

“GOD BLESS AMERICA”

REGULAR MEETING

DECEMBER 2, 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 December 30, 2013 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

WORKSHOP DISCUSSION:

- Chef’s International

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 APPROVING SPECIAL EVENTS
- RESOLUTION APPOINTING SPECIAL II POLICE OFFICERS
- RESOLUTION SUPPORTING NJDOT’S “NO PASSING ZONE” ROUTES IN THE BOROUGH OF BELMAR
- RESOLUTION AWARDED CONTRACT FOR MID-GRADE ULTRA LOW NO LEAD GASOLINE AND ULTRA LOW SULFUR PREMIUM DIESEL
- RESOLUTION AWARDED CONTRACT FOR RECYCLING SERVICES
- RESOLUTION OF THE BOROUGH OF BELMAR, COUNTY OF MONMOUTH, NEW JERSEY DESIGNATING CHEF’S INTERNATIONAL, INC. AS REDEVELOPER OF BLOCK 98, LOT 1 AT THE MARINA AND AUTHORIZING EXECUTION OF A REDEVELOPMENT AGREEMENT AND LEASE AMENDMENT IN CONNECTION THEREWITH.

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**

Second Reading & Public Hearing

ORDINANCE 2014-19

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XIX
(TRAFFIC) OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF
BELMAR, SECTIONS 19-46 HANDICAPPED PARKING SPACES**

PUBLIC SESSION:

MEETING ADJOURNED

RESOLUTION 2014-

RESOLUTION OF THE BOROUGH OF BELMAR, COUNTY OF MONMOUTH, NEW JERSEY DESIGNATING CHEF'S INTERNATIONAL, INC. AS REDEVELOPER OF BLOCK 98, LOT 1 AT THE MARINA AND AUTHORIZING EXECUTION OF A REDEVELOPMENT AGREEMENT AND LEASE AMENDMENT IN CONNECTION THEREWITH.

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.*, as amended from time to time (the “**Redevelopment Law**”), provides a process for municipalities to participate in the redevelopment and improvement of areas in need of redevelopment; and

WHEREAS, the Borough of Belmar (the “**Borough**”) seeks to cause the redevelopment of a portion of the Borough marina consisting of Block 98, Lot 1, as designated on the Borough’s Official Tax Map (the “**Subject Property**”); and

WHEREAS, on March 12, 1997, the Borough Council of the Borough (the “**Borough Council**”) adopted Resolution No. 1997-55 authorizing the Planning Board of the Borough (the “**Planning Board**”) to investigate whether certain property, including the Subject Property, within the Borough qualified as an “area in need of redevelopment” in accordance with the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “**Redevelopment Law**”); and

WHEREAS, on October 7, 1997, the Planning Board adopted Resolution No. 1997-02 determining that certain property within the Borough and identified on the “Belmar Seaport Redevelopment Area Investigation Map” met certain criteria under the Redevelopment Law for designation as an “area in need of redevelopment” all as described in the map and report prepared by Schoor DePalma entitled “Belmar Seaport Redevelopment Area Investigative Map and Seaport Redevelopment Program” dated August 4, 1997, revised to September 10, 1997; and

WHEREAS, on November 26, 1997, the Borough Council adopted Resolution No. 1997-235 designating the property identified in the “Belmar Seaport Redevelopment Area Investigation Map” as an “area in need of redevelopment” in accordance with Redevelopment Law and designating such area as the “Belmar Seaport Redevelopment Area” (the “**Seaport Redevelopment Area**”); and

WHEREAS, the Planning Board issued its findings and recommendations as to the manner in which the Seaport Redevelopment Area was to be redeveloped and rehabilitated in the “Seaport Redevelopment Program - Borough of Belmar, New Jersey - Redevelopment Plan” dated June 3, 2003 (the “**Original Redevelopment Plan**”); and

WHEREAS, on August 13, 2003, the Borough Council adopted Ordinance 2003-18 approving and adopting the Original Redevelopment Plan, which Original Redevelopment Plan was amended and supplemented by Ordinance No. 2006-26 adopted on December 27, 2006, Ordinance No. 2007-15 adopted on October 24, 2007, Ordinance No. 2008-05 adopted on February 13, 2008, Ordinance 2010-11 adopted on June 16, 2010, Ordinance No. 2010-21 adopted on September 15, 2010, Ordinance No. 2011-02 and Ordinance No. 2011-03 adopted on March 2, 2011, Ordinance No. 2011-17 adopted on June 6, 2011, and Ordinance No. 2012-02 adopted on March 7, 2012 (the “**Redevelopment Plan Ordinances**”) (the “**Original Redevelopment Plan**” as amended and supplemented by the Redevelopment Plan Ordinances is referred to herein as the “**Redevelopment Plan**”); and

WHEREAS, on October 11, 2006, the Council adopted Ordinance No. 2006-23 which combined certain other lots into the Seaport Redevelopment Area (as combined, the “**Redevelopment Area**”); and

WHEREAS, pursuant to the Redevelopment Law the Borough Council designated itself as the “redevelopment entity”, as such term is defined at *N.J.S.A. 40A:12A-3*, for the Redevelopment Area, with full authority to exercise the powers contained in the Redevelopment Law to facilitate and implement the development of the Redevelopment Area; and

WHEREAS, the Subject Property is in the Redevelopment Area and is governed by the Redevelopment Plan; and

WHEREAS, Chef's International, Inc., dba Baker's Wharfside Belmar ("**Redeveloper**") proposes to re-construct and/or rehabilitate the existing building located on the Subject Property to accommodate two (2) restaurants and all related improvements, including infrastructure, in accordance with the Redevelopment Plan (the "**Project**"); and

WHEREAS, the Borough owns the Subject Property and previously entered into a redevelopment agreement dated June, 2012 (the "**Prior Redevelopment Agreement**") with the Redeveloper for a portion of the Borough marina, also owned by the Borough, consisting of Block 98, Lot 1 and Block 108, Lot 1 (collectively, the "**Phase I Redevelopment Site**"), of which the Subject Property is a part; and

WHEREAS, as contemplated by the Prior Redevelopment Agreement, the Borough leased the Phase I Redevelopment Site to the Redeveloper pursuant to that certain Amended Lease Agreement dated June 4, 2012 (the "**Lease**"); and

WHEREAS, in connection with the redevelopment of the Subject Property, the Borough and Redeveloper intend to amend the Lease (the "**Lease Amendment**") in order to consolidate therein the terms and conditions for the lease of the Phase I Redevelopment Site and the Subject Property; and

WHEREAS, the Borough has determined that the Redeveloper meets all necessary criteria, including financial capability, experience and expertise, for designation as the exclusive redeveloper of the Subject Property; and

WHEREAS, in order to facilitate development, financing, construction, operation and management of the Project, the Borough proposes to enter into a redevelopment agreement with the Redeveloper (the "**Redevelopment Agreement**") designating the Redeveloper as the "redeveloper" of the Project as that term is defined in the Redevelopment Law, and specifying the respective rights and responsibilities of the Borough and the Redeveloper with respect to the Project.

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF BELMAR AS FOLLOWS:

1. The Mayor is hereby authorized to execute the Redevelopment Agreement and the Lease Amendment, substantially in the forms on file with the Borough Clerk, respectively, subject to such additions, deletions, modifications or amendments deemed necessary by the Mayor in his discretion in consultation with counsel, which additions, deletions, modifications or amendments do not alter the substantive rights and obligations of the parties thereto, and to take all other necessary and appropriate action to effectuate the Redevelopment Agreement and the Lease Amendment.

2. Upon execution of the Redevelopment Agreement, and so long as the Redevelopment Agreement remains in full force and effect, the Redeveloper is hereby designated as Redeveloper for the Subject Property.

3. This Resolution shall take effect immediately.

I HEREBY CERTIFY the foregoing to be a true copy of a Resolution adopted on December 2, 2014 by the Borough Council of the Borough of Belmar, Monmouth County, New Jersey.

April Claudio, Clerk