

“GOD BLESS AMERICA”

REGULAR MEETING

MAY 6, 2014

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

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

The Borough Clerk stated “Adequate notice of this meeting has been provided to The Coast Star, the official newspaper of the Borough of Belmar, and the Asbury Park Press on April 30, 2014 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 & Joan Traverso

SPECIAL PRESENTATION:

- Ed Brown Donation - New Maclearie Playground
- Employee of the Month

PROCLAMATION:

- Municipal Clerk’s Week
- Raising Awareness of Fibrodysplasia Ossificans Progressiva

PUBLIC BID: Gem Car and/or Bicycle Rental Concession

WORKSHOP DISCUSSION:

- George Giresi Settlement

PETITIONS:

REPORTS OF MAYOR AND COUNCIL:

APPROVAL OF MINUTES:

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

RESOLUTIONS:

- **RESOLUTION AUTHORIZING PAYMENT OF BILLS LIST #1**
- **RESOLUTION AUTHORIZING PAYMENT OF BILLS LIST # 2 (MARTURANO)**
- **RESOLUTION AUTHORIZING PAYMENT OF BILLS LIST #3 (STAVOLA)**
- **RESOLUTION AUTHORIZING READING OF THE 2014 BUDGET**
- **RESOLUTION INTRODUCING THE 2014 LOCAL MUNICIPAL BUDGET**

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 AUTHORIZING REFUNDS**
- **RESOLUTION GRANTING TAXICAB OWNERS & DRIVERS LICENSES FOR THE YEAR 2014**
- **RESOLUTION WAIVING CERTAIN CONSTRUCTION PERMIT FEES UNTIL DECEMBER 31, 2014**
- **RESOLUTION AWARDED A LEASE AGREEMENT FOR THE 13TH AVENUE BOARDWALK CONCESSION #1**
- **RESOLUTION AWARDED A LEASE AGREEMENT FOR THE 13TH AVENUE BOARDWALK CONCESSION #2**
- **RESOLUTION AUTHORIZING SALE OF PERSONAL PROPERTY AT AUCTION**
- **RESOLUTION AUTHORIZING SALE OF PERSONAL PROPERTY AT AUCTION #2**
- **RESOLUTION AUTHORIZING THE ADVERTISEMENT FOR BIDS TO LEASE A PORTION OF THE SECOND AVENUE BOARDWALK FOR YOGA CLASSES**
- **RESOLUTION APPOINTING SPECIAL POLICE OFFICERS FOR 2014**
- **RESOLUTION AWARDED A LEASE AGREEMENT FOR THE ZUMBA CLASSES**
- **RESOLUTION AWARDED A LEASE AGREEMENT FOR THE SKIMBOARDING CLASSES**
- **RESOLUTION AWARDED A LEASE AGREEMENT FOR THE PADDLEBOARD CLASSES**
- **RESOLUTION DESIGNATING THE DATES FOR CLOSING THE BEACHFRONT EXCEPT FOR PAYMENT OF CERTAIN FEES TO THE GENERAL PUBLIC AND RESIDENTS OF THE BOROUGH OF BELMAR FOR 2014**
- **RESOLUTION HONORING AND RECOGNIZING THE SERVICE TO THE COMMUNITY BY ALL FIRST RESPONDERS AND AUTHORIZING FREE BEACH ADMISSION DURING THE 2014 BEACH SEASON TO ALL ACTIVE FIRST RESPONDERS PURSUANT TO BELMAR BOROUGH ORDINANCE SECTION 18-2.5(i)**
- **RESOLUTION HONORING THE MEN AND WOMEN OF OUR ARMED FORCES AND RECOGNIZING THE SACRIFICES BEING MADE BY THEM, AND ALSO BY THEIR FAMILIES, AND PROCLAIMING THE COMMENCEMENT OF “OPERATION: THANK YOU” WITHIN THE BOROUGH OF BELMAR, AND AUTHORIZING FREE BEACH ADMISSION DURING THE 2014 BEACH SEASON TO ALL ACTIVE MILITARY PERSONNEL AND**

**THEIR DEPENDENTS PURSUANT TO BELMAR BOROUGH
ORDINANCE SECTION 18-2.5(i)**

- **RESOLUTION MODIFYING ALL LEASES FOR BEACHFRONT CONCESSIONS IN THE BOROUGH OF BELMAR, MONMOUTH COUNTY, NEW JERSEY**
- **RESOLUTION AUTHORIZING ISSUANCE OF SEASONAL RETAIL CONSUMPTION LICENSE NO. 1306-34-001-004 TO FUSAL, LLC T/A LA DOLCE VITA FOR THE PERIOD ENDING NOVEMBER 14, 2014**
- **RESOLUTION AUTHORIZING ISSUANCE OF SEASONAL RETAIL CONSUMPTION LICENSE TO THE IRISH CURSE, LLC DBA 10TH AVENUE BURRITO LICENSE NO. 1306-34-004-001, FOR THE PERIOD ENDING NOVEMBER 14, 2014**
- **RESOLUTION AUTHORIZING ISSUANCE OF SEASONAL RETAIL CONSUMPTION LICENSE TO D'JAIS LLC, T/A D'JAIS FOR THE PERIOD ENDING NOVEMBER 14, 2014**
- **RESOLUTION AWARDED CONTRACT FOR BOARDWALK BENCHES**
- **RESOLUTION PURSUANT TO N.J.A.C. 5:30-14.4 ET SEQ. CHANGE ORDER NUMBER ONE FOR THE WATER TANK EMERGENCY REPAIRS PROJECT**
- **RESOLUTION APPOINTING SPECIAL II POLICE OFFICERS FOR 2014**

ORDINANCES:

First Reading & Introduction

ORDINANCE 2014-09 (Replacing Ordinance 2014-04)

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER V DEPARTMENT OF PUBLIC SAFETY OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY

First Reading & Introduction

ORDINANCE 2014-10

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XXIX (WATER SEWER UTILITY DEPARTMENT ESTABLISHING NEW WATER-SEWER RATES AND ESTABLISHING A MINIMUM USAGE

First Reading & Introduction:

ORDINANCE NO. 2014-11

CALENDAR YEAR 2014 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (NJSA. 40A:4-45.14)

Second Reading & Public Hearing

ORDINANCE 2014-07

BOND ORDINANCE PROVIDING FOR THE CONSTRUCTION OF BEACHFRONT BUILDINGS IN AND BY THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$7,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$7,000,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

Second Reading & Public Hearing

ORDINANCE 2014-08

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XVII BEACHFRONT & MARINE REGULATIONS OF THE REVISED GENERAL

**ORDINANCES OF THE BOROUGH OF BELMAR, IN THE COUNTY OF
MONMOUTH, NEW JERSEY, SECTION 18-2 BEACHFRONT REGULATIONS**

RESOLUTIONS:

- **RESOLUTION AWARDED CONTRACT FOR CONSTRUCTION OF
PAVILIONS AT THE 5TH AVENUE AND 10TH AVENUE BOARDWALK**

PUBLIC SESSION:

MEETING ADJOURNED

RESOLUTION NO. 2014-

**RESOLUTION AUTHORIZING ISSUANCE OF SEASONAL RETAIL CONSUMPTION
LICENSE TO THE IRISH CURSE, LLC DBA 10TH AVENUE BURRITO
LICENSE NO. 1306-34-004-001, FOR THE PERIOD ENDING
NOVEMBER 14, 2014**

WHEREAS, an application was made April 7, 2014 by the Irish Curse LLC, DBA 10th Avenue Burrito, 801 Belmar Plaza, for renewal of their Seasonal Retail Consumption License No. 1306-34-004-001; and

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

WHEREAS, said licensed premises at 801 Belmar Plaza is licensed.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Belmar that a Seasonal Retail Consumption License for the period March 1, 2014 to November 14, 2014; both dates inclusive, 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. 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.
3. The outdoor dining area, including bar shall be fully enclosed at all times with controlled access points through the restaurant or on Belmar Plaza only.

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:

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

Adopted:

RESOLUTION NO. 2014-

RESOLUTION AWARDING CONTRACT FOR BOARDWALK BENCHES

WHEREAS, on April 30, 2014 the Borough of Belmar received bids for the purchase of boardwalk benches; and

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

NOW, THEREFORE, BE IT RESOLVED by the Borough Council on this 1st day of May, 2014, that:

1. Contract is awarded to Oaktree Sheds & Gazebos, 943 Highway 33 West, Monroe, NJ 08831 in the amount of \$635 per a bench for a total amount of \$31,750 for 50 benches.

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CERTIFICATION AS TO AVAILABILITY OF FUNDS

I herewith certify that there are adequate funds available in the Dedication of Rider Hurricane Relief Fund.

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

Ms. Keown-Blackburn
Mr. Magovern
Mr. Bean
Mrs. Nicolay
Mayor Doherty

Adopted:

RESOLUTION NO. 2014-

**RESOLUTION AWARDING CONTRACT FOR CONSTRUCTION OF PAVILIONS AT
THE 5TH AVENUE AND 10TH AVENUE BOARDWALK**

WHEREAS, on February 2, 2014 the Borough of Belmar received bids for the construction of pavilions at the 5th Avenue and 10th Avenue boardwalk.

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

NOW, THEREFORE, BE IT RESOLVED by the Borough Council on this 1st day of May, 2014, that:

1. Contract is awarded to Epic Group Inc., 136 Eleventh Street, Piscataway, NJ in the amount of \$4,897,000.00.

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CERTIFICATION AS TO AVAILABILITY OF FUNDS

I herewith certify that there are adequate funds available pending the end of the estoppels period for bond ordinance 2014-07 for the proposed contract noted above in the amount of \$7,000,000.

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
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Ms. Keown-Blackburn
Mr. Magovern
Mr. Bean
Mrs. Nicolay
Mayor Doherty

Adopted:

RESOLUTION NO. 2014-

RESOLUTION APPOINTING SPECIAL II 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 effective May 6, 2014 as a Class II Special Police Officer so that they may attend the Police Academy; and

KYLE WORSTER

Be it further resolved, pursuant to N.J.S.A. 40A:14-146.11, these persons shall not commence duties as a 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: