

**RESOLUTION NO. 2017-**

**RESOLUTION AUTHORIZING ISSUANCE OF A PLENARY RETAIL  
CONSUMPTION LICENSE NO. 1306-33-001-010 FOR CHEFS INTERNATIONAL INC.  
FOR THE PERIOD ENDING JUNE 30, 2018**

**WHEREAS**, application has been made for Plenary Retail Consumption License No. 1306-33-001-010 by Chefs International Inc. for the premises at 713-715 Main Street, 700 Eighth Ave. and 709-711 Main Street DBA Anchor Tavern; and

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

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council that a Plenary Retail Consumption License for the period from to July 1, 2017 to June 30, 2018 both dates inclusive, be issued to Chefs International Inc. subject to the Special Condition that no alcoholic beverages shall be sold, served, delivered to, or consumed in, or allowed to be sold, served, delivered to or consumed in the licensed premises during such time as the number of persons listed after the names of the respective following license:

1306-33-001-010- The premises at 713-715 Main St. and 700 Eighth Ave. and for storage in the basement of 700 Eighth Ave. Occupancy limited to One Hundred Forty-Eight (148) persons inside, outside dining area Forty (44) persons. Tavern area at 709-711 Main St. occupancy limited to One Hundred Thirty-Six (136) persons.

**WHEREAS**, the following conditions are placed on this license:

1. Counting of all those people entering and leaving shall be conducted on Friday, Saturday, or any special promotional night. One mechanical counter will be used for those entering the premises and a separate one will be used for those exiting.
2. It is a requirement that all employees licensed to handle alcoholic beverages undergo TAMS training within 30 days of being hired; records of this requirement are to be maintained by the licensee.
3. It is a requirement that the appropriate software updates are provided for the scan system.
4. No person shall be allowed to sit, stand or dance on top of the bar.
5. The continued use of Shush Patrols by the licensee from Memorial Day to Labor Day should be continued and coordinated with the Police Dept.
6. The licensee shall maintain a no entry list, which is a list of persons who the licensee does not permit in the establishment.
7. Live Music in the outdoor enclosed bar/dining area will be permitted provided that it shall be limited to 3 pieces (without heavy percussion) and DJ's (with amplification) and shall conclude by no later than 11:00 pm.
8. The outdoor dining area, including bar shall be enclosed at all times with controlled access points through the restaurant or on 8<sup>th</sup> Avenue only. The licensee will have posted a minimum of one (1) security personnel outside the entrance on 8<sup>th</sup> Avenue on Friday and Saturday from 6pm to closing as well as on high volume Holidays/Sundays as needed in coordination with the Belmar Police Department.
9. Unruly Patrons: All personnel responsible for the distribution of alcohol and providing security will be trained in the ServSafe program as well as have knowledge of the local ordinances. When a patron acts in a manner that is violent, abusive, indecent, profane, boisterous, or otherwise disorderly, they will be immediately asked to leave. If a patron refuses, management will notify the Borough of Belmar's Police

Department.

- 10. Intoxicated Patrons: All personnel may not sell, dispense, or give away alcohol to any person who is deemed intoxicated. When a customer has been “cut-off”, the server will notify the other employees. Management will support the server’s decision to terminate service to any customer. The customer will be asked to leave and management will secure a sober driver or provide a taxi service to take the patron home. If the customer refuses, management will notify the Borough Belmar’s Police Department with a description of the person and the license plate number of the vehicle, if possible.
- 11. False IDs: All identification cards used to prove age must be valid (i.e., may not be expired), and must be government issued. If the identification card is expired or appears at all questionable to the employee, the employee shall request a second form of identification. The employee shall make sure that the individual purchasing the liquor resembles the identification card. All employees are encouraged to ask purchasers questions relating to their identification in order to verify the information. If the employee checking an ID has a strong suspicion that an ID is false, altered, or belongs to someone other than the person presenting the ID, he/she shall confiscate the ID and turn it over to management, to be presented to the police.
- 12. Control/Supervision of Patron under 21 (restaurant applications) Licensee will request proof of age from any customer who appears to be 30 years of age or younger, and will refuse service to any customer who cannot produce adequate ID.
- 13. Circumstances under which the Police will be called: The police will be called, in a timely manner, any time management or staff has information to believe a crime has been or is about to be committed and/or whenever a threat of or act of violence occurs in the premises or off premises in areas that would be considered in view or earshot of the establishment.
- 14. Handling of Physical Disturbances, including Fights: Security or management will ask anyone who is fighting to leave. If necessary, security or management will call the local law enforcement agency for assistance. Licensee will permanently refuse admittance to any chronic problem customer.

**BE IT FURTHER RESOLVED** that the Borough Clerk be and is authorized to sign and deliver license certificate to said applicant.

offered the above resolution and moved its adoption.

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

|                  |      |      |        |         |
|------------------|------|------|--------|---------|
| Council members: | AYES | NAYS | ABSENT | ABSTAIN |
| Mr. Walsifer     |      |      |        |         |
| Mr. Magovern     |      |      |        |         |
| Mr. Brennan      |      |      |        |         |
| Mrs. Nicolay     |      |      |        |         |
| Mayor Doherty    |      |      |        |         |

Adopted:

**RESOLUTION NO. 2017-**

**RESOLUTION AUTHORIZING ISSUANCE OF PLENARY RETAIL  
CONSUMPTION LICENSE NO. 1306-33-008-009 TO KLEIN’S FISH MARKET, INC.  
FOR THE PERIOD ENDING JUNE 30, 2018**

**WHEREAS**, application has been made for a Plenary Retail Consumption License No. 1306-33-008-009 by Klein’s Fish Market, Inc. for the premises at 702,704 and 708 River Road, Belmar, N.J.; and

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

**WHEREAS**, the use of this license is to provide alcoholic beverages to dining room customers. A live music area is limited to two or three musicians from 6PM-11PM; that the entertainment be for seated customers only, with no standing audience; and that there be no music allowed after 11PM. Must comply with floor plan approved by Mayor & Council.

- 1. It is a requirement that all employees licensed to handle alcoholic beverages undergo TAMS training within 30 days of being hired; records of this requirement are to be maintained by the licensee.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council that a Plenary Retail Consumption License for the period from July 1, 2017 to June 30, 2018 both dates inclusive, be issued to Klein’s Fish Market, Inc. subject to the Special Condition that no alcoholic beverages shall be sold, served, delivered to, or consumed in the license premises during such time as the number of persons, exclusive of employees, occupying the licenses premises exceeds the occupancy limit established by the Fire Official.

Occupancy: 1306-33-001-009- The premises at 702,704 and 708 River Road Occupancy limited to 223 persons inside dining, outside dining area 440 persons.

**BE IT FURTHER RESOLVED** that the Borough Clerk be and is authorized to sign and deliver license certificate to said applicant.

offered the above resolution and moved its adoption.

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

|                  |      |      |        |         |
|------------------|------|------|--------|---------|
| Council members: | AYES | NAYS | ABSENT | ABSTAIN |
| Mr. Walsifer     |      |      |        |         |
| Mr. Magovern     |      |      |        |         |
| Mr. Brennan      |      |      |        |         |
| Mrs. Nicolay     |      |      |        |         |
| Mayor Doherty    |      |      |        |         |

Adopted:

**RESOLUTION NO. 2017-**

**RESOLUTION AUTHORIZING ISSUANCE OF PLENARY RETAIL  
DISTRIBUTION LICENSE FOR DAI SENG CORP. T/A LITTLE RED BARN FOR THE  
PERIOD ENDING JUNE 30, 2018**

**WHEREAS**, application has been made for Plenary Retail Distribution License by Dai Seng Corp., T/A The Little Red Barn; and

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

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council that Plenary Retail Distribution License for the period from July 1, 2017 to June 30, 2018 both dates inclusive be issued to: 1306-44-012-002-Dai Sing Corp., t/a The Little Red Barn for the premises at 1506 Main St.

It is a requirement that all employees licensed to handle alcoholic beverages undergo TAMS training within 30 days of being hired; records of this requirement are to be maintained by the licensee.

**BE IT FURTHER RESOLVED** that the Borough Clerk be and is hereby authorized to sign and deliver license certificate to the aforementioned applicants.

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 |
| Mr. Walsifer     |      |      |        |         |
| Mr. Magovern     |      |      |        |         |
| Mr. Brennan      |      |      |        |         |
| Mrs. Nicolay     |      |      |        |         |
| Mayor Doherty    |      |      |        |         |

Adopted:

**RESOLUTION NO. 2017-**

**RESOLUTION AUTHORIZING THE ADVERTISEMENT FOR BIDS TO LEASE A PORTION OF TAYLOR PAVILION FOR ZUMBA CLASSES**

**WHEREAS**, the Borough Council has determined that certain portions of the Taylor Pavilion can be used for Zumba 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 Zumba Classes from the date of signing of the lease to September 30, 2017.

**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 Taylor Pavilion for Zumba 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 Five Hundred Dollars (\$500.00).

A bid deposit of two hundred and fifty Dollars (\$250.00) must be submitted no later than prior to the beginning of the Public Auction on Tuesday, July 11, 2017 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 the date of the signing of the lease to September 30, 2017 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 June 15<sup>th</sup> and June 22<sup>nd</sup>.

**BE IT FURTHER RESOLVED** that the bidding by auction shall take place on Tuesday, July 11, 2017 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 |
| Mr. Walsifer     |      |      |        |         |
| Mr. Magovern     |      |      |        |         |
| Mr. Brennan      |      |      |        |         |
| Mrs. Nicolay     |      |      |        |         |
| Mayor Doherty    |      |      |        |         |

Adopted:

**RESOLUTION NO. 2017-**

**RESOLUTION AUTHORIZING THE RECEIPT OF BIDS FOR SIDEWALK AND CURBING PROJECT**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Belmar, County of Monmouth, State of New Jersey, that the Borough Clerk or Business Administrator be and is hereby authorized to advertise for sealed bids for a sidewalk and curbing replacement project. Bids will be returnable before the Business Administrator in accordance with the terms, conditions and specification of the Notice to Bidders and Standard Proposal Form.

offered the above resolution and moved its adoption.

Seconded by and adopted by the following vote:

|                 |      |      |         |        |
|-----------------|------|------|---------|--------|
| Councilmembers: | AYES | NAYS | ABSTAIN | ABSENT |
| Mr. Walsifer    |      |      |         |        |
| Mr. Magovern    |      |      |         |        |
| Mr. Brennan     |      |      |         |        |
| Mrs. Nicolay    |      |      |         |        |
| Mayor Doherty   |      |      |         |        |

Adopted:

**RESOLUTION NO. 2017-**

**RESOLUTION AWARDING CONTRACT FOR THE LAKE COMO STORMWATER  
OUTFALL IMPROVEMENT PROJECT**

**WHEREAS**, on May 18, 2017 the Borough of Belmar received bids for the Lake Como Flood Hazard Mitigation Project; and

**WHEREAS**, as set forth in the “Certification As To Availability Of Funds”, annexed hereto, adequate funds are available for this contract award.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council on this 7<sup>th</sup> day of June 2017 that:

1. Contract is awarded to J.E. Hannon Inc. T/A Bird Construction in the amount of 4,328,879.09.

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**-- CERTIFICATION AS TO AVAILABILITY OF FUNDS**

I herewith certify that, as of June 5, 2017 funds are available in the appropriation account entitled, Bond Ordinance 2015-24 which has an available balance in the amount of \$6,160,395.48 for the proposed contract noted above.

Robbin D. Kirk  
Chief Financial Officer

offered the above resolution and moved its adoption.

Seconded by Council member and adopted by the following vote:

| Councilmembers: | AYES | NAYS | ABSTAIN | ABSENT |
|-----------------|------|------|---------|--------|
| Mr. Magovern    |      |      |         |        |
| Mr. Walsifer    |      |      |         |        |
| Mr. Brennan     |      |      |         |        |
| Mrs. Nicolay    |      |      |         |        |
| Mayor Doherty   |      |      |         |        |

Adopted:

**RESOLUTION NO. 2017-**

**RESOLUTION AUTHORIZING CONTRACT PURCHASE OF  
PLAYGROUND SURFACE MATERIALS**

**WHEREAS**, the Borough Council of the Borough of Belmar wishes to purchase playground surface materials from an authorized vendor under the Educational Services Commission of New Jersey Cooperative Purchasing Program (ESCNJ) 65MCESCCPS; and

**WHEREAS**, the purchase of goods and services by local contracting units is authorized by the Local Contracts Law, 40A:11-12; and

**WHEREAS**, RubbeRecycle, Inc. is under the ESCNJ 16/17-13 for the 2017 year; and

**WHEREAS**, the Director of Public Works recommends the utilization of this contract on the grounds that they can provide the quality of product at the most reasonable price; and

**WHEREAS**, the cost for the purchase of the playground surfaces for the 15<sup>th</sup> Avenue Park and Silver Lake Park is \$269,263.00; and

**WHEREAS**, this resolution shall replace the award authorization in Resolution 2017-86; and

**WHEREAS**, the Chief Financial Officer has certified the availability of funds for this contract are available through the Bond Ordinance 2017-07.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Borough Council that the purchase of playground surface materials ordered under ESCNJ approved Co-op No. 65MCESCCPS be and is hereby ratified.

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**CERTIFICATION AS TO AVAILABILITY OF FUNDS**

I herewith certify that, as of June 5, 2017 that there is adequate funds available for the proposed contract noted above in Bond Ordinance 2017-07 which has an available balance in the amount of \$648,941.

Robbin D. Kirk  
Chief Financial Officer

The Mayor shall abstain from voting on this Resolution by reason of his or her "General Ineligibility" as provided by Belmar Ord. No. 9-5. Council member Magovern shall abstain from voting on this Resolution by reason of a personal conflict.

Council member Nicoaly offered the above resolution and moved its adoption.

Seconded by Council member Brennan and adopted by the following vote on roll call:

|                  |      |      |         |        |
|------------------|------|------|---------|--------|
| Council members: | AYES | NAYS | ABSTAIN | ABSENT |
| Mr. Walsifer     |      |      |         |        |
| Mr. Magovern     |      |      |         |        |
| Mrs. Nicolay     |      |      |         |        |
| Mr. Brennan      |      |      |         |        |
| Mayor Doherty    |      |      |         |        |

Adopted:

**RESOLUTION NO. 2017-**

**RESOLUTION AUTHORIZING GSA CONTRACT PURCHASE OF  
A BARBER SURF RAKE**

**WHEREAS**, the Borough Council of the Borough of Belmar wishes to purchase a Barber surf rake from an authorized vendor under the General Services Administration; and

**WHEREAS**, the purchase of goods and services by local contracting units is authorized by the Local Contracts Law, 40A:11-12; and

**WHEREAS**, Barber is under GSA Contract GS-30F-0038V for the 2017 year;  
and

**WHEREAS**, the Director of Public Works recommends the utilization of this contract on the grounds that they can provide the quality of product at the most reasonable price;  
and

**WHEREAS**, the cost for the purchase of the Barber surf rake is \$53,942.64 and

**WHEREAS**, the Chief Financial Officer has certified the availability of funds for this contract are available through .

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Borough Council that the purchase of electrical distribution equipment be ordered and is hereby ratified.

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**CERTIFICATION AS TO AVAILABILITY OF FUNDS**

I herewith certify that there is adequate funds available for the proposed contract noted above in the Beach Utility Capital Outlay.

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 |
| Mr. Walsifer    |      |      |         |        |
| Mr. Magovern    |      |      |         |        |
| Mr. Brennan     |      |      |         |        |
| Mrs. Nicolay    |      |      |         |        |
| Mayor Doherty   |      |      |         |        |

Adopted:

**RESOLUTION NO. 2017-**

**RESOLUTION PURSUANT TO N.J.A.C. 5:30-14.4 ET SEQ. CHANGE ORDER  
NUMBER ONE FOR THE 2016 SIDEWALK PROGRAM**

**WHEREAS**, the Borough Administrator has certified Change Order Number One to amend project costs by agreement with the contractor, A&A Curbing Inc. for the 2016 Sidewalk Program; 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 \$59,323.25.

**NOW, THEREFORE, BE IT RESOLVED** 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.

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**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 hereby certify that adequate appropriations and funds are available in accordance with N.J.A.C.50:30-14.5 for the aforesaid request for change order in Bond Ordinance 2016-09 which has an available balance in the amount of \$195,160.

Robbin D. Kirk  
Chief Financial Officer

offered the above resolution and moved its adoption. Seconded by adopted by the following vote on roll call:

|                  |      |      |         |        |
|------------------|------|------|---------|--------|
| Council members: | AYES | NAYS | ABSTAIN | ABSENT |
| Mr. Walsifer     |      |      |         |        |
| Mr. Magovern     |      |      |         |        |
| Mr. Brennan      |      |      |         |        |
| Mrs. Nicolay     |      |      |         |        |
| Mayor Doherty    |      |      |         |        |

Adopted:

**RESOLUTION NO. 2017**

**RESOLUTION AUTHORIZING ISSUANCE OF SEASONAL PLENARY RETAIL  
CONSUMPTION ALCOHOLIC BEVERAGE LICENSE FOR CSL BELMAR LLC FOR  
PERIOD ENDING JUNE 30, 2018 TO BE HELD IN POCKET**

**WHEREAS**, application has been made for Plenary Retail Consumption License No. 1306-34-004-002 by CSL Belmar LLC; and

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

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council that Plenary Retail Consumption License No. 1306-34-004-002 for the period from July 1, 2017 to June 30, 2018, dates inclusive, be renewed as an inactive license held in pocket.

**BE IT FURTHER RESOLVED** that the Borough Clerk be and is authorized to sign and deliver license certificate to the said applicant.

offered the above resolution and moved its adoption.

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

|                  |      |      |        |         |
|------------------|------|------|--------|---------|
| Council members: | AYES | NAYS | ABSENT | ABSTAIN |
| Mr. Walsifer     |      |      |        |         |
| Mr. Magovern     |      |      |        |         |
| Mr. Brennan      |      |      |        |         |
| Mrs. Nicolay     |      |      |        |         |
| Mayor Doherty    |      |      |        |         |

Adopted:

**RESOLUTION NO. 2017-**

**RESOLUTION GRANTING PERMISSION FOR A BLOCK  
PARTY FOR RESIDENTS ON D STREET BETWEEN 11<sup>TH</sup> AND 12<sup>TH</sup> AVENUES**

**WHEREAS**, Maria Florio has requested, in writing, to hold a block party on **July 22, 2017** from 2:00 to 7:00 pm on D Street between 11<sup>th</sup> and 12<sup>th</sup> Avenues. No live music will be permitted; and

**WHEREAS**, the Department of Public Works and Police Department are requested to provide barricades to block off said Street and to clean the street.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Belmar that permission be and is granted to Maria Florio to hold a block party as noted above.

offered the above resolution and moved its adoption.

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

|               | AYES | NAYS | ABSTAIN | ABSENT |
|---------------|------|------|---------|--------|
| Mr. Walsifer  |      |      |         |        |
| Mr. Magovern  |      |      |         |        |
| Mr. Brennan   |      |      |         |        |
| Ms. Nicolay   |      |      |         |        |
| Mayor Doherty |      |      |         |        |

Adopted:

**RESOLUTION NO. 2017-**

**RESOLUTION AUTHORIZING ISSUANCE OF SEASONAL RETAIL CONSUMPTION  
LICENSE TO D'JAIS LLC, T/A D'JAIS FOR THE PERIOD ENDING  
JUNE 30, 2018**

WHEREAS, an application was made by D'Jais, LLC, t/a D'Jais 1801-1803 Ocean Ave. for renewal of their Seasonal Retail Consumption License No. 1306-34-003-003; and

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

WHEREAS, said licensed premises at 1801 Ocean Ave. is licensed including the open porch between 1801 and 1803 Ocean Ave. The following areas are not part of the licensed premises, the existing snack bar or coffee shop, sitting rooms, lobby counters and outside counters.

WHEREAS, said the licensing renewal term is July 1, 2017 to June 30, 2018, however said license is only permitted to be operational from July 1, 2017 to November 14, 2017 and May 1, 2018 to June 30, 2018.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Belmar that a Seasonal Retail Consumption License be and is granted subject to the following special conditions:

1. Service and sale of alcoholic beverages is to be permitted only in the licensed areas as described above.
2. No alcoholic beverages shall be sold, served, delivered to, or consumed in the license premises during such time as the number of persons, exclusive of employees, occupying the licensed premise exceeds the occupancy limit established herein or by the Fire Official, whichever is less.
3. That the licensees provide the Chief of the Belmar Police Department, in writing, with the names and addresses of all employees.
4. That all floor men and security personnel of the licensee shall attend an in-service seminar concerning their duties and responsibilities. Said seminar shall be scheduled and conducted by the Belmar Police Department.
5. Licensee shall maintain counting system at each entrance to and exit from the licensed premises and at the entrance of each room within the premises to ensure compliance with occupancy limitations.
6. Occupancy is limited to six hundred and seventy six (676) seated inside and seven hundred or forty one (741) standing room only inside as set by the Borough of Belmar Fire Official and is subject to compliance to applicable ordinances and laws relating to zoning within the Borough of Belmar.
7. 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 TAMS training within 30 days of being hired; records of this requirement are to be maintained by the licensee.

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 upon renewal of license. 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 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 15<sup>th</sup> 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 on roll call:

| Council members: | AYES | NAYS | ABSENT | ABSTAIN |
|------------------|------|------|--------|---------|
| Mr. Walsifer     |      |      |        |         |
| Mr. Magovern     |      |      |        |         |
| Mr. Brennan      |      |      |        |         |
| Mrs. Nicolay     |      |      |        |         |
| Mayor Doherty    |      |      |        |         |

Adopted:

**RESOLUTION NO 2017-**

**RESOLUTION APPOINTING AND CONFIRMING APPOINTMENTS  
TO THE ENVIRONMENTAL COMMISSION AS PROVIDED BY BOROUGH  
ORDINANCE 1991-3 AND ORDINANCE 2004-19**

**BE IT RESOLVED** by the Borough Council of the Borough of Belmar that the following are appointed to the Environmental Commission as recommended by Mayor Doherty per Borough Ordinance:

Dianna Veilleux shall fill the unexpired term of Ginny Siedel which expires December 31, 2017.

Nozer Mehta shall fill the unexpired term of Alternate Member, Carol Davies, which expires December 31, 2017.

**BE IT FURTHER RESOLVED**, this Resolution shall replace previously adopted Resolution 2017-91.

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 |
|------------------|------|------|--------|---------|
| Mr. Walsifer     |      |      |        |         |
| Mr. Magovern     |      |      |        |         |
| Mr. Brennan      |      |      |        |         |
| Mrs. Nicolay     |      |      |        |         |
| Mayor Doherty    |      |      |        |         |

Adopted: Ma

**RESOLUTION NO. 2017-**

**RESOLUTION AUTHORIZING ISSUANCE OF PLENARY RETAIL CONSUMPTION  
LICENSE NO. 1306-32-015-007 TO FUSAL, LLC T/A LA DOLCE VITA FOR THE  
PERIOD ENDING JUNE 30, 2018**

**WHEREAS**, an application was made by Fusal LLC T/A La Dolce Vita for a Plenary Retail Consumption License No. 1306-32-015-007; and

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

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

**WHEREAS**, said licensing renewal term is July 1, 2017 to June 30, 2018.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council that a Plenary Retail Consumption License 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. 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.
6. 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.
7. 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.

- 8. It is a requirement that all wait staff, bartenders and personnel involved with the sale or service of alcohol undergo TAMS training within 30 days of being hired; records of this requirement are to be maintained by the licensee.
- 9. 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 on roll call:

|                  |      |      |        |         |
|------------------|------|------|--------|---------|
| Council members: | AYES | NAYS | ABSENT | ABSTAIN |
| Mr. Walsifer     |      |      |        |         |
| Mr. Magovern     |      |      |        |         |
| Mr. Brennan      |      |      |        |         |
| Mrs. Nicolay     |      |      |        |         |
| Mayor Doherty    |      |      |        |         |

Adopted:

**RESOLUTION NO 2017-**

**RESOLUTION AUTHORIZING REFUNDS**

**BE IT RESOLVED**, by the Mayor and Borough Council that the following refunds are hereby authorized upon certification by the Chief Financial Officer to the following:

Name  
Derasmo Excavating  
P.O. Box 451  
Point Pleasant, NJ 08724

Application #SO17-01, Street Opening Cash Gaurantee - \$500

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 |
| Mr. Walsifer     |      |      |        |         |
| Mr. Magovern     |      |      |        |         |
| Mr. Brennan      |      |      |        |         |
| Mrs. Nicolay     |      |      |        |         |
| Mayor Doherty    |      |      |        |         |

Adopted:

**RESOLUTION NO. 2017-**

**RESOLUTION REJECTING ALL BIDS FOR FENCING FOR PARKS AND  
PLAYGROUNDS**

**WHEREAS**, on March 31, 2017 the Borough of Belmar received bids for fencing for Maclearie Park playground, Memorial Field, 15<sup>th</sup> Avenue playground and Silver Lake playground; and

**WHEREAS**, the bids were reviewed and it was determined that all bids shall be rejected as per N.J.S.A. 40A:11-13.2, the contracting unit wants to substantially revise the specifications for the goods or services.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council on this 7<sup>th</sup> day of June 2017 that all of the bids received are rejected and the bidders will be notified.

offered the above resolution and moved its adoption.

Seconded by and adopted by the following vote:

|                 |      |      |         |        |
|-----------------|------|------|---------|--------|
| Councilmembers: | AYES | NAYS | ABSTAIN | ABSENT |
| Mr. Walsifer    |      |      |         |        |
| Mr. Magovern    |      |      |         |        |
| Mr. Brennan     |      |      |         |        |
| Mrs. Nicolay    |      |      |         |        |
| Mayor Doherty   |      |      |         |        |

Adopted:

**RESOLUTION NO. 2017-**

**RESOLUTION AUTHORIZING ISSUANCE OF SEASONAL RETAIL CONSUMPTION  
LICENSE NO. 1306-34-011-008 TO SLBD ASSOCIATES LLC (TO BE HELD IN  
POCKET) PERIOD ENDING JUNE 30, 2018**

**WHEREAS**, an application was made by SLBD Associates LLC for a Seasonal Retail Consumption License No. 1306-34-011-008; and

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

**WHEREAS**, said license shall be held in pocket as an inactive license.

**WHEREAS**, said the licensing renewal term is July 1, 2017 to June 30, 2018, however said license is only permitted to be operational from July 1, 2017 to November 14, 2017 and May 1, 2018 to June 30, 2018.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council that a Seasonal Retail Consumption License be and is granted subject to the following special conditions as agreed upon by the Licensee.

**BE IT FURTHER RESOLVED** that the Borough Clerk be and is authorized to sign and deliver license certificate to said applicant.

offered the above resolution and moved its adoption.

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

|                  |      |      |        |         |
|------------------|------|------|--------|---------|
| Council members: | AYES | NAYS | ABSENT | ABSTAIN |
| Mr. Walsifer     |      |      |        |         |
| Mr. Magovern     |      |      |        |         |
| Mr. Brennan      |      |      |        |         |
| Mrs. Nicolay     |      |      |        |         |
| Mayor Doherty    |      |      |        |         |

Adopted:

**RESOLUTION NO. 2017-**

**RESOLUTION AUTHORIZING THE RECEIPT OF BIDS FOR PARK FENCING**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Belmar, County of Monmouth, State of New Jersey, that the Borough Clerk be and is hereby authorized to advertise for sealed bids for park fencing. Bids will be returnable before the Business Administrator in accordance with the terms, conditions and specification of the Notice to Bidders and Standard Proposal Form.

offered the above resolution and moved its adoption. Seconded by and adopted by the following vote on roll call:

|                  |      |      |         |        |
|------------------|------|------|---------|--------|
| Council members: | AYES | NAYS | ABSTAIN | ABSENT |
| Mr. Walsifer     |      |      |         |        |
| Mr. Magovern     |      |      |         |        |
| Mr. Brennan      |      |      |         |        |
| Mrs. Nicolay     |      |      |         |        |
| Mayor Doherty    |      |      |         |        |

Adopted: