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Professional Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, provincial, county and international professional organizations.

Whereas, It is most appropriate that we recognize the accomplishments of the Office of the Professional Municipal Clerk.

Now, Therefore, I, Mark Walsifer, Mayor of the Borough of Belmar, do recognize the week of May 3 through May 9, 2020, as Professional Municipal Clerks Week, and further extend appreciation to our Professional Municipal Clerk, April Claudio and to all Professional Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

Dated this _____ day of _____, 2020

Mayor

Attest: _____

RESOLUTION NO. 2020-104

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF
BELMAR, COUNTY OF MONMOUTH, STATE OF NEW JERSEY,
AUTHORIZING SIGNATORS FOR THE BOROUGH BELMAR**

BE IT RESOLVED by Borough Council of the Borough of Belmar, County of Monmouth, State New Jersey, that the following three persons are hereby authorized to sign all Borough checks:

Mayor Mark Walsifer
Ricardo Llanos, C.F.O
April Claudio, Borough Clerk
Christine Manolio, Assistant Finance Officer

BE IT FURTHER RESOLVED that it is the intent of the Borough Council that the Mayor, Borough Clerk and Certified Financial Officer each must sign all checks.

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

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

Adopted:

RESOLUTION 2020-105

RESOLUTION RECOMMENDING MONMOUTH COUNTY’S PARTICIPATION IN THE NEW JERSEY COASTAL COALITION (NJCC)

WHEREAS, the New Jersey Coastal Coalition (NJCC) is a 501(C)3 non-profit organization, incorporated in the State of New Jersey, who formed as the Atlantic-Cape Coastal Coalition in 2013 as a result of Superstorm Sandy and changed their name in early 2018 reflecting their desire to include all coastal communities; and

WHEREAS, the NJCC’s mission is to build more resilient communities at the Jersey Shore by cooperating with counties and municipalities in developing policies and practices that will anticipate future concerns and to create solutions to be shared by all participants; and

WHEREAS, County staff have attended meetings of the NJCC to learn more about the purpose and mission of the organization; and

WHEREAS, the NJCC has mutually exchanged knowledge with and has offered its services to the Monmouth County Community Rating System Users Group; and

WHEREAS, participation in the NJCC is voluntary and provides the County of Monmouth with networking and shared resource opportunities, which can better prepare the County and its residents for future flood events; and

WHEREAS, inclusion in the NJCC may provide opportunities for our towns to advance in the National Flood Insurance Program Community Rating System Program (CRS); and

WHEREAS, participation in the NJCC incurs no financial cost to the County other than staff time and the County of Monmouth reserves the right to terminate its relationship with NJCC without prejudice at any time.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Belmar has formally endorsed and respectfully requests consideration be given by the Monmouth County Board of Chosen Freeholders to formalize its participation as a member of the NJCC.

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

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

Adopted:

RESOLUTION NO 2020-106

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 and Husiman Gazebo security deposits:

Merri Makers	511 Herbertsville Rd., Brick, NJ 08724	\$750.00
Barbara Chepulis	658 Knollwood Terrace, Brick, NJ 08724	\$500.00
Leslie Caceros	54 Union Drive, Hamilton, NJ 08610	\$500.00
Palak Patel	19 Trish Ct., Matawn, NJ 07747	\$350.00
Jaclyn Daquila	204 17 th Ave, Belmar, NJ 07719	\$350.00

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

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

Adopted:

RESOLUTION NO. 2020-107

RESOLUTION ESTABLISHING GASOLINE, DIESEL FUEL, MOTOR OIL AND OTHER LUBRICANTS RATES IN THE BOROUGH OF BELMAR, MONMOUTH COUNTY, NEW JERSEY

WHEREAS, Borough Code Section 18-4.3 provides for the establishment of Gasoline, Diesel Fuel, Motor Oil and other Lubricant rates by resolution;

NOW, THEREFORE, BE IT RESOLVED by the Borough of Belmar, County of Monmouth, New Jersey, that the following Rates are hereby established effective immediately:

Diesel fuel prices are based on the rack price at the refinery on the day of delivery plus taxes, plus a delivery charge, plus bank fees for credit cards, plus a profit margin of between 35 to 90 cents per gallon, as determined by the Borough on the day of delivery.

Gasoline fuel prices are based on the rack price at the refinery on the day of delivery plus taxes, plus a delivery charge, plus bank fees for credit cards, plus a profit margin of between 35 to 90 cents per gallon, as determined by the Borough on the day of delivery.

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

offered the above resolution and moved its adoption.

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

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

Adopted:

RESOLUTION NO. 2020-108

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 potential litigation and contract negotiations.
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				
Ms. Wann				
Mr. Brennan				
Mayor Walsifer				

Adopted:

RESOLUTION NO. 2020-

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF
BELMAR, COUNTY OF MONMOUTH, STATE OF NEW JERSEY,
APPROVING SETTLEMENT AGREEMENT AND RELEASE WITH J.E.
HANNON, INC. T/A BIRD CONSTRUCTION**

WHEREAS, the Mayor and Council of the Borough of Belmar, County of Monmouth, State of New Jersey (hereinafter referred to as “Belmar”) has previously awarded a contract for the Lake Como Stormwater Outfall Improvements project (hereinafter referred to the “Project”) to J.E. Hannon, Inc. t/a Bird Construction (hereinafter referred to as “Hannon”); and

WHEREAS, a dispute has arisen wherein Hannon claims it is owed money by Belmar for its work on the Project; and

WHEREAS, on or about May 21, 2019 Hannon commenced a lawsuit in the Superior Court of New Jersey against Belmar under the action captioned “J.E. Hannon v. Borough of Belmar” in the Superior Court of New Jersey, Law Division, Monmouth County, Docket No. MON-L-1800-19 (hereinafter referred to as the “Lawsuit”); and

WHEREAS, on or about August 8, 2019 Belmar filed an Answer and Counterclaim against Hannon in the Lawsuit; and

WHEREAS, Belmar has also asserted a claim relating to the Project against Hannon’s Performance Bond surety (hereinafter referred to as the “Bond Claim”); and

WHEREAS, Belmar and Hannon have reached an agreement that resolves any and all current and future disputes between them pertaining to the Project and wish to reduce their mutual agreement to writing; and

WHEREAS, the settlement involves the following:

1. **Monetary Consideration**: The total monetary consideration for this Agreement is \$192,691.01 (“Monetary Consideration”). Payment shall be made by check payable by the Borough to the “Connell Foley LLP

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Trust Account” and paid within fifteen (15) business days following the Borough’s receipt of the approximately \$272,000 payment due currently from the New Jersey Department of Environmental Protection (“NJDEP”). Unless this Agreement is modified by mutual written consent, this Agreement is contingent upon the payment by the Borough of the Monetary Consideration to Hannon by not later than May 30, 2020. The failure to timely pay the stated Monetary Consideration as herein provided renders this Agreement null and void and the Lawsuit will proceed forthwith unless the parties hereto agree otherwise in writing.

2. Release by Hannon: Hannon, effective on and after the date hereof and conditioned upon timely and complete payment of the Monetary Consideration as herein provided, hereby waives, releases and forever discharges Belmar and all of its employees, from any and all obligations, controversies, suits, actions, causes of action, judgments, executions, damages, claims, demands, orders, directives, agreements, injunctions, crossclaims, third party actions, liens, arbitration or mediation demands, or statutory or regulatory obligations, of every nature, and resulting losses, liabilities, damages, costs and expenses, whether known or unknown, liquidated or contingent, whether at law or in equity, and whether sounding in tort, contract, equity, nuisance, trespass, negligence, strict liability or any other statutory, regulatory, administrative or common law causes of action, whether presently known or unknown, including without limitation property damage, or personal injury, from the beginning of time to now, including losses, damages, liabilities and/or injuries, personal or property, with respect to, arising out of, or in connection with or by reason of, directly or indirectly, the referenced Project and/or the referenced Lawsuit.

3. Release by Belmar: Belmar, effective on and after the date hereof, hereby waives, releases and forever discharges Hannon and all of its owners, members, partners, directors, officers, shareholders, employees, sureties, bonding companies, lenders, architects, engineers, consultants, representatives, agents, subagents, successors, guarantors, parent corporations, predecessor entities or corporations, principals, insurers, attorneys, assigns, affiliates, heirs, and estate representatives, from any and all obligations, controversies, suits, actions, causes of action, judgments, executions, damages, claims, demands, orders, directives, agreements, injunctions, crossclaims, third party actions, liens, arbitration or mediation demands, or statutory or regulatory obligations, of every nature, and resulting losses, liabilities, damages, costs and expenses, whether known or unknown, liquidated or contingent, whether at law or in equity, and whether sounding in tort, contract, equity, nuisance, trespass, negligence, strict liability or any other statutory, regulatory, administrative or common law causes of action, whether

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presently known or unknown, including without limitation property damage, or personal injury, from the beginning of time to now, including losses, damages, liabilities and/or injuries, personal or property, with respect to, arising out of, or in connection with or by reason of, directly or indirectly, the referenced Project and/or the referenced Lawsuit. This release expressly includes any contractual and/or common law warranty and maintenance obligations, including releasing any obligation by Hannon to post a Maintenance Bond. This release also expressly includes Belmar's Performance Bond Claim any other claim asserted or which could be asserted against Hannon's surety relating to the Project.

WHEREAS, the full agreement between the parties is set forth in the Settlement Agreement and Release, a true copy of which is on file in the office of the Borough Clerk and can be reviewed by the public during normal business hours; and

WHEREAS, Belmar believes that it is appropriate and in the best interests of its taxpayers and citizens that the litigation with Hannon be resolved in accordance with the agreement reference hereinabove.

NOW, THEREFORE, BE IT RESOLVED this ____ day of May, 2020, by the Mayor and Council of the Borough of Belmar, County of Monmouth, State of New Jersey, as follows:

1. Belmar agrees to the Settlement Agreement and Release referenced hereinabove, a true copy of which is on file with the office of the Borough Clerk and can be reviewed during normal business hours.

2. The Mayor, Borough Clerk, Borough Administrator, and Borough Solicitor are hereby authorized to execute any and all necessary documents in order to implement the intent of this Resolution.

3. 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., Administrator;

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(c) Christine Manolio; and

(d) Jerry J. Dasti, Esquire.

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:

CERTIFICATION

I certify that the foregoing Resolution was duly adopted by the Borough Council of the Borough of Belmar at a regular meeting held on the ____ day of May, 2020, a quorum being present and voting in the majority.

APRIL CLAUDIO, Municipal Clerk

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Prepared by:

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