

“GOD BLESS AMERICA”

REGULAR MEETING

AUGUST 1, 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, Councilwoman Nicolay, Borough Attorney Greg Cannon, Esq., Business Administrator Colleen Connolly, and Borough Clerk April Claudio

ABSENT: Councilman Magovern

“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 and Doris Taylor

WORKSHOP DISCUSSION: None

PETITIONS: None

APPROVAL OF MINUTES: Council member Nicolay made a motion to approve the minutes of the July 11, 2017 meeting, which was seconded by Mayor Doherty and approved by the following vote:

AYES: Brennan, Nicolay, Walsifer and Doherty

REPORTS OF COUNCIL:

Council member Walsifer: Wants to work with Chief Huisman and Ms. Connolly to discuss reinstating the police explorers program. The Lake Como 19th Avenue issue has been resolved.

Council member Brennan: Harbor Commission met last week. Police Department doing a great job handling traffic and parking in marina. Chef’s International is very willing to work with us. Valet parking has been stopped because it wasn’t working. Environmental Commission working on sustainability designation. Looking for vendors for reusable shopping bags.

Council member Nicolay: Happy August. BBP Cruise Night was a big success. Arts Council has a bird art show going on now. Art classes at summer camp are going great. New playgrounds are beautiful and amazing.

Mayor Doherty: New playgrounds at 15th and 8th Avenues are both remarkable. Since 2012 we have eight new playgrounds in town. The black planters around Main Street is just one of the little things the BBP has done that makes a difference. Happy with DPW, Police, beach staff and everyone who is doing a tremendous job this summer. Has received a lot of compliments on how good the town looks.

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

Meril Yeager, 610 10th Avenue, stated he is opposed to his property being added to the redevelopment zone and opposed to the new zone as well. Ms. Connolly explained the Planning Board suggested his property be added and he will receive notification when it gets to the next level. Mayor Doherty stated he can explain to the Planning Board why his property shouldn’t be included.

Katrina Clapsis, B Street, asked about the change order for the Main Street streetscape project. Ms. Connolly explained the reason for the change order. Ms. Clapsis stated she heard there was a problem with the lighting on Main Street. Ms. Connolly stated the change order doesn’t have anything to do with electric.

Ms. Clapsis asked if Mayor Doherty is allowed to vote on the redevelopment resolution. Mayor Doherty stated he will recuse himself. Ms. Clapsis stated Council member Nicolay had a campaign violation and asked if that would prohibit her from voting on the resolution. Mr. Cannon stated there is no conflict for her.’

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

RESOLUTIONS:

Council member Nicolay offered, **2017-137, RESOLUTION AUTHORIZING PAYMENT OF BILLS**, for adoption, which was seconded by Council member Walsifer and approved by the following vote:

Council member Walsifer asked if there is ceiling or dollar amount to finish up these lawsuits. He was referring to the bill for Gibbons P.C. Ms. Connolly stated their bill is for four different lawsuits. They have given us a government rate and our insurance company will reimburse us 50% of some.

The Mayor shall abstain from voting on this Resolution by reason of his or her “General Ineligibility” as provided by Belmar Ord. No. 9-5.

AYES: Nicolay, Brennan, and Walsifer

PAYMENT OF BILLS: certification that the vouchers listed on the warrant register numbering 582 thru 741 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	\$1,611,504.42
05	General Capital Account	\$220,889.16
11	Water/Sewer Account	\$152,530.63
15	Water/Sewer Capital Account	\$138,425.00
21	Beach Utility Account	\$167,653.21
25	Beach Capital Account	\$12,000.00
55	Trust Fund Account	\$77,722.08
61	Tourism Development Account	\$13,793.17
Total:		\$2,394,517.67

Council member Nicolay offered, **2017-138, RESOLUTION AWARDDING A LEASE AGREEMENT FOR ZUMBA**, for adoption, which was seconded by Council member Brennan and approved by the following vote:

The Mayor shall abstain from voting on this Resolution by reason of his or her “General Ineligibility” as provided by Belmar Ord. No. 9-5.

AYES: Nicolay, Brennan, and Walsifer

Council member Nicolay offered, **2017-139, RESOLUTION PURSUANT TO N.J.A.C. 5:30-14.4 ET SEQ. CHANGE ORDER NUMBER TWO FOR THE RE-BID OF THE MAIN STREET STREETSCAPE PROJECT**, for adoption, which was seconded by Council member Walsifer and approved by the following vote:

The Mayor shall abstain from voting on this Resolution by reason of his or her “General Ineligibility” as provided by Belmar Ord. No. 9-5.

AYES: Nicolay, Brennan, and Walsifer

Council member Nicolay offered, **2017-140, 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:

The Mayor shall abstain from voting on this Resolution by reason of his or her “General Ineligibility” as provided by Belmar Ord. No. 9-5.

AYES: Nicolay, Brennan, and Walsifer

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:

2017-141

RESOLUTION BY THE MAYOR AND COUNCIL AUTHORIZING THE TAX COLLECTOR TO EXTEND THE GRACE PERIOD FOR THIRD QUARTER PROPERTY TAXES

2017-142

RESOLUTION AUTHORIZING REFUNDS

2017-143

RESOLUTION APPOINTING SPECIAL POLICE OFFICERS FOR 2017

2017-144

RESOLUTION AUTHORIZING THE RECEIPT OF BIDS FOR TRASH COLLECTION

2017-145

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

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

AYES: Nicolay, Brennan, Walsifer, and Doherty

ORDINANCES:

ORDINANCE 2017-17 *Second Reading & Public Hearing*

ORDINANCE OF THE BOROUGH OF BELMAR AMENDING THE REVISED GENERAL ORDINANCE CHAPTER 19: “TRAFFIC” TO ADD SECTION 19-42: “RIDE-SHARE PICK-UP/DROP-OFF ZONES” (PREVIOUSLY RESERVED)

Public hearing: None

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

Mayor Doherty offered Ordinance 2017-17 for adoption, which was seconded by Council member Brennan and approved by the following vote:

AYES: Nicolay, Brennan, Walsifer, and Doherty

ORDINANCE 2017-18 *First Reading & Introduction*

ORDINANCE OF THE BOROUGH OF BELMAR AMENDING THE REVISED GENERAL ORDINANCE CHAPTER 25: “BUILDINGS” AND THE REVISED GENERAL ORDINANCE CHAPTER 40: “DEVELOPMENT REGULATIONS” TO ESTABLISH NEW REGULATIONS RELATING TO AWNINGS AND CANOPIES

Mayor Doherty offered Ordinance 2017-18 for first reading and introduction, which was seconded by Council member Walsifer and approved by the following vote:

AYES: Nicolay, Brennan, Walsifer, and Doherty

ORDINANCE 2017-19 *First Reading & Introduction*

ORDINANCE OF THE BOROUGH OF BELMAR AMENDING THE REVISED GENERAL ORDINANCE CHAPTER 18: “BEACHFRONT AND MARINE REGULATIONS” TO INSERT NEW SECTION 18-2.7c. (PREVIOUSLY RESERVED) PROHIBITING USE OF TENTS AND CANOPIES ON THE BEACHFRONT AT CERTAIN TIMES WITH EXCEPTIONS

Mayor Doherty offered Ordinance 2017-19 for first reading and introduction, which was seconded by Council member Niciolay and approved by the following vote:

Council member Brennan stated this ordinance has taken him by surprise. Asked if there have been complaints about tents. Mayor Doherty stated people use 10x10 tents and join with others and cause beach spreading. This

ordinance would limit tents in the summer when the beach is crowded.

Council member Nicolay stated her neighbor’s daughter got hit by a tent so she thinks just for the safety factor this ordinance is good.

Council member Walsifer stated he has heard from residents the need for this ordinance.

AYES: Nicolay, Brennan, Walsifer, and Doherty

ORDINANCE 2017-20 *First Reading & Introduction*
BOND ORDINANCE PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$500,000 FOR SIDEWALK IMPROVEMENTS IN AND BY THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY, AUTHORIZING THE ISSUANCE OF \$475,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF AND DIRECTING THE SPECIAL ASSESSMENT OF THE COST THEREOF

Mayor Doherty offered Ordinance 2017-20 for first reading and introduction, which was seconded by Council member Brennan and approved by the following vote:

AYES: Nicolay, Brennan, Walsifer, and Doherty

ORDINANCE 2017-21 *First Reading & Introduction*
ORDINANCE OF THE BOROUGH OF BELMAR AMENDING THE REVISED GENERAL ORDINANCE CHAPTER 21: “TAXICABS” TO ESTABLISH NEW PROCEDURES FOR AUCTIONING LICENSES AND TO ESTABLISH NEW PROCEDURES FOR ISSUING AVAILABLE LICENSES BETWEEN AUCTIONS

Council member Nicolay offered Ordinance 2017-21 for first reading and introduction, which was seconded by Council member Walsifer and approved by the following vote:

The Mayor shall abstain from voting on this Resolution by reason of his or her “General Ineligibility” as provided by Belmar Ord. No. 9-5.

AYES: Nicolay, Brennan, and Walsifer

PUBLIC SESSION:
Council member Nicolay left the meeting.

Katrina Clapsis, B Street, asked again about a problem with electric lights on Main Street. Mike Campbell, DPW, stated there was a problem with JCP&L having some wires too low which they are addressing. Ms. Connolly stated the Borough engineer is working with JCP&L.

Ms. Clapsis asked for clarification on Ms. Connolly’s statement about the insurance company paying 50% for the lawsuits. Ms. Connolly stated there are some portions of the Harmons lawsuit that will be 50% reimbursable.

Nancy Koenig, 303 C Stret, asked about the 10th Avenue Pavilion. Ms. Connolly and Mayor Doherty stated it’s been in use for a few weeks.

David Schneck, 302 C Street, stated tents with sides are worse because it blocks everyone’s view of the water when keeping an eye on their kids. He is in favor of the ordinance and hopes it is enforced. He noticed 10th Avenue Freeze Out isn’t open.

Mayor Doherty stated they paid their rent for the year but have not opened yet.

Angela Pheiffer, 319 5th Avenue, stated there is a lot of stuff going around about Taylor Pavilion and Merrimakers. Asked what they have a right to.

Mayor. Doherty stated they bid and were awarded a concession lease. He added there is a lot of misinformation being floated around purposely. He doesn’t think its right that they are being attacked. They have reserved dates just like anyone else can.

Ms. Pheiffer stated she was surprised that they were able to book so many dates in adavance without having confirmed events. This creates a wedding almost every weekend and asked if this is what we really want.

Mayor Doherty stated anyone could have done the same. They booked in advance and paid in advance just like anyone else. He asked why we would say no to that. There are no Borough events planned for the dates they requested.

Ms. Pheiffer stated when they voted on the reconstruction of the pavilion it was on the basis that it would be used for community events. She was concerned that they are booking the pavilion at the same cost as she would pay but they are making a lot of money off of it.

Mayor Doherty stated he doesn't think we should stop people from booking in advance but if people think we should charge them more money it's something we can look into.

Ms. Pheiffer stated she recalls the rocking chairs on the back deck of the pavilion were a reason why she moved to Belmar and had looked forward to doing that again. Merri Makers and another venue is advertising the pavilion as their venue.

Linda Chelsen, L Street, stated she had the same concerns as what was just expressed. She asked what has been considered in terms of parking for these events. She asked if parking will be reserved or blocked off. Mayor Doherty stated there is no reserved parking. Ms. Chelsen stated the tents on the beach is going to require enforcement just like ball playing. She asked why the special police officers aren't on the beach. Mayor Doherty stated they are on the sand. Captain Cox stated they have written many summonses for violations.

Mike Seebeck, 110 2nd Avenue, asked if the tax payers are responsible for the utilities for Taylor Pavilion. Mayor Doherty stated the bills will be paid appropriately between the beach and current fund. Mr. Seebeck asked for the fees for the pavilion. Mayor Doherty stated it depends on the event. Mr. Seebeck asked about a proposed budget for operation and maintenance of the Methodist Church building. Mayor Doherty stated we will be renting the building for free. Will only be responsible for utilities and maintenance. Mayor Doherty stated we would like to have some senior programs there and expand the library programs. The church is leaving extensive AV equipment there for us to use. Mr. Seebeck stated he is not questioning the use but was wondering why we need another building when he thought some of these uses would be at Taylor Pavilion.

Mike Campbell 7th Avenue, thanked the Mayor and Council and Ms. Connolly for the new parks. He has five grand children who have already visited them.

Claire Deicke, 14th Avenue, on behalf of the womans club thankful for being able to use the Taylor Pavilion again. Envisions a senior center where seniors can go in at different times of day to socialize with other seniors.

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