

“GOD BLESS AMERICA”

REGULAR MEETING

SEPTEMBER 6, 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, Borough Attorney George McGill 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 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

WORKSHOP DISCUSSION: none

PETITIONS: none

APPROVAL OF MINUTES: Council member Keown-Blackburn made a motion to approve the minutes of the August 16th and August 25th meetings, which was seconded by Council member Brennan and approved by the following vote:

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

REPORTS OF COUNCIL:

Council member Keown-Blackburn: We were ready for the storm. DPW and Police did a great job preparing. Thanked everyone who helped get us ready. Dunes will stay on the beach through the fall and winter. There are still two bathrooms open at 8th and 11th Avenue on boardwalk. Saved money on railings for Maclearie Park bathroom because DPW saved ones from the boardwalk after Hurricane Sandy. Senior walking group has ended, had a total of around 4 million steps. Thanked Sweet Tease for providing ice tea at their weekly check ins and an end of season breakfast. Library has a lot of upcoming events available. Senior luncheon is next Wednesday.

Council member Brennan: Echoed Council member Keown-Blackburn’s comments about the storm prep. Felt we cannot be too prepared. If the worst had happened, we would have been prepared. Today was first day of Belmar Elementary school.

Council member Nicolay: Today and tomorrow is back to school for Belmar and St. Rose. Recreation soccer is underway. BBP kite festival is this Sunday, which is same day as FINS surfing event. Congratulated everyone who worked on Friday and Saturday night concerts in the plaza. Last Cruise Night is September 21st.

Council member Magovern: Gave a shout out to Neal Sterling who made the starting team for the Jacksonville Jaguars again. Thanked Police and DPW for preparing for the storm. Lifeguards are back to school, encouraged people to be safe when attempting to swim. Tourism Commission had a great year with all the events they provided (concerts, seafood festival, etc.). They are gearing up for the fall events, San Gennaro festival and fall festival. School is open, drive carefully during pickup and drop off times. We are receiving another \$800,000 from FEMA. Ms. Connolly stated this money is applied to our debris and clean up and allow us to pay down our debt from Hurricane Sandy.

Prior to the resolutions Mr. McGill addressed the Council regarding a letter received last month about Council member Nicolay having a conflict due to NJLEC complaints. He reviewed the complaint and feels no part of the complaint creates a conflict of interest with Ms. Nicolay and she is eligible to vote on matters before the Council.

Council member Magovern stated we are not going to move forward with the public hearing on Ordinance 2016-10 due to a noticing error. It will be re-noticed for the next meeting. (The next meeting is scheduled for

September 20, 2016)

Council member Brennan made a motion to table Ordinance 2016-10, which was seconded by Council member Keown-Blackburn and approved by the following vote:

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

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 if the resolution for the marina fees should be for 2017 not 2016. Ms. Connolly replied no, and added that it is for partial rates for the remainder of the 2016 season.

Mr. Schneck stated he will have to look into the campaign reporting issue with Ms. Nicolay further because he feels there is a conflict. He added that one of the complaints was a contribution was not recorded. Mr. McGill felt that an allegation that a contribution was not recorded is not a conflict of the Borough ordinance.

Jacqueline Wheeler, River Avenue, stated she is on the sidewalk assessment list but understands the sidewalks will be concrete and she wants to keep her brick sidewalk. Council member Magovern felt preserving a tree and a historic sidewalk is more important than fixing a sloped sidewalk. Ms. Connolly stated the sidewalk assessment is only for concrete but she could use her own contractor to replace her bricks.

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

RESOLUTIONS:

Council member Magovern offered, **2016-147, RESOLUTION AUTHORIZING PAYMENT OF BILLS**, for adoption, which was seconded by Council member Keown-Blackburn and approved by the following vote:

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

PAYMENT OF BILLS: certification that the vouchers listed on the warrant register numbering 66045 thru 66060 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	\$1,159,101.91
05	General Capital Account	\$70,826.34
11	Water/Sewer Account	\$174.25
21	Beach Utility Account	\$605.57
55	Trust Fund Account	\$940.00
Total:		\$1,231,648.07

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 Magovern offered the following resolutions for adoption;

2016-148
STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION GREEN ACRES PROGRAM ENABLING RESOLUTION

2016-149
RESOLUTION CERTIFYING TO THE LOCAL FINANCE BOARD THAT ALL MEMBERS OF THE BOROUGH COUNCIL HAVE REVIEWED, AS A MINIMUM, THE SECTION OF THE ANNUAL AUDIT ENTITLED: COMMENTS-RECOMMENDATIONS

2016-150
RESOLUTION AUTHORIZING PRIVATE SLIP RENTAL FEES FOR THE YEAR 2016 AT THE BELMAR MARINA

2016-151

RESOLUTION AUTHORIZING SALE OF PERSONAL PROPERTY

2016-152

RESOLUTION INDICATING CORRECTIVE ACTION PLAN/STATUS REGARDING THE 2015 MUNICIPAL AUDIT REPORT

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

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

ORDINANCES:

Second Reading & Public Hearing:

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.

Public hearing: no comments

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 2016-09, which was seconded by Council member Nicolay and approved by the following vote:

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

*Second Reading & Public Hearing: **TABLED***

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

RESOLUTIONS CONTINUED:

Council member Magovern offered **2016-153, RESOLUTION AWARDING CONTRACT FOR CURBS, SIDEWALKS AND DRIVEWAY APRON REPLACEMENTS**, for adoption, which was seconded by Council member Keown-Blackburn and approved by the following vote:

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

PUBLIC SESSION:

Tom Volker, 527 8th Avenue, stated there was a serious accident at 8th and Main Street the other day which made him think about the 8th and Main and 10th and Main intersections. Asked to consider no turn on red at these intersections. Council member Magovern stated he would defer to the Police Department to look into it. Mr. Volker thanked DPW for getting us ready for a storm that could have been a bad one.

Claire Deicke, 14th Avenue, echoed praise for all of our staff during the possible storm. Also thankful for the code reds and hand delivered notices. Stated she is sorry that Council member Nicolay has to deal with the campaign contribution complaint.

Naomi Reissner, 202 7th Avenue, stated she is here with some of her neighbors who are concerned about the condition of Silver Lake, it looks bad. The overgrowth of vegetation is bad and the island is overgrown. There are phragmites there which is an aggressive plant that should be removed. There are a lot of bugs due to the vegetation.

Council member Magovern agreed the phragmites are taking over and it's ugly. Feels it might be beyond DPW to address it and may have to look into other options. He would like to see some emphasis on improving the

look of Silver Lake in 2017.

Ms. Connolly stated there is grant money we could look into. She added that she has been in constant communication with County regarding the mosquitoes and how to address, which is why the bat houses were installed.

Joe Mangione, 203 South Lake Drive, stated he was going to speak on the same topic. He added it’s not just the mosquitoes there is another type of insect. Willing to help in any way to clean it up.

Dom Paragano, 200 7th Avenue, echoed comments about the lake. The water near the shoreline is becoming stagnant because of all of the brush and not being aerated which could be causing the problems. Suggested a campaign to buy a tree or a bush and fix it up ourselves.

Council member Nicolay stated the boy scouts and girl scouts could possibly help. Or do an adopt a spot type program.

Council member Keown-Blackburn suggested installing rain barrels around the lake so there is water for any new plants.

Katrina Clapsis, 1304 B Street, read a statement regarding the special election on September 27th. Disagreed with the Mayor’s comment in the Coast Star about the election being about nothing. She feels it is not amusing. Also talked about the Mayor’s comment regarding frivolous lawsuits being filed. She felt this matter is not frivolous and could have been addressed without having an election. Felt the Council voted in favor of the ordinance without understanding it. Council has spent \$43,000 in legal fees on this which could have been avoided.

Linda Chelsin, 1602 L Street, stated the pay to play referendum is also on her mind. Talked about all of the events the town promotes at meetings and in Coast Star and how the election was not clearly listed in the Coast Star as an election, just simply a referendum.

Council member Brennan stated residents will receive a sample ballot that will outline the date, times and location of the special election.

Gene Murray, 710 8th Avenue, thanked the Mayor and Council for a great summer. Thanked DPW, Police and First Aid squad. Town was beautiful. This Sunday there will be a 9/11 ceremony at the senior building that anyone can attend.

Council member Keown-Blackburn has attended this ceremony and it is very moving. Thanked them for doing it.

Council member Magovern stated there is also a 9/11 memorial run on the boardwalk.

David Schneck, 302 C Street, questioned the vote to approve the minutes. He stated Council members Brennan and Nicolay had missed some meetings. Mr. McGill felt they should have abstained but it doesn’t affect the vote. The Council decided to take a re-vote on the minutes.

Council member Keown-Blackburn made a motion to approve the minutes of the August 16, 2016 meeting, which was seconded by Council member Magovern and approved by the following vote:

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

Council member Keown-Blackburn made a motion to approve the minutes of the August 25, 2016 meeting, which was seconded by Council member Magovern and approved by the following vote:

AYES: Magovern, Keown-Blackburn,

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

Mr. Kirschenbaum, West Belmar, stated he requested a copy of our revaluation contract through an OPRA request and compared it other towns. It reads almost exactly the same as to contracts other towns have. Read a letter from Division of Taxation about the three approaches for doing a revaluation. He was concerned that section 21 gives the Tax Assessor a power that the Mayor and Council should have. He felt using the square footage of a property to determine the cost evaluation isn’t fair. Wall Township has spent a lot of money on appeals because the revaluations were done wrong. Doesn’t want Belmar to have same problems as Wall.

Brendan Reed, 100 Ninth Avenue, thankful the anniversary of 9/11 was mentioned. Glad to see the American Flag flying at the Taylor Pavilion construction site.

Council member Magovern stated there is another event this Sunday and Monday, Surfer's Healing autism event.

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