

**RESOLUTION 2020-185**

**RESOLUTION CERTIFYING THE 2019 ANNUAL AUDIT**

**WHEREAS**, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

**WHEREAS**, the Annual Report of Audit for the year 2019 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

**WHEREAS**, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

**WHEREAS**, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled “Comments and Recommendations; and

**WHEREAS**, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

**WHEREAS**, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

**WHEREAS**, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

**WHEREAS**, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

**NOW, THEREFORE BE IT RESOLVED**, That the Council of the Borough of Belmar, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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 2020-186**

**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:

Merri Makers  
511 Herbertville Rd  
Brick, NJ 08723  
\$3,130.00 Taylor Pavilion Rental

Samantha Trachetti  
249 Grove St.  
Woodbridge, NJ 07095  
\$350.00 Taylor Pavilion Rental

John Kelly Mechanical  
932 Fourth Avenue  
Neptune, NJ 07753  
\$500 - Street Opening Deposit – 311 10<sup>th</sup> 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. 2020-187**

**RESOLUTION AUTHORIZING MAYOR AND COUNCIL TO  
DECLARE HALLOWEEN CURFEW**

**BE IT RESOLVED** by the Mayor and Council that the Mayor be and is hereby authorized to declare a curfew on the use of streets and highways in all of the Borough of Belmar, between the hours of 8 o'clock in the evening prevailing time and 6 o'clock in the morning prevailing time, beginning at 8 p.m. on October 29, 2020 and ending at 6 a.m. on November 1, 2020. During such hours, no person under the age of 18 shall remain in or upon any public street, highway or place except those accompanied by a parent or guardian and except those who are going directly between their home and place of work or school; and

**BE IT FURTHER RESOLVED** that no Trick-or-Treater, masked or unmasked, in or out of costume be permitted on private property after 8 p.m. on October 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
Mayor Walsifer				
Mr. Carvelli				
Mr. McCracken				
Ms. Wann				
Mr. Brennan				

Adopted:

## RESOLUTION 2020-188

### RESOLUTION ESTABLISHING STANDARD PROCEDURES AND REQUIREMENTS FOR PUBLIC COMMENTS MADE DURING REMOTE MEETINGS OF THE BOROUGH OF BELMAR COUNCIL

**WHEREAS** the COVID-19 pandemic has forced local government entities throughout the State of New Jersey to hold public meetings remotely; and

**WHEREAS**, Section 8 of P.L. 2020, c. 34 authorized the Director of the Division of Local Government Services (“Director”) to promulgate regulations establishing standard protocols for remote meetings held by a “local public body” during a Governor-declared emergency (“Regulations”); and

**WHEREAS**, the Director promulgated the Regulations, which are codified as N.J.A.C. 5:39-1.1 through 1.7; and

**WHEREAS**, the Borough of Belmar Council is a “local public body” as defined in the Regulations and is therefore subject to the requirements thereof; and

**WHEREAS**, N.J.A.C. 5:39-1.4(h) requires a local public body to adopt a resolution establishing standard procedures and requirements for public comment made during a remote public meeting as well as for public comments submitted in writing ahead of the remote public meeting; and

**WHEREAS**, in order to fulfill the requirements, set forth in N.J.A.C. 5:39-1.4(h) the procedures and requirements appearing below are hereby established by the Council.

**NOW, THEREFORE, BE IT RESOLVED** that the Council of the Borough of Belmar, County of Monmouth, State of New Jersey, hereby establishes the following procedures and requirements to satisfy the requirement set forth in N.J.A.C. 5:39-1.4(h):

- 1) Members of the public wishing to make a comment during a remote meeting shall be permitted to do so using the audio and/or video technology under which the remote meeting is being held.
- 2) Members of the public may also submit written comments to the Council, through the Borough Clerk, by either e-mail to [clerk@belmar.com](mailto:clerk@belmar.com) or written letter to Borough Clerk, Borough of Belmar, 601 Main Street, PO Box A, Belmar, NJ 07719. Written comments must be received at least 24 hours prior to the noticed start of the remote meeting in order to be included in the meeting.
- 3) Public comments shall be received and/or read into the record during times designated during the meeting for public participation.

4) The Council reserves the right to pass over duplicative written comments; however, each duplicative comment shall be noted for the record with the content summarized.

5) A member of the public wishing to speak during a remote meeting shall state their name and address for the record prior to making their comment.

6) Members of the public commenting during a remote meeting shall not act in any manner to disrupt the meeting. If such a member of the public becomes disruptive during the meeting, the individual chairing the meeting shall mute, or direct the muting of, the disruptive member and warn that any continued disruption may result in the member being prevented from speaking during the meeting or be removed from the remote meeting. Disruptive conduct includes, but is not limited to, sustained inappropriate behaviors such as shouting, interruption, and the use of profanity.

7) Any member who continues to be disruptive after receiving a warning may be muted while other members of the public are allowed to proceed with their comments. If time permits, the disruptive individual shall be allowed to speak after all other members of the public are provided an opportunity to comment. Should the individual remain disruptive, the individual may be muted or kept on mute for the remainder of the remote meeting or removed from the meeting.

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. 2020-189**

**RESOLUTION AUTHORIZING ELECTRONIC TAX SALE**

**WHEREAS**, NJSA 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Government Services, and

**WHEREAS**, the Director of the Division of Local Government Services has promulgated rules and regulations for electronic tax sales, and

**WHEREAS**, the Director of the Division of Local Government Services has approved NJ Tax Lien Investors/RealAuction.com to conduct electronic tax sales, and

**WHEREAS**, an electronic tax sale is innovative and provides a greater pool of potential lien buyers, thus creating the environment for a more complete tax sale process, and

**WHEREAS**, the Borough of Belmar wishes to participate in an electronic tax sale.

**NOW, THEREFORE, BE IT RESOLVED**, by the governing body of the Borough of Belmar, New Jersey, that the Tax Collector is hereby authorized to participate in an electronic tax sale and submit same to the Director of the Division of Local Government Services if necessary.

**BE IT FURTHER, RESOLVED**, that a certified copy of this resolution be forwarded to the Tax Collector, Chief Financial Officer, and Auditor.

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. 2020-190**

**RESOLUTION ESTABLISHING A FEE FOR MAILING OF TAX SALE NOTICES**

**WHEREAS**, NJSA 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Local Government Services, and

**WHEREAS**, the rules and regulations require a municipality to send two (2) notices of tax sale to all properties included in said sale; and

**WHEREAS**, the rules and regulations allow said municipality to charge a fee of \$25.00 per notice for the creation, printing and mailing of said notice; and

**WHEREAS**, in an effort to more fairly assign greater fiscal responsibility to delinquent taxpayers, the Borough of Belmar wishes to charge \$25.00 per notice mailed which will be assessed specifically to the delinquent accounts that are causing the need for a tax sale and not to the general tax base.

**THEREFORE BE IT RESOLVED** by the Council of the Borough of Belmar that a fee of \$25.00 per notice be established and is hereby authorized and directed to be charged for each notice of tax sale that is sent in conjunction with the 2020 electronic tax sale.

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-**

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF BELMAR, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AUTHORIZING AND APPROVING AN AMENDMENT TO THE LEASE AGREEMENT WITH 10<sup>TH</sup> AVENUE FREEZE OUT LLC**

**WHEREAS**, the Borough of Belmar (hereinafter referred to as the “Borough”) and 10<sup>th</sup> Avenue Freeze Out LLC (Hilary and Trent Colanduoni) (hereinafter referred to as the “Tenant”) have previously entered into a Lease Agreement affecting the 10<sup>th</sup> Avenue Pavilion Concession Area; and

**WHEREAS**, the Tenant has approached Belmar and requested a modification to the Lease Agreement, strictly as to the timing for the agreed upon annual rental payments; and

**WHEREAS**, other than the modification as to the timing of the payments, all other terms and conditions of the Lease Agreement are to remain in full force and effect; and

**WHEREAS**, the Amendment to the Lease Agreement has been recommended by the Borough Attorney and Borough Administrator:

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

1. The Borough authorizes and approves the aforementioned Amendment to the Lease 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. The Borough authorizes and directs the Mayor, Borough Clerk, and Borough Administrator 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) Christine Manolio, C.F.O.;
- (d) Jerry J. Dasti, Esquire;
- (e) 10<sup>th</sup> Avenue Freezeout 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				



**AMENDMENT TO LEASE AGREEMENT BY AND BETWEEN  
THE BOROUGH OF BELMAR AND 10<sup>TH</sup> AVENUE FREEZE OUT LLC**

**WHEREAS**, the Borough of Belmar (hereinafter referred to as the “Borough”) and 10<sup>th</sup> Avenue Freezeout LLC (hereinafter referred to as the “Tenant”) have previously entered into a Lease Agreement for the 10<sup>th</sup> Avenue Pavilion Area (hereinafter referred to as the “Premises”); and

**WHEREAS**, the Borough and Tenant have enjoyed a mutually agreeable relationship during the term of the tenancy; and

**WHEREAS**, the Tenant has approached the Borough seeking to have a minor modification to the Lease Agreement, which the Borough finds to be acceptable.

**NOW, THEREFORE, BE IT AGREED** this \_\_\_\_ day of \_\_\_\_\_, 2020 as follows:

1. All yearly lease payments as set forth in the Lease Agreement shall now be payable quarterly. Twenty-Five percent (25%) of each yearly payment shall be due and payable on January 1<sup>st</sup>, April 1<sup>st</sup>, July 1<sup>st</sup> and September 1<sup>st</sup>.
2. The 2021 lease payment due by 12/31/20 shall remain due. Quarterly payments will begin January 1, 2021 for the 2022 lease term and continue as such for the remainder of the lease.
3. Other than as modified herein all of the terms and conditions of the Lease Agreement are to remain to in full force and effect.

**IN WITNESS WHEREOF**, the parties hereto have set their hands and seals this \_\_\_\_ day of \_\_\_\_\_, 2020.

WITNESS:  
  
\_\_\_\_\_  
APRIL CLAUDIO, Clerk

BOROUGH OF BELMAR  
  
BY: \_\_\_\_\_  
EDWARD KIRSCHENBAUM, Administrator

WITNESS:  
  
\_\_\_\_\_

10<sup>TH</sup> AVENUE FREEZE OUT LLC  
  
BY: \_\_\_\_\_

**RESOLUTION NO. 2020-192**

**REQUESTING APPROVAL OF INSERTION OF \$480,430.08 IN THE 2020 BUDGET REVENUE AVAILABLE FROM THE MONMOUTH COUNTY CARES ACT GRANT**

**WHEREAS**, N.J.S. 40:4-87 provides that the Director of Local Government Services may approve the insertion of any special item of revenue in the budget of any 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 any item of appropriation for equal amount.

**NOW, THEREFORE, BE IT RESOLVED** that the Borough of Belmar hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2020 in the sum of \$480,430.08 which item is now available as a revenue from the Monmouth County CARES ACT Grant

**BE IT FURTHER RESOLVED** that a like sum of \$480,430.08 be and the same is hereby appropriated under the caption of: MONMOUTH COUNTY CARES ACT GRANT

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: