

RESOLUTION 2020-175

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. 2020-176

RESOLUTION AUTHORIZING ISSUANCE OF SEASONAL PLENARY RETAIL CONSUMPTION ALCOHOLIC BEVERAGE LICENSE FOR CSL BELMAR LLC FOR PERIOD ENDING JUNE 30, 2021 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, 2020 to June 30, 2021, 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 NO. 2020-177

**RESOLUTION AUTHORIZING ISSUANCE OF SEASONAL RETAIL CONSUMPTION
LICENSE TO D'JAIS LLC, T/A D'JAIS FOR THE PERIOD ENDING
JUNE 30, 2021**

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, 2020 to June 30, 2021, however said license is only permitted to be operational from July 1, 2020 to November 14, 2020 and May 1, 2021 to June 30, 2021.

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 a 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 Shish 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.

15. 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:

RESOLUTION NO. 2020-178

RESOLUTION AUTHORIZING THE ISSUANCE OF CLASS C LIQUOR TO TWO DAWGS, INC T/A THE BOATHOUSE BAR AND GRILL FOR PERIOD ENDING JUNE 30, 2021

WHEREAS, application has been made to the Borough Council for a Class C License No. 1306-33-002-004 by for the premises located at 1307-1309 Main Street, Belmar, New Jersey; 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 of the Borough of Belmar that the Class C License No.1306-33-002-004, be granted to TWO DAWGS, INC., t/a Boathouse Bar & Grill for effective July 1, 2020 to June 30, 2021.

WHEREAS, the Borough Council finds the following:

1. Licensee will designate clean up crew for neighborhood Railroad Ave. to C St., 12th to 15th Ave. This clean up crew shall wear Boathouse shirts and the hours of operation shall be at closing.
2. Licensee shall be prohibited on the distribution of pre-mixed drinks, such as Jello shots.
3. Licensee shall maintain a counting system at each entrance and exit on Fridays, Saturdays and any special promotional nights. The only entrance for patrons shall be the Main Street entrance (south entrance) near 15th Ave. One counter for people entering and one for people leaving will be maintained at that location.
4. No alcoholic beverages shall be sold, served, delivered or consumer in the licenses premises during such time as the number of persons, exclusive of employees, occupying the licensed premise exceeds the occupancy limit established by the fire official. Occupancy for this premise shall be Four Hundred Twenty 21 (421) Inside and Seventy (70) Outside. Occupancy may be recalculated and designated on a per room basis.
5. The licensee will have posted a minimum of two (2) security personnel, floor men, outside the vestibule of the main entrance to ensure unruly persons are not permitted to enter the establishment and to check the identification of all persons entering the licenses premises. This requirement shall be in effect on Tuesdays, Fridays and Saturdays as well as on high volume Holidays/Sundays as needed in coordination with the Belmar Police Department
6. The licensee will ensure that any fraudulent identification presented at the door will be immediately confiscated and the Police Department shall be immediately notified to respond. The licensee and their employees will make every reasonable attempt to detain the person presenting the identification pending police arrival. If this is not possible, they will provide the responding officers with a description of the person and the direction of travel.
7. It is a requirement that all employees licensed to handle alcoholic beverages undergo TAMS training within 30 days of being hired; records for this requirement must be maintained by the licensee. The Licensee shall maintain the CCTV System for surveillance of inside/outside the establishment.
8. The licensee shall cease all music, live or canned, at 1:30 AM bar time. As stipulated in the establishment's regulations, bar time is calculated as 15 minutes prior to EST.
9. Live entertainment shall be permitted as follows: The current rotation of bands consisting of four (4) to five (5) members. Any other live entertainment consisting of more than four (4) members including instrumentalists and vocalists must be approved by the Borough Council.
10. The licensee shall ensure that all incidents such as fights, disorderly patrons, etc. are immediately reported to Police Headquarters.

11. The licensee shall ensure that any line outside the establishment does not interfere with persons using the sidewalk. A minimum of two (2) security employees of the establishment shall be posted outside to control the line whenever present and ask any disorderly person to leave prior to entering the establishment.
12. The licensee shall continue use of Shush Patrols from Memorial Day weekend through and including Labor Day weekend. The Shush Patrols shall be coordinated with and approved by the Police Department. A minimum of two (2) employees of the establishment will be designated for Shush Patrol from 9pm to 2:30am from 13th Avenue to 15th Avenue from Main Street to D Street. This requirement shall be in effect on Tuesdays, Fridays and Saturdays as well as on high volume Holidays/Sundays when the required number of Shush Patrol shall be increased to four (4).
13. All outside personnel must be attired in Boathouse shirt and/or jacket with clearly marked, in a minimum of 2" lettering, on back of shirt/jacket "Boathouse Staff".
14. The licensee shall maintain a no entry list, which is a list of persons who the licensee does not permit in the establishment.
15. Between the months of March and October the licensee will schedule a monthly meeting with the Chief of Police to review any incidents at the establishment the preceding month.
16. The licensed premise must comply with all State, County, and Local guidelines as it pertains to health department regulations.

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. 2020-179

**RESOLUTION AUTHORIZING ISSUANCE OF PLENARY RETAIL
CONSUMPTION LICENSE TO KLEIN'S FISH MARKET, INC. FOR THE PERIOD
ENDING JUNE 30, 2021**

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

NOW, THEREFORE, BE IT RESOLVED by the Borough Council that a Plenary Retail Consumption License for the period from July 1, 2020 to June 30, 2021 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: