

“GOD BLESS AMERICA”

REGULAR MEETING

MAY 1, 2014

A regular meeting of the Mayor and Council of the Borough of Belmar held on the above date at 6:00 PM at the Belmar Municipal Building, 601 Main Street.

PRESENT: Mayor Doherty, Councilwoman Nicolay, Councilman Bean, Councilman Magovern, Councilwoman Keown-Blackburn, Borough Attorney Michael DuPont, Esq., Business Administrator Colleen Connolly, and Borough Clerk April Claudio

The Borough Clerk stated “Adequate notice of this meeting has been provided to The Coast Star, the official newspaper of the Borough of Belmar, and the Asbury Park Press on April 14, 2014 notice of this meeting was prominently posted on the bulletin board of the Municipal Building and filed with the Clerk of the Borough of Belmar.

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE: Our troops and their families & Joan Traverso

SPECIAL PRESENTATION: Ed Brown Donation - New Maclearie Playground

PROCLAMATION:

- Municipal Clerk’s Week
- Raising Awareness of Fibrodysplasia Ossificans Progressiva

WORKSHOP DISCUSSION:

- George Giresi Settlement

PETITIONS:

REPORTS OF MAYOR AND COUNCIL:

APPROVAL OF MINUTES:

PUBLIC SESSION: Public Session on resolutions only on the Agenda. We will continue to have a Public Session at the end of this meeting.

RESOLUTIONS:

- RESOLUTION AUTHORIZING PAYMENT OF BILLS LIST
- RESOLUTION AUTHORIZING READING OF THE 2014 BUDGET
- RESOLUTION INTRODUCING THE 2014 LOCAL MUNICIPAL BUDGET

CONSENT AGENDA:

All matters listed in the Consent Agenda are considered to be routine by the Borough Council and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

RESOLUTIONS BY CONSENT:

- RESOLUTION AUTHORIZING REFUNDS

- **RESOLUTION GRANTING TAXICAB OWNERS & DRIVERS LICENSES FOR THE YEAR 2014**
- **RESOLUTION WAIVING CERTAIN CONSTRUCTION PERMIT FEES UNTIL DECEMBER 31, 2014**
- **RESOLUTION AWARDING A LEASE AGREEMENT FOR THE 13TH AVENUE BOARDWALK CONCESSION #1**
- **RESOLUTION AWARDING A LEASE AGREEMENT FOR THE 13TH AVENUE BOARDWALK CONCESSION #2**
- **RESOLUTION AUTHORIZING SALE OF PERSONAL PROPERTY AT AUCTION**
- **RESOLUTION AUTHORIZING SALE OF PERSONAL PROPERTY AT AUCTION #2**
- **RESOLUTION AUTHORIZING THE ADVERTISEMENT FOR BIDS TO LEASE A PORTION OF THE SECOND AVENUE BOARDWALK FOR YOGA CLASSES**
- **RESOLUTION APPOINTING SPECIAL POLICE OFFICERS FOR 2014**
- **RESOLUTION AWARDING A LEASE AGREEMENT FOR THE ZUMBA CLASSES**
- **RESOLUTION AWARDING A LEASE AGREEMENT FOR THE SKIMBOARDING CLASSES**
- **RESOLUTION AWARDING A LEASE AGREEMENT FOR THE PADDLEBOARD CLASSES**
- **RESOLUTION DESIGNATING THE DATES FOR CLOSING THE BEACHFRONT EXCEPT FOR PAYMENT OF CERTAIN FEES TO THE GENERAL PUBLIC AND RESIDENTS OF THE BOROUGH OF BELMAR FOR 2014**
- **RESOLUTION HONORING AND RECOGNIZING THE SERVICE TO THE COMMUNITY BY ALL FIRST RESPONDERS AND AUTHORIZING FREE BEACH ADMISSION DURING THE 2014 BEACH SEASON TO ALL ACTIVE FIRST RESPONDERS PURSUANT TO BELMAR BOROUGH ORDINANCE SECTION 18-2.5(i)**
- **RESOLUTION HONORING THE MEN AND WOMEN OF OUR ARMED FORCES AND RECOGNIZING THE SACRIFICES BEING MADE BY THEM, AND ALSO BY THEIR FAMILIES, AND PROCLAIMING THE COMMENCEMENT OF “OPERATION: THANK YOU” WITHIN THE BOROUGH OF BELMAR, AND AUTHORIZING FREE BEACH ADMISSION DURING THE 2014 BEACH SEASON TO ALL ACTIVE MILITARY PERSONNEL AND THEIR DEPENDENTS PURSUANT TO BELMAR BOROUGH ORDINANCE SECTION 18-2.5(i)**
- **RESOLUTION MODIFYING ALL LEASES FOR BEACHFRONT CONCESSIONS IN THE BOROUGH OF BELMAR, MONMOUTH COUNTY, NEW JERSEY**
- **RESOLUTION AUTHORIZING ISSUANCE OF SEASONAL RETAIL CONSUMPTION LICENSE NO. 1306-34-001-004 TO FUSAL, LLC T/A LA DOLCE VITA FOR THE PERIOD ENDING NOVEMBER 14, 2014**

- RESOLUTION AUTHORIZING ISSUANCE OF SEASONAL RETAIL CONSUMPTION LICENSE TO THE IRISH CURSE, LLC DBA 10TH AVENUE BURRITO LICENSE NO. 1306-34-004-001, FOR THE PERIOD ENDING NOVEMBER 14, 2014
- RESOLUTION AUTHORIZING ISSUANCE OF SEASONAL RETAIL CONSUMPTION LICENSE TO D'JAIS LLC, T/A D'JAIS FOR THE PERIOD ENDING NOVEMBER 14, 2014
- RESOLUTION AWARDED CONTRACT FOR THREE AERATING FOUNTATIONS
- RESOLUTION AWARDED CONTRACT FOR BOARDWALK BENCHES
- RESOLUTION PURSUANT TO N.J.A.C. 5:30-14.4 ET SEQ. CHANGE ORDER NUMBER ONE FOR THE WATER TANK EMERGENCY REPAIRS PROJECT

ORDINANCES:

First Reading & Introduction

ORDINANCE 2014-09 (Replacing Ordinance 2014-04)

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER V DEPARTMENT OF PUBLIC SAFETY OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY

First Reading & Introduction

ORDINANCE 2014-10

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XXIX (WATER SEWER UTILITY DEPARTMENT ESTABLISHING NEW WATER-SEWER RATES AND ESTABLISHING A MINIMUM USAGE

First Reading & Introduction:

ORDINANCE NO. 2014-11

CALENDAR YEAR 2014 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (NJSA. 40A:4-45.14)

Second Reading & Public Hearing

ORDINANCE 2014-07

BOND ORDINANCE PROVIDING FOR THE CONSTRUCTION OF BEACHFRONT BUILDINGS IN AND BY THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$7,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$7,000,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

Second Reading & Public Hearing

ORDINANCE 2014-08

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XVII BEACHFRONT & MARINE REGULATIONS OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY, SECTION 18-2 BEACHFRONT REGULATIONS

RESOLUTIONS:

- RESOLUTION AWARDED CONTRACT FOR CONSTRUCTION OF PAVILIONS AT THE 5TH AVENUE AND 10TH AVENUE BOARDWALK

PUBLIC SESSION:

MEETING ADJOURNED

**RAISING AWARENESS OF
FIBRODYSPLASIA OSSIFICANS PROGRESSIVA**

WHEREAS, Fibrodysplasia Ossificans Progressiva is an illness characterized by normal bone forming in muscles and connective tissue, forming an extra skeleton that immobilizes the body; and

WHEREAS, Fibrodysplasia Ossificans Progressiva affects children, usually in the first or second decade of life being diagnosed by the age of ten, depriving them of normal development; and

WHEREAS, it is estimated that 2,500 people worldwide are afflicted with Fibrodysplasia Ossificans Progressiva, with 200 diagnosed cases in the United States and 12 cases in New Jersey; and

WHEREAS, currently the University of Pennsylvania is the only medical research facility investigating a cure for Fibrodysplasia Ossificans Progressiva; and

WHEREAS, numerous states, countries and international organizations have joined together to increase public awareness of this devastating, rare genetic disorder, to promote research to find the cure; and

NOW, THEREFORE, BE IT RESOLED, the Mayor and Council of the Borough of Belmar wish to help to increase awareness of Fibrodysplasia Ossificans Progressiva and to provide public support to find a cause and a cure for this devastating disorder. We urge all residents of Belmar to learn about this devastating disorder with the hope of developing a treatment and cure.

RESOLUTION RECONIZING MUNICIPAL CLERK'S WEEK

WHEREAS, a Municipal Clerk is a professional who provides continuity in government from administration to administration, seeing to it that the business of local government continues uninterrupted while providing experienced and dedicated public service to the governing body, colleagues and residents; and

WHEREAS, one of the oldest positions of public servants in local government, the Municipal Clerk's office was established when the early colonists came to America and began setting up forms of local government; and

WHEREAS, the functions of a Municipal Clerk necessitate a thorough knowledge of law procedure, administration, and interpersonal relations; and

WHEREAS, a Municipal Clerk has core duties prescribed by state statute, including but not limited to (1) acting as secretary to the municipal corporation; (2) acting as secretary to the governing body; (3) serving as chief administrative officer in all elections; (4) serving as chief registrar of voters in their municipality; (5) serving as the administrative officer responsible for accepting and issuing various licenses and permits; (6) serving as coordinator and records manager; and (7) performing other such duties as are imposed by statute; regulation of municipal ordinance or resolution; and

WHEREAS, in recognition of Municipal Clerk's Week (May 4-10, 2014) the Mayor and Council of the Borough of Belmar wish to recognize its Municipal Clerk and her staff for their outstanding services with which they provide to our community.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Belmar that while recognizing the importance of its role and functions of Municipal Clerk's office and the impact it has on the public, that it salutes its Municipal Clerk, April Claudio and Deputy Municipal Clerk Sharon Day, for their dedication and commitment to Belmar's local government; and

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Belmar recognize all of New Jersey's Municipal Clerks and their staff members for their service to their respective local governments and calls upon other communities to join them in recognizing their Municipal Clerks and staff members during the week of Municipal Clerk's Week, May 4-10, 2014.

RESOLUTION NO. 2014-

RESOLUTION AUTHORIZING SALE OF PERSONAL PROPERTY AT AUCTION #2

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Belmar on this 1st day of May 2014 as follows:

1. Pursuant to N.J.S.A. 40A:12-13(a), a sale at public auction shall be conducted by the Belmar Police Department or designee at 601 Main Street, Belmar, New Jersey of certain personal property such as: surf boards, jewelry, Coach purse and wallet, Iphones, miscellaneous cell phones, cameras and accessories, radar detector, GPS, bicycles, flashlights, and radios.
2. Said items are no longer needed for public use and said sale shall take place on **Saturday, May 31, 2014 at 10:00 am** prevailing time.
2. In each instance, the sale of personal property shall be made at public auction, item by item, as is, with a minimum bid as listed above, and shall be sold in each case to the highest bidder for cash and the monies received from said sales shall be turned over to the Chief Financial Officer for deposit in the General Municipal Treasury.
3. Items can be inspected by contacting the Director of Public Works.
4. The Borough Clerk shall publish in a newspaper circulating within the Borough of Belmar, County of Monmouth, State of New Jersey, and a notice of the aforementioned sales of the personal property, listing the items for sale, shall be posted on the bulletin board in the Municipal Complex.

offered the above resolution and moved its adoption.

Seconded by and adopted by the following vote:

Councilmembers:	AYES	NAYS	ABSTAIN	ABSENT
Ms. Keown-Blackburn				
Mr. Magovern				
Mr. Bean				
Mrs. Nicolay				
Mayor Doherty				

Adopted:

RESOLUTION NO. 2014-

RESOLUTION AUTHORIZING SALE OF PERSONAL PROPERTY AT AUCTION

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Belmar on this 1st day of May 2014 as follows:

1. Pursuant to N.J.S.A. 40A:12-13(a), a sale at public auction shall be conducted by the Department of Public Works or designee at the Department of Public Works Building, 807 13th Avenue, Belmar, New Jersey of certain personal property:
 - 1995 Ford E350 Ambulance (runs with jump start – has damage on right door) – minimum bid \$500
 - 2006 Johnston MX450 Sweeper – 23,739 miles (working status questionable) – minimum bid \$3000
 - Parker Hose Crimp machine with assorted hose and fittings – working condition – minimum bid \$100
 - Swenson pickup style spreader (working status questionable) – minimum bid \$400
 - John Deere 8ft flail mower PTO drive – in working condition – minimum bid \$200
 - 12ft Carolina Skiff Boat and trailer (working status questionable) – minimum bid \$250
 - 1998 blue Ford Crown Vic (vandalized & salt water flooded) – minimum bid \$300
 - 1999 red Ford Crown Vic (vandalized & salt water flooded) – minimum bid \$300
 - 2005 grey Ford Crown Vic (vandalized & salt water flooded) – minimum bid \$300
 - 1996 Tel 29 Versalift Aerial Bucket (bucket only) – minimum bid \$100
 - 1986 Gravely Model 5000 (764 hours – questionable condition) – minimum bid \$25
 - 1988 E350 Ambulance (51,480 miles, bad engine) – minimum bid \$350
 - 1993 Dodge Ram 350 (76,163 miles, bad engine) – minimum bid \$350
2. Said items are no longer needed for public use and said sale shall take place on **Monday, May 19, 2014 at 10:00 am** prevailing time.
2. In each instance, the sale of personal property shall be made at public auction, item by item, as is, with a minimum bid as listed above, and shall be sold in each case to the highest bidder for cash and the monies received from said sales shall be turned over to the Chief Financial Officer for deposit in the General Municipal Treasury.
3. Items can be inspected by contacting the Director of Public Works.
4. The Borough Clerk shall publish in a newspaper circulating within the Borough of Belmar, County of Monmouth, State of New Jersey, and a notice of the aforementioned sales of the personal property, listing the items for sale, shall be posted on the bulletin board in the Municipal Complex.

offered the above resolution and moved its adoption.

Seconded by and adopted by the following vote:

Councilmembers:	AYES	NAYS	ABSTAIN	ABSENT
Ms. Keown-Blackburn				
Mr. Magovern				
Mr. Bean				
Mrs. Nicolay				
Mayor Doherty				

Adopted:

RESOLUTION NO. 2013-

RESOLUTION AUTHORIZING READING OF THE 2014 BUDGET

WHEREAS, N.J.S. 40A:4-8 provides that the budget and budget amendment be read by title only at the time of the public hearing if a resolution is passed by not less than a majority of the full governing body, providing that at least one week prior to the date of hearing a complete copy of the approved budget as advertised has been posted in Borough Hall and copies have been made available by the Clerk to persons requiring them; and

WHEREAS, these two conditions have been met;

NOW, THEREFORE, BE IT RESOLVED that the budget and budget amendment shall be read by title only.

offered the above resolution and moved its adoption.

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

	AYES	NAYS	ABSTAIN	ABSENT
Ms. Keown-Blackburn				
Mrs. Nicolay				
Mr. Magovern				
Mr. Bean				
Mayor Doherty				

Adopted:

RESOLUTION 2014-

**RESOLUTION MODIFYING ALL LEASES
FOR BEACHFRONT CONCESSIONS
IN THE BOROUGH OF BELMAR,
MONMOUTH COUNTY, NEW JERSEY**

WHEREAS, the Mayor and Borough Council of the Borough of Belmar desire to modify leases for Beachfront Concessions in the Borough of Belmar due to the extensive damage to the beaches as a result of Hurricane Sandy; and

WHEREAS, the Mayor and Borough Council of the Borough of Belmar desire to pro-rate the 2014 leases to be in the amount of 3 months of the total yearly rent due per lease agreement for the calendar year 2014 for each of the following vendors who will have the lease for Beachfront Concessions.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Belmar, County of Monmouth, New Jersey that the leases for Beachfront Concessions between the Borough of Belmar and the following leases, are hereby modified and all of the following vendors will pay the pro-rated portion of 3 months of their 2014 lease agreements:

Chris Bandl – Fifth Avenue Pavilion
David Marola – 8th Avenue Pavilion
Hilary & Trent Colandouni – 10th Avenue Pavilion Unit B
Robert Fishman – 10th Avenue Pavilion Unit A

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
Ms. Keown-Blackburn				
Mr. Magovern				
Mr. Bean				
Mrs. Nicolay				
Mayor Doherty				

Adopted:

RESOLUTION NO. 2014-

**RESOLUTION AUTHORIZING ISSUANCE OF SEASONAL RETAIL CONSUMPTION
LICENSE TO THE IRISH CURSE, LLC DBA 10TH AVENUE BURRITO
LICENSE NO. 1306-34-004-001, FOR THE PERIOD ENDING
NOVEMBER 14, 2014**

WHEREAS, an application was made April 7, 2014 by the Irish Curse LLC, DBA 10th Avenue Burrito, 801 Belmar Plaza, for renewal of their Seasonal Retail Consumption License No. 1306-34-004-001; and

WHEREAS, said application is accompanied by Affidavit of Publication and by reports from Borough Inspection Officials, Chief of Police, Fire Official and Health Officer; and

WHEREAS, said licensed premises at 801 Belmar Plaza is licensed.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Belmar that a Seasonal Retail Consumption License for the period March 1, 2014 to November 14, 2014; both dates inclusive, be and is granted subject to the following special conditions:

1. The occupancy for the establishment shall be as follows: Outside-85, Inside-65, and Bar 24.
2. Live Music in the outdoor dining area will be permitted to 3 pieces (without heavy percussion) and DJ's (with amplification) until 11:00 pm.
3. The bar located in the outdoor dining area is to be used as a service bar only.

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:

Councilmembers:	AYES	NAYS	ABSTAIN	ABSENT
Ms. Keown-Blackburn				
Mr. Magovern				
Mr. Bean				
Mrs. Nicolay				
Mayor Doherty				

Adopted:

RESOLUTION NO. 2014-

RESOLUTION AUTHORIZING THE ADVERTISEMENT FOR BIDS TO LEASE A PORTION OF THE SECOND AVENUE BOARDWALK FOR YOGA CLASSES

WHEREAS, the Borough Council has determined that certain portions of the Second Avenue Boardwalk can be used for Yoga fitness classes without substantial interference with the public's use during the times in which the classes will be operated and is not otherwise dedicated or restricted pursuant to law; and

WHEREAS, the use of said area shall be limited to the operation of Yoga Classes from May 1, 2014 to September 30, 2014.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Belmar that the Borough Clerk be and is hereby authorized and directed to advertise for bids to lease the following property on the following terms and conditions:

The Lease shall be made to the highest bidder by open public bidding at auction.

The area to be leased is a portion of the Second Avenue boardwalk for Yoga classes subject to the terms and conditions of the Lease which is on file and available for inspection at the Municipal Clerk's Office, 601 Main Street, Belmar, New Jersey during regular business hours. All bidders should inspect the lease prior to bidding.

The Lease shall be made to the highest bidder by open public bidding at auction.

The minimum acceptable bid is hereby fixed as Four Hundred and Fifty Dollars (\$450.00).

A bid deposit of One Hundred Dollars (\$200.00) must be submitted no later than prior to the beginning of the Public Auction on Tuesday, May 20, 2014 at 6:00 p.m. by cash, money order or certified bank check. The deposit will be a credit toward the lease rent in favor of the successful bidder.

The term of the Lease is from May 1, 2014 to September 30, 2014 and is subject to the terms and conditions of the Lease.

The Borough Council reserves the right to, in any event, reject the highest bid, and if the highest bid is rejected, to reject all bids.

The successful bidder must execute the form of lease setting forth the terms and conditions as if fully set forth herein within ten (10) days of the award of the bid.

BE IT FURTHER RESOLVED that the advertisement for bids shall conform to the requirements of N.J.S.A. 40A:12-14(a) and such notice will be published in the Asbury Park Press on May 5, 2014 and May 12, 2014.

BE IT FURTHER RESOLVED that the bidding by auction shall take place on Tuesday, May 20, 2014 at the Municipal Complex, Council Chambers, 601 Main Street, Belmar, New Jersey at 6:00 p.m.

offered the above resolution and moved its adoption.

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

Council members:	AYES	NAYS	ABSENT	ABSTAIN
Ms. Keown-Blackburn				
Mr. Magovern				
Mr. Bean				
Mrs. Nicolay				
Mayor Doherty				

Adopted:

RESOLUTION NO. 2014-

RESOLUTION AWARDING CONTRACT FOR BOARDWALK BENCHES

WHEREAS, on April 30, 2014 the Borough of Belmar received bids for the purchase of boardwalk benches; and

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

NOW, THEREFORE, BE IT RESOLVED by the Borough Council on this 1st day of May, 2014, that:

1. Contract is awarded to _____ in the amount of \$_____.

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CERTIFICATION AS TO AVAILABILITY OF FUNDS

I herewith certify that there are adequate funds available in the Dedication of Rider Hurricane Relief Fund.

Robbin D. Kirk
Chief Financial Officer

offered the above resolution and moved its adoption.

Seconded by and adopted by the following vote:

Councilmembers: AYES NAYS ABSTAIN ABSENT

Ms. Keown-Blackburn
Mr. Magovern
Mr. Bean
Mrs. Nicolay
Mayor Doherty

Adopted:

RESOLUTION NO. 2014-

RESOLUTION AWARDING CONTRACT FOR CONSTRUCTION OF PAVILIONS AT THE 5TH AVENUE AND 10TH AVENUE BOARDWALK

WHEREAS, on February 2, 2014 the Borough of Belmar received bids for the construction of pavilions at the 5th Avenue and 10th Avenue boardwalk.

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

NOW, THEREFORE, BE IT RESOLVED by the Borough Council on this 1st day of May, 2014, that:

1. Contract is awarded to Epic Group Inc., 136 Eleventh Street, Piscataway, NJ in the amount of \$5,011,000.00.

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CERTIFICATION AS TO AVAILABILITY OF FUNDS

I herewith certify that there are adequate funds available pending the end of the estoppels period for bond ordinance 2014-07 for the proposed contract noted above in the amount of \$7,000,000.

Robbin D. Kirk
Chief Financial Officer

offered the above resolution and moved its adoption.

Seconded by and adopted by the following vote:

Councilmembers: AYES NAYS ABSTAIN ABSENT

Ms. Keown-Blackburn
Mr. Magovern
Mr. Bean
Mrs. Nicolay
Mayor Doherty

Adopted:

RESOLUTION NO. 2014-

RESOLUTION AWARDING CONTRACT FOR THREE AERATING FOUNTAINS

WHEREAS, on April 29, 2014 the Borough of Belmar received bids for the purchase of three aerating fountains; and

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

NOW, THEREFORE, BE IT RESOLVED by the Borough Council on this 1st day of May, 2014, that:

1. Contract is awarded to _____ in the amount of \$_____.

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CERTIFICATION AS TO AVAILABILITY OF FUNDS

I herewith certify that there are adequate funds available in Bond Ord 2013-05 in the amount of \$223,861

Robbin D. Kirk
Chief Financial Officer

offered the above resolution and moved its adoption.

Seconded by and adopted by the following vote:

Councilmembers: AYES NAYS ABSTAIN ABSENT

Ms. Keown-Blackburn
Mr. Magovern
Mr. Bean
Mrs. Nicolay
Mayor Doherty

Adopted:

RESOLUTION NO. 2014-

RESOLUTION DESIGNATING THE DATES FOR CLOSING THE BEACHFRONT EXCEPT FOR PAYMENT OF CERTAIN FEES TO THE GENERAL PUBLIC AND RESIDENTS OF THE BOROUGH OF BELMAR FOR 2014

WHEREAS, Section 18-2.2 of the Revised General Ordinances of the Borough of Belmar provides that the Borough Council shall designate by resolution, the dates for closing of the beachfront to the general public and residents of the Borough of Belmar except upon payment of certain fees; and the protected bathing beaches from which persons must bathe and swim; and

WHEREAS, Section 18-2.7w of the Revised General Ordinances of the Borough of Belmar provides that the Borough Council shall designate, by resolution, the specific areas where surf mats and surfboards may be used.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Beach and Beachfront of the Borough of Belmar from the northern boundary line adjacent to the Shark River Inlet to the southern boundary line adjacent to the Borough of Spring Lake are hereby declared closed for the 2014 summer session, except upon payment of beach badge fees as follows:
 - a. Weekends beginning May 23, 2014, including Memorial Day and every day beginning June 16, 2014 through September 1, 2014.
 - b. In accordance with section 18-2.4 of the ordinances of the Borough of Belmar, each and every person over the age of 15 years, entering upon and using the beachfront of the Borough, during the hours of 9am to 5pm on weekdays and 9am to 6pm on weekends and holidays, on the dates listed in a. above shall obtain and display a beach badge.
2. The official Bathing Beaches hereby set aside for the season of 2014 are:
 - a. 2nd, 3rd, 4th, 5th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 16th, 17th, 18th and 20th Avenues and any additional beaches at the discretion of the lifeguards.
3. Inflatable surf mats and boogie boards, as described in Section 18-2.7w of the Revised General Ordinances of the Borough of Belmar, shall be used at the following designated beaches, only when posted for such use and within the area posted.
 - a. An area immediately north of the 8th Avenue Official Bathing Beach, and
 - b. South of the 13th Avenue jetty and north of the 16th Avenue and 17th Avenue jetty.
 - c. South of 19th Avenue jetty-only when posted for such use at the discretion of lifeguards.
4. Surf Boards, as described in Section 18-2.7w of the Revised General Ordinances of the Borough of Belmar, shall be used only south of the jetty located between 16th Avenue and 17th Avenue and north of the 19th Avenue jetty and south of the 19th Ave. jetty only when posted for such use at the discretion of the lifeguards. The lifeguards will take into consideration the number of surfers, when the number is less than three, the head lifeguard will exercise their discretion to allow swimmers to use the above-designated area for swimming. The lifeguards in exercising their discretion will take into consideration, wind direction, wave heights, and other conditions effecting surfing.
5. Jetties - No person shall be permitted on the jetties unless they are wearing non-slip footwear. Jetties may not be used for any activity except fishing.
6. "L" Street Beach will be open to swimming only when posted and staffed by a lifeguard.

7. Personal Kayaks and Standup Paddleboards may be used south of the 20th Ave. Bathing Area at the discretion of the lifeguards.
8. The Mayor and Council reserve the right to partition off certain sections of the beach for a Special Event.

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
Ms. Keown-Blackburn				
Mr. Magovern				
Mr. Bean				
Mrs. Nicolay				
Mayor Doherty				

Adopted:

RESOLUTION NO. 2014

RESOLUTION HONORING AND RECOGNIZING THE SERVICE TO THE COMMUNITY BY ALL FIRST RESPONDERS AND AUTHORIZING FREE BEACH ADMISSION DURING THE 2014 BEACH SEASON TO ALL ACTIVE FIRST RESPONDERS PURSUANT TO BELMAR BOROUGH ORDINANCE SECTION 18-2.5(i)

WHEREAS, Belmar has a long history of volunteerism which is exemplified by the volunteer service to the community by the members of the Belmar Fire Department and Belmar First Aid Squad;

WHEREAS, the members of the Belmar Fire Department and Belmar First Aid Squad volunteer their time to provide for the safety of the community;

WHEREAS, this volunteer service is required at all times of the day and night and often required in the middle of the night and on holidays;

WHEREAS, this service, all for the selfless benefit of the community, can place the volunteers in harms way and at personal risk;

WHEREAS, it is important to recognize the enormity of the day-to-day sacrifices and heroism of the volunteer members of the Belmar Fire Department and Belmar First Aid Squad;

WHEREAS, the residents of the Borough of Belmar want the volunteer members of the Belmar Fire Department and Belmar First Aid Squad to know that they are in hearts on our minds, that we support them and are extremely grateful for the sacrifices they are making each and every day;

WHEREAS, the Mayor and Council are authorized pursuant to Belmar General Ordinance 18-2.5(i) to provide free admission to the beaches for participants in “special beach events, programs or promotions”; and,

WHEREAS, the Mayor and Borough Council, on behalf of all the families of Belmar, wish to honor and recognize the volunteer members of the Belmar Fire Department and Belmar First Aid Squad by establishing a special program for the Summer of 2014; and

WHEREAS, in the days and weeks after Hurricane Sandy, Belmar received support, vehicles, supplies and manpower that allowed for Belmar residents to remain safe during the state of emergency from dozens of law enforcement agencies including: New Jersey National Guard, Monmouth County Sheriff’s Officers, Monmouth County Prosecutors Officers, Bergen County Sheriff’s Officers, Port Authority Police, Wall Township Police Officers, New Jersey State Troopers, Maryland State Troopers, Michigan State Police, Illinois State Police, Florida

State Police Officers, and Mississippi Highway Patrol Officers and therefore the Mayor and Borough Council, wish to not only honor and recognize the Belmar volunteers but all first responders including but not limited to law enforcement, water rescue, fire, and first aid volunteers and any other emergency response groups by establishing a special program for the Summer of 2013; and

NOW, THEREFORE, BE IT RESOLVED that pursuant to and in accordance with Section 18-2.5(i) of the Revised General Ordinances of the Borough of Belmar, that each qualified active volunteer member of the Belmar Fire Department and Belmar First Aid Squad will be provided with a Borough issued identification card for free beach access for the 2014 Season as determined by the Belmar Director of Public Safety. Any active volunteer member for any Law Enforcement Department, Fire Department, First Aid Squad or any other emergency response group may obtain a Belmar Borough issued identification card or may use a valid municipal government identification card from the Municipality where they volunteer.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately and shall remain in effect throughout the 2014 beach season;

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
Ms. Keown-Blackburn				
Mr. Magovern				
Mr. Bean				
Mrs. Nicolay				
Mayor Doherty				

Adopted:

RESOLUTION NO. 2014-

**RESOLUTION AUTHORIZING ISSUANCE OF SEASONAL RETAIL CONSUMPTION
LICENSE TO D'JAIS LLC, T/A D'JAIS FOR THE PERIOD ENDING
NOVEMBER 14, 2014**

WHEREAS, an application was made on April 7, 2014 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 Affidavit of Publication and by reports from Borough Inspection Officials, Chief of Police, Fire Official and Health Officer; 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.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Belmar that a Seasonal Retail Consumption License for the period March 1, 2014 to November 14, 2014; both dates inclusive, 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 fifty five (655) inside persons and is subject to compliance to applicable ordinances and laws relating to zoning within the Borough of Belmar.
7. Outdoor dining area will have no alcohol service after 1 a.m. and there will be no amplified music at anytime in this area.
8. When drug activity is observed by any of their employees they will notify the police. This includes any suspicious activity.
9. All bottled water will be sold in clear bottles.
10. No Refrigerated truck allowed in parking area without prior approval from Council.
11. 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.
12. The change in the type of music played to a more calm, or as described, "mellow" type of music shall begin at 1:15 a.m.
13. 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.
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. 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. This training is to be completed within 30 days of the date of employment at the establishment.

16. The D'Jais employees involved in some of the incidents forming the basis of some of the Charges brought by the Borough in 2007, being: Randolph Mapoy and Bryan Kenney shall no longer be employed by D'Jais.

17. 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 as 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 Shush 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.

18. The Licensee shall post an escrow with the Borough in the amount of \$12,000.00 prior to May 1, 2012. After the initial \$12,000 deposit is made, should the escrow be depleted to an amount of \$5,000.00 or less the Licensee shall be required to replenish the escrow to \$12,000.00, 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 prior to May 1, 2010 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 17 A and the possible staffing of Shush Patrols or like remedial measures as set forth in Condition 17 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. Any objections which have not been resolved between the Licensee and the Borough Administrator by November 15th of each year shall be submitted to a retired Judge of the Superior Court, and/or Appellate Division to be mutually selected by D'Jais and the Borough from the persons identified on the attached list (Exhibit A), or another individual agreeable to the Borough and the Licensee, whose decision shall be final and binding. The cost of the retired Judge or other designated person shall be paid equally by D'Jais and the Borough. At the end of each season, the balance of the escrow shall be returned to D'Jais within ten (10) days after all charges to the escrow and/or objections to escrow charges have been resolved, should there be no unresolved objections than the balance of the escrow shall be returned to D'Jais no later than December 1 of the year.

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:

Councilmembers:	AYES	NAYS	ABSTAIN	ABSENT
Ms. Keown-Blackburn				
Mr. Magovern				
Mr. Bean				
Mrs. Nicolay				
Mayor Doherty				

Adopted:

RESOLUTION NO. 2014-

RESOLUTION HONORING THE MEN AND WOMEN OF OUR ARMED FORCES AND RECOGNIZING THE SACRIFICES BEING MADE BY THEM, AND ALSO BY THEIR FAMILIES, AND PROCLAIMING THE COMMENCEMENT OF “OPERATION: THANK YOU” WITHIN THE BOROUGH OF BELMAR, AND AUTHORIZING FREE BEACH ADMISSION DURING THE 2014 BEACH SEASON TO ALL ACTIVE MILITARY PERSONNEL AND THEIR DEPENDENTS PURSUANT TO BELMAR BOROUGH ORDINANCE SECTION 18-2.5(i)

WHEREAS, members of the armed forces of the United States, including residents of the Borough of Belmar, are today actively engaged in combat operations in Afghanistan and Iraq, or are deployed or otherwise serving in support of those operations, and/or in support of the on-going efforts of our Armed Forces throughout the world to protect and defend our nation and its citizens;

WHEREAS, since September 11, 2001, and increasingly since the commencement of combat operations in Afghanistan and Iraq, the men and women of the New Jersey National Guard have been called up to active duty status in increasing numbers, and their support and service has been and will continue to be essential to the overall success of military efforts both home and abroad

WHEREAS, the ongoing hostilities in Afghanistan and Iraq, and the call to active service of thousands of New Jersey’s National Guard Reservists, have added untold additional stress and sacrifice to the lives of thousands of families of our active duty military, and for whom in peacetime day-to-day life was already stressful and challenging enough;

WHEREAS, as of this morning many American families have lost loved ones in the military actions underway in Afghanistan and Iraq, and more than a hundred thousand other American families live each day in constant trepidation that the next knock on the door might make their own worst fears come true;

WHEREAS, it is important that the enormity of the day-to-day sacrifices and heroism of our troops and their families not be lost or forgotten amidst the media’s unwavering focus on the sensational;

WHEREAS, the residents of the Borough of Belmar want our troops and their families to know that they are in hearts on our minds, that we support them and are extremely grateful for the sacrifices they are making each and every day;

WHEREAS, the Mayor and Council are authorized pursuant to Belmar General Ordinance 18-2.5(h) to provide free admission to the beaches for participants in “special beach events, programs or promotions”; and,

WHEREAS, the Mayor and Borough Council, on behalf of all the families of Belmar, wish to honor and recognize our active military personnel and their families by establishing a special program for the Summer of 2014;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Belmar that in honor and recognition of our active military personnel and their families, and to

demonstrate the gratitude of the residents of the Borough of Belmar for the daily sacrifices they are making, the Mayor and Council of the Borough of Belmar hereby announce the commencement of “OPERATION: THANK YOU”; and

BE IT FURTHER RESOLVED, that banners donated by Belmar families and proclaiming Belmar’s support for our troops and their families will be hung at each of the 20 blocks along Belmar’s beautiful beaches;

BE IT FURTHER RESOLVED, that pursuant to and in accordance with Section 18-2.5(i) of the Revised General Ordinances of the Borough of Belmar, *that free beach admission be provided during the 2014 Season to each member of the active military, including but not limited to the NJ National Guard, Coast Guard and all United States Armed Forces branches* and their dependents upon the presentation of a valid military identification card at any beach gate;

BE IT FURTHER RESOLVED, that Belmar’s business community be invited and encouraged to participate in “Operation: Thank You” by providing discounts to our active military and their dependents, and by otherwise recognizing their sacrifices and service and joining the residents of Belmar in welcoming them to our community;

BE IT FURTHER RESOLVED, that New Jersey’s other coastal communities be and hereby are invited to join with Belmar in providing free beach admission to members of our active military and their dependents and/or in otherwise demonstrating their support for our troops and their families, and the Borough Clerk is hereby directed to forward copies of this Resolution to the governing bodies of New Jersey’s other Coastal communities, to cause a copy of the Resolution to the Borough’s website at www.belmar.com, and to forward a copy of the Resolution to the New Jersey League of Municipalities;

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately and shall remain in effect throughout the 2014 beach season;

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
Ms. Keown-Blackburn				
Mr. Magovern				
Mr. Bean				
Mrs. Nicolay				
Mayor Doherty				

Adopted:

RESOLUTION NO. 2014-

**RESOLUTION AUTHORIZING ISSUANCE OF SEASONAL RETAIL CONSUMPTION
LICENSE NO. 1306-34-001-004 TO FUSAL, LLC T/A LA DOLCE VITA FOR THE
PERIOD ENDING NOVEMBER 14, 2014**

WHEREAS, an application was made on March 18, 2014 premises at 400 Ocean Avenue for a Seasonal Retail Consumption License No. 1306-34-001-004; and

WHEREAS, said application is accompanied by an Affidavit of Publication and reports from Chief of Police and reports from Borough Inspection Officials, Fire Official and Health Officer; and

WHEREAS, said licensed premises at 400 Ocean Avenue is licensed including the front outside dining area facing Ocean Avenue.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council that a Seasonal Retail Consumption License for the period from to March 1, 2014 to November 14, 2014 both dates inclusive, be and is granted subject to the following special conditions as agreed upon by the Licensee:

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 limits established herein.
3. That the Licensee shall provide the Chief of the Belmar Police Department, in writing, with the names and addresses of all employees.
4. The Licensee will operate the premises as a restaurant, with the inside bar to be used essentially as a service bar. No person may be served at the bar unless they are waiting to be seated at a table. The Licensee shall maintain a waiting list to ensure this condition is met.
5. Only non-amplified live music will be permitted inside the restaurant and in the outside dining area. All laws, ordinances, rules and regulations regarding sound must also be complied with.
6. Occupancy of the licensed areas as described above is limited as follows: occupancy of the interior dining room is limited to 61 seated patrons, the bar in the interior dining room is limited to 8 stools, and at the bar and in the immediate vicinity of the bar and an additional 16 people may be standing, the outside enclosed dining area is limited to 28 seated patrons, the outside dining area around the exterior of the building is limited to 44 seated patrons and further, said occupancies are subject to compliance to applicable ordinances and laws relating to building, zoning, and liquor licenses within the Borough of Belmar.
7. The outdoor dining area shall be closed by 10:00 p.m. on weeknights, being Sunday through Thursday; and, by 11:00 p.m. on weekends, being Friday and Saturday, and on Sunday night if Monday is a holiday, such as Memorial Day weekend and Labor Day weekend. 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 anytime.
8. All sales of alcoholic beverages in the restaurant and at the service bar shall cease

at 11:00 p.m. on weeknights, being Sunday through Thursday; and, by Midnight on weekends, being Friday and Saturday, and on Sunday night if Monday is a holiday, such as Memorial Day weekend and Labor Day weekend; and, no announcement shall be made that it is last call or using words to that effect.

9. That all wait staff, bartenders and personnel involved with the sale or service of alcohol shall attend an in-service seminar concerning their duties and responsibilities. Said seminar shall be scheduled and conducted by the Belmar Police Department.
10. 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. This training is to be completed within 30 days of the date of employment at the establishment.

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:

Councilmembers:	AYES	NAYS	ABSTAIN	ABSENT
Ms. Keown-Blackburn				
Mr. Magovern				
Mr. Bean				
Mrs. Nicolay				
Mayor Doherty				

Adopted:

RESOLUTION NO. 2014-

RESOLUTION INTRODUCING THE 2014 LOCAL MUNICIPAL BUDGET

BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Belmar, on this 1st day of May 2014, that the 2014 Local Municipal Budget of the Borough of Belmar (copy of which is annexed hereto) be and is hereby introduced on first reading and the Borough Clerk is directed to read the title thereof in full. The public hearing for the budget will be June 4, 2014 at 6 PM at the Municipal Building located at 601 Main St.

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
Ms. Keown-Blackburn				
Mr. Magovern				
Mrs. Nicolay				
Mr. Bean				
Mayor Doherty				

Adopted:

RESOLUTION NO 2014-

RESOLUTION AUTHORIZING REFUNDS

BE IT RESOLVED, by the Mayor and Borough Council on this 15th day of April 2014 that the following refunds are hereby authorized upon certification by the Chief Financial Officer to the following:

<u>Name</u>	<u>Type</u>	<u>Amount</u>
John Creekman 413 Brinley Avenue Bradley Beach, NJ 07720	Boat Slip	\$688.50
Petrian Corp. 1506 Hyacinth Place Point Pleasant, NJ 08742	Animal House Bond	\$1,000

offered the above resolution and moved its adoption.

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

Council members:	AYES	NAYS	ABSENT	ABSTAIN
Ms. Keown-Blackburn				
Mr. Magovern				
Mr. Bean				
Mrs. Nicolay				
Mayor Doherty				

Adopted:

RESOLUTION NO. 2014-

RESOLUTION PERMITTING SPECIAL EVENTS

WHEREAS, applications have been received by the Special Events Committee as per Ordinance 16-14.4 “Permits and Special Event Permits;” and

WHEREAS, said applications have been reviewed by the Special Events Committee and by the Borough Council; and

WHEREAS, the following events are recommended for approval with conditions if applicable:

Belmar Five Mile Run and Kids Race: Friday and Saturday July 11th and 12th, 2014. Set-up 8:00am on Friday July 11th, break down on Saturday July 12th at 1:00pm. Organizers must supply a list of 25 volunteers to the Belmar Police Department before the 1st of July, 2014. List must contain names and contact phone numbers and all volunteers must be over 18 years of age. No additional borough resources are necessary.

National MS Society – NJ Chapter, Coast to Coast Bike Tour, Rest Stop: Saturday May 17th 2014. Set-up 6:00am breakdown 4:00pm No set up may occur prior to May 17th, Police Department costs \$1,000.00 and DPW costs \$500.00 for a total cost of \$1500.00 to be paid in full by May 5th 2014

Fallen Heroes Memorial 5K: Saturday September 6th 2014. Set-up 6:00am break down Noon. Organization must inform all Belmar Residents impacted by the road closing through a mailing or a door to door poster drop. No additional borough resources are required.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Belmar that permission is granted for the special events as noted above with conditions if cited.

offered the above resolution and moved its adoption.

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

Council members:	AYES	NAYS	ABSENT	ABSTAIN
Ms. Keown-Blackburn				
Mr. Magovern				
Mr. Bean				
Mrs. Nicolay				
Mayor Doherty				

Adopted:

RESOLUTION NO. 2014-

APPOINTING SPECIAL POLICE OFFICERS FOR 2014

Be it resolved that the Mayor and Borough Council of the Borough of Belmar that the following persons are hereby appointed and confirmed for the sole purpose of attendance at the Monmouth County Police Academy, as a Trainee Class I Special Police Offer. Upon successful completion of the Basic Course for Class I Special Law Enforcement Officers and graduation from the Monmouth County Police Academy, they will be eligible for employment by the Borough at that time.

THOMAS CARSTON
JASON DOWNING
JASON LEE
DAMIEN BROSCART
THOMAS DILL
WILLIAM MCCUDDEN
KYLE DEVENNEY
MICHAEL MAKWINSKI
JEREMY JEFFRIES
KATHERINE RABINO

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
Mrs. Deicke				
Mr. Magovern				
Mrs. Nicolay				
Mr. Wright				
Mayor Doherty				

Adopted: **DRAFT – TO BE ADOPTED ON MAY 1, 2014**

RESOLUTION NO. 2014-

**RESOLUTION GRANTING TAXICAB OWNERS & DRIVERS
LICENSES FOR THE YEAR 2014**

WHEREAS, applications have been received for 2014 Taxicab Owner's and Driver's Licenses for the person listed below under the provisions of Chapter XXI of the Revised General Ordinances of the Borough of Belmar for Taxi Driver's Licenses; and

WHEREAS, said applications appear to conform to the regulations as set forth in Borough Ordinances; and

WHEREAS, said applications have been reviewed by the Police Department as required by Borough ordinance and no objections have been received.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Belmar that the following persons have applied for Taxicab Owner's and Driver's Licenses and have been approved by the Police Dept.

BABAR KHAN
KARNAIL SINGH
ASIF RANA
RICHARD DAHROUGE
REYNALD LAVARIN

offered the above resolution and moved its adoption.

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

Council members:	AYES	NAYS	ABSENT	ABSTAIN
Ms. Keown-Blackburn				
Mr. Magovern				
Mr. Bean				
Mrs. Nicolay				
Mayor Doherty				

Adopted:

Adopted:

RESOLUTION 2014-

**RESOLUTION WAIVING CERTAIN CONSTRUCTION PERMIT FEES UNTIL
DECEMBER 31, 2014**

WHEREAS, per a letter from the State of New Jersey Division of Codes and Standards in 2012, a municipality is permitted to waive all permit fees including the State permit surcharge for all permits related to Hurricane Sandy; and

WHEREAS, in 2012 and 2013 the Borough of Belmar, waived all fees for permits submitted for construction, renovation, repairs, replacement of appliances, and so forth for properties which were damaged by Hurricane Sandy; and

WHEREAS, the Borough of Belmar understands that there are properties that who sustained hurricane damage and have not submitted permits yet due to delays in funding from FEMA and other outside agencies; and

WHEREAS, the Borough of Belmar would like to assist those properties by waiving construction permit fees for their permits as long as the reason for the delay is due to hurricane related funding and documentation of such can be provided.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Belmar, County of Monmouth and State of New Jersey that the Construction Department is hereby authorized to waive all permit fees for properties who sustained hurricane damage and have been awaiting hurricane related funding.

offered the above resolution and moved its adoption.

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

Council members:	AYES	NAYS	ABSENT	ABSTAIN
Ms. Keown-Blackburn				
Mr. Magovern				
Mr. Bean				
Mrs. Nicolay				
Mayor Doherty				

Adopted:

RESOLUTION NO. 2014-

RESOLUTION PURSUANT TO N.J.A.C. 5:30-14.4 ET SEQ. CHANGE ORDER NUMBER ONE FOR THE WATER TANK EMERGENCY REPAIRS PROJECT

WHEREAS, the Borough Administrator has certified Change Order Number One to amend project costs by agreement with the contractor, All America Services, Inc. for the emergency repairs to the water tank; and

WHEREAS, the Council of the Borough of Belmar has also received from the Mayor a request for this Change Order to amend the cost of the project as shown by the documentation attached to said request and having investigated the same and being assured that the change is necessary and that it will actually be carried out and the total net change for Change Order Number One is a net increase of \$12,800.00.

NOW, THEREFORE, BE IT RESOLVED on this 1st day of May 2014 that the Mayor and Borough Clerk be and are hereby authorized to enter into written amendatory contract covering the change requested in the aforesaid project.

REQUEST PURSUANT TO 5:30-14.4 ET SEQ.

I am the Mayor of the Borough of Belmar and the changes are required to amend the bid specifications for the project as listed. No changes were authorized by me or the Council prior to this resolution for noted items and the change order requested by the Contractor and the Administrator is necessitated for the reasons given by them in the annexed documents and are permissible under Regulations of the Local Finance Board.

Matthew J. Doherty
Mayor

CERTIFICATION

I herewith certify that there are adequate funds available for the contract noted above per Bond Ordinance 2013-11 which has an available balance in the amount of \$302,643.00.

Robbin D. Kirk
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	ABSENT	ABSTAIN
Ms. Keown-Blackburn				
Mr. Magovern				
Mr. Bean				
Mrs. Nicolay				
Mayor Doherty				

Adopted:

RESOLUTION No. 2014-

**RESOLUTION AWARDING A LEASE AGREEMENT
FOR THE 13TH AVENUE BOARDWALK CONCESSION #1**

WHEREAS, the Borough of Belmar authorized and advertised for a Lease Agreement for use of a portion of the 13^h Avenue boardwalk for a food concession, with an open public bid by auction on April 1, 2014; and

WHEREAS, after receipt of the bids on April 1, 2014 the Borough of Belmar wishes to award the Lease to the highest bidder.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Belmar that, the Lease is awarded to:

Max's Famous Hot Dogs "On Wheels" LLP
17 Mulberry Lane
Tinton Falls, NJ 07724

on the bid of \$4250 per a month. The Lease is for a term of five months.

BE IT FURTHER RESOLVED, that the Mayor, Borough Clerk, Borough Attorney and other necessary Borough Officials are hereby authorized to execute and deliver the Lease and all other documents and undertake all actions reasonably necessary to effectuate the award of the Lease herein.

offered the above resolution and moved its adoption.

Seconded by and adopted by the following vote:

Councilmembers:	AYES	NAYS	ABSTAIN	ABSENT
Ms. Keown-Blackburn				
Mr. Magovern				
Mr. Bean				
Mrs. Nicolay				
Mayor Doherty				

Adopted:

RESOLUTION No. 2014-

**RESOLUTION AWARDING A LEASE AGREEMENT
FOR THE 13TH AVENUE BOARDWALK CONCESSION #2**

WHEREAS, the Borough of Belmar authorized and advertised for a Lease Agreement for use of a portion of the 13^h Avenue boardwalk for a food concession, with an open public bid by auction on April 1, 2014; and

WHEREAS, after receipt of the bids on April 1, 2014 the Borough of Belmar wishes to award the Lease to the highest bidder.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Belmar that, the Lease is awarded to:

Becker Family Enterprises
17 Pension Road
Manalapan, NJ 07726

on the bid of \$4700 per a month. The Lease is for a term of five months.

BE IT FURTHER RESOLVED, that the Mayor, Borough Clerk, Borough Attorney and other necessary Borough Officials are hereby authorized to execute and deliver the Lease and all other documents and undertake all actions reasonably necessary to effectuate the award of the Lease herein.

offered the above resolution and moved its adoption.

Seconded by and adopted by the following vote:

Councilmembers:	AYES	NAYS	ABSTAIN	ABSENT
Ms. Keown-Blackburn				
Mr. Magovern				
Mr. Bean				
Mrs. Nicolay				
Mayor Doherty				

Adopted:

RESOLUTION No. 2014-

**RESOLUTION AWARDING A LEASE AGREEMENT
FOR THE PADDLEBOARD CLASSES**

WHEREAS, the Borough of Belmar authorized and advertised for a Lease Agreement for use of a portion of Maclearie Park for paddleboard classes with an open public bid by auction on April 15, 2014; and

WHEREAS, after receipt of the bids on April 15, 2014 the Borough of Belmar wishes to award the Lease to the highest bidder.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Belmar that, the Lease is awarded to:

Summertime Surf
404 Ocean Avenue
Belmar, NJ 07719

on the bid of \$500 per a year. The Lease is for a term of five months.

BE IT FURTHER RESOLVED, that the Mayor, Borough Clerk, Borough Attorney and other necessary Borough Officials are hereby authorized to execute and deliver the Lease and all other documents and undertake all actions reasonably necessary to effectuate the award of the Lease herein.

offered the above resolution and moved its adoption.

Seconded by and adopted by the following vote:

Councilmembers:	AYES	NAYS	ABSTAIN	ABSENT
Ms. Keown-Blackburn				
Mr. Magovern				
Mr. Bean				
Mrs. Nicolay				
Mayor Doherty				

Adopted:

RESOLUTION No. 2014-

**RESOLUTION AWARDING A LEASE AGREEMENT
FOR THE SKIMBOARDING CLASSES**

WHEREAS, the Borough of Belmar authorized and advertised for a Lease Agreement for use of a portion of the 20th Avenue boardwalk for skimboarding classes with an open public bid by auction on April 15, 2014; and

WHEREAS, after receipt of the bids on April 15, 2014 the Borough of Belmar wishes to award the Lease to the highest bidder.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Belmar that, the Lease is awarded to:

Edward Hayden
Good Vibes LLC
1726 Newman Street
Lake Como, NJ 07719

on the bid of \$500 per a year. The Lease is for a term of five months.

BE IT FURTHER RESOLVED, that the Mayor, Borough Clerk, Borough Attorney and other necessary Borough Officials are hereby authorized to execute and deliver the Lease and all other documents and undertake all actions reasonably necessary to effectuate the award of the Lease herein.

offered the above resolution and moved its adoption.

Seconded by and adopted by the following vote:

Councilmembers:	AYES	NAYS	ABSTAIN	ABSENT
Ms. Keown-Blackburn				
Mr. Magovern				
Mr. Bean				
Mrs. Nicolay				
Mayor Doherty				

Adopted:

RESOLUTION No. 2014-

**RESOLUTION AWARDING A LEASE AGREEMENT
FOR THE ZUMBA CLASSES**

WHEREAS, the Borough of Belmar authorized and advertised for a Lease Agreement for use of a portion of the 2nd Avenue boardwalk for Zumba classes with an open public bid by auction on April 15, 2014; and

WHEREAS, after receipt of the bids on April 15, 2014 the Borough of Belmar wishes to award the Lease to the highest bidder.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Belmar that, the Lease is awarded to:

DeCarolo Fitness
710 10th Avenue
Belmar, NJ 07719

on the bid of \$500 per a year. The Lease is for a term of five months.

BE IT FURTHER RESOLVED, that the Mayor, Borough Clerk, Borough Attorney and other necessary Borough Officials are hereby authorized to execute and deliver the Lease and all other documents and undertake all actions reasonably necessary to effectuate the award of the Lease herein.

offered the above resolution and moved its adoption.

Seconded by and adopted by the following vote:

Councilmembers:	AYES	NAYS	ABSTAIN	ABSENT
Ms. Keown-Blackburn				
Mr. Magovern				
Mr. Bean				
Mrs. Nicolay				
Mayor Doherty				

Adopted:

ORDINANCE 2014-07

BOND ORDINANCE PROVIDING FOR THE CONSTRUCTION OF BEACHFRONT BUILDINGS IN AND BY THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$7,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$7,000,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of Belmar, in the County of Monmouth, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$7,000,000. No down payment is required pursuant to N.J.S.A. 40A:2-11(c) as this bond ordinance authorizes obligations solely for a purpose described in N.J.S.A. 40A:2-7(d).

Section 2. In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$7,000,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the construction of beachfront buildings, including the 5th Avenue Pavillion and the 10th Avenue Pavillion, including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 20 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$7,000,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$1,400,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

(e) This bond ordinance authorizes obligations of the Borough solely for a purpose described in N.J.S.A. 40A:2-7(d). This purpose is in the public interest and is for the health, welfare, convenience or betterment of the inhabitants of the Borough. The amounts to be expended for this purpose pursuant to this bond ordinance are not unreasonable or exorbitant, and the issuance of the obligations authorized by this bond ordinance will not materially impair the credit of the Borough or substantially reduce its ability to pay punctually the principal of and the interest on its debts and to supply other essential public improvements and services. The Local Finance Board in the Division of Local Government Services of the Department of Community Affairs of the State of New Jersey has heretofore made a determination to this effect and has caused its consent to be endorsed upon a certified copy of this bond ordinance as passed upon first reading.

Section 7. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the

obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Introduced: April 1, 2014

Mayor Doherty offered the ordinance for introduction, which was seconded by Council member Magovern and approved by the following vote:

AYES: Magovern, Keown-Blackburn, Nicolay Doherty

NAYS: Bean

The ordinance is scheduled for second reading and public hearing on April 15, 2014.

April Claudio
Municipal Clerk

ORDINANCE 2014-08

**AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER XVII BEACHFRONT & MARINE REGULATIONS OF THE REVISED
GENERAL ORDINANCES OF THE BOROUGH OF BELMAR, IN THE COUNTY OF
MONMOUTH, NEW JERSEY, SECTION 18-2 BEACHFRONT REGULATIONS**

WHEREAS, the Borough of Belmar now desires to amend and supplement specific provisions with regards to smoking on the beach of the Borough of Belmar Revised General Ordinances.

NOW, THEREFORE, BE IT ORDAINED by the Borough of Belmar, County of Monmouth, New Jersey, that Chapter XVII Beachfront & Marine Regulations of the Borough of Belmar Revised General Ordinances are hereby amended and supplemented as follows:

SECTION I.

18-2.7 Rules and Regulations

- jj. No person shall smoke any cigarettes, cigars or other tobacco products in the beachfront area at any time ~~_, except in designated smoking areas as indicated by signs posted in the beachfront area.~~ The penalty for violation of this section shall be twenty-five (\$25.00) dollars.

SECTION II. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudicated and the remainder of the Ordinance shall be deemed valid and effective.

SECTION III. All Ordinances or parts of ordinances inconsistent with or in conflict with the ordinance are hereby repealed to the extent of such inconsistency

ORDINANCE 2014-09
(REPLACING ORDINANCE 2014-04)

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**AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER V DEPARTMENT OF PUBLIC SAFETY OF THE REVISED GENERAL
ORDINANCES OF THE BOROUGH OF BELMAR, IN THE COUNTY OF
MONMOUTH, NEW JERSEY**

WHEREAS, the Borough of Belmar now desires to amend and supplement specific provisions with regard to hiring of off duty police personnel of the Borough of Belmar Revised General Ordinances.

NOW, THEREFORE, BE IT ORDAINED by the Borough of Belmar, County of Monmouth, New Jersey, that Chapter V Department of Public Safety of the Borough of Belmar Revised General Ordinances are hereby amended and supplemented as follows:

SECTION I. The following sections of 5-2.6, shall be amended as follows:

5-2.6 Private Employment of Off-Duty Police Personnel.

- a. *Policy.* Members of the Police Department shall be permitted to accept employment as safety or security personnel for private employers only during off-duty hours and at such times as will not interfere with the efficient performance of regularly scheduled or emergency duty for the Borough.
- Any person or entity wishing to employ off-duty police shall first obtain the approval of the Chief of Police, which approval shall be granted, if such employment would not be inconsistent with the efficient functioning and good reputation of the Police Department, in the opinion of the Chief, and would not unreasonably endanger or threaten the safety or health of the officer or officers who are to perform the work.
- b. *Payment.* Private employers shall pay directly to the Chief Financial Officer, the hourly sum of seventy (\$70.00) ~~thirty five (\$35.00)~~ dollars per officer for the work to be performed or fifty (\$50.00) dollars per officer for the work to be performed if work performed is for the schools or the Borough of Belmar. This established rate shall provide sixty five (\$65.) or fifty (\$50.00) ~~thirty one (\$31.00)~~ dollars per hour to the employee and four (\$4.00) dollars per hour as administrative costs, to be retained by the municipality.

SECTION II. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudicated and the remainder of the Ordinance shall be deemed valid and effective.

SECTION III. All Ordinances or parts of ordinances inconsistent with or in conflict with the ordinance are hereby repealed to the extent of such inconsistency

Additions are indicated by underline; and, deletions by ~~strikeout~~.

ORDINANCE NO. 2014-10

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XXIX (WATER SEWER UTILITY DEPARTMENT ESTABLISHING NEW WATER-SEWER RATES AND ESTABLISHING A MINIMUM USAGE

Be it ordained by the Mayor and Council of the Borough of Belmar, in the County of Monmouth, State of New Jersey, as follows:

SECTION I. Chapter XXIX, Section 29-7.1, Rates and Service Charges – Water/Sewer Rates, shall be amended as follows

- a. Effective June 1, 2014, the owner of each parcel of property, all public entities, utilities, agencies and educational institutions utilizing water and sewer services shall be charged a minimum quarterly usage fee of ~~sixty-seven dollars and twenty-five (\$67.25)~~ seventy-seven dollars and thirty-five cents (\$77.35) per account. This ~~sixty-seven dollars and twenty-five (\$67.25) cents~~ seventy-seven dollars and thirty-five cents (\$77.35) fee shall allow for a usage of five thousand (5,000) gallons of water per quarter. All water utilized in excess of five thousand (5,000) gallons per quarter shall be billed at the rate of ~~thirteen dollars and forty-five (\$13.45) cents~~ fifteen dollars and forty-seven cents (\$15.47) for each one thousand (1,000) gallons of water (or any portion thereof) actually used at the property. The number of gallons used shall be based on meter readings. Meters shall be read by authorized employees or agents of the Borough of Belmar on or about the end of February, May, immediately after Labor Day and November and the number of gallons used shall be determined by calculating the difference between the current reading and the immediately preceding meter reading. This water-sewer rate of ~~thirteen dollars and forty-five (\$13.45) cents~~ fifteen dollars and forty-seven cents (\$15.47) equates to a sewer rate of ~~seven dollars and fifty-six (\$7.56) cents~~ eight dollars and eighty-six cents (\$8.86) combined with a water rate of ~~five dollars and eighty-nine (\$5.89) cents~~ six dollars and sixty-one (\$6.61) per thousand (1,000) gallons.
- b. Customers having a separate/metered account for a lawn sprinkler system will be billed at a separate water rate of ~~five dollars and eighty-nine (\$5.89) cents~~ six dollars and sixty-one (\$6.61) for each one thousand (1,000) gallons of water (or any portion thereof) actually used at the property, and shall not be charged the minimum quarterly fee.
- c. Customers having a fire sprinkler system shall not be charged the minimum quarterly fee, but shall be billed yearly, pursuant to subsection 29-7.9 of this section.
- d. Billing for the water-sewer services shall be conducted as follows: Bills will be prepared and sent on a quarterly basis. Said bills will be split into three (3) equal monthly payments and will be due on the first of the three following months. Bills will be prepared in the following manner:

Quarterly Billing Cycle

<i>Mailing Date</i>	<i>Type of Bill</i>	<i>Due Date</i>
March 10	1/3 Actual Read	April 1
	1/3 Actual Read	May 1
	1/3 Actual Read	June 1
June 10	1/3 Actual Read	July 1
	1/3 Actual Read	August 1
	1/3 Actual Read	September 1
September 20	1/3 Actual Read	October 1
	1/3 Actual Read	November 1
	1/3 Actual Read	December 1
December 10	1/3 Actual Read	January 1
	1/3 Actual Read	February 1
	1/3 Actual Read	March 1

- e. The beach utility shall be required to pay for water/ sewer services at the same rates as set forth above. A single annual bill shall be rendered on or before November 1 of each year and shall be due and payable within thirty (30) days after the bill is rendered. Each bill shall be

based on actual usage determined according to a meter reading taken on or about October 1 of each year.

SECTION II. If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

SECTION III. All Ordinances or parts of ordinances inconsistent with or in conflict with the ordinance are hereby repealed to the extent of such inconsistency.

SECTION IV. This Ordinance shall take effect 20 days after final passage, adoption and publication according to law.