

RESOLUTION NO. 2017-118

RESOLUTION AUTHORIZING EXECUTIVE SESSION

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, there was adequate notice to the public of this meeting; and

WHEREAS, the Borough Council is of the opinion that such circumstances presently exist.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Belmar, County of Monmouth, State of New Jersey, as follows:

1. The Public shall be excluded from discussion of and action upon the hereinafter-specified subject matter.
2. The general nature of the subject matter to be discussed is pending litigation, Loko v. Borough of Belmar.
3. Minutes will be kept of the closed session.
4. It is anticipated at this time that the above subject matter will be made public when the need for the confidentiality no longer exists.
5. This Resolution shall take effect immediately.

Mayor Doherty offered the above resolution and moved its adoption.

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

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

Adopted: July 11, 2017

RESOLUTION NO. 2017-119

RESOLUTION APPROVING PAYMENT OF BILLS LIST ON JULY 11, 2017

BE IT RESOLVED that the bills as presented as by the Borough Clerk, all having been certified and approved by the Borough Clerk to be complete as to form, goods having been delivered and/or services performed and sufficient funds being available for payment for said bills, be paid.

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 offered the above resolution and moved its adoption.

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

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

Adopted: July 11, 2017

RESOLUTION 2017-120

RESOLUTION AUTHORIZING EXECUTION OF A SETTLEMENT AGREEMENT

WHEREAS, Loko Co LLC (“Loko”) instituted a lawsuit against the Borough and Matthew J. Doherty (“Defendants”) in the Superior Court, Chancery Division, Monmouth County bearing Docket Number C-192-16, which was transferred by the Court to the Chancery Division, Ocean County (“Court”) as Docket Number OCN-C-299-16 (“Lawsuit”), to pursue its claims against Defendants regarding an alleged breach of the Redevelopment Agreement dated January 10, 2014 (“Redevelopment Agreement”) and other allegations; and

WHEREAS, Defendants filed an answer and counterclaim against Loko for alleged breach of the Redevelopment Agreement and other allegations; and

WHEREAS, without any party admitting liability or culpability, without any finding or adjudication of any legal contention or factual allegation made by any party, to avoid the expense of further litigation, and to facilitate the redevelopment of the Property, the parties have agreed to enter into a Settlement Agreement.

NOW, THEREFORE, the Mayor and Council of the Borough of Belmar hereby find the following:

1. The Mayor and Council of the Borough of Belmar hereby agree to resolve the Lawsuit in accordance with the terms and conditions set forth in the Settlement Agreement attached hereto as Exhibit A.
2. Special Counsel for the Borough, Gibbons PC, is hereby directed to finalize the form of the Settlement Agreement for execution and may make any non-material adjustments as may be necessary to prepare the documents for execution. Special Counsel is further authorized to sign and file stipulations of dismissal, in accordance with the terms of the Settlement Agreement.
3. The Mayor and Borough Council of the Borough of Belmar hereby authorize Colleen Connolly to sign the Settlement Agreement on behalf of the Borough of Belmar and the Borough Council of the Borough of Belmar and to take the necessary actions to

effectuate the Settlement Agreement.

Mayor Doherty offered the above resolution and moved its adoption. Seconded by Council member Magovern the following vote on roll call:

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

Adopted: July 11, 2017

RESOLUTION 2017-121

RESOLUTION AUTHORIZING THE SIGNING OF A FIRST AMENDMENT TO REDEVELOPMENT AGREEMENT and PARKING LICENSE

WHEREAS, the Borough and Loko Co LLC (“Loko”) signed a Redevelopment Agreement, dated January 10, 2014, (“Redevelopment Agreement”) to facilitate the redevelopment of the property located at Block 57, Lot 4 (the “Property”);

WHEREAS, as part of the resolution of a lawsuit filed in the Superior Court, Chancery Division, Monmouth County bearing Docket Number C-192-16, which was transferred by the Court to the Chancery Division, Ocean County as Docket Number OCN-C-299-16, the parties have agreed to enter into a First Amendment to the Redevelopment Agreement for the Property and a Parking License for a portion of the Property that was previously vacated by the Borough; and

WHEREAS, the First Amendment to the Redevelopment Agreement will facilitate the redevelopment of the Property and promote the general welfare.

NOW, THEREFORE, the Mayor and Council of the Borough of Belmar hereby find the following:

1. The Mayor and Council of the Borough of Belmar hereby authorize Colleen Connolly to execute the First Amendment to the Redevelopment Agreement, substantially in the form annexed hereto as Exhibit A, including the Parking License, and to take the necessary actions to effectuate the First Amendment to the Redevelopment Agreement and the Parking License.
2. Special Counsel for the Borough, Gibbons PC, is hereby authorized to make any non-material adjustments as may be necessary to prepare the documents for execution.

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 Magvoern offered the above resolution and moved its adoption. Seconded by Council member Brennan and approved by the following vote on roll call:

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

Adopted: July 11, 2017

RESOLUTION NO. 2017-122

**RESOLUTION AUTHORIZING ISSUANCE OF PLENARY RETAIL
CONSUMPTION LICENSE NO. 1306-33-010-006 TO WATERVIEW PAVILION, INC.T/A
RIVERVIEW PAVILION, WATERVIEW PAVILION FOR PERIOD ENDING
JUNE 30, 2018**

WHEREAS, application has been made to the Borough Council for Plenary Retail Consumption License No. 1306-33-010-005 by Pat’s Diner, Inc. T/A Pat’s Riverview and the Waterview Pavilion; and

WHEREAS, said application is accompanied by reports from the borough inspection officials, health inspector and Chief of the Police if applicable.

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 the following, subject to the Special Conditions 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, exclusive of employees, occupying the licensed premises exceeds the number of persons listed after the names of the respective following license:

1306-33-010-005- Pat’s Riverview, Inc. is for strictly a catering business. Occupancy limited to Two Hundred Forty (240) people for the first floor, One Hundred Forty-One (141) people on the second floor and Seventeen (17) people on the deck. Waterview Pavilion is limited to Two Thousand (2,000) persons.

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 authorized to sign and deliver license certificate to said applicant after making notation of any Special Conditions upon the face of said license.

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 offered the above resolution and moved its adoption.

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

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

Adopted: July 11, 2017

RESOLUTION 2017-123

**RESOLUTION AUTHORIZING ISSUANCE OF PLENARY RETAIL
CONSUMPTION NO. 1306-33-014-004 FOR JOBIL, INC., T/A
JACK’S TAVERN FOR PERIOD ENDING JUNE 30, 2018**

WHEREAS, application has been made for Plenary Retail Consumption License No. 1306-33-014-004 by Jobil, Inc. t/a Jack’s Tavern; and

WHEREAS, said application is accompanied by reports from the borough inspection officials, health inspector and the Chief of Police if applicable.

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 the following, subject to the Special Conditions 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 times as the number of persons, exclusive of employees, occupying the licensed premises exceeds the number of persons as listed below:

1306-33-014-004-Jobil, Inc. T/a Jack’s Tavern for the premises at 701, 703, 703½ Tenth Avenue. Occupancy limited to One Hundred Thirty-Seven (137) persons inside, Outside Dining Area Forty-Five (45) persons.

BE IT FURTHER RESOLVED that the Borough Clerk be and is authorized to sign and deliver license certificate to said applicant after making notation of the aforementioned Special Conditions upon the face of said license.

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 offered the above resolution and moved its adoption.

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

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

Adopted: July 11, 2017

RESOLUTION NO. 2017-124

**RESOLUTION AUTHORIZING ISSUANCE OF PLENARY RETAIL DISTRIBUTION
LICENSE TO ARPADO, INC. T/A HANLEY’S LIQUORS FOR THE PERIOD ENDING
JUNE 30, 2018**

WHEREAS, application has been made for Plenary Retail Distribution License No. 1306-44-009-002 by ARPADO, Inc. t/a Hanley’s Liquors; and

WHEREAS, said application is accompanied by reports from the borough inspection officials, health inspector and Chief of Police if applicable.

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:

ARPADO, Inc. t/a Hanley’s for the premises at 807 Main St. (Southeast store, rear southeast section of west store, 40 feet by 11 feet, portion of the storefront to the north, and the northeast section of north store Furnace Room).

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.

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

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 offered the above resolution and moved its adoption.

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

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

Adopted: July 11, 2017

RESOLUTION 2017-125

**RESOLUTION TO ALLOW STATE OF NEW JERSEY DIVISION OF A.B.C TO
RENEW CLUB LICENSE TO THE BELMAR FISHING CLUB FOR PERIOD ENDING
JUNE 30, 2018**

WHEREAS, the Belmar Fishing Club located at First & Ocean Avenues, Club License No. 1306-31-017-001 has applied for a renewal of their license; and

WHEREAS, Council members Jennifer Nicolay and Mark Walsifer are members of the Belmar Fishing Club; and

WHEREAS, since Council members Walsifer and Nicolay are members of the governing body of the Borough of Belmar, which also acts as the ABC issuing authority, which creates a lack of a quorum. Accordingly, the subject license is a “conflict” license and said renewal license application will be forwarded to the Director of the Division of Alcoholic Beverage Control for consideration pursuant to N.J.S.A. 33:1-20 and N.J.A.C. 13:2-4.1; and

WHEREAS, N.J.A. C. 13:2-4.6 requires the issuing authority to submit to the Director a certified resolution setting forth that the issuing authority has no objection to the renewal of the subject license and consents thereto, and furthermore, is not aware of any circumstances or provision of law or local ordinance which would prohibit the renewal of the subject license.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Belmar, County of Monmouth, State of New Jersey:

That the Mayor and Council has no objection to the renewal of Club License No. 1306-31-017-001 and consents thereto, and furthermore, is not aware of any circumstances or provisions of law or local ordinance which would prohibit the renewal of the subject license.

Mayor Doherty offered the above resolution and moved its adoption.

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

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

Adopted: July 11, 2017

RESOLUTION 2017-126

**RESOLUTION TO ALLOW STATE OF NEW JERSEY DIVISION OF A.B.C TO
RENEW CLUB LICENSE TO THE ORDER OF THE FRIENDLY SONS OF THE
SHILLELAGH**

WHEREAS, the Order of Friendly Sons of Shillelagh, Inc., Jersey Shore Chapter for the premises at 815-817 Sixteenth Avenue for a Club License No. 1306-31-020-001 has applied for a renewal of their license; and

WHEREAS, Mayor Matthew Doherty and Council members Brian Magovern, Mark Walsifer and Thomas Brennan are members of the Order of the Friendly Sons of the Shillelagh.

WHEREAS, since Mayor Doherty and Council members Magovern, Walsifer, and Brennan are members of the governing body of the Borough of Belmar, which also acts as the ABC issuing authority, the subject license is a “conflict” license. Accordingly said renewal license application will be forwarded to the Director of the Division of Alcoholic Beverage Control for consideration pursuant to N.J.S.A. 33:1-20 and N.J.A.C. 13:2-4.1; and

WHEREAS, N.J.A. C. 13:2-4.6 requires the issuing authority to submit to the Director a certified resolution setting forth that the issuing authority has no objection to the renewal of the subject license and consents thereto, and furthermore, is not aware of any circumstances or provision of law or local ordinance which would prohibit the renewal of the subject license.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Belmar, County of Monmouth, State of New Jersey:

That the Mayor and Council has no objection to the renewal of Club License No. 1306-31-020-001 and consents thereto, and furthermore, is not aware of any circumstances or provisions of law or local ordinance which would prohibit the renewal of the subject license.

Mayor Doherty 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	X			
Mr. Magovern	X			
Mrs. Nicolay	X			
Mr. Brennan	X			
Mayor Doherty	X			

Adopted: July 11, 2017

RESOLUTION NO. 2017-127

**RESOLUTION AUTHORIZING ISSUANCE OF A RETAIL CONSUMPTION
LICENSE TO THE IRISH CURSE, LLC DBA 10TH AVENUE BURRITO
LICENSE NO. 1306-33-007-003, FOR THE PERIOD ENDING
JUNE 30, 2018**

WHEREAS, an application was made by the Irish Curse LLC, DBA 10th Avenue Burrito, 801 Belmar Plaza, for renewal of their Seasonal Retail Consumption License No. 1306-33-007-003; 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 801 Belmar Plaza is licensed.

WHEREAS, said licensing renewal term is July 1, 2017 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. The occupancy limit for the licensed establishment shall be as follows: Outside Enclosed Bar/Dining area-85, Inside Dining Area-65, and Inside Bar 24.
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. 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.
4. The outdoor dining area, including bar shall be enclosed at all times with controlled access points through the restaurant or on Belmar Plaza only. The licensee will have posted a minimum of one (1) security personnel outside the entrances on Belmar Plaza 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.
5. Licensee will designate a clean-up crew for area of Belmar Plaza adjacent to the licensed premise. This clean-up crew shall wear 10th Avenue Burrito shirts and the hours of operation shall be at closing.

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

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

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

Adopted: July 11, 2017

RESOLUTION 2017-128

RESOLUTION URGING THE STATE LEGISLATURE TO EXTEND THE 2% CAP ON POLICE AND FIRE ARBITRATION CONTRACT AWARDS

WHEREAS, local municipalities require specific tools to address the rising cost of municipal government; and

WHEREAS, in July 2010 the Governor and New Jersey State Legislature enacted a permanent 2% cap on municipal and school board tax levies with limited exceptions that did not include police and fire arbitration contract awards; and

WHEREAS, salary costs, to a great extent, drive property tax increases; and

WHEREAS, in December 2010 the Legislature unanimously approved and the Governor enacted a temporary 2% cap on police and fire arbitration contract awards in an effort to control increasing salary costs and provide a solution to assist local governments in keeping property taxes down and cost under control; and

WHEREAS, the December 2010 legislation included an April 1, 2014 sunset on the 2% arbitration cap while the 2% property tax levy remained permanent for municipalities and school boards; and

WHEREAS, in June 2014 the Legislature unanimously approved and the Governor enacted an extension to December 31, 2017 for the 2% arbitration cap, however, the 2% property tax levy cap continues to remain permanent, without an exemption for police and fire arbitration contract awards; and

WHEREAS, municipalities continue efforts to contain costs and provide vital services to residents within the 2% property tax levy while the New Jersey economy remains sluggish and taxpayers struggle to keep their homes and pay their taxes; and

WHEREAS, we recognize that this change in arbitration reform needs a longer time to mature in order to see the benefits of the legislation and its actual impact on the cost of local government budgets and the impact on taxpayers; and

WHEREAS, the final report and recommendations of the Police and Fire Public Interest Arbitration Impact Task Force, which was established in the December 2010 legislation, is not due until the same day as the expiration of the cap on interest arbitration awards, December 31, 2017; and

WHEREAS, we recognize it is now time for our taxpayers to benefit directly from these cost saving measures as many police and fire contracts will come due for negotiation after the sunset date, and

WHEREAS, if the cap on interest arbitration expires while the 2% levy cap remains in effect, municipalities will be forced to reduce or eliminate municipal services in order to fund interest arbitration awards;

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Borough of Belmar urges the State Legislature to extend the 2% cap on Police and Fire Arbitration Contract Awards for 5 more years at which time the Legislature will have hard data to examine and then make a final decision as to whether this law should be made permanent; and

BE IT FURTHER RESOLVED, that a copy of this Resolution is forwarded to Senator Robert Singer, Assemblyman Sean Kean, the Commissioner of the Department of Labor, the Lieutenant Governor and the Governor of State of New Jersey and the NJ League of Municipalities.

Mayor Doherty offered the above resolution and moved its adoption.

Seconded by council member Magovern and adopted by the following vote on roll call:

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

Adopted: July 11, 2017

RESOLUTION NO. 2017-129

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 Beach Volleyball League, Thursdays in June, July & August 2017, beginning at 5:30pm and ending by 9:00pm at 3rd Avenue Beach. League will make a \$750.00 donation to Belmar Recreation. Beach will be left in the same condition in which it was found. No Additional Borough resources are required.

NJ FMBA Foundation, Fallen Hero’s Memorial 5K, Saturday, September 9th 2017, event set-up begins at 6:00am and event is finished by Noon. No Additional Borough resources are required.

The SCRAP Car Club Car Show, Mondays 06-12-17, 07-10-17, 08-14-17, 09-11-17,10-15-17 between 3:00pm and 9:00pm on Ocean Avenue between 18th and 19th Avenue. Traffic cones will be placed on the West side of Ocean Avenue between 18th and 19th Avenue. No Additional Borough resources are required.

Jersey Shore Out of the Darkness Community Walk, Saturday, September 16th 2017, beginning at 9:00am and ending by Noon. Event will begin and end at Bar Anticipation in Lake Como. Borough of Belmar will provide Police and Public Works, a check in the amount of \$2,500.00 made payable to The Borough of Belmar must be submitted no later than August 15th 2017.

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.

Mayor Doherty 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	ABSENT	ABSTAIN
Mr. Walsifer	X			
Mr. Magovern	X			
Mr. Brennan	X			
Mrs. Nicolay	X			
Mayor Doherty	X			

Adopted: July 11, 2017

RESOLUTION NO 2017-130

RESOLUTION AUTHORIZING REFUNDS OF ANIMAL HOUSE BONDS

BE IT RESOLVED, by the Mayor and Borough Council on this July 11, 2017 that the following refunds of Animal House Bonds are hereby authorized upon certification by the Chief Financial Officer to the following:

<u>Name</u>	<u>Amount</u>
Sandra Girgis 172 Harvard Oval Freehold, NJ 07728	\$5000

For property located at 107 17th Avenue

Michael Bowblis P.O. Box 2293 New Smyrna, FL 32170	\$1500
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For property located at 415 10th Avenue

BE IT FURTHER RESOLVED that these Animal House Bonds are being refunded due to the four year time period expiring and there being no further animal house violations at these properties.

Mayor Doherty 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	ABSENT	ABSTAIN
Mr. Walsifer	X			
Mr. Magovern	X			
Mr. Brennan	X			
Mrs. Nicolay	X			
Mayor Doherty	X			

Adopted: July 11, 2017

RESOLUTION NO. 2017-131

**RESOLUTION RELEASING THE TENANT FROM THE LEASE
FOR TAYLOR PAVILION ZUMBA CONCESSION**

WHEREAS, Michelle DeCarlo, the Tenant under a Lease Agreement with the Borough of Belmar for the Taylor Pavilion Zumba concession requested to be released from the Lease; and,

IT IS HEREBY RESOLVED, by the Mayor and Council of the Borough of Belmar that, the Tenant, Michelle DeCarlo, is released from the Lease Agreement with the Borough of Belmar.

BE IT FURTHER RESOLVED, that the Mayor, Borough Clerk, Borough Attorney and other necessary Borough Officials are hereby authorized to prepare, execute and deliver any documents and undertake all actions reasonably necessary to effectuate this Resolution.

Mayor Doherty 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	ABSENT	ABSTAIN
Mr. Walsifer	X			
Mr. Magovern	X			
Mr. Brennan	X			
Mrs. Nicolay	X			
Mayor Doherty	X			

Adopted: July 11, 2017

RESOLUTION NO. 2017-132

RESOLUTION APPROVING DRIVERS OF FIRE APPARATUS FOR HOOK & LADDER FIRE COMPANY NO. 1 FOR 2017

WHEREAS, Michael Provenzano, of Hook & Ladder Fire Co. No. 1 has advised the Borough Council that the following men have been added as drivers or operators of fire apparatus for the year 2017:

Engine No. 87-2-86
Bob Pollock
James Yannazzone

WHEREAS, the aforesaid drivers or operators have been certified to and approved as competent by the Fire Chief.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Belmar that the action of the Hook & Ladder Fire Company No. 1 in appointing the aforesaid drivers or operators be and the same are confirmed and approved and the persons so appointed be confirmed in their respective positions.

BE IT FURTHER RESOLVED that the above named drivers be authorized to drive or operate either vehicle in the event of any emergency fire call.

Mayor Doherty 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	ABSENT	ABSTAIN
Mr. Walsifer	X			
Mr. Magovern	X			
Mr. Brennan	X			
Mrs. Nicolay	X			
Mayor Doherty	X			

Adopted: July 11, 2017

RESOLUTION NO 2017-133

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

Youngs Water & Sewer
1150 Route 9
Howell, NJ 07731
Application #SO17-02, 507 7th Avenue, Street Opening Cash Guarantee - \$500

Federic's on 10th
705 Tenth Avenue
Belmar, NJ 07719
Application #SO2017-05, 705 10th Avenue, Street Opening Cash Guarantee - \$500

John Kelly
932 Fourth Avenue
Neptune, NJ 07753
Application #SO2017-03, 303 C Street, Street Opening Cash Guarantee - \$500

Mayor Doherty 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	ABSENT	ABSTAIN
Mr. Walsifer	X			
Mr. Magovern	X			
Mr. Brennan	X			
Mrs. Nicolay	X			
Mayor Doherty	X			

Adopted: July 11, 2017

RESOLUTION NO. 2017-134

RESOLUTION APPOINTING SPECIAL POLICE OFFICERS FOR 2017

Therefore be it resolved by the Mayor and Borough Council of the Borough of Belmar that the following persons are hereby appointed and confirmed effective immediately:

Class One Specials

Travis M. Ceppaluni
Dominic H. Fargo
Jackie L. Huynh
Christine L. Kozak
Nickolas A. Lattanzio
Michael A. Trapani
Marc A. Zgola

Pursuant to N.J.S.A. 40A:14-146.11, the above persons shall not commence their duties as a special law enforcement officer until they have successfully completed the Academy training course.

Mayor Doherty 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	ABSENT	ABSTAIN
Mr. Walsifer	X			
Mr. Magovern	X			
Mr. Brennan	X			
Mrs. Nicolay	X			
Mayor Doherty	X			

Adopted: July 11, 2017

RESOLUTION NO 2017-135

**RESOLUTION AUTHORIZING TEMPORARY EXTENSION OF OUTDOOR
DINING AREAS IN PYANOE PLAZA**

WHEREAS, there are existing outdoor dining areas for Brandl and Don’s Pizza King located in Pyanoe Plaza; and

WHEREAS, the Mayor and Council of the Borough of Belmar wish to temporarily expand these outdoor dining areas as delineated on the attached aerial photo only on evenings when a Belmar Tourism Commission sponsored concert is scheduled; and

WHEREAS, the temporary extended outdoor dining area must be clearly delineated with post and chain. Such post and chain must be supplied by the establishments utilizing the outdoor dining area and must be approved by Belmar's Director of Public Safety; and

WHEREAS, Bring Your Own Beverages (BYOB) will be permitted inside the delineated area with the express understanding that the establishments may not advertise BYOB and will not attempt to place tables outside of the delineated area; and

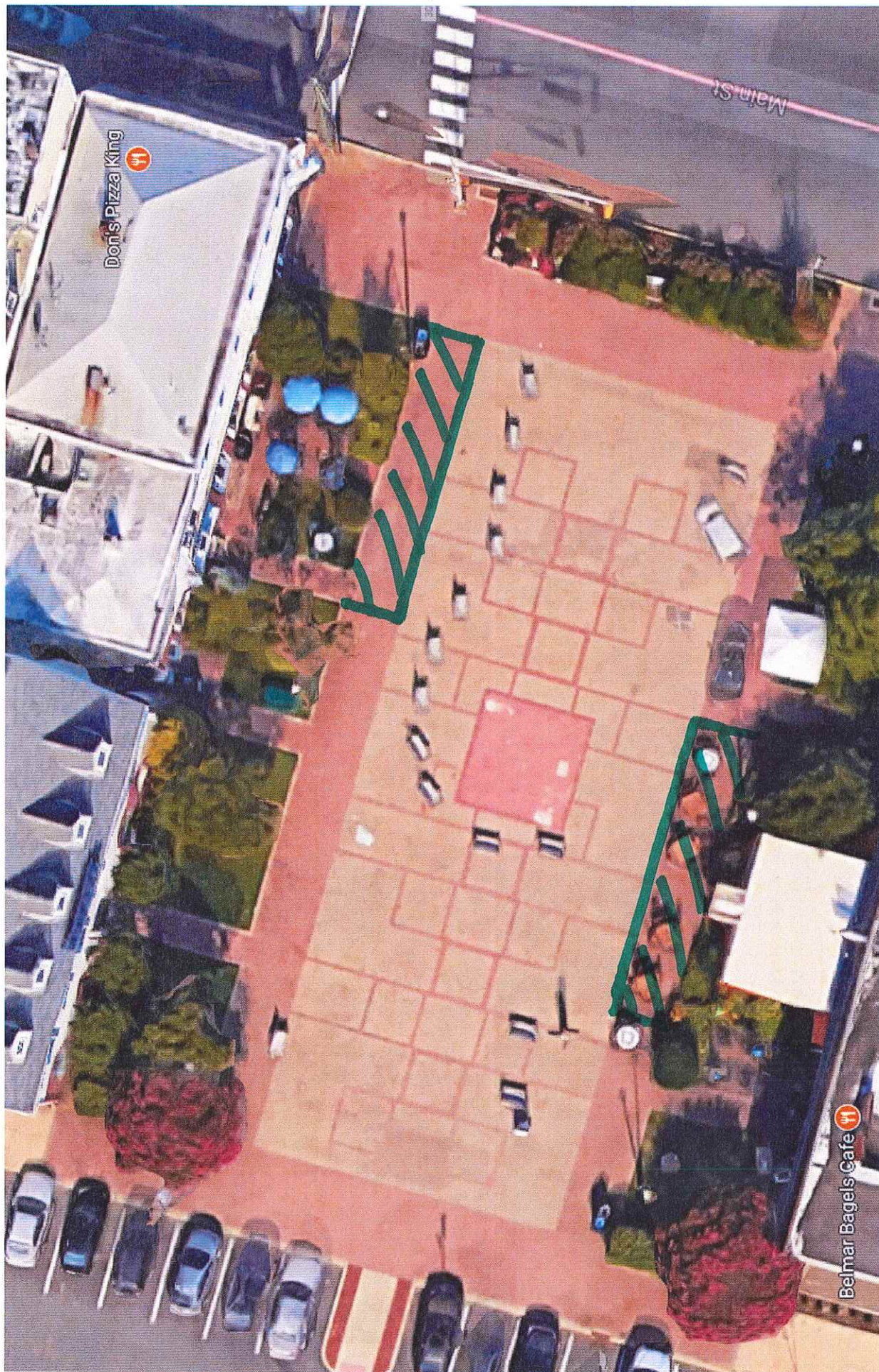
NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Belmar hereby approve the temporary extended outdoor dining areas retroactive to June 30, 2017.

Mayor Doherty 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	ABSENT	ABSTAIN
Mr. Walsifer	X			
Mr. Magovern	X			
Mr. Brennan	X			
Mrs. Nicolay	X			
Mayor Doherty	X			

Adopted: July 11, 2017



RESOLUTION NO. 2017-136

**RESOLUTION AUTHORIZING THE BUSINESS ADMINISTRATOR TO
EXECUTE AN AGREEMENT WITH THE UNITED METHODIST CHURCH OF
BELMAR FOR A COMMUNITY CENTER PROPERTY LEASE**

BE IT RESOLVED, by the Borough Council of the Borough of Belmar that Belmar Business Administrator Colleen Connolly, or her successor, is hereby authorized to execute an agreement with the United Methodist Church of Belmar for a community center property lease beginning from August 2, 2017 through December 31, 2017 with an option to renew for an additional one year term.

Mayor Doherty 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	ABSENT	ABSTAIN
Mr. Walsifer	X			
Mr. Magovern	X			
Mr. Brennan	X			
Mrs. Nicolay	X			
Mayor Doherty	X			

Adopted: July 11, 2017