

**“GOD BLESS AMERICA”**

**REGULAR MEETING**

**MARCH 21, 2017**

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, Councilman Walsifer, Councilman Magovern, Councilwoman Nicolay, Borough Attorney Greg Cannon, Esq., and Borough Clerk April Claudio

**ABSENT:** Business Administrator Colleen Connolly

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 7, 2016 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, Bill Connor and Ray Langbein

**SPECIAL PRESENTATION:**

- Honoring Eric Keosseian

**RESOLUTIONS:**

Mayor Doherty offered, **2017-61, RESOLUTION APPOINTING COREY WHITMAN AS PATROLMAN OF THE BELMAR POLICE DEPARTMENT WITH ADVICE AND CONSENT OF THE BOROUGH COUNCIL**, for adoption, which was seconded by Council member Brennan and approved by the following vote:

**AYES:** Magovern, Walsifer, Brennan, Nicolay and Doherty

Mayor Doherty administered the Oath of Office.

Mayor Doherty offered, **2017-62, RESOLUTION APPROVING PROMOTION OF MICHAEL W. CAMPBELL TO LIEUTENANT OF THE BELMAR POLICE DEPARTMENT**, for adoption, which was seconded by Council member Walsifer and approved by the following vote:

**AYES:** Magovern, Walsifer, Brennan, Nicolay and Doherty

Mayor Doherty administered the Oath of Office.

**WORKSHOP DISCUSSION:**

- Artificial Turf
  - o Mr. Cannon drafted an ordinance for introduction at the next meeting. The ordinance sets provisions for properties wishing to install artificial turf. There is a clause that states properties who have turf at the time of adoption of the ordinance would not have to comply with the ordinance. This would address the concerns from the residents who installed turf and spent a lot of money on it.
  - o Council member Magovern asked if someone could challenge the ordinance and install artificial turf in their front yard. Mr. Cannon stated anyone could challenge it but it would be enforced by the ordinance and how you would enforce any zoning regulations.
  - o Council member Brennan appreciated the work put into the ordinance and felt his concerns were addressed. He felt we should allow them to put it in their front yard if it meets the regulations.
  - o Council member Magovern was concerned about taking up too much grass and how it would affect animals and insects.
  - o Council member Walsifer agreed with Council member Brennan.
  - o Council member Nicolay stated she needs more time to review the ordinance. She was concerned about too much of the town having artificial turf.
  - o Mr. Cannon stated a letter was sent out to individuals who have the turf by the Code Official indicating enforcement actions may be taken. Those letters will not be followed up with enforcement from the Code Official.

**PETITIONS:** None

**APPROVAL OF MINUTES:** Council member Magovern made a motion to approve the March 7, 2017 meeting minutes, which was seconded by Mayor Doherty and approved by the following vote:

AYES:           Magovern, Walisfer, Brennan and Doherty  
ABSTAIN:    Nicolay

**REPORTS OF COUNCIL:**

Council member Magovern: Last Monday the Planning Board approved two projects: 500 Main Street and 707 10<sup>th</sup> Avenue. Resident Dara Mabrey received the Gatorade award for basketball. Tourism dates listed in Coast Star are incorrect, they are not on Mondays.

Council member Walsifer: Harbor Commission meeting was last night. Main topic of discussion was the removal of the docks for the sailing program. Would like to see those docks put back.

Council member Brennan: Environmental Commission met last week. Still considering native plants to be planted at the beach. Also, working on renewing Sustainable New Jersey status. They created a Facebook page where the Eco watch will be posted.

Council member Nicolay: Little League has started. Arts Council has a great show right now. Strollo’s is open.

Mayor Doherty: The two projects approved by the planning board are two great projects that are needed. The Friendly Sons of Shillelagh’s new clubhouse is now open.

**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.

**RESOLUTIONS:**

The Mayor abstained from voting on these Resolutions by reason of his or her “General Ineligibility” as provided by Belmar Ord. No. 9-5.

Council member Magovern offered, **2017-63, RESOLUTION AUTHORIZING PAYMENT OF BILLS**, for adoption, which was seconded by Council member Brennan and approved by the following vote:

AYES:           Magovern, Walisfer, Brennan, and Nicolay

**PAYMENT OF BILLS:** certification that the vouchers listed on the warrant register numbering 67014 thru 67108 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             | \$535140.57  |
| 05     | General Capital Account     | \$75,187.80  |
| 11     | Water/Sewer Account         | \$15,975.07  |
| 21     | Beach Utility Account       | \$8,750.71   |
| 55     | Trust Fund Account          | \$3,205.00   |
| 61     | Tourism Development Account | \$10,152.12  |
| Total: |                             | \$648,411.27 |

Council member Magovern offered, **2017-64, RESOLUTION AWARDDING A LEASE AGREEMENT FOR ZUMBA**, for adoption, which was seconded by Council member Nicolay and approved by the following vote:

AYES:           Magovern, Walsifer, Brennan and Nicolay

Council member Magovern offered, **2017-65, RESOLUTION AWARDDING A LEASE AGREEMENT FOR 5<sup>TH</sup> AVENUE PAVILION CONCESSION**, for adoption, which was seconded by Council member Brennan and approved by the following vote:

AYES:           Magovern, Walsifer, Brennan and Nicolay

Council member Magovern offered, **2017-66, RESOLUTION AWARDDING A LEASE AGREEMENT FOR 10<sup>th</sup> AVENUE PAVILION CONCESSION**, for adoption, which was seconded by Council member Walsifer and approved by the following vote:

AYES:           Magovern, Walsifer, Brennan and Nicolay

Council member Nicolay offered, **2017-67, RESOLUTION AUTHORIZING CONTRACT PURCHASE OF PARK & PLAYGROUND EQUIPMENT**, for adoption, which was seconded by Council member Brennan and approved by the following vote:

AYES:           Walsifer, Brennan and Nicolay  
ABSTAIN:       Magovern

Council member Magovern offered, **2017-68, RESOLUTION AUTHORIZING THE BOROUGH OF BELMAR TO MODIFY THE SHARED SERVICE AGREEMENT WITH THE BOROUGH OF SPRING LAKE FOR TAX COLLECTOR SERVICES**, for adoption, which was seconded by Council member Walsifer and approved by the following vote:

AYES:           Magovern, Walsifer and Nicolay  
ABSTAIN:       Brennan

**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:

**2017-69**  
**RESOLUTION AUTHORIZING THE SUBMISSION OF A RECYCLING TONNAGE GRANT APPLICATION FOR THE BOROUGH OF BELMAR**

**2017-70**  
**RESOLUTION ACCEPTING AND ADOPTING THE CENTRAL JERSEY MUNICIPAL JOINT INSURANCE FUND’S 2017 SAFETY INCENTIVE PROGRAM**

**2017-71**  
**RESOLUTION APPOINTING FIRE MARSHALL AND FIRE OFFICIAL**

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

AYES:           Magovern, Walsifer, Brennan, Nicolay, and Doherty

**ORDINANCES:** *Second Reading & Public Hearing*

The Mayor abstained from voting on these ordinances by reason of his or her “General Ineligibility” as provided by Belmar Ord. No. 9-5.

**ORDINANCE 2017-08**  
**ORDINANCE OF THE BOROUGH OF BELMAR, COUNTY OF MONMOUTH, NEW JERSEY AUTHORIZING THE EXECUTION OF A FINANCIAL AGREEMENT WITH 500 MAIN STREET PARTNERS URBAN RENEWAL, LLC**

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

No Public Comments

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

Council member Magovern offered Ordinance 2017-08 for adoption, which was seconded by Council member Nicolay and approved by the following vote:

AYES: Magovern, Walsifer, Brennan, and Nicolay

**ORDINANCE 2017-09**

**ORDINANCE OF THE BOROUGH OF BELMAR, COUNTY OF MONMOUTH, NEW JERSEY  
AUTHORIZING THE EXECUTION OF A FINANCIAL AGREEMENT WITH 707 TENTH  
AVENUE URBAN RENEWAL, LLC**

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

No Public Comments

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

Council member Magovern offered Ordinance 2017-09 for adoption, which was seconded by Council member Walsifer and approved by the following vote:

AYES: Magovern, Walsifer, Brennan, and Nicolay

**PUBLIC SESSION:**

Ed Monte, 117 19<sup>th</sup> Avenue, satisfied with outcome of the artificial turf issue. Felt this whole matter was handled wrong and put a lot of people in distress. Felt there are bigger issues with the number of houses still boarded up from Hurricane Sandy and all the homes up for sale.

Leigh Kelsey O'Donnell, 604 Fifth Avenue, lives next to the Seaport Inlet Marina where the fire occurred. Was looking for updates on the property owner's requirements to implement safety measures by April 1<sup>st</sup>. Mayor Doherty stated the deadline of April 1<sup>st</sup> was to demolish the structure but the safety measures did not have a timetable.

Rick Adase, 413 13<sup>th</sup> Avenue, would like a copy of the proposed turf ordinance. Felt it would have been helpful if public comment was allowed during the workshop portion of the meeting.

George Komitas, 111 Third Avenue, stated the Police Department does a great job. Remembers when Council member Walsifer was sworn in.

Tom Dilberger, 1000 River Road, felt the code red about the storm last week wasn't an emergency. Felt the code reds are not needed. He asked Mayor Doherty if he would stop them. Mayor Doherty replied no. Council member Nicolay stated a lot of people were thankful for the reminders.

David Schneck, 302 C Street, asked if the outlet on the wall where he plugs in his video camera could be turned back on.

Angela Pheiffer, 319 Fifth Avenue, asked for a brief explanation of PILOT taxes vs regular property taxes. Mayor Doherty and Mr. Cannon explained. Ms. Pheiffer was concerned that there will be more of a burden on the school.

Steve Bloom, 1104 A Street, asked if people who want to install turf in their front yard would have to apply for a variance. Mayor Doherty stated they could do that.

Robin Monte, 117 19<sup>th</sup> Avenue, stated she didn't get a letter about her artificial turf and wants to make sure she won't have any issues.

Jason Rusak, Avon, owns an artificial turf company. Suggested a specific type of turf or a vendor be listed in the ordinance. Mr. Cannon stated we cannot do that.

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