

“GOD BLESS AMERICA”

REGULAR MEETING

NOVEMBER 5, 2014

A regular meeting of the Mayor and Council of the Borough of Belmar held on the above date at 5:30 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 October 22, 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

BELMAR YOUTH GOVERNMENT: Mayor and Council Mock Meeting

SPECIAL PRESENTATION:

- St. Rose 125th Anniversary
- Employee of the Month

WORKSHOP DISCUSSION:

- Best Practices Checklist

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**

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 EXECUTING GRANT CONTRACT WITH NJDOT FOR IMPROVEMENTS TO RHODE ISLAND POINT AREA – PHASE I PROJECT**
- **RESOLUTION RELEASING PERFORMANCE BOND FOR TROP PUB REDEVCO LLC**
- **RESOLUTION MAKING FINDINGS AND DETERMINATIONS ON LEGALIZED GAMES OF CHANCE APPLICATION NUMBER 2014-18 & 19**

ORDINANCES:

Second Reading & Public Hearing

ORDINANCE 2014-18

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER IV,
DEPARTMENT OF FINANCE, OF THE GENERAL ORDINANCES OF THE
BOROUGH OF BELMAR PERTAINING TO SECTION 13, RECEIPT OF BIDS**

PUBLIC SESSION:

MEETING ADJOURNED

RESOLUTION NO 2014-

**RESOLUTION MAKING FINDINGS AND DETERMINATIONS ON
LEGALIZED GAMES OF CHANCE APPLICATION NUMBER
2014-18 & 19**

WHEREAS, the Borough Council has received from the Chief of Police a written report for the following named applicant for Legalized Games of Chance.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Belmar that it is their Findings and Determinations that the following has qualified for the Raffle License:

APPLICANT	NUMBER	PREMISES	DATE	TIME
Friendly Sons of the Shillelagh	2014-18	815 16 th Avenue	12/20/14	8:00 pm
Friendly Sons of the Shillelagh	2014-19	815 16 th Avenue	1/7, 2/4, 3/4, 4/1, 5/6, 6/3, 7/1, 8/5, 9/2, 10/7, 11/4 & 12/2/15	8:00 pm

BE IT FURTHER RESOLVED that said licenses are granted and the Clerk of the Borough of Belmar is authorized to issue said licenses upon the payment of required fee, and the Borough Clerk is authorized to file Findings and Determinations Form LGCC5A with the Legalized Games of Chance Commission as the verifying official.

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 RELEASING PERFORMANCE BOND FOR TROP PUB
REDEVCO LLC**

WHEREAS, Trop Pub Redevco LLC has requested a release of their performance bond in the amount of \$20,014.09; and

WHEREAS, the request was submitted to the Borough Engineer for his inspection and recommendation, and

WHEREAS, in response Maser Consulting has forwarded their letter to the governing body indicating that “All required items of work have been completed in substantial compliance with the approved plans and are acceptable”; and

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Belmar that, in accordance with the recommendation of Maser Consulting the performance guarantees in the amount of \$20,014.09 be released.

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:

ORDINANCE 2014-18

AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER IV, DEPARTMENT OF FINANCE, OF THE GENERAL ORDINANCES OF THE
BOROUGH OF BELMAR PERTAINING TO SECTION 13, RECEIPT OF BIDS

WHEREAS, the Borough wishes to revise and/or repeal Ordinance 2014-01.

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

SECTION I. Chapter IV, Section 13, Receipt of Bids, shall have the following deleted in its entirety:

~~c. Responsible Bidders~~

~~1. The Borough of Belmar, through its contracting authority, shall require an entity that bids on a public contract produce satisfactory evidence that the business entity is properly registered and authorized to conduct the type of work to be performed, including evidence that demonstrates that the entity possesses or complies with requirements of the Internal Revenue Service, New Jersey Departments of Treasury and/or Labor, as well as complying with the general business license requirements of the State of New Jersey prior to the award and during the term of the contract.~~

~~(a) The provision of satisfactory evidence by the bidding entity, is that it provides or participates in an apprenticeship and training program approved and registered with the U.S. Department of Labor's Bureau of Apprenticeship & Training, as well as a benefit configuration being no less than required under the New Jersey Prevailing Wage Act, or the bidder certifies that they will not pay any less than the journeymans rate as defined by the New Jersey Prevailing Wage Act, are minimally required to demonstrate that a bidding entity is "responsible".~~

~~2. The contracting authority, in order to make its determination as to whether the bidding entity is responsible, shall confirm and substantiate that the contract awardee can reasonably be expected to complete and perform under the contract specifications, and the contracting authority may require the successful bidder to post a bid, performance, wage/fringe benefit and/or material bond(s). The contracting authority shall also determine if the successful bidder can reasonably be expected to complete the project within the time constraints as delineated in the request for bids and/or proposals. The contracting authority shall also determine if the bidding entity maintains a satisfactory level of past performance and integrity as well as possesses the financial, supervisory, personnel, material, equipment and other resources and expertise to satisfactorily meet its contractual responsibilities and obligations.~~

~~3. The contracting authority may factor in its determination of whether a bidder is "responsible" such factors as bidder's record of conformity with environmental, labor and health & safety laws including compliance with the requirements of the U.S. Department of Labor's Occupational Safety & Health Administration.~~

~~4. All bidders shall be required to provide a certificate of insurance, designating the Borough of Belmar as an Additional Insured under all pertinent policies, specifying all required coverages, including general liability, workers' compensation, completed operations, automobile, hazardous occupation, product liability and professional liability at such time as the contracting authority deems appropriate to protect the interests of the Borough of Belmar.~~

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.