

“GOD BLESS AMERICA”

REGULAR MEETING

MARCH 3, 2015

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 Brennan, Councilwoman Keown-Blackburn, Councilman Magovern, Councilwoman Nicolay, 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 29, 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

PROCLAMATIONS:

- Women’s History Month
- Irish Heritage Month

SPECIAL PRESENTATION: Employee of the Month

PUBLIC BIDS:

- 13th Avenue Boardwalk Trailer #1 – minimum bid \$1500 per a month for a 5 month lease
- 13th Avenue Boardwalk Trailer #2 – minimum bid \$1500 per a month for a 5 month lease

WORKSHOP DISCUSSION:

PETITIONS:

APPROVAL OF MINUTES:

REPORTS OF COUNCIL:

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 PERMITTING SPECIAL PERMITS FOR SOCIAL AFFAIRS FOR BELMAR FISHING CLUB

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 PAYMENT OF BILLS
- RESOLUTION ESTABLISHING FEES FOR CERTAIN RECREATION PROGRAMS
- RESOLUTION PURSUANT TO N.J.A.C. 5:30-14.4 ET SEQ. CHANGE ORDER NUMBER TWO FOR THE RIVERWALK PHASE IV PROJECT

- **RESOLUTION PERMITTING SPECIAL EVENTS**
- **RESOLUTION APPOINTING AND CONFIRMING APPOINTMENTS TO THE ENVIRONMENTAL COMMISSION AS PROVIDED BY BOROUGH ORDINANCE 1991-3 AND ORDINANCE 2004-19**
- **RESOLUTION AUTHORIZING THE ADVERTISEMENT FOR BIDS TO LEASE A PORTION OF MACLEARIE PARK FOR A MARINE SCIENCE CAMP**

ORDINANCES:

ORDINANCE 2015-12

Second Reading & Public Hearing

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XIX, TRAFFIC, SECTION 19-40.1 PARKING METER ZONES AND REGULATIONS, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY

ORDINANCE 2015-13

Second Reading & Public Hearing

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XIX (TRAFFIC) OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BELMAR, SECTIONS 19-38 LOADING ZONES

ORDINANCE 20214-14

Second Reading & Public Hearing

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XIX, TRAFFIC, SECTION 19-10 TEMPORARY PARKING PROHIBITION FOR SNOW PLOWING AND REMOVAL, OF THE GENERAL ORDINANCES OF THE BOROUGH OF BELMAR

PUBLIC SESSION:

MEETING ADJOURNED:

IRISH-AMERICAN HERITAGE MONTH

WHEREAS, throughout American History, millions of Irish immigrants have travelled to the United States of America in search of freedom, justice, and opportunity; and

WHEREAS, fleeing religious, social and political discrimination as well as starvation and disease, these immigrants depended on the strong spirit and character of their Irish heritage to succeed in a new land; and

WHEREAS, Americans of Irish descent have played a vital role in shaping our history and culture and exploring our frontiers and fortifying our democracy through their military and public service; and

WHEREAS, organizations such as the Ancient Order of Hibernians and the Friendly Sons of Shillelaghs, to name a few, have allowed Irish-Americans to gather with each other and honor their Irish heritage; and

WHEREAS, Irish-American Heritage Month celebrates the contributions of these talented and industrious people and recognizes their rich legacy;

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Belmar, do hereby proclaim March, 2015 as “Irish-American Heritage Month” in the Borough of Belmar, County of Monmouth, State of New Jersey and urge the citizens of Belmar celebrate the contributions of Irish-Americans.

Resolution Designating the Month of March as “Women’s History Month”

Whereas, New Jersey women of every race, class, and ethnic background have made historic contributions to the growth and strength of our State in countless recorded and unrecorded ways;

Whereas, New Jersey women have played and continue to play a critical economic, cultural, and social role in every sphere of the life of the State by constituting a significant portion of the labor force working inside and outside of the home;

Whereas, New Jersey women have played a unique role throughout the history of the State by providing the majority of the volunteer labor force of the State;

Whereas, New Jersey women were particularly important in the establishment of early charitable, philanthropic, and cultural institutions in our State;

Whereas New Jersey women of every race, class, and ethnic background served as early leaders in the forefront of every major progressive social change movement;

Whereas, New Jersey women have been leaders, not only in securing their own rights of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, and other movements, especially the peace movement, which create a more fair and just society for all; and

Whereas, despite these contributions, the role of women in history has been consistently overlooked and undervalued, in the literature, teaching and study of American history

Whereas, the Department of Community Affairs, specifically the Division on Women’s goals are to remember and celebrate New Jersey women and to: Ensure that NJ women are offered equal opportunities in education, the workforce and healthcare regardless of age, sexual orientation, income, ethnicity, race or religion. Identify, implement, measure and coordinate programs that address the needs of NJ women. Engage in continuous study and research on issues affecting NJ women and their families, develop policy papers and legislative recommendations

Now, therefore, be it resolved by the Governing Body in the Borough of Belmar, State of New Jersey, that March 2015 is designated as "Women's History Month" under the National Women History Project’s 2015 theme: *Weaving the Stories of Women’s Lives*

RESOLUTION 2015-

**RESOLUTION PERMITTING SPECIAL PERMITS FOR SOCIAL AFFAIRS
FOR BELMAR FISHING CLUB**

WHEREAS, the Belmar Fishing Club has applied for the following Special Permit for Social Affairs (“One Day Liquor License”):

March 14, 2015

WHEREAS, the applications require that the municipality indicate that it has no objection to the granting of said Special Permit;

NOW, THEREFORE, BE IT RESOLVED, that the Borough Clerk be and is hereby authorized and directed to sign the certification stating that the Borough of Belmar has no objection to the granting of the Special Permit for Social Affairs to be conducted by the Belmar Fishing Club and that the issuance of said Permit is not contrary to any local ordinance, resolution, regulation or policy which would prohibit the same, and that not more than 25 Special Permits have been authorized for the applicant during 2015.

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. Brennan				
Mrs. Nicolay				
Mayor Doherty				

Adopted:

RESOLUTION NO. 2015-

RESOLUTION AUTHORIZING THE ADVERTISEMENT FOR BIDS TO LEASE A PORTION OF MACLEARIE PARK FOR A MARINE SCIENCE CAMP

WHEREAS, the Borough Council has determined that certain portions of Maclearie Park can be used for a marine science camp without substantial interference with the public's use during the times in which the marine science camp will be operated and is not otherwise dedicated or restricted pursuant to law; and

WHEREAS, the use of said area shall be limited to the operation of a marine science camp from June 1, 2015 to August 31, 2015.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Belmar that the Borough Clerk be and is hereby authorized and directed to advertise for bids to lease the following property on the following terms and conditions:

The Lease shall be made to the highest bidder by open public bidding at auction.

The area to be leased is a portion of Maclearie Park for use for a marine science camp, subject to the terms and conditions of the Lease which is on file and available for inspection at the Municipal Clerk's Office, 601 Main Street, Belmar, New Jersey during regular business hours. All bidders should inspect the lease prior to bidding.

The Lease shall be made to the highest bidder by open public bidding at auction.

The minimum acceptable bid is hereby fixed as a minimum of two scholarships per a week and a 25% discount to Belmar/Lake Como residents.

The term of the Lease is from the June 1, 2015 to August 31, 2015 and is subject to the terms and conditions of the Lease.

The Borough Council reserves the right to, in any event, reject the highest bid, and if the highest bid is rejected, to reject all bids.

The successful bidder must execute the form of lease setting forth the terms and conditions as if fully set forth herein within ten (10) days of the award of the bid.

BE IT FURTHER RESOLVED that the advertisement for bids shall conform to the requirements of N.J.S.A. 40A:12-14(a) and such notice will be published in the Asbury Park Press on March 24, 2015 and March 31, 2015.

BE IT FURTHER RESOLVED that the bidding by auction shall take place on Tuesday, April 7, 2015 at the Municipal Complex, Council Chambers, 601 Main Street, Belmar, New Jersey at 6:00 p.m.

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. Brennan				
Mrs. Nicolay				
Mayor Doherty				

Adopted:

RESOLUTION NO. 2015-

**RESOLUTION PURSUANT TO N.J.A.C. 5:30-14.4 ET SEQ. CHANGE ORDER
NUMBER TWO FOR THE RIVERWALK PHASE IV PROJECT**

WHEREAS, the Borough Administrator has certified Change Order Number Two to amend project costs by agreement with the contractor, Compass Construction for the Riverwalk Phase IV project; and

WHEREAS, the Council of the Borough of Belmar has also received from the Mayor a request for this Change Order to amend the cost of the project as shown by the documentation attached to said request and having investigated the same and being assured that the change is necessary and that it will actually be carried out and the total net change for Change Order Number Two is a net decrease of \$40,838.00.

NOW, THEREFORE, BE IT RESOLVED on this 3rd day of March 2015 that the Mayor and Borough Clerk be and are hereby authorized to enter into written amendatory contract covering the change requested in the aforesaid project.

REQUEST PURSUANT TO 5:30-14.4 ET SEQ.

I am the Mayor of the Borough of Belmar and the changes are required to amend the bid specifications for the project as listed. No changes were authorized by me or the Council prior to this resolution for noted items and the change order requested by the Contractor and the Administrator is necessitated for the reasons given by them in the annexed documents and are permissible under Regulations of the Local Finance Board.

Matthew J. Doherty
Mayor

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				
Mrs. Nicolay				
Mr. Brennan				
Mayor Doherty				

Adopted:

RESOLUTION 2015-

RESOLUTION ESTABLISHING FEES FOR CERTAIN RECREATION PROGRAMS

BE IT RESOLVED, by the Mayor & Council of the Borough of Belmar, that the following fees for Recreation Programs be set and shall hereby be in effect until replaced with a future resolution adopted by the Mayor & Council:

Junior Lifeguards

\$65 - Belmar/Lake Como Residents & St. Rose Students

\$90 - Non-Residents

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. Brennan				
Mrs. Nicolay				
Mayor Doherty				

Adopted:

RESOLUTION NO. 2015-

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:

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.

Opening Day Little League Parade: Saturday, April 18th 2015, set up time begins at 8.45am and ends at 10.00am. No additional Borough resources are required.

National MS Society NJ Chapter Coast to Coast Bike Tour Rest Stop: Saturday, May 16th 2015. Set-up begins at 6.00am, breakdown 4.00pm. No set up is allowed prior to May 16th. Police Department costs \$1500.00 and DPW costs \$500.00 to be paid in full by April 17, 2015.

Belmar Mayors Ball: Friday, May 29th 2015, set-up begins on May 28th in Pyanoe Plaza. No additional Borough resources are required.

Fallen Hero’s Memorial 5K: Saturday, September 12th. Set-up begins at 6:00 am, breakdown at Noon. Organization must inform all Belmar residents impacted by the road closing through a mailing or a door to door poster drop. No additional Borough resources are necessary.

Autism Family Services of NJ: Annual Family day, Sunday, September 13th 2015. Set up begins on September 11th and breakdown is September 14th. No additional Borough resources are required.

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. Brennan				
Mrs. Nicolay				
Mayor Doherty				

Adopted:

RESOLUTION NO 2015-

**RESOLUTION APPOINTING AND CONFIRMING APPOINTMENTS
TO THE ENVIRONMENTAL COMMISSION AS PROVIDED BY BOROUGH
ORDINANCE 1991-3 AND ORDINANCE 2004-19**

BE IT RESOLVED by the Borough Council of the Borough of Belmar that the following are appointed to the Environmental Commission as recommended by Mayor Doherty per Borough Ordinance:

MEMBERS:
Louise Rempe

TERM EXPIRING
December 31, 2016

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. Brennan				
Mrs. Nicolay				
Mayor Doherty				

Adopted:

ORDINANCE 2015-12

**AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER XIX, TRAFFIC, SECTION 19-40.1 PARKING METER ZONES AND
REGULATIONS, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH
OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY**

WHEREAS, the Borough of Belmar Mayor and Council wish to amend certain sections of Chapter XIX, Traffic.

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

SECTION I. Chapter XIX is hereby amended and supplemented as follows:

19-40.1 Parking Meter Zones and Regulations.

The provisions of this subsection shall regulate the parking of vehicles within parking meter zones as hereinafter designated; the designation, use and operation of parking meters; and the payment of fees prescribed herein.

- e. *Hours of Operation.* All parking meters ~~installed on Ocean Avenue~~ shall be in operation every day from 8:00 a.m. through 7:00 p.m..

- j. *Enforcement.* It shall be the duty of the members of the Belmar Parking Authority to enforce the provisions of this section.

<i>Name of Street</i>	<i>Sides</i>	<i>Limits</i>
Ocean Avenue	East and west	From the northern boundary line of the Borough to the southern boundary line of the Borough.
<u>Silver Lake</u>	<u>North & South</u>	<u>Ocean Avenue west to A Street on 6th Avenue & to B Street on 5th Avenue, lake side only.</u>
<u>Schroeder Park</u>	<u>All sides</u>	<u>From First to Second Avenue park sides only: First Avenue, Ocean Avenue & River Avenue</u>
<u>Lake Como</u>	<u>North</u>	<u>From Ocean Avenue west to B Street on the South side of North Boulevard.</u>

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

Additions are indicated by underline; and, deletions by ~~strikeout~~.

ORDINANCE NO. 2015-13

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XIX
(TRAFFIC) OF THE REVISED GENERAL ORDINANCES OF
THE BOROUGH OF BELMAR, SECTIONS 19-38
LOADING ZONES**

THEREFORE, BE IT ORDAINED by the Borough of Belmar, County of Monmouth, New Jersey, that Chapter XIX Traffic, Section 19-38 Loading Zones of the Borough of Belmar Revised General Ordinances is hereby amended and supplemented as follows:

SECTION I. 19-38 Loading Zones

The locations described are hereby designated as Loading Zones. No person shall park a vehicle in these locations during the times indicated other than for the loading or unloading of goods and materials.

<u>Street</u>	<u>Side</u>	<u>Location</u>
<u>12th Avenue</u>	<u>North</u>	<u>Beginning at the northwest corner of Highway 35 (River Road) 150 feet along the north curbline of 12th Avenue</u>

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 2015-14

AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER XIX, TRAFFIC, SECTION 19-10 TEMPORARY PARKING PROHIBITION FOR SNOW
PLOWING AND REMOVAL, OF THE GENERAL ORDINANCES OF THE
BOROUGH OF BELMAR

WHEREAS, the Borough of Belmar desires to amend its ordinance to reflect new rules for parking on the street during a snow emergency.

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

SECTION I. Chapter XIX, Section 19-10, Temporary Parking Prohibition for Snow Plowing and Removal.

a. Whenever snow ~~is anticipated has fallen~~ and the accumulation is such that it ~~would~~ covers the streets or highways, ~~the Mayor may make a determination that an emergency shall be deemed to exist and no vehicle shall be parked on the streets or highways or portions thereof as provided herein. Residents shall be given 12 24-hour notice of said determination by way of reverse 911 phone notification (e.g. Code Red) and posting on the borough's web-site.~~

1. All vehicles, ~~whenever practicable,~~ shall be parked off-street in driveways or in other permissible off-street parking areas until both sides of the street have been plowed sufficiently and to the extent that parking will not interfere with normal flow of traffic. ~~or~~
2. ~~If there is insufficient driveway space or insufficient space in other permissible off-street parking areas, then all vehicles shall be parked on the side of the street containing even numbered properties; then, within twenty four (24) hours after the side of the street containing odd-numbered properties has been plowed sufficiently and to the extent that parking will not interfere with normal flow of traffic, all vehicles shall be moved to the side of the street containing odd-numbered properties until the streets have been plowed sufficiently and to the extent that parking will not interfere with normal flow of traffic.~~

b. Any unoccupied vehicle parked or standing in violation shall be deemed a nuisance and a menace to the safe and proper regulation of traffic and any police ~~or code enforcement~~ officer may ~~ticket that vehicle. In the event of a state of emergency declared by the Governor of the State of New Jersey and the Mayor of Belmar, any police officer may~~ provide for the removal of such vehicle. The owner shall pay the reasonable costs of the removal and storage which may result from such removal before regaining possession of the vehicle.

<i>Name of Street</i>	<i>Sides</i>	<i>Location</i>
All streets with alphabetic designation	West	From intersection to intersection
All avenues with numeric designation	North	From intersection to intersection
All roads with names	North	From intersection to intersection

c. Any person, firm or corporation violating any of the provisions of this section shall, upon conviction thereof, shall be subject to ~~a penalty not to exceed one hundred and fifty (\$150.00) dollars. the applicable penalty set forth below.~~ Each and every day in which the violation exists shall constitute a separate violation.

1. ~~For a first offense, within any one (1) calendar year, fifty (\$50.00) dollars, plus costs.~~
2. ~~For a second offense, within any one (1) calendar year, one hundred (\$100.00) dollars, plus costs.~~
3. ~~For a third or subsequent offense, within any one (1) calendar year, a mandatory Court appearance shall be required and a fine upon conviction of one hundred fifty (\$150.00) dollars up to the maximum amount provided for in Chapter I, Section 1-5, and the imposition of costs, as determined by the Court.~~

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.