

“GOD BLESS AMERICA”

REGULAR MEETING

APRIL 4, 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

“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

PROCLAMATION:

- Child Abuse Prevention Month
- Belmar Woman’s Club does a project every year and this year is about child abuse prevention. Claire Deicke, member, thanked the Mayor and Council for reading the proclamation.

WORKSHOP DISCUSSION:

- Artificial Turf
 - o Ordinance is on first reading.
 - o Council member Walsifer stated if we are going to ban it should ban it everywhere, not just the front yard. Doesn’t see the difference of having it in the front yard too.
 - o Council member Brennan agreed if it meets appearance guidelines.
 - o Mayor Doherty stated he doesn’t see the functionality of having it in the front yard but sees their point.
- Council member Magovern stated he received two resolutions today regarding amendments to the redevelopment plan. He would like to discuss the resolutions before voting on them so when it goes before the Planning Board he can confirm the Mayor and Council want this.
 - o Mayor Doherty stepped off the dais.
 - o Mr. Cannon explained the purpose of the resolutions and procedural steps.
 - The first resolution is to ask the Planning Board to study the height limits in the redevelopment zone and make recommendations to possibly amend building heights.
 - Council member Walsifer asked why a developer couldn’t just ask for a variance. Mr. Cannon explained the redevelopment process eliminates variance law. Therefore, the Mayor and Council would have to amend the redevelopment plan or stipulate a change in the height in a redevelopment agreement.
 - Ms. Claudio explained the CBD-1 zone previously allowed 4 stories and some of those properties were moved into the redevelopment zone which now limits them to 3.5 stories.
 - The second resolution is to ask the Planning Board to investigate expanding the redevelopment zone to include the east side of Main Street from 9th to 10th Avenue.
 - o Mayor Doherty rejoined the council.

PETITIONS: none

APPROVAL OF MINUTES:

Council member Magovern made a motion to approve the minutes of the March 21, 2017 meeting, which was seconded by and approved by the following vote:

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

REPORTS OF COUNCIL:

Council member Magovern: Historical Society is having a presentation next week on a WWI book. Shade Tree Commission investigated the new trees planted on Main Street, which need to be lifted so they can grow properly. Arbor Day program will be offered to Belmar and St. Rose 4th grade classes. Belmar students will

plant a tree in front of the school. St. Rose students will plant a tree at the Belmar library.

Council member Walsifer: No report.

Council member Brennan: Has list of salt resistant plants. Working on locating growers who have them so can purchase and plant at the beach. Still working with businesses to restrict use of plastic bags.

Council member Nicolay: This Saturday is the Easter Egg Hunt. Art Walk is April 29th. BBP worked with the town, Cruise Nights will return in July and August. In the Pink event is May 3rd as part of Paint the Town Pink month. A doctor will be present to give a discussion and then there will be free pink manicures, pink hair extensions, and massages. Belmar school children will be tying pink ribbons and placing them at Memorial Field. Summer Camp is sold out. Arts Council has their annual juried art show until May 5th.

Mayor Doherty: Through Council member Brennan’s discussion about plastic bags he has realized he has stopped using them. Even if we don’t pass an ordinance, discussing the topic has a positive impact on people using less bags. Belmar First Aid does an outstanding job. Encouraged everyone to contribute to them when they do their fund drive, even if it’s a small amount. Invited Kieran Tintle from JCPL to say a few words. Mr. Tintle stated he wanted to stop by and see if there is anything he can help the town with. Council member Magovern stated there is a tree on 11th Avenue that needs some trimming. Mr. Tintle stated he believes he spoke to Ms. Connolly about this and is looking into it. Council member Nicolay suggested they also look at the pole behind Santander Bank.

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

Joan Corallo, A Street, asked what the occupancy is for Taylor Pavilion. Mayor Doherty stated it depends, the occupancy is different depending on if there are tables and chairs or standing room. She would like to make sure large events have some policing. Mayor Doherty stated it’s all listed in the rules and fees.

David Schneck, 302 C Street, asked whose idea it was to put the redevelopment resolutions on the agenda. Council member Magovern stated it came up because of discussions between the Business Administrator, the Redevelopment Attorney and Planner. Mr. Schneck asked if this came up because of the 707 10th Avenue property. Council member Magovern stated developers have mentioned they don’t want 3.5 stories. Mr. Schneck was concerned that certain height limits would not be appropriate in certain areas. Mr. Cannon stated there are multiple levels of review and public hearing on redevelopment matters and at any time someone could say they don’t want a certain height or number of stories.

Mayor Doherty made a motion to close the public session, which was seconded by Council member Brennan 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, **2017-72, RESOLUTION AUTHORIZING PAYMENT OF BILLS**, for adoption, which was seconded by Council member Walsifer and approved by the following vote:

AYES: Magovern, Walsifer, Brennan, and Nicolay

PAYMENT OF BILLS: certification that the vouchers listed on the warrant register numbering 61 thru 125 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	\$1,597,662.99
03	Grant Account	\$300.00
11	Water/Sewer Account	\$422,826.24
21	Beach Utility Account	\$75,287.08
25	Beach Capital Account	\$8,699.70
41	Dog License Account	\$1,489.90
55	Trust Fund Account	\$1,731.00
61	Tourism Development Account	\$5,754.18
Total:		\$2,113,750.99

Council member Magovern offered, **2017-73, RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY, DIRECTING THE PLANNING BOARD TO INVESTIGATE AND MAKE RECOMMENDATIONS FOR AMENDING THE BUILDING HEIGHTS IN THE SEAPORT VILLAGE REDEVELOPMENT AREA**, for adoption, which was seconded by Council member Walsifer and approved by the following vote:

Council member Brennan stated he is not in favor of five stories and maybe not even four stories but doesn't seem the harm in allowing the planning board to do the investigation. Council member Magovern agreed.

AYES: Magovern, Walsifer, Brennan, and Nicolay

Council member Magovern offered, **2017-74, RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY, DIRECTING THE PLANNING BOARD TO INVESTIGATE WHETHER CERTAIN PROPERTIES SHOULD BE DESIGNATED AS AN AREA IN NEED OF REDEVELOPMENT WITHOUT CONDEMNATION (NON-CONDEMNATION REDEVELOPMENT AREA)**, for adoption, which was seconded by Council member Brennan and approved by the following vote:

AYES: Magovern, Walsifer, Brennan, and Nicolay

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.

Prior to voting on the resolutions Council member Magovern asked several questions. He asked about the walk-a-thon listed on the special events; he wanted to know who was doing it. Mayor Doherty stated he is sure the police department can help manage it. He suggested it be made clear that if someone rents the Huisman Gazebo it would be for a ceremony only and not a reception and they would not be guaranteed use of Taylor Pavilion. Ms. Claudio stated people who rent the gazebo receive a list of rules already. He questioned the \$1000 fee for use of Memorial Field. Ms. Claudio explained it's part of the Schedule A Fees in the ordinance and is not changing. He felt the amount was too much money. Mayor Doherty felt maybe we should charge for use of the field because it's expensive to maintain. He asked to add rule #22 to the Taylor Pavilion rules, which would state the person in charge of the event has to be present during the entire event.

Council member Magovern made a motion to amend Resolution 2017-79, which was seconded by Mayor Doherty and approved unanimously.

RESOLUTIONS BY CONSENT:

Mayor Doherty offered the following resolutions for adoption as amended:

**2017-75
RESOLUTION AUTHORIZING SALE OF SUMMER TAXI OWNERS LICENSES AT AUCTION**

**2017-76
RESOLUTION SUPPORTING THE IMPROVEMENT OF ENERGY EFFICIENCY**

**2017-77
RESOLUTION AUTHORIZING REFUNDS**

**2017-78
RESOLUTION PERMITTING SPECIAL EVENTS**

**2017-79
RESOLUTION ESTABLISHING FEES FOR PUBLIC SPACES IN THE BOROUGH OF BELMAR, MONMOUTH COUNTY, NEW JERSEY**

**2017-79
RESOLUTION ESTABLISHING RULES AND REGULATIONS FOR USE OF THE JOHN A. TAYLOR PAVILION IN THE BOROUGH OF BELMAR, MONMOUTH COUNTY, NEW JERSEY**

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

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

ORDINANCES: *First Reading & Introduction*

ORDINANCE 2017-10
ORDINANCE OF THE BOROUGH OF BELMAR AMENDING THE REVISED GENERAL ORDINANCE CHAPTER 40: “DEVELOPMENT REGULATIONS” TO ADD SECTION 40-7.33 “ARTIFICIAL TURF”

Mayor Doherty offered Ordinance 2017-10 for first reading and introduction, which was seconded by Council member Magovern and approved by the following vote:

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

PUBLIC SESSION:

Ann Collins, 14th Avenue, stated she will have lived here for 22 years this fall. The town is great, the First Aid is great, and the Police Department is great. She is very happy to be living in Belmar.

Leigh Kelsey O’Donnell, 5th Avenue, presented a document to the Mayor and Council regarding a list of concerns the neighbors have regarding the Seaport Inlet Marina. She would like to know what else is being done.

Greg Dimaio stated he is looking to bring a family friendly business to the marina. Has worked with Ms. Connolly on this, obtained the necessary insurance thinking he would be moving forward but hasn’t received any response from Ms. Connolly. Would like to know if he can start his business. It would be a pedal boat business. Mayor Doherty stated its ultimately the Mayor and Council’s decision and it will have to go out to bid. He was fine with it having to go out to bid he would just like to know if it’s going to be put out to bid or not.

James Koffman, 131 Terrace Road, stated he would like to know the results of the fire inspection that is going to take place on Thursday at the Seaport Inlet Marina. Mayor Doherty stated we rely on the fire marshal to ensure that all fire regulations are complied with.

Nancy Koenig, 303 C Street, has very little water pressure coming to her house since 2013. Has had a new meter put in. Has a contract with Woszczak to do work but he hasn’t done the work. Mike Campbell, Director of Public Works, stated he is a private contractor and the town has no control over him. He suggested she hire a different contractor.

Jason Rusak, Turf Contractor, asked for clarification on the ordinance process. Mayor Doherty explained the process. He presented some documentation on turf to the Mayor and Council. He doesn’t want to see synthetic turf limited to just certain areas. Feels there’s a lot of positives to it that were overlooked.

Ed Monte, 117 19th Avenue, asked if there have been any changes to the turf ordinance since it was discussed at the last meeting. Mr. Cannon stated the only change was to the language regarding organic plants in the buffer area. Mr. Monte was concerned about the grandfather clause. Mayor Doherty stated he is fine, no change.

David Schneck, 302 C Street, stated he is opposed to the artificial turf ordinance. He felt the language regarding a permit to replace existing turf was not very clear. His concern was that if someone has it in their front yard now they could get denied when they submit a permit to replace it. Mr. Cannon stated they could get denied but could appeal to the zoning board and the board would take into consideration that they previously had it. Mayor Doherty stated most of the people who have artificial turf in the front yard and have the good kind and know that it will last decades.

Claire Deicke, 1017 14th Avenue, thanked Council member Nicolay for mentioning the In the Pink event which is part of the county wide Paint the Town Pink event. Also, thankful that they can use the municipal building for their event. Goal is to heighten awareness of mammograms.

Council member Nicolay added that business owners can get free pink kits to decorate their business.

Pat Wann, 18th Avenue, asked about the town wide yard sale. Mayor Doherty stated it will be June 3rd and 4th. She thanked the mayor and council for pumping Lake Como. Asked for the progress of the grant money for the lake. Mayor Doherty stated we still have the grant and are working with DEP and DAM Safety.

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