

“GOD BLESS AMERICA”

REGULAR MEETING

OCTOBER 1, 2014

A special 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 September 11, 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

SPECIAL PRESENTATIONS:

- Employee of the Month
- Breast Cancer Awareness Month

WORKSHOP DISCUSSION:

- Ordinance 2014-01
- Lake Como Updates

PETITIONS: Certification of Petition – Ordinance 2014-01

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**

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 MAKING FINDINGS AND DETERMINATIONS ON LEGALIZED GAMES OF CHANCE APPLICATION NUMBER 2014-12, 13, 14, 15, 16**
- **RESOLUTION AUTHORIZING MAYOR AND COUNCIL TO DECLARE HALLOWEEN CURFEW**
- **RESOLUTION MAKING APPOINTMENTS TO THE BELMAR HOUSING AUTHORITY**
- **RESOLUTION AUTHORIZING REFUNDS**

- RESOLUTION AUTHORIZING THE DISPOSAL OF SURPLUS PROPERTY
- RESOLUTION APPROVING MEMBERSHIP APPLICATION FOR UNION FIRE COMPANY
- RESOLUTION REJECTING ALL BIDS FOR THE FIFTH AND TENTH AVENUE BORDWALK PAVILIONS

ORDINANCES:

PUBLIC SESSION:

MEETING ADJOURNED

**DESIGNATING THE MONTH OF OCTOBER IN EACH YEAR AS
"BREAST CANCER AWARENESS MONTH"**

WHEREAS, National Breast Cancer Awareness Month (NBCAM) educates women about the importance of early detection for breast cancer. Since NBCAM's inception, mammography use has doubled, and breast cancer death rates have declined. Still, many women do not utilize mammography at regular intervals.

WHEREAS, In recognition of the fact that mammography is the best available method of detecting breast changes that may be cancer, long before physical symptoms can be seen or felt, and that breast cancer deaths could decline further if all women age 40 and older received mammograms at regular intervals,

WHEREAS, October 2014 marks the 30th Anniversary of National Breast Cancer Awareness Month, which is dedicated to increasing awareness of breast cancer issues, especially the importance of early detection; and

NOW, THEREFORE, BE IT RESOLVED, the Mayor and Council of the Borough of Belmar, County of Monmouth, State of New Jersey, do hereby proclaim October as National Breast Cancer Awareness Month. All women and their families in the Borough of Belmar, County of Monmouth, and State of New Jersey are urged to get the facts about mammography and breast cancer detection.

RESOLUTION NO. 2013-241

**RESOLUTION AUTHORIZING MAYOR AND COUNCIL TO
DECLARE HALLOWEEN CURFEW**

BE IT RESOLVED by the Mayor and Council that the Mayor be and is hereby authorized to declare a curfew on the use of streets and highways in all of the Borough of Belmar, between the hours of 8 o'clock in the evening prevailing time and 6 o'clock in the morning prevailing time, beginning at 8PM on October 29, 2013 and ending at 6.A.M. on November 1, 2013. During such hours, no person under the age of 18 shall remain in or upon any public street, highway or place except those accompanied by a parent or guardian and except those who are going directly between their home and place of work or school; and

BE IT FURTHER RESOLVED that no Trick-or-Treater, masked or unmasked, in or out of costume be permitted on private property after 8 P.M. on October 31, 2013.

Mayor Doherty offered the above resolution and moved its adoption.

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

Council members:	AYES	NAYS	ABSENT	ABSTAIN
Mrs. Deicke	X			
Mr. Magovern	X			
Mr. Bean	X			
Mrs. Nicolay	X			
Mayor Doherty	X			

Adopted: October 2, 2013

RESOLUTION 2014-

RESOLUTION AUTHORIZING THE DISPOSAL OF SURPLUS PROPERTY

WHEREAS, the Borough of Belmar is the owner of certain surplus property which is no longer needed for public use; and

WHEREAS, the Mayor and Council are desirous of selling said surplus property in an “as is” condition without express or implied warranties.

NOW THEREFORE, be it RESOLVED by the Mayor and Council of the Borough of Belmar, County of Monmouth, as follows:

- (1) The sale of the surplus property shall be conducted through GovDeals pursuant to State Contract A-70967/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals is available online at www.govdeals.com and also available from the Borough Clerk.
- (2) The sale will be conducted online and the address of the auction site is www.govdeals.com with a minimum bid requirement of \$3000.
- (3) The sale is being conducted pursuant to Local Finance Notice 2008-9.
- (4) A list of the surplus property to be sold is as follows: 400 blue parking meters
- (5) The surplus property as identified shall be sold in an “as-is” condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.
- (6) The Mayor and Council reserves the right to accept or reject any bid submitted.

offered the above resolution and moved its adoption.

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

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

Adopted:

RESOLUTION 2014-

**RESOLUTION MAKING APPOINTMENTS
TO THE BELMAR HOUSING AUTHORITY**

WHEREAS, the Belmar Housing Authority hereby appoints the following:

Walter Zwirz with a term expiring October 1, 2019

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Belmar that the above appointment be and is hereby ratified and confirmed as an appointment of the Borough Council of the Borough of Belmar for the Belmar Housing Authority.

offered the above resolution and moved its adoption.

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

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

Adopted:

RESOLUTION NO 2014-

**RESOLUTION MAKING FINDINGS AND DETERMINATIONS ON
LEGALIZED GAMES OF CHANCE APPLICATION NUMBER
2014-12, 13, 14, 15, 16**

WHEREAS, the Borough Council has received from the Chief of Police a written report for the following named applicant for Legalized Games of Chance.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Belmar that it is their Findings and Determinations that the following has qualified for the Raffle License:

APPLICANT	NUMBER	PREMISES	DATE	TIME
St. Rose Grammar School	2014-12, 13, 14, 15 & 16	Waterview Pavilion	11/14/14	6:00-11:00 pm

BE IT FURTHER RESOLVED that said licenses are granted and the Clerk of the Borough of Belmar is authorized to issue said licenses upon the payment of required fee, and the Borough Clerk is authorized to file Findings and Determinations Form LGCC5A with the Legalized Games of Chance Commission as the verifying official.

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 AUTHORIZING REFUNDS

BE IT RESOLVED, by the Mayor and Borough Council on this 6th day of May 2014 that the following refunds are hereby authorized upon certification by the Chief Financial Officer to the following:

<u>Name</u>	<u>Type</u>	<u>Amount</u>
Cajitan Salmel C/O Salmel Realty 1600 16 th Avenue Belmar, NJ 07719	Tax overpayment Block 90 Lot 3	\$10,787.30
Down To Earth Farms LLC 112 Fifth Avenue Belmar, NJ 07719	Tax overpayment Block 40 Lot 9	\$7,327.57

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

Adopted:

RESOLUTION NO. 2014-

**RESOLUTION REJECTING ALL BIDS FOR THE FIFTH AND TENTH AVENUE
BORDWALK PAVILIONS**

WHEREAS, on February 2, 2014 the Borough of Belmar received bids for the construction of the Fifth and Tenth Avenue pavilions at the Belmar boardwalk; and

WHEREAS, the Business Administrator has recommended the bids be rejected as per NJSA 40A:11-13-2(c) due to lack of funding available.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council on this 1st day of October 2014 that the bids received on February 2, 2014 are rejected and the bidders will be notified.

BE IT FURTHER RESOLVED, by the Borough Council that Resolution 2014-105, awarding a contract to Epic Management for construction of the Fifth and Tenth Avenues pavilions is hereby rescinded and void.

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

Adopted:

RESOLUTION NO 2014-

RESOLUTION APPROVING MEMBERSHIP APPLICATION FOR UNION FIRE COMPANY

WHEREAS, the Union Fire Company has advised the Borough Council that the following have submitted applications to join the Union Fire Company:

SAMUEL JEAN

WHEREAS, each application will be 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 pending final approval from the Police Department.

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

Adopted: