

RESOLUTION NO. 2021-223

RESOLUTION AUTHORIZING THE CANCELATION OF UNEXPENDED APPROPRIATIONS

WHEREAS, the Local Budget Law, N.J.S.A. 40A-4:60, permits the cancelation of unexpended appropriation balances during the current fiscal year; and,

WHEREAS, the Borough Council of the Borough of Belmar wishes to cancel unexpended appropriation balances as permitted by N.J.S.A. 40A:4-60 and as recommended by Chief Financial Officer.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Belmar that the following unexpended appropriation balance be and the same is hereby canceled:

Beach Operating Fund:

| | | |
|----------------|------------------|--------------|
| 1-21- -035-123 | PD Specials, S/W | \$189,944.00 |
|----------------|------------------|--------------|

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to the Chief Financial Officer for further action.

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 |
| Mayor Walsifer | | | | |
| Mr. Brennan | | | | |
| Ms. Wann | | | | |
| Mr. McCracken | | | | |
| Mr. Carvelli | | | | |

Adopted:

RESOLUTION NO. 2021-224

RESOLUTION AUTHORIZING TRANSFER OF APPROPRIATIONS

WHEREAS, the Local Budget Law, *N.J.S.A.* 40A-4:20, et seq., permits the transfer of funds from appropriations which have available balances to those that do not during the last two months of the fiscal year under certain circumstances; and,

WHEREAS, the Borough Council of the Borough of Belmar wishes to transfer funds as permitted by *N.J.S.A.* 40A:4-58, et seq. and as recommended by Chief Financial Officer.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Belmar that transfers between appropriations as listed below are hereby authorized:

Current Fund:

| Account No. | Appropriation Title | Transfer | |
|----------------|------------------------------|-----------|-----------|
| | | Out | In |
| 1-01- -011-121 | Tax Collector, S/W | 10,000.00 | |
| 1-01- -015-219 | Legal, OE | 35,000.00 | |
| 1-01- -017-215 | Engineering, OE | 14,000.00 | |
| 1-01- -051-121 | Equipment Repair, S/W | 20,000.00 | |
| 1-01- -075-121 | Recreation, S/W Seasonal | 20,000.00 | |
| 1-01- -077-111 | Marina, S/W Superintendent | 7,000.00 | |
| 1-01- -077-121 | Marina, S/W Clerical | 10,000.00 | |
| 1-01- -077-123 | Marina, S/W P/T | 8,000.00 | |
| 1-01- -077-131 | Marina, S/W O/T | 8,000.00 | |
| 1-01- -078-299 | Celebration of Public Events | 10,000.00 | |
| 1-01- -079-254 | Electricity | 10,000.00 | |
| 1-01- -080-254 | Street Lighting | 10,000.00 | |
| 1-01- -082-255 | Natural Gas | 10,000.00 | |
| 1-01- -085-265 | Social Security | 20,000.00 | |
| 1-01- -072-252 | Marina, Diesel for Resale | | 96,000.00 |
| 1-01- -072-253 | Marina, Gas for Resale | | 96,000.00 |
| 1-01- -015-212 | Legal, OE | 15,000.00 | |
| 1-01- -027-272 | Group Insurance | 15,000.00 | |
| 1-01- -035-132 | Police – Clerical S/W O/T | 10,000.00 | |
| 1-01- -035-241 | Police – School/Training | | 6,000.00 |
| 1-02- -035-242 | Police - Uniforms | | 21,000.00 |
| 1-01- -035-291 | Police - Supplies | | 13,000.00 |

Water-Sewer Operating Fund:

| | | | |
|----------------|---------------|----------|----------|
| 1-11- -001-131 | Operator, S/W | | 2,000.00 |
| 1-11- -011-133 | Other, O/T | 2,000.00 | |

Beach Operating Fund:

| | | | |
|----------------|-------------------|----------|----------|
| 1-21- -011-111 | Admin & Exec, S/W | 4,200.00 | |
| 1-21- -007-214 | Finance, ADP | | 4,200.00 |

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to the Chief Financial Officer for further action.

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
 Mayor Walsifer
 Mr. Brennan
 Ms. Wann
 Mr. McCracken
 Mr. Carvelli

Adopted:

RESOLUTION NO 2021-225

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:

Tracey McGuire
6 Nathan Drive
Randolph NJ 07869
407 13th Avenue Animal House Bond \$1000

Robert Schiffel and Josephine Schiffel
609 Duquesne Terrace, Union, NJ 07083
217 13th Avenue Water/Sewer bill - \$475.34

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 |
|------------------|------|------|---------|--------|
| Mayor Walsifer | | | | |
| Mr. Brennan | | | | |
| Ms. Wann | | | | |
| Mr. McCracken | | | | |
| Mr. Carvelli | | | | |

Adopted:

RESOLUTION NO 2021-226

**RESOLUTION APPROVING MEMBERSHIP APPLICATIONS FOR VOLUNTEER
HOOK & LADDER FIRE DEPARTMENT**

WHEREAS, Borough Council has been advised that the following have submitted applications to join the Volunteer Hook & Ladder Fire Department as probationary members:

Matthew Zarelli

WHEREAS, each application was reviewed by the Belmar Police Department;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Belmar that the above application be hereby approved.

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 |
|------------------|------|------|---------|--------|
| Mayor Walsifer | | | | |
| Mr. Brennan | | | | |
| Mr. McCracken | | | | |
| Mr. Carvelli | | | | |
| Ms. Wann | | | | |

Adopted:

RESOLUTION NO. 2021-227

**RESOLUTION AUTHORIZING THE EXECUTION OF AN
AGREEMENT FOR ANIMAL CONTROL SERVICES FOR 2022**

BE IT RESOLVED, by the Borough Council of the Borough of Belmar that the Borough is authorized to execute an agreement with the Monmouth County SPCA beginning from January 1, 2022 and ending December 31, 2022.

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 |
|------------------|------|------|---------|--------|
| Mayor Walsifer | | | | |
| Mr. Carvelli | | | | |
| Mr. McCracken | | | | |
| Ms. Wann | | | | |
| Mr. Brennan | | | | |

Adopted:

RESOLUTION NO. 2021-228

RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE BOROUGH OF BELMAR AND THE MONMOUTH COUNTY SCAT PROJECT FOR 2022

WHEREAS, the Borough of Belmar has heretofore entered into an agreement with the Monmouth County Board of Chosen Freeholders, specifically the Office of Special Citizens Area Transportation System (SCAT) to provide certain services to senior citizens and handicapped individuals, among other, residing within the Borough of Belmar pursuant to an agreement between the Borough of Belmar and the Board of Chosen Freeholders of Monmouth County; and

WHEREAS, the Mayor and Borough Council wish to continue said service.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Borough Council of the Borough of Belmar that the aforesaid agreement be extended upon its same terms for calendar year 2022 as if the same has been set forth at length herein.

BE IT FURTHER RESOLVED that this Agreement is conditional upon the continued availability of funding in the 2022 Local Municipal Budget and through Title III of the Older Americans Act.

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 |
|------------------|------|------|---------|--------|
| Mayor Walsifer | | | | |
| Mr. Carvelli | | | | |
| Mr. McCracken | | | | |
| Ms. Wann | | | | |
| Mr. Brennan | | | | |

Adopted:

RESOLUTION NO. 2021-229

RESOLUTION PROVIDING FOR THE INSERTION OF A SPECIAL ITEMS OF REVENUE IN THE BUDGET OF THE BOROUGH OF BELMAR PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159, P.L. 1948)

WHEREAS, *N.J.S.A.* 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Borough of Belmar received a total of \$290,193.57 from the American Rescue Plan(Federal funds) and wishes to amend its 2021 Budget to include this amount.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Borough of Belmar hereby requests that the Director of the Division of Local Government Services approve the insertion of an item of revenue in the budget of the year 2021 in the amount of \$290,193.57, which is now available as a revenue.

BE IT FURTHER RESOLVED, that the like sum is hereby appropriated under the caption of: American Rescue Plan.

BE IT FURTHER RESOLVED, that the Clerk forward two copies of this Resolution to the Director of Local Government Services.

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 |
|------------------|------|------|---------|--------|
| Mayor Walsifer | | | | |
| Mr. Carvelli | | | | |
| Mr. McCracken | | | | |
| Ms. Wann | | | | |
| Mr. Brennan | | | | |

Adopted: November 9, 2021

RESOLUTION 2021-230

RESOLUTION APPROVING GO PLAY ARCADE’S AMUSEMENT GAME LICENSE APPLICATION

WHEREAS, Go Play Arcade has applied to the New Jersey Legalized Games of Chance Control Commission (NJLGCCC) for an Amusement Game License; and

WHEREAS, Go Play Arcade is a permitted indoor arcade/amusement establishment in the Borough of Belmar located at 1102 Main Street.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Belmar do hereby approve Go Play Arcade’s Amusement Game License Application contingent upon the payment of applicable local and State fees, completion of a background check and fingerprint, and approval from NJLGCC.

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 |
|------------------|------|------|---------|--------|
| Mayor Walsifer | | | | |
| Mr. Carvelli | | | | |
| Mr. McCracken | | | | |
| Ms. Wann | | | | |
| Mr. Brennan | | | | |

Adopted:

RESOLUTION NO 2021-231

RESOLUTION AWARDING CONTRACT FOR MID-GRADE ULTRA LOW NO LEAD GASOLINE AND ULTRA LOW SULFUR PREMIUM DIESEL

WHEREAS, on November 4, 2021 the Borough of Belmar received bids for mid-grade ultra low no lead gasoline and ultra low sulfur premium diesel;

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

NOW, THEREFORE, BE IT RESOLVED by the Borough Council:

1. Contract is awarded to: Petroleum Traders, 7120 Pointe Inverness Way, Fort Wayne, IN 46804, for the following:

Mid Grade No Lead Gas – .0911 per gallon (up charge to be added to base price)

Dyed Ultra Low Sulfur Diesel – .0935 per gallon (up charge to be added to base price)
2. Contract is for January 1, 2022 to December 31, 2022.

CERTIFICATION AS TO AVAILABILITY OF FUNDS

I herewith certify that, as of November 9, 2021 funds are contingent upon the availability of funds in the appropriate 2022 municipal budgets. More specifically, the actual encumbrance of the funds will be based on the approval of the fully executed purchase orders by the Chief Financial Officer. Said purchase orders will encumber the funds for the affected account at that time.

Lorraine Carafa
Chief Financial Officer

offered the above resolution and moved its adoption.

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

| Council members: | AYES | NAYS | ABSTAIN | ABSENT |
|------------------|------|------|---------|--------|
| Mayor Walsifer | | | | |
| Mr. Carvelli | | | | |
| Mr. McCracken | | | | |
| Ms. Wann | | | | |
| Mr. Brennan | | | | |

Adopted:

RESOLUTION NO. 2021-232

RESOLUTION ACCEPTING COMPLETENESS OF THE VOLUNTARY SIDEWALK IMPROVEMENT PROJECT AND ESTABLISHING COMMISSIONERS OF ASSESSMENT

WHEREAS, Bond Ordinance No. 2016-09 and 2017-20 created a sidewalk improvement project; and

WHEREAS, the Mayor and Council of the Borough of Belmar hereby acknowledge and accept that the sidewalk improvement project has been completed; and

WHEREAS, the Mayor and Council of the Borough of Belmar must appoint Commissioners of Assessment.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Belmar that the following persons be appointed as Commissioners of Assessment:

1. William Fitzpatrick, Tax Assessor
2. Alfred Jardine, Tax Collector
3. Lorraine Carafa, CFO
4. Robert Poff, Code Enforcement
5. Frank Cinelli, Code Enforcement
6. Gerald Freda, Engineer

BE IT FURTHER RESOLVED, the Commissioners of Assessment shall be responsible for the following procedures:

1. Hold a public hearing for all the affected property owners.
2. Examine the work that was done and consider any claims or grievances by the property owners.
3. Prepare a report of findings to the Mayor and Council recommending the time period for assessments to be paid.

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 |
|------------------|------|------|---------|--------|
| Mayor Walsifer | | | | |
| Mr. Carvelli | | | | |
| Mr. McCracken | | | | |
| Ms. Wann | | | | |
| Mr. Brennan | | | | |

Adopted:

RESOLUTION NO. 2021-233

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF
BELMAR, COUNTY OF MONMOUTH, STATE OF NEW JERSEY,
ACCEPTING THE REQUEST FOR THE EARLY TERMINATION OF
THE LEASE AGREEMENT WITH HILARY COLANDUONI, 10TH
AVENUE FREEZE OUT, LLC**

WHEREAS, the Borough of Belmar, County of Monmouth, State of New Jersey (hereinafter referred to as “Belmar”) has previously entered into a lease agreement with Hilary Colanduoni, 10th Avenue Freeze Out LLC (“Tenant”); with a First addendum to the lease agreement dated April 28, 2017; and

WHEREAS, the Tenant has requested that the Borough permit the early termination of its lease agreement; and

WHEREAS, in exchange for the early termination of the lease agreement, the Tenant has agreed to forfeit any and all credits owed to it pursuant to the First Addendum and settlement agreement dated December 27, 2018, in exchange for a release by the Borough of Belmar for any unpaid rent pursuant to the terms of the First Addendum; and

WHEREAS, the proposed Agreement has been reviewed by the professional and administrative staff of Belmar and found to be acceptable as to form and content; and

NOW THEREFORE, BE IT RESOLVED, this _____ day of _____, 2021 by the Mayor and Council of the Borough of Belmar, County of Monmouth, State of New Jersey as follows:

1. Belmar accepts the Tenant’s request for an early termination of the lease agreement, in exchange for the execution of mutual releases by both the Tenant and the Borough.
2. The Borough Administrator is hereby authorized to execute any and all documents to memorialize this resolution.
3. A certified copy of this Resolution shall be forwarded by the Borough Clerk to the following:
 - (a) Jerry J. Dasti, Esquire;
 - (b) Hilary Colanduoni

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 |
| Mayor Walsifer | | | | |
| Mr. Carvelli | | | | |
| Mr. McCracken | | | | |
| Ms. Wann | | | | |
| Mr. Brennan | | | | |

Adopted:

RESOLUTION NO. 2021-234

RESOLUTION AUTHORIZING THE USE OF AN ELECTRONIC TAX SALE

WHEREAS, NJSA 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Government Services, and

WHEREAS, the Director of the Division of Local Government Services has promulgated rules and regulations for electronic tax sales, and

WHEREAS, the Director of the Division of Local Government Services has approved NJ Tax Lien Investors/RealAuction.com to conduct electronic tax sales, and

WHEREAS, an electronic tax sale is innovative and provides a greater pool of potential lien buyers, thus creating the environment for a more complete tax sale process, and

WHEREAS, the Borough of Belmar wishes to participate in an electronic tax sale.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Belmar, New Jersey, that the Tax Collector is hereby authorized to participate in an electronic tax sale and submit same to the Director of the Division of Local Government Services if necessary.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Tax Collector, Chief Financial Officer, and Auditor.

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 |
|------------------|------|------|---------|--------|
| Mayor Walsifer | | | | |
| Mr. Carvelli | | | | |
| Mr. McCracken | | | | |
| Ms. Wann | | | | |
| Mr. Brennan | | | | |

Adopted:

RESOLUTION NO. 2021-235

**RESOLUTION ESTABLISHING NOTIFICATION RULES AND REGULATIONS FOR
AN ELECTRONIC TAX SALE**

WHEREAS, NJSA 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Local Government Services, and

WHEREAS, the rules and regulations require a municipality to send two (2) notices of tax sale to all properties included in said sale; and

WHEREAS, the rules and regulations allow said municipality to charge a fee of \$25.00 per notice for the creation, printing and mailing of said notice; and

WHEREAS, in an effort to more fairly assign greater fiscal responsibility to delinquent taxpayers, the Borough of Belmar wishes to charge \$25.00 per notice mailed which will be assessed specifically to the delinquent accounts that are causing the need for a tax sale and not to the general tax base.

THEREFORE, BE IT RESOLVED by the Council of the Borough of Belmar that a fee of \$25.00 per notice be established and is hereby authorized and directed to be charged for each notice of tax sale that is sent in conjunction with the 2021 electronic tax sale.

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 |
|------------------|------|------|---------|--------|
| Mayor Walsifer | | | | |
| Mr. Carvelli | | | | |
| Mr. McCracken | | | | |
| Ms. Wann | | | | |
| Mr. Brennan | | | | |

Adopted: