

GOD BLESS AMERICA”

REGULAR MEETING

JULY 20, 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: Councilman Brennan, Councilwoman Nicolay, Councilwoman Keown-Blackburn, Councilman Magovern, Acting Borough Attorney Tom Hall Esq., Business Administrator Colleen Connolly, and Borough Clerk April Claudio

ABSENT: Mayor Doherty

“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 June 7, 2016 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

SPECIAL PRESENTATION:

- Certificates of Valor given to Police Officers who responded to a fire on River Road.

RESOLUTIONS:

- **RESOLUTION APPOINTING POLICE CAPTAINS OF THE BELMAR POLICE DEPARTMENT WITH ADVICE AND CONSENT OF THE BOROUGH COUNCIL**
 - o Oath of Office administered by Mayor Doherty
- **RESOLUTION APPOINTING SERGEANTS OF THE BELMAR POLICE DEPARTMENT WITH ADVICE AND CONSENT OF THE BOROUGH COUNCIL**
 - o Oath of Office administered by Mayor Doherty
- **RESOLUTION APPOINTING PATROLMEN OF THE BELMAR POLICE DEPARTMENT WITH ADVICE AND CONSENT OF THE BOROUGH COUNCIL**
 - o Oath of Office administered by Mayor Doherty

At approximately 6:50 pm Mayor Doherty left the meeting.

WORKSHOP DISCUSSION: none

PETITIONS: none

APPROVAL OF MINUTES: Council member Keown-Blackburn made a motion to approve the minutes of the June 8, 2016 meeting, which was seconded by Council member Brennan and approved unanimously.

REPORTS OF COUNCIL:

Council member Keown-Blackburn: Two Saturdays ago she road with Captain Cox to see the calls the Police Department handles. The houses that are problems are well known and are consistently monitored by the Police Department. Choose Your Cover was this past Saturday; 150 people were checked for skin cancer. Tomorrow the Library has a speaker on the Battle of Monmouth. July 30th the Library has Breakfast with an Author. The pavilion construction is moving forward; the foundations will be poured next week.

Council member Brennan: Thankful for the Choose Your Cover event. Encouraged everyone to attend the Saturday farmers market.

Council member Nicolay: Summer camp and summer basketball doing great. Town looks great. Reminded everyone the importance of stopping for pedestrians at crosswalks. JB Couture was on Cake Wars on the Food Network. Encouraged everyone to visit the Arts Center and buy local.

Council member Magovern: Likes seeing the Special Police Officers heling with pedestrian crossing on Ocean Avenue. Last night was the Circle of Friends golf outing which was a great event. Thankful for the Choose Your

Cover event. Congratulations to Goodwill Fire Department for a successful five mile run. Read beach report. Last year was the perfect summer; this year we have exceeded those numbers to date.

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

David Schneck, 302 C Street, asked about the Friendly Sons of the Shillelagh liquor license renewal, specifically if there is a conflict. Ms. Connolly pointed out that the resolution is to allow the state to renew the license because we do not have a quorum to do so. Mr. Schneck asked who SLBD is that is getting the In Vino Verita liquor license. Ms. Connolly stated it is an LLC that will use the license at 500 Main Street. Mr. Schneck asked about the settlement agreement for Fish Stix Sporting. Council member Magovern stated it was a boat that came into the marina too fast and created some damage and will be paying the town a fine. Mr. Schneck asked about the hazard mitigation grant. Ms. Connolly stated this is a grant the Borough was awarded for generators at critical facilities. Mr. Schneck asked about the redevelopment expansion. He felt some of the properties included in this list don't need to be redeveloped. Council member Magovern stated they aren't obligated to do anything because there is no eminent domain but it does give them other advantages. Mr. Schneck didn't feel the need to have the elementary school included in the plan. He doesn't like that these properties can come off the tax rolls and can do payments in lieu of taxes.

Mike Seebeck, 110 Second Avenue, asked about the risk management consultant. Ms. Connolly stated we are required to do this by the JIF; it's done every year. The Risk Manager comes in and trains our staff to mitigate risk and liability. Mr. Seebeck asked about the Loko performance bond. Mr. Magovern explained. Mr. Seebeck asked about the change order resolution. Ms. Connolly stated they reworked the schedule which reduced the contract.

Katrina Clapsis, B Street, asked why there was a resolution and an ordinance for the expansion of the redevelopment. Ms. Connolly explained the resolution memorializes the area to be included as recommended by the planning board. The ordinance is to add those properties into the seaport plan.

Mr. Seebeck asked if there would be more discussion on the redevelopment plan. Ms. Claudio stated the report is available on line for review.

Walter Macgowan, 10th and Main, was concerned that a master developer would come in and it wouldn't work out like it did in 2003. Council member Magovern stated this is not that. Ms. Connolly stated this allows people to do individual projects under the seaport redevelopment plan.

Tabitha Falcone, 1000 River Road, asked if the redevelopment plan allows those properties to be exempt from having to maintain their property. Ms. Connolly stated the property maintenance code still remains in effect. This redevelopment plan allows us to work with the property owners to help them maintain or redevelop their properties with more options.

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

RESOLUTIONS:

Council member Brennan offered **2016-116, RESOLUTION TO ALLOW STATE OF NEW JERSEY DIVISION OF A.B.C TO RENEW CLUB LICENSE TO THE ORDER OF THE FRIENDLY SONS OF THE SHILLELAGH**, for adoption, which was seconded by Council member Keown-Blackburn and approved by the following vote:

AYES: Magovern, Keown-Blackburn, Nicolay and Brennan

Council member Magovern offered **2016-117, RESOLUTION AUTHORIZING ISSUANCE OF PLENARY RETAIL CONSUMPTION LICENSE WITH BROAD PACKAGE PRIVILEGE NO. 1306-32-015-005 IN VINO VERITA LLC (HELD IN POCKET) FOR THE PERIOD ENDING JUNE 30, 2017**, for adoption, which was seconded by Council member Keown-Blackburn and approved by the following vote:

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

Council member Magovern offered **2016-118, RESOLUTION AUTHORIZING A PERSON TO PERSON AND PLACE TO PLACE TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE WITH BROAD PACKAGE NO. 1306-32-015-006 IN VINO VERITA TO SLBD ASSOCIATES LLC**, for adoption, which was seconded by Council member Keown-Blackburn and approved by the following vote:

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

Council member Magovern offered **2016-119, RESOLUTION AUTHORIZING ISSUANCE OF PLENARY RETAIL CONSUMPTION NO. 1306-33-014-004 FOR JOBIL, INC., T/A JACK’S TAVERN FOR PERIOD ENDING JUNE 30, 2017**, for adoption, which was seconded by Council member Keown-Blackburn and approved by the following vote:

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

Council member Magovern offered **2016-120, RESOLUTION AUTHORIZING PAYMENT OF BILLS** for adoption, which was seconded by Council member Brennan and approved by the following vote:

AYES: Magovern, Keown-Blackburn, Nicolay and Brennan

PAYMENT OF BILLS: certification that the vouchers listed on the warrant register numbering 65676 thru 65869 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	\$889,876.20
05	General Capital Account	\$717,902.29
11	Water/Sewer Account	\$32,667.70
21	Beach Utility Account	\$77,376.30
2	Beach Capital Account	\$360,544.97
23	Parking Utility Fund	\$1,607.57
42	Dog License Account	\$1,473.60
55	Trust Fund Account	\$4,991.76
61	Tourism Development Account	\$17,203.47
Total:		\$2,103,643.86

Council member Brennan offered **2016-121, RESOLUTION MAKING APPOINTMENTS TO THE BELMAR HOUSING AUTHORITY**, for adoption, which was seconded by Council member Magovern and approved by the following vote:

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

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:

Council member Brennan offered the following resolutions for adoption:

2016-122
RESOLUTION PERMITTING SPECIAL EVENTS

2016-123
RESOLUTION PROVIDING FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE BUDGET OF THE BOROUGH OF BELMAR PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159, P.L. 1948)

2016-124
RESOLUTION AUTHORIZING MARINA FEES FOR THE YEAR 2016 AT THE BELMAR MARINA

2016-125
RESOLUTION AUTHORIZING THE SIGINING OF A SETTLEMENT AGREEMENT WITH FISH STIX SPORTFISHING LLC

2016-126
RESOLUTION AUTHORIZING SIGNING OF AGREEMENT FOR A HAZARD
MITIGATION GRANT

2016-127
RESOLUTION TO INTERVENE IN NEW JERSEY NATURAL GAS RATE INCREASE

2016-128
RESOLUTION ASSESSING A PROPERTY LIEN FOR PROPERTY MAINTENANCE

2016-129
RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF
BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY, DESIGNATING
PROPERTY IDENTIFIED AS BLOCK 106, LOTS 1-3, 5-6, 10.01, 10.02 AND 11; BLOCK
116, LOTS 1-2; BLOCK 117, LOTS 1-4, 6-9, AND 12-15; BLOCK 67, LOT 4.01; BLOCK 86,
LOTS 1-7; BLOCK 86.01, LOT 1; BLOCK 87, LOTS 1-3; AND BLOCK 96, LOTS 1 AND 3-9
AS AREAS IN NEED OF REDEVELOPMENT, NON-CONDEMNATION

2016-130
RESOLUTION APPOINTING AND CONFIRMING AN ATTORNEY

2016-131
RESOLUTION ESTABLISHING A RISK MANAGEMENT CONSULTANT

2016-132
RESOLUTION RELEASING PERFORMANCE BOND FOR EAST PORT/LOKO CO.
LLC

2016-133
RESOLUTION PURSUANT TO N.J.A.C. 5:30-14.4 ET SEQ. CHANGE ORDER NUMBER ONE FOR
THE RE-BID OF THE MAIN STREET STREETScape PROJECT

Seconded by Council member Keown-Blackburn and approved by the following vote:

AYES: Magovern, Keown-Blackburn, Nicolay and Brennan

ORDINANCES:

First Reading & Introduction:
ORDINANCE NO. 2016-08
AN ORDINANCE AMENDING AND SUPPLEMENTING VARIOUS SECTIONS OF CHAPTER XIX
(TRAFFIC) OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BELMAR

Council member Keown-Blackburn offered Ordinance 2016-08 for first reading and introduction, which was seconded by Council member Brennan and approved by the following vote:

AYES: Magovern, Keown-Blackburn, Nicolay and Brennan

First Reading & Introduction:
ORDINANCE NO. 2016-09
BOND ORDINANCE PROVIDING FOR SIDEWALK IMPROVEMENTS IN AND BY
THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY,
APPROPRIATING \$500,000 THEREFOR, AUTHORIZING THE ISSUANCE OF
\$475,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING THE COST
THEREOF AND DIRECTING THE SPECIAL ASSESSMENT OF THE COST
THEREOF.

Council member Nicolay offered Ordinance 2016-09 for first reading and introduction, which was seconded by Council member Magovern and approved by the following vote:

AYES: Magovern, Keown-Blackburn, Nicolay and Brennan

First Reading & Introduction:
ORDINANCE NO. 2016-10
ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF
BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY, AMENDING THE SEAPORT

REDEVELOPMENT PLAN TO INCLUDE BLOCK 106, LOTS 1-3, 5-6, 10.01, 10.02 AND 11; BLOCK 116, LOTS 1-2; BLOCK 117, LOTS 1-4, 6-9, AND 12-15; BLOCK 67, LOT 4.01; BLOCK 86, LOTS 1-7; BLOCK 86.01, LOT 1; BLOCK 87, LOTS 1-3; AND BLOCK 96, LOTS 1 AND 3-9

Council member Brennan offered Ordinance 2016-10 for first reading and introduction, which was seconded by Council member Nicolay and approved by the following vote:

AYES: Magovern, Keown-Blackburn, Nicolay and Brennan

Second Reading & Public Hearing:

ORDINANCE 2016-06
ORDINANCE OF THE BOROUGH OF BELMAR, AMENDING CHAPTER XVI, POLICE REGULATIONS

Public Hearing: None

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 2016-06, which was seconded by Council member Keown-Blackburn and approved by the following vote:

AYES: Magovern, Keown-Blackburn, Nicolay and Brennan

Second Reading & Public Hearing:

ORDINANCE 2016-07
ORDINANCE AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION IN THE AMOUNT OF \$210,000 FOR THE PREPARATION AND EXECUTION OF A COMPLETE REVALUATION OF REAL PROPERTY IN AND BY THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY

Public Hearing: None

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 2016-07, which was seconded by Council member Nicolay and approved by the following vote:

AYES: Magovern, Keown-Blackburn, Nicolay and Brennan

RESOLUTIONS CONTINUED:

Council member Magovern offered 2016-134, RESOLUTION AUTHORIZING THE ISSUANCE OF \$210,000 SPECIAL EMERGENCY NOTES FOR THE PREPARATION AND EXECUTION OF A COMPLETE PROGRAM OF REVALUATION OF REAL PROPERTY IN AND BY THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY, for adoption, which was seconded by Council member Nicolay and approved by the following vote:

AYES: Magovern, Keown-Blackburn, Nicolay and Brennan

PUBLIC SESSION:

Claire Deicke, 1017 14th Avenue, thanked Council member Keown-Blackburn for giving an update on the pavilions. Complimented the Borough and staff for the magnificent beach operations.

Council member Magovern stated the Belmar lifeguards won the recent lifeguard tournament. Council member Nicolay stated tomorrow is the junior lifeguard tournament.

Tom Dilberger, 1000 River Road, thinks Bradley Beach’s berms are very nice and would be inexpensive for our DPW to do. Bradley Beach also has historical photos on the boardwalk which look good. Thanked Council member Magovern for his comments on the pedestrians crossing the street. He stated he hopes the police officers who took oaths tonight understand the oath they took.

Sandy Caputo, 1705 Surf Avenue, spoke about the balls and kites on the beach again; it’s bad on 18th Avenue.

Council member Magovern stated we did speak to the lifeguards but will reiterate it again.

Camille Witkowsky, 10th Avenue, stated she is very proud to be a resident of Belmar. She is a beach worker and there are different types of families on different beaches; some are quiet and some are busier. The kids are playing ball near the lockers more now, not by the water. Encouraged people to walk the entire boardwalk and see what goes on at the beaches.

Judith Malavisi, 104 North Blvd., stated her name is on the sidewalk assessment list and she already replaced her sidewalks. Ms. Connolly stated she will look into it.

Mike Seebeck, 110 Second Avenue, asked why a person was allowed to land a helicopter at Silver Lake. Council member Keown-Blackburn stated the FAA has to allow someone to land in an area that is not a helicopter pad. Mr. Seebeck stated he confirmed that with the FAA and they stated police would have had to take the necessary precautions and set up the necessary perimeter. He added he doesn't see any reason why this was allowed. He suggested an ordinance be put in place to prohibit this again. Council member Magovern felt there are plenty of ordinances already on the books and one of them may have been violated.

David Schneck, 302 C Street, stated it was on Facebook that a man named Leo Ayala proposed to his girlfriend at La Dolce Vita and then took the helicopter from Silver Lake. This same person donated \$2500 to the Doherty for Freeholder Campaign.

Nancy Koenig, 303 C Street, appreciated Council member Magovern taking over the meeting since the Mayor left.

Council member Magovern 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