

RESOLUTION 2020-154

RESOLUTION AUTHORIZING SUBMISSION OF A CDBG APPLICATION TO THE COUNTY OF MONMOUTH AND BOROUGH OF BELMAR'S CONTRIBUTION TOWARD THE PROJECT KNOWN AS SILVER LAKE PEDESTRIAN FOOTBRIDGE

WHEREAS, the Borough of Belmar wishes to apply to the Monmouth County Community Development Block Grant (CDBG) requesting funding for a pedestrian footbridge at Silver Lake; and

WHEREAS, the total construction estimate for these improvements is \$235,000, and the Borough of Belmar will contribute up to 20% towards the total construction plus administrative and engineering costs; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Belmar formally approves the grant application; and

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Belmar is hereby authorizing the Borough Engineer to complete and submit this application to the County on behalf of the Borough.

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. 2020-155

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 received a total of \$5,666.67 from the FEMA Assistance to Firefighters Grant and wishes to amend its 2020 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 2020 in the sum of \$5,666.67, which is now available as a revenue.

BE IT FURTHER RESOLVED that the sum of \$283.33 representing the amount required for the Borough's share of the aforementioned undertaking appears in the budget of the year 2020.

BE IT FURTHER RESOLVED, that like sums are hereby appropriated under the caption of: Fire Prevention Grant Expenses.

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

Adopted:

RESOLUTION NO. 2020-156

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF
BELMAR, COUNTY OF MONMOUTH, STATE OF NEW JERSEY,
AUTHORIZING EXECUTION OF A FOURTH AMENDMENT TO THE
REDEVELOPMENT AGREEMENT WITH LOKO CO., LLC**

WHEREAS, Borough of Belmar, County of Monmouth, State of New Jersey (hereinafter referred to as “Belmar”) has previously entered into a Redevelopment Agreement with the owner of Block 57, Lot 4, Belmar, New Jersey (hereinafter referred to as the “Property”); and

WHEREAS, the owner of the Property is Loko Co., LLC (“the Redeveloper”); and

WHEREAS, the Redevelopment Agreement between the Redeveloper and Belmar was dated January 10, 2014, and First Amendment was dated August 16, 2017, the Second Amendment was dated June 17, 2019, and the Third Amendment was dated June 17, 2019 (hereinafter collectively referred to as the “Agreement”); and

WHEREAS, on March 9, 2020, Governor Murphy issued Executive Order No. 103 (2020) declaring both a public health emergency and state of emergency. On April 7, 2020, the Governor declared in Executive Order No. 119 (2020) that the public health emergency declared in Executive Order No. 103 (2020) continues to exist. The Governor issued additional Executive Orders Nos. 104129 (2020) in an effort to protect the public health, safety and welfare against the emergency created by COVID-19. In response to the restrictions placed on public gatherings, planning boards and municipalities were not able to issue permits and approvals related to property development and construction. As a result the ability of the Redeveloper to advance its project has been directly affected by the limitations imposed by state and local government; and

WHEREAS, the Redeveloper has executed a contract with Belmar Seaport Development, LLC, to sell the Property to that developer. As a result of that contract, Belmar has been advised that the Redeveloper has deferred development of the Property so that the contract purchaser could advance its efforts to be designated by Belmar as the Redeveloper of the Property and adjacent property; and

WHEREAS, Belmar has been requested by the Redeveloper for an extension of the term of the contract for two additional years, which is detailed in the proposed Fourth Amendment to the contract, a true copy of which is on file at the office of the Borough Clerk and can be reviewed by the public during normal business hours; and

WHEREAS, for all of the aforementioned circumstances Belmar believes that the extension of Redevelopment Agreement for an additional year is appropriate and proper.

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

1. Belmar accepts the recommendations of the Borough Solicitor and hereby accepts and authorizes execution of the Fourth Amendment to the Redevelopment Agreement, a true copy of which is on file at the Office of the Borough Clerk and can be reviewed by the public during normal business hours.

2. Belmar authorizes and directs the Mayor, Borough Administrator and Borough Clerk 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;
- (c) Jerry J. Dasti Esquire;
- (d) William J. Wolf, Esquire, attorney for Redeveloper.

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 2020-157

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:

Air Experts
727 17th Avenue
Lake Como, NJ 07719
Zoning fee \$50

IP Global
404 Passaic Ave
Spring Lake, NJ 07762
Amount: \$4,600.00
Gym Rental refund-Covid19

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. 2020-158

**RESOLUTION AUTHORIZING ISSUANCE OF A RETAIL CONSUMPTION
LICENSE TO THE IRISH CURSE, LLC DBA 10TH AVENUE BURRITO
LICENSE NO. 1306-33-007-006, FOR THE PERIOD ENDING
JUNE 30, 2021**

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. 1306-33-007-006; 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, 2020 to June 30, 2021.

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.
6. The licensed premise must comply with all State, County, and Local guidelines as it pertains to health department regulations.

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: