

“GOD BLESS AMERICA”

REGULAR MEETING

NOVEMBER 18, 2014

A regular meeting of the Mayor and Council of the Borough of Belmar held on the above date at 5:30 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 November 10, 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

BELMAR YOUTH GOVERNMENT: Mayor and Council Mock Meeting

SPECIAL PRESENTATION:

- Employee of the Month

WORKSHOP DISCUSSION:

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**

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 THE MAYOR AND BOROUGH CLERK TO REQUEST PERMISSION FROM THE UTILITY COMPANIES FOR USE OF POLES FOR CHRISTMAS DECORATIVE BANNERS FOR 2014**
- **RESOLUTION ESTABLISHING FEE FOR “BELMAR LOGO” MAGNETS**
- **RESOLUTION ADOPTING THE MONMOUTH COUNTY HAZARD MITIGATION PLAN**
- **RESOLUTION REJECTING ALL BIDS FOR THE BELMAR WATERWORKS GROUND STORAGE TANK EXTERIOR PAINTINGS & REPAIRS**

- **RESOLUTION AUTHORIZING THE BOROUGH OF BELMAR TO ENTER INTO A SUBRECIPIENT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION (NJDEP)**

ORDINANCES:

Second Reading & Public Hearing

ORDINANCE 2014-18

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

First Reading & Introduction

ORDINANCE 2014-19

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XIX (TRAFFIC) OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BELMAR, SECTIONS 19-46 HANDICAPPED PARKING SPACES

PUBLIC SESSION:

MEETING ADJOURNED

RESOLUTION NO. 2014-

**RESOLUTION AUTHORIZING THE BOROUGH OF BELMAR TO ENTER INTO A
SUBRECIPIENT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF
ENVIRONMENTAL PROTECTION (NJDEP)**

WHEREAS, the Borough is applying for and expects to be awarded a grant through the NJDEP Office of Flood Hazard Risk Reduction Measures Flood Hazard Risk Reduction and Resiliency Grant Program for the flooding mitigation project at Lake Como, Belmar New Jersey.

The United States Department of Housing and Urban Development (HUD) has approved Community Development Block Grant -Disaster Recovery (CDBG-DR) to fund the Flood Hazard Risk Reduction and Resiliency Measures, with \$50 million initially allocated to fund the grant program from a total of \$100 million approved for Flood Hazard Risk Reduction and Resiliency Measures.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Belmar:

- 1) Authorizes Mayor Matthew J. Doherty to sign the Subrecipient Agreement with the New Jersey Department of Environmental Protection which constitutes acceptance of the terms and conditions of the grant agreement; and,
- 2) Directs and authorizes Colleen Connolly, Borough Administrator as the official representative of the Borough to act in connection with the Grant Funds, sign all understandings and assurances contained therein, and to provide such additional information as may be required; and,
- 3) Authorizes Paul Calabrese, Borough Engineer and Maser Consulting as an additional official representative of the Borough in connection with the Grant Funds, and to provide additional information as may be required.

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.

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

Adopted:

RESOLUTION 2014-

RESOLUTION ADOPTING THE MONMOUTH COUNTY HAZARD MITIGATION PLAN

WHEREAS, In accordance with Part 201.6 of the Disaster Mitigation Act of 2000 (DMA 2000), as amended, Monmouth County, New Jersey, has developed an update of its Multi-Jurisdictional Natural Hazard Mitigation Plan to identify hazards that threaten the County and ways to reduce future damages associated with these hazards.

WHEREAS, as part of the Borough of Belmar’s Community Rating System application for FEMA the Borough Council needs to approve the draft copy of the new Monmouth County Muti-Hazard Mitigation Plan.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Belmar that the Monmouth County Multi-Jurisdictional Natural Hazard Mitigation Plan be hereby adopted by the Borough of Belmar.

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 AUTHORIZING THE MAYOR AND BOROUGH CLERK TO
REQUEST PERMISSION FROM THE UTILITY COMPANIES FOR USE OF POLES
FOR CHRISTMAS DECORATIVE BANNERS FOR 2014**

WHEREAS, it is necessary that certain decorative banners and/or electrical light display may be used for Christmas to be attached to utility poles.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Belmar that the Mayor and Borough Clerk be and are hereby authorized to request permission from JCP&L, Verizon, and Cablevision of Monmouth for said use; and

BE IT FURTHER RESOLVED that said request shall include the following:

1. The Borough may attach electrical lights to said poles and if it does all electricity consumed by such decorations will be duly paid for.
2. The Borough of Belmar will save harmless First Energy, JCP&L, Verizon, and Cablevision of Monmouth from loss, claims demands and liability due to the presence of said decorative banners, lighting wires on such poles.
3. Prior to commencing such banner attachment the agents or contractors of the undersigned shall furnish Certificates of Insurance naming said companies as additional insured if necessary.
4. The method of making attachments to poles shall be in accord with construction and safety requirements of First Energy, JCP&L, Verizon, and Cablevision of Monmouth.

offered the above resolution and moved its adoption.

Seconded by Council 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 2014-

RESOLUTION ESTABLISHING FEE FOR “BELMAR LOGO” MAGNETS

BE IT RESOLVED, by the Mayor & Council of the Borough of Belmar, that the Belmar logo magnets be available for sale to the general public at the cost of \$5.00 each.

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 REJECTING ALL BIDS FOR THE BELMAR WATERWORKS
GROUND STORAGE TANK EXTERIOR PAINTINGS & REPAIRS**

WHEREAS, on September 9, 2014 the Borough of Belmar received bids for the Belmar Waterworks ground storage tank exterior paintings and repairs; and

WHEREAS, the Business Administrator has recommended the bids be rejected due to the lowest bid exceeding the cost estimates for the goods or services as per NJSA 40A:11-13.2(a).

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council on this 18th day of November 2014 that the bids received on September 9, 2014 are rejected and the bidders will be notified.

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:

ORDINANCE 2014-18

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 wishes to revise and/or repeal Ordinance 2014-01.

NOW, THEREFORE, BE IT ORDAINED by the Borough of Belmar, County of Monmouth, New Jersey, that the Borough of Belmar Revised General Ordinances are hereby amended and supplemented as follows:

SECTION I. Chapter IV, Section 13, Receipt of Bids, shall have the following deleted 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 a benefit configuration being no less than required under the New Jersey Prevailing Wage Act, or the bidder certifies that they will not pay any less than the journeymans rate as defined by the New Jersey Prevailing Wage Act, are 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 adjudged 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.

SECTION IV. This Ordinance shall take effect 20 days after final passage, adoption and publication according to law.

ORDINANCE NO. 2014-19

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XIX
(TRAFFIC) OF THE REVISED GENERAL ORDINANCES OF
THE BOROUGH OF BELMAR, SECTIONS 19-46
HANDICAPPED PARKING SPACES**

THEREFORE, BE IT ORDAINED by the Borough of Belmar, County of Monmouth, New Jersey, that Chapter XIX Traffic, Section 19-46.2 Handicapped Parking Limited to Specific Persons in Front of Certain Residences of the Borough of Belmar Revised General Ordinances is hereby amended and supplemented as follows:

SECTION I. 19-46.2 Handicapped Parking Limited to Specific Persons in Front of Certain Residences.

In accordance with the provisions of N.J.S.A. 39:4-197, the following on street locations are designated as handicapped parking spaces. Such spaces are for use by persons who have been issued special vehicle identification cards or plates or placards by the Motor Vehicle Commission or a temporary placard issued by the Chief of Police. No other person shall be permitted to park in these spaces.

<u>ADDRESS</u>	<u>#SPACES</u>	<u>SIDE</u>	<u>LOCATION</u>
500 10th Avenue	1	Westside of D Street	Beginning at the northwest corner of Tenth Avenue along the westerly curbline of "D" Street, north 51 feet continuing 25 feet to the rear of the space.

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 adjudged 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.

SECTION IV. This Ordinance shall take effect 20 days after final passage, adoption and publication according to law.