

“GOD BLESS AMERICA”

REGULAR MEETING

FEBRUARY 16, 2016

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 Nicolay, Councilwoman Keown-Blackburn, Councilman Magovern, Borough Attorney George McGill Esq., Business Administrator Colleen Connolly, and Borough Clerk April Claudio

“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 4, 2015 and 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, Ron Glab and Dr. Thomas Smyth

PUBLIC BIDS:

- Yoga: no bids received
- Skim Boarding: Edward Hayden made the minimum bid of \$500. There were no other bids.
- Zumba: Michelle DeCarlo made the minimum bid of \$500. There were no other bids.
- 13th Avenue food truck: Four Boys, Carducci, 10th Avenue Freeze Out, Mark Furiato, Fuze, Empanada Guy, and Urban Burgers were the bidders. Minimum bid started at \$1500 per a month. The winning bid went to Empanada Guy for \$5500 per a month.
- 11th Avenue food truck (cancelled – current tenant renewed lease)

WORKSHOP DISCUSSION: None

PETITIONS: None

APPROVAL OF MINUTES: Council member Magovern made a motion to approve the minutes of the February 2, 2016 meeting, which was seconded by Mayor Doherty and approved by the following vote:

AYES: Keown-Blackburn, Magovern, Brennan, Nicolay, and Doherty

REPORTS OF COUNCIL:

Council member Magovern: Resident Thomas Smyth’s wake and funeral is this week. Harbor Commission met and discussed a new trash collector for the water. Would like us to look into purchasing one or two. Historical Society will be holding a session where residents will tell stories of growing up in Belmar on March 10th. A meeting was held last week to coordinate Phase I of the Maclearie Park improvements. One topic discussed was the bathroom being mobile because a permanent structure would have to be built above the flood elevation. The plan also calls for a shade structure and the tennis courts being redone. Thanked everyone who supported him in the ALS plunge by raising \$1,000.

Council member Keown-Blackburn: The Council of Churches needs food for their food banks. There will be a donation box in Borough Hall in front of the gym. Belmar has been designated a Healthy Town to Watch by the State Mayor’s Wellness Campaign. Met with Senator Booker’s staff today regarding the platform at the train station being made ADA compliant.

Council member Brennan: Expanded on the trash collectors for the marina that Council member Magovern discussed. Can’t wait to see a bathroom go in at Maclearie Park. Discussed the micro bead problem in the water that was in the Asbury Park Press today and how it happens.

Council member Nicolay: Congratulated Council member Magovern for doing the polar plunge. Belmar Elementary school has a Chopped contest this Thursday. Belmar Arts Council is now Belmar Arts Center. Encouraged everyone to attend one of their art shows. Little League registration is underway now. Thanked Chris VanSchoick for running the league for many years and doing a tremendous job. Anthony Latesta of Ma’s Deli is now running the league.

Mayor Doherty: Also congratulated Council member Magovern. Read a post from a Republican website encouraging people to speak up at council meetings and smear the characters of the mayor and council. Feels it’s an effort to try to bully the council. Also the idea of creating a public scene to the point of getting arrested is disappointing and low.

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

None

Mayor Doherty made a motion to close the public session, which was seconded by Council member Nicolay and approved unanimously.

Mayor Doherty made a motion to remove the resolution appointing OEM Coordinators off of the Consent Agenda, which was seconded by Council member Brennan and approved unanimously. Council member Magovern recused himself from this resolution and stepped off the dais.

Mayor Doherty offered, **2016-44, RESOLUTION APPOINTING OFFICE OF EMERGENCY MANAGEMENT COORDINDATOR AND DEPUTY COORDINATOR** for adoption, which was seconded by Council member Keown-Blackburn and approved by the following vote:

AYES: Keown-Blackburn, Brennan, Nicolay, and Doherty

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:
Mayor Doherty offered the following resolutions for adoption:

2016-45
RESOLUTION AUTHORIZING PAYMENT OF BILLS

PAYMENT OF BILLS: certification that the vouchers listed on the warrant register numbering 65028 thru 65116 are as follows and comply with requirements of State Law and Borough Ordinance as to content and form, that proper and sufficient appropriations exist for the payment to be made and that there is legal authority as provided in N.J.S. 40A: 5-17(a)(1) for the payment to be made.

01 General Account	\$2,239,168.06
11 Water/Sewer Account	\$81,077.92
15 Water/Sewer Account	\$3, 173.34
21 Beach Utility Account	\$12,055.12
55 Trust Fund Account	\$6,237.00
61 Tourism Development Account	\$4,262.35
Total:	\$2,345,973.79

2016-46
RESOLUTION TEMPORARILY ALLOWING THE USE OF OUTDOOR EATING AREAS DURING THE BELMAR & LAKE COMO ST. PATRICK'S DAY PARADE FOR THE BOROUGH OF BELMAR, MONMOUTH COUNTY, NEW JERSEY

2016-47
RESOLUTION AUTHORIZING THE PAYMENT OF UNCLAIMED CHECKS IN THE BELMAR MUNICIPAL COURT TO THE BOROUGH OF BELMAR GENERAL ACCOUNT

2016-48
RESOLUTION AUTHORIZING THE COUNTY OF MONMOUTH MOSQUITO CONTROL DIVISION TO CONDUCT AERIAL MOSQUITO CONTROL OPERATIONS WITHIN THE BOROUGH OF BELMAR

2016-49
RESOLUTION AWARDING CONTRACT FOR THE MAIN STREET STREETSCAPE PROJECT

2016-50

RESOLUTION AUTHORIZING THE RECEIPT OF BIDS FOR A PREFABRICATED RESTROOM AT MACLEARIE PARK

2016-51

RESOLUTION PURSUANT TO N.J.A.C. 5:30-14.4 ET SEQ. CHANGE ORDER NUMBER ONE FOR THE MARINA BULKHEAD REPAIRS

2016-52

RESOLUTION AUTHORIZING THE CLERK OF THE BOROUGH OF BELMAR TO ADVERTISE FOR BIDS AND NOTICE TO BIDDERS FOR LEASES FOR ONE KITCHEN TRAILER ON THE BELMAR BOARDWALK

Seconded by Council member Brennan and approved by the following vote:

AYES: Keown-Blackburn, Magovern, Brennan, Nicolay, and Doherty

ORDINANCES:

Second Reading & Public Hearing:

ORDINANCE NO. 2016-01

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER IX, CONFLICTS OF INTEREST OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY

Mayor Doherty recused himself and stepped off the dais.

Public Hearing: Ken Pringle, former Mayor, stated he is disappointed with this ordinance. Explained the purpose of the original ordinance such as dealing with contributions that could create conflicts with developers in the redevelopment zone and alcoholic beverage licenses and stopping pass through donations. Feels there is no reason to abandon the pass through language. Feels the changes benefit the Mayor in his campaign for Freeholder. Citizens United has no effect on the changes in this ordinance. He is not in support of an ordinance that will reduce the confidence the citizens have in their elected officials.

Council member Magovern stated the changes to the ordinance would apply to any political party running for local office.

Mr. Pringle stated changes are being made that don't need to be made. He added that while the Mayor's contributions would be for his county election it still has an effect on Belmar.

Michael Seebeck, 110 2nd Avenue, feels the ordinance allows people to contribute to campaigns anonymously by doing pass through contributions while our own residents cannot contribute anonymously.

Council member Magovern felt they are talking about "what ifs". He stated from his own experience he hasn't had big contributions from an outside group.

Katrina Clapsis, B Street, feels her concerns about this ordinance have increased. Feels the council doesn't fully understand the ordinance. Asked why the ordinance is being changed now. Feels nobody has suffered from this ordinance being in place. Feels this change will open Pandora's Box and cause the residents to constantly watch contributions. Suggested tabling the ordinance until after the Mayor's campaign to show that it has nothing to do with him.

Mike Druz, Ocean Avenue, asked why the original ordinance in 2004 was not filed with the Secretary of State. He stated if the Mayor wins his campaign than he won't be here anymore and therefore won't have any problems with influencing anything in Belmar. Asked if he has to follow local or county regulations. He added he doesn't see how Belmar can affect a county election.

David Schneck, 302 C Street, stated it doesn't matter what office anyone runs for because they still have the influence here while they are running. Suggested the mayor could resign so he is able to run for his campaign for Freeholder full time and then there won't be any problems. Also questioned how many contributions a local candidate needs for an election. He felt if the council really feels these changes are good and doesn't affect anyone specific that the ordinance could read that it doesn't go into effect until the incumbents are no longer holding their seat.

Joan Corallo, A Street, stated she doesn't have an opinion one way or the other but doesn't like the format of the ordinance.

Tom Fahy, 400 River Avenue, feels very strongly that the ordinance is wrong. Feels the stringent laws are in place for reason. Feels money buys influence. Ordinance only benefits companies and politicians, not the residents.

Council member Magovern made a motion to close the public hearing, which was seconded by Council member Brennan and approved unanimously.

Council member Magovern made a motion to adopt Ordinance 2016-01, which was seconded by Council member Nicolay and approved by the following vote:

Council member Keown-Blackburn stated she is torn. Feels there are some good things in the ordinance. Can always change the ordinance if it doesn't work out.

Council member Brennan clarified that it would be illegal for someone to give a check to a company and say give this to Belmar. Stated his main problem with the ordinance as it exists is that it puts Belmar at a disadvantage. Feels if someone wants to run for an outside election they should be able to do it at a level playing field.

Council member Nicolay felt the same as Council member Keown-Blackburn. Stated she hasn't had any problems with her election campaigns. She likes the idea of staying in line with county and state regulations.

Council member Magovern stated Mayor Pringle wrote a great ordinance but doesn't feel the changes being made are going to change the Belmar local election. Doesn't see Belmar being influenced by major contributors through pass through contributions.

AYES: Keown-Blackburn, Magovern, Brennan, and Nicolay

Second Reading & Public Hearing:

ORDINANCE NO. 2016-02
AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XL DEVELOPMENT REGULATIONS OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY

Public Hearing: no comments

Mayor Doherty made a motion to close the public hearing, which was seconded by Council member Brennan and approved unanimously.

Mayor Doherty made a motion to adopt Ordinance 2016-02, which was seconded by Council member Keown-Blackburn and approved by the following vote:

AYES: Keown-Blackburn, Magovern, Brennan, Nicolay, and Doherty

Second Reading & Public Hearing:

ORDINANCE NO. 2016-03
AN ORDINANCE OF THE BOROUGH OF BELMAR, AMENDING CHAPTER XXXI, REGULATING THE PLANTING OR GROWING OF BAMBOO WITHIN THE BOROUGH

Public hearing: no comments

Council member Brennan made a motion to close the public hearing, which was seconded by Council member Nicolay and approved unanimously.

Council member Brennan made a motion to adopt Ordinance 2016-03, which was seconded by Council member Nicolay and approved by the following vote:

AYES: Keown-Blackburn, Magovern, Brennan, Nicolay, and Doherty

Second Reading & Public Hearing:

ORDINANCE NO. 2016-04
AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTERS XX LICENSES GENERAL AND XXVI HOUSING AND PROPERTY OF MAINTENANCE OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY

Mayor Doherty suggested tabling this ordinance until next month. The idea of this ordinance came from a group

of neighbors near a problem home which is now being sold. Council member Magovern stated there could be another problem house in the future.

Mayor Doherty made a motion to table the ordinance until the March 1st meeting, which was seconded by Council member Nicolay and approved by the following vote:

AYES: Keown-Blackburn, Nicolay, and Doherty
NAYS: Magovern and Brennan

PUBLIC SESSION:

Claire Deicke 1017 14th Avenue, stated she is glad to hear we are pursuing a raised platform at the train station. Asked Council member Keown-Blackburn to explain the ADA Committee’s mobility program. Anyone can donate or borrow mobility devices such as canes, wheelchairs, crutches etc.

David Marola, 817 12th Avenue, asked if a third trailer is being added to 13th Avenue. Mayor Doherty replied no. Ms. Connolly stated there were two there last year and will be two this year.

Tom Dilberger, 1000 River Road, stated NJ Transit is experiencing hard times financially. He asked about the bathroom for Maclearie Park. He asked why we don’t just fix up the bathroom that’s already there.

Tina Connelly, 612 13th Avenue, stated she came tonight because of the animal house ordinance that was tabled. She has a two family property next to her that is not an animal house but the quality of life is ridiculous. Her family is considering selling their house. She has tried speaking to the landlord but it doesn’t work. Would like to see the ordinance passed.

Robert Cupoli, 402 9th Avenue, thanked Council member Keown-Blackburn for attempting to get a ramp or lift at the train station.

George Skudera, 1311 River Road, wanted to address some of the remarks made at the February 5th meeting regarding the paddleboard lease. Stated he didn’t realize his speaking out would turn into a debacle. He had a poster documenting all of the violations of the paddleboard lease that he witnessed. He did not agree with Ms. Connolly’s remark from that meeting stating the location of L Street Beach vs south end of Maclearie Park was splitting hairs. He suggested changes be made in the 2016 lease that include a sketch showing the location of the paddleboard lease on the L street beach.

Andy Maroney, 16th Avenue, asked questions about taking over Lake Como’s police services. Asked how many extra officers would be hired to take on Lake Como. Mayor Doherty stated there is a presentation going on at Lake Como right now. Mr. Maroney asked what was done to determine how many officers would be needed. Mayor Doherty stated we worked with DCA and our police department. Mr. Maroney felt it is important to do a work load analysis. He felt we are causing Lake Como to lay off their police officers by putting an offer on the table. He also felt we are making the town unsafe. Mayor Doherty stated both of those statements are untrue. Mr. Maroney stated he didn’t get one thing in the mail about this and how it’s going to affect his everyday life.

Connie Dallaportas, 1002 Main Street, suggested something be built at the school bus stops for the children waiting to catch a bus in rain and snow.

Mayor Doherty made a motion to close the public session and adjourn the meeting, which was seconded by Council member Brennan and approved unanimously.

Respectively submitted,

April Claudio
Municipal Clerk