

“GOD BLESS AMERICA”

REGULAR MEETING

JANUARY 21, 2014

A regular meeting of the Mayor and Council of the Borough of Belmar held on the above date at 6:00 PM at the Belmar Municipal Building, 601 Main Street.

PRESENT: Mayor Doherty, Councilman Bean, Councilman Magovern, Councilwoman Nicolay, Councilwoman Keown-Blackburn, Borough Attorney Michael DuPont, Esq., Business Administrator Colleen Connolly, and Borough Clerk April Claudio

The Borough Clerk stated “Adequate notice of this meeting has been provided to The Coast Star, the official newspaper of the Borough of Belmar, and the Asbury Park Press on December 30, 2013 notice of this meeting was prominently posted on the bulletin board of the Municipal Building and filed with the Clerk of the Borough of Belmar.

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE: Our troops and their families

SPECIAL PRESENTATION:

- Belmar Woman’s Club presentation to the Library
- Belmar Paint – Benjamin Moore Check Presentation
- Employee of the Month January/February
- Resolutions honoring Patricia Provenzano, Sam Kaye, and Jay McDermott

WORKSHOP DISCUSSION:

- Harbor Commission: marina dredging
- DPW: water infrastructure project update & house numbers on curbs

PETITIONS:

REPORTS OF MAYOR AND COUNCIL:

APPROVAL OF MINUTES:

PUBLIC SESSION: Public Session on resolutions only on the Agenda. We will continue to have a Public Session at the end of this meeting.

PLANNING BOARD MEMBER APPOINTMENTS:

Matthew Doherty, Mayor of the Borough of Belmar makes the following appointments to the Planning Board as per Borough Ordinance 1995-07:

Larry Reynolds, Alternate Class IV Member, with a term expiring December 31, 2015

RESOLUTIONS:

- **RESOLUTION AUTHORIZING PAYMENT OF BILLS LIST #1**
- **RESOLUTION AUTHORIZING PAYMENT OF BILLS LIST #2 (STAVOLA)**

CONSENT AGENDA:

All matters listed in the Consent Agenda are considered to be routine by the Borough Council and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

RESOLUTIONS BY CONSENT:

- **RESOLUTION APPOINTING SPECIAL I POLICE OFFICERS FOR 2014**
- **RESOLUTION GRANTING TAXICAB OWNERS & DRIVERS LICENSES FOR THE YEAR 2014**
- **RESOLUTION ESTABLISHING A RISK MANAGEMENT CONSULTANT**
- **RESOLUTION AWARDING CONTRACT FOR ENCODER REGISTERS, COLD WATER METERS AND RADIO FREQUENCY METER INTERFACE UNITS**
- **RESOLUTION CONFIRMING THE APPOINTMENT OF PETER PIRO AS BOROUGH ADVOCATE**
- **RESOLUTION AUTHORIZING THE RETENTION OF SPECIAL COUNSEL ON BEHALF OF THE BOROUGH OF BELMAR FOR ANIMAL HOUSE HEARING OFFICER**
- **RESOLUTION PERMITTING SPECIAL EVENTS**

ORDINANCES:

First Reading & Introduction

ORDINANCE 2014-01

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

PUBLIC SESSION:

MEETING ADJOURNED:

RESOLUTION NO. 2014-

RESOLUTION APPOINTING SPECIAL I POLICE OFFICERS FOR 2014

Therefore Be it resolved by the Mayor and Borough Council of the Borough of Belmar that the following persons are hereby appointed and confirmed as a Class II Special Police Officer for the year 2014; and

JARED COUPLAND

Be it further resolved, pursuant to N.J.S.A. 40A: 14-146.11, these persons shall not commence duties as special law enforcement officers until successful completion of the Monmouth County Police Academy training course.

offered the above resolution and moved its adoption.

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

Council members:	AYES	NAYS	ABSTAIN	ABSENT
Ms. Keown-Blackburn				
Mr. Magovern				
Mr. Bean				
Mrs. Nicolay				
Mayor Doherty				

Adopted:

RESOLUTION NO. 2014-

**RESOLUTION CONFIRMING THE APPOINTMENT OF PETER PIRO
AS BOROUGH ADVOCATE**

WHEREAS, there exists a need for a person to be designated by the Mayor and Council to represent the Borough's interest in hearings pursuant to Borough Ordinance 26-11.3 b. or any code enforcement matters that may fall within the responsibility of the Borough Advocate, and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Belmar that Peter Piro is confirmed and appointed Borough Advocate for a term expiring December 31, 2014.

offered the above resolution and moved its adoption.

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

Council members:	AYES	NAYS	ABSTAIN	ABSENT
Ms. Keown-Blackburn				
Mr. Magovern				
Mr. Bean				
Mrs. Nicolay				
Mayor Doherty				

Adopted:

RESOLUTION NO. 2014-

RESOLUTION AWARDING CONTRACT FOR ENCODER REGISTERS, COLD WATER METERS AND RADIO FREQUENCY METER INTERFACE UNITS

WHEREAS, on January 7, 2014 the Borough of Belmar received bids for encoder registers, cold water meters and radio frequency meter interface units.

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

NOW, THEREFORE, BE IT RESOLVED by the Borough Council on this 21st day of January 2014 that:

1. Contract is awarded to Rio Supply Inc., DBA SLC Meter East 100 Allied Parkway, Sicklerville, NJ 08081, not to exceed \$202,900 per a year for the years 2014 and 2015.

CERTIFICATION AS TO AVAILABILITY OF FUNDS

I herewith certify that, as of January 21, 2014 funds are available in the appropriation account entitled, W/S Capital Outlay for the proposed contract noted above.

Robbin D. Kirk
Chief Financial Officer

offered the above resolution and moved its adoption.

Seconded by and adopted by the following vote.

Council members:	AYES	NAYS	ABSTAIN	ABSENT
Ms. Keown-Blackburn				
Mr. Magovern				
Ms. Nicolay				
Mr. Bean				
Mayor Doherty				

Adopted:

RESOLUTION 2014-

RESOLUTION ESTABLISHING A RISK MANAGEMENT CONSULTANT

WHEREAS, the BOROUGH OF BELMAR_ has resolved to join the Central Jersey Joint Insurance Fund, following a detailed analysis; and

WHEREAS, the bylaws of said Funds require that each Governing Body appoint a RISK MANAGEMENT CONSULTANT to perform various professional services as detailed in the bylaws; and

WHEREAS, the Board of Fund Commissioners established a fee equal to six percent (6%) of the Municipal assessment which expenditure represents reasonable compensation for the services required and was included in the cost considered by the Governing Body; and

WHEREAS, the judgmental nature of the Risk Management Consultant's duties renders comparative bidding impractical;

NOW THEREFORE, be it resolved that the BOROUGH OF BELMAR does hereby appoint Business & Governmental Insurance Agency as its Risk Management Consultant in accordance with the Fund's bylaws; and

BE IT FURTHER resolved that the Governing Body is hereby authorized and directed to execute the Risk Management Consultant's Agreement annexed hereto and to cause a notice of this decision to be published according to NJSA 40A:11-5 (1) (a) (i).

offered the above resolution and moved its adoption.

Seconded by and adopted by the following vote:

Councilmembers:	AYES	NAYS	ABSTAIN	ABSENT
Ms. Keown-Blackburn				
Mr. Magovern				
Mr. Bean				
Mrs. Nicolay				
Mayor Doherty				

Adopted:

RISK MANAGEMENT CONSULTANT'S AGREEMENT

THIS AGREEMENT entered into this 17th day of April 2013 between the BOROUGH OF BELMAR (hereinafter referred to as GOVERNING BODY) and Business & Governmental Insurance Agency (hereinafter referred to as the CONSULTANT).

WHEREAS, the CONSULTANT has offered to the GOVERNING BODY professional risk management consulting services as required in the bylaws of the Central Jersey Joint Insurance Fund and;

WHEREAS, the GOVERNING BODY desires these professional services pursuant to the resolution adopted by the governing body of the GOVERNING BODY at a meeting held April 17, 2013 and;

NOW, THEREFORE, the parties in consideration of the mutual promises and covenants set forth herein, agree as follows:

- I.*** For and in consideration of the amount stated hereinafter, the CONSULTANT shall:
 - a) Assist the GOVERNING BODY in identifying its insurable Property & Casualty exposures and to recommend professional methods to reduce, assume or transfer the risk or loss.
 - b) Assist the GOVERNING BODY in understanding the various coverages available from the Central Jersey Joint Insurance Fund and the Municipal Excess Liability Joint Insurance Fund.
 - c) Review with the GOVERNING BODY any additional coverages that the CONSULTANT feels should be carried but are not available from the FUND and subject to the GOVERNING BODY's authorization, place such coverages outside the FUND.
 - d) Assist the GOVERNING BODY in the preparation of applications, statements of values, and similar documents requested by the FUND, it being understood that this Agreement does not include any appraisal work by the CONSULTANT.
 - e) Review Certificates of Insurance from contractors, vendors and professionals when requested by the GOVERNING BODY.

- f) Review the GOVERNING BODY's assessment as prepared by the FUND and assist the GOVERNING BODY in the preparation of its annual insurance budget.
- g) Review the loss and engineering reports and generally assist the safety committee in its loss containment objectives. Also, attend no less than one (1) municipal safety committee meeting per annum to promote the safety objectives and goals of the GOVERNING BODY and the FUND.
- h) Assist where needed in the settlement of claims, with the understanding that the scope of the CONSULTANT's involvement does not include the work normally done by a public adjuster.
- i) Perform any other risk management related services required by the FUND's bylaws.

2. In exchange for the above services, the CONSULTANT shall be compensated in the following manner:

- a) The CONSULTANT shall be paid by the GOVERNING BODY a fee as compensation for services rendered, an amount equal to six percent (6%) of the GOVERNING BODY's annual assessment as promulgated by the FUNDS. Said fee shall be paid to the CONSULTANT within thirty (30) days of payment of the GOVERNING BODY's assessment.
- b) For any insurance coverages authorized by the GOVERNING BODY to be placed outside the FUND, the CONSULTANT shall receive as compensation the normal brokerage commissions paid by the insurance company. The premiums for said policies shall not be added to the FUND's assessment in computing the fee outlined in 2 (a).
- c) If the GOVERNING BODY shall require of the CONSULTANT extra services other than those outlined above, the CONSULTANT shall be paid by the GOVERNING BODY a fee at the rate of _____per hour, in addition to actual expenses incurred.

3. The term of this Agreement shall be one (1) year. However, this Agreement may be terminated by either party at any time by mailing to the other written notice, certified mail return receipt, calling for termination at not less than

thirty (30) days thereafter. In the event of termination of this Agreement, the CONSULTANT's fees outlined in 2 (a) above shall be prorated to date of termination.

ATTEST:

GOVERNING BODY:

ATTEST:

CONSULTANT:

Note:

This sample has been promulgated by the MEL to assist municipalities in preparing or negotiating agreements with their risk managers. It does not represent an official statement of MEL policy, nor is it an endorsement of any form or amount of compensation. Careful consideration at the local level should be given to determine how the document may be amended to meet a community's unique needs or desires. Prior to use, the sample should also be reviewed by the local attorney for form, consistency with local JIF bylaws, inclusion of affirmative action language, etc.

RESOLUTION No. 2014-

A RESOLUTION AUTHORIZING THE RETENTION OF SPECIAL COUNSEL ON BEHALF OF THE BOROUGH OF BELMAR FOR ANIMAL HOUSE HEARING OFFICER

WHEREAS, the Mayor and Borough Council have determined that the Borough’s retention of Special Counsel is desirable to represent the interests of the Borough in situations where the Borough Attorney may have a conflict of interest or where the Borough of Belmar or the Borough Attorney determines that the retention of counsel with specialized knowledge or experience will be advantageous to the Borough of Belmar; and,

WHEREAS, the award of a contract for legal services pursuant to N.J.S.A. 40A:11-5(1)(a)(i) may be awarded without advertisement for bids or bidding in that the required services must be performed by an attorney at law in the State of New Jersey, a person authorized by law to practice a recognized profession, whose practice is regulated by law, and the performance of which requires knowledge of an advance and specialized type; and,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Belmar that Alfred J. D’Auria, Esq. 100 Norwood Avenue, Avon, N.J.07717 be and is hereby authorized to represent the interests of the Borough of Belmar as Animal House Hearing Officer at the rate of \$125.00 per hearing to include a written report of said hearing,(for purposes of calculating the maximum herein only) not to exceed a maximum of \$2,500.00 without prior approval of the Mayor and Borough Council;

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk be and are authorized to execute a contract for legal services as noted above and the Borough Clerk shall publish a notice of the nature, duration, service and amount of this contract, together with a statement that the Resolution and contract are on file and available for inspection in the Borough Clerk’s Office; and,

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of contracts for “Professional Services” without competitive bids and the contract itself must be available for public inspection. Notice of the adoption of this resolution shall be published once in The Coast Star, our official newspaper.

offered the above resolution and moved its adoption.

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

Council members:	AYES	NAYS	ABSTAIN	ABSENT
Ms. Keown-Blackburn				
Mr. Magovern				
Mr. Bean				
Mrs. Nicolay				
Mayor Doherty				

Adopted:

:

RESOLUTION NO. 2014-

RESOLUTION 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:

Jean & Patrick Reilly’s Baby Christening: Saturday, January 25, 2014, 6:00 am to 7:00 pm at the corner of Third Avenue and B Street. No Borough resources are needed.

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.

offered the above resolution and moved its adoption.

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

Council members:	AYES	NAYS	ABSTAIN	ABSENT
Ms. Keown-Blackburn				
Mr. Magovern				
Mr. Bean				
Mrs. Nicolay				
Mayor Doherty				

Adopted:

RESOLUTION NO. 2014-

**RESOLUTION GRANTING TAXICAB OWNERS & DRIVERS
LICENSES FOR THE YEAR 2014**

WHEREAS, applications have been received for 2014 Taxicab Owner's and Driver's Licenses for the person listed below under the provisions of Chapter XXI of the Revised General Ordinances of the Borough of Belmar for Taxi Driver's Licenses; and

WHEREAS, said applications appear to conform to the regulations as set forth in Borough Ordinances; and

WHEREAS, said applications have been reviewed by the Police Department as required by Borough ordinance and no objections have been received.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Belmar that the following persons have applied for Taxicab Owner's and Driver's Licenses and have been approved by the Police Dept.

AMARJIT SINGH
ERIC SALTZMAN
JOHN DOYLE
RICHARD COOK

KHAN JALIL
STEVEN SOKOL
JOHN CASE
ARTHUR RUSSO

offered the above resolution and moved its adoption.

Seconded by and adopted by the following vote:

Councilmembers:	AYES	NAYS	ABSTAIN	ABSENT
Ms. Keown-Blackburn				
Mr. Magovern				
Mr. Bean				
Mrs. Nicolay				
Mayor Doherty				

Adopted:

ORDINANCE 2014-01

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

WHEREAS, the Borough of Belmar finds that it is in its best interest to define the term “responsible” as contained in competitive bidding statues governing its purchases of construction goods and services;

WHEREAS, the Borough of Belmar wishes to ensure that contracts are awarded in an atmosphere that invites competition and guards against favoritism, improvidence, arbitrary conduct, extravagance, fraud and corruption so as to secure the best work or supplies at the lowest cost practicable;

WHEREAS, the Borough of Belmar possesses great discretion in determining the “lowest responsible bidder” and is entitled to specify the terms of the contract when it solicits bids and the criteria that bidders must meet in order to be considered a “responsible” bidder in the exercise of its proprietary duties and responsibilities;

WHEREAS, the contracting authority of the Borough of Belmar is entrusted with the power to determine whether a respective bidder is the “lowest responsible bidder”; and,

WHEREAS, the Borough of Belmar solicits bids and/or proposals on many different types of construction contracts with varying factors affecting each purchasing decision, and therefore must take into account reasonable benefits to the community’s welfare arising from each bid and in the exercise of its proprietary functions.

WHEREAS, the Borough of Belmar seeks to add a section to the General Ordinances to amend the ordinance section 4-13 pertaining to Receipt of Bids ;

NOW, THEREFORE BE IT ORDAINED by the Borough of Belmar, County of Monmouth, New Jersey that Chapter IV, Department of Finance, of the Borough of Belmar, Revised General Ordinance is amended and supplemented as follows:

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

c. Responsible Bidders

1. The Borough of Belmar, through its contracting authority, shall require an entity that bids on a public contract produce satisfactory evidence that the business entity is properly registered and authorized to conduct the type of work to be performed, including evidence that demonstrates that the entity possesses or complies with requirements of the Internal Revenue Service, New Jersey Departments of Treasury and/or Labor, as well as complying with the general business license requirements of the State of New Jersey prior to the award and during the term of the contract.
 - (a) The provision of satisfactory evidence by the bidding entity, is that it provides or participates in an apprenticeship and training program approved and registered with the U.S. Department of Labor’s Bureau of Apprenticeship & Training, as well as benefit configuration being no less than required under the New Jersey Prevailing Wage Act is minimally required to demonstrate that a bidding entity is “responsible”.
2. The contracting authority, in order to make its determination as to whether the bidding entity is responsible, shall confirm and substantiate that the contract awardee can reasonably be expected to complete and perform under the contract specifications, and the contracting authority may require the successful bidder to post a bid, performance, wage/fringe benefit and/or material bond(s). The contracting authority shall also determine if the successful bidder can reasonably be expected to complete the project within the time constraints as delineated in the request for bids and/or proposals. The contracting authority shall also determine if the bidding entity maintains a satisfactory level of past performance and integrity as well as possesses the financial, supervisory, personnel, material, equipment and

other resources and expertise to satisfactorily meet its contractual responsibilities and obligations.

3. The contracting authority may factor in its determination of whether a bidder is “responsible” such factors as bidder’s record of conformity with environmental, labor and health & safety laws including compliance with the requirements of the U.S. Department of Labor’s Occupational Safety & Health Administration.
4. All bidders shall be required to provide a certificate of insurance, designating the Borough of Belmar as an Additional Insured under all pertinent policies, specifying all required coverages, including general liability, workers’ compensation, completed operations, automobile, hazardous occupation, product liability and professional liability at such time as the contracting authority deems appropriate to protect the interests of the Borough of Belmar.

SECTION II. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudicated and the remainder of the Ordinance shall be deemed valid and effective.

SECTION III. All Ordinances or parts of ordinances inconsistent with or in conflict with the ordinance are hereby repealed to the extent of such inconsistency