

“GOD BLESS AMERICA”

REGULAR MEETING

JUNE 19, 2018

A Regular Meeting of the Mayor and Council of the Borough of Belmar to be held on the above date at 6:00 PM at the Belmar Municipal Building, 601 Main Street.

PRESENT: Mayor Magovern, Councilman Levis, Councilman Walsifer, Councilwoman Nicolay, Borough Attorney Greg Cannon, Esq., Business Administrator Colleen Connolly, and Borough Clerk April Claudio

ABSENT: Councilman Brennan

“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, 2017 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 Irma Manutti

PROCLAMATIONS:

- Kevin Woolley

WORKSHOP DISCUSSION:

- Representatives from Jersey Bike discussed bringing a bike share program to Belmar. Mayor Magovern asked how this would affect the local bike shop. They would use the bike shop for a maintenance contract. Council member Nicolay asked about children using them. The age requirement is 16 years old. Council member Levis asked how many docking stations would be needed. They are proposing 100 docks in Point Pleasant. Council member Walsifer asked what happens if all the bikes are at the beach and none at the train station. They would partner with the local bike shop to help them circulate the bikes. Council member Nicolay asked about advertising on the bikes. They do work with local businesses for advertising. Council member Levis felt a bike lane on Ocean Avenue would be needed for this.
- Rosemarie Korbelak, Library Director, discussed all the events happening at the Community Center/Library Annex at 7th and D Street and the Library on 10th Avenue.
- Council member Walsifer and Ms. Connolly discussed moving forward with the tree memorial program.
- Mayor Magovern felt we need to do more for the boat owners as far as parking. Suggested the area by the boat ramp may not be used at the end of the day when the ramp is closed. Thought the slip owners could be allowed to park there. Ms. Connolly stated they did try to do that last year but it would need to be manned by an officer or parking attendant. Ms. Connolly, DPW and Police met down at the marina to try to come up with some ideas to present to the Council. Mayor Magovern would like to see something done quickly.

PETITIONS: none

APPROVAL OF MINUTES: Council member Nicolay made a motion to approve the minutes of the June 6, 2018 meeting, which was seconded by Mayor Magovern and approved unanimously.

REPORTS OF COUNCIL:

Council member Levis: Last week met with Chief of Police, Lifeguard Director and Rutgers about a research project for using drones for life safety issues, such as a drone delivering a flotation device to a distressed swimmer. Rutgers will be working with our lifeguard staff to continue the research project.

Council member Walsifer: No report

Council member Nicolay: Tonight, is Belmar Elementary School’s graduation; congratulated the students. Asked everyone to be more cautious to pedestrians and bicycles.

Mayor Magovern: This Friday is a ribbon cutting ceremony for a new business called Creativity Lab. Participated in a program at Belmar Elementary School last week, “Teacher for a Day”.

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

2018 BUDGET HEARING:

- Public Hearing
 - o Robbin Kirk, CFO, gave a PowerPoint presentation.
 - o Ann Marie Drazenovich, 605 11th Avenue, asked about the \$90,000 increase in revenue. Ms. Kirk explained the revenue coming in for the Marina Grille and the pavilion concessions.
 - o Linda Sharkus, 400 4th Avenue, asked how the marina revenue compares to last year. Ms. Kirk stated she anticipates a \$40,000 increase.
 - o Mayor Magovern made a motion to close the public hearing, which was seconded by Council member Nicolay and approved unanimously.
 - o Council member Walsifer asked for an explanation on the increase for policing from Lake Como. Ms. Kirk explained the budgeting process for this.

Mayor Magovern made a motion to adopt, **2018-88, RESOLUTION TO AMEND 2018 BUDGET**, which was seconded by Council member Walsifer, and approved by the following vote.

AYES: Magovern, Nicolay, Walsifer, and Levis

Mayor Magovern made a motion to adopt, **2018-89, RESOLUTION ADOPTING 2018 BUDGET AS AMENDED**, which was seconded by Council member Walsifer and approved by the following vote:

AYES: Magovern, Nicolay, Walsifer, and Levis

RESOLUTIONS:

Mayor Magovern made a motion to adopt, **2018-90, RESOLUTION AUTHORIZING ISSUANCE OF PLENARY RETAIL CONSUMPTION LICENSE TO KLEIN’S FISH MARKET, INC. FOR THE PERIOD ENDING JUNE 30, 2019**, which was seconded by Council member Walsifer and approved by the following vote:

AYES: Magovern, Nicolay, Walsifer, and Levis

Mayor Magovern asked to discuss the next resolution. He stated we have an ordinance prohibiting tents on the beach and asked how we can allow a tent on the boardwalk. A tent on the boardwalk would also block people’s view of the beach. Mr. Cannon explained the litigation involving the 10th Avenue pavilion concession and how it relates to the proposed lease addendum. This is an attempt to compromise with them for this season and ultimately come up with a long-term solution for the future. Council member Walsifer stated the tent wasn’t in their lease and doesn’t see how it’s hurting their business. Felt this amendment should be discussed in the mitigation conference instead. Council member Levis felt they shouldn’t be forced into allowing the tent because they feel they might lose damages. Mayor Magovern asked if we would be at greater risk if we disapproved this. Mr. Cannon stated it does put the town at a slightly higher risk but gives him more leverage in the mitigation conference. He added waiting a week to discuss this further won’t win or lose the case. Council member Nicolay stated she would follow Mr. Cannon’s lead and wasn’t sure how a tent would look there. Council member Walsifer felt the tent won’t affect their business one way or another. Council member Levis stated he wouldn’t approve the tent no matter who it was for. They discussed tabling or voting on the resolution. Council member Levis wanted to vote.

Mayor Magovern made a motion to table, **RESOLUTION AUTHORIZING ADDENDA TO THE FIFTH AND TENTH AVENUE PAVILION CONCESSION LEASES TO CLARIFY CERTAIN PROVISIONS AND ALLOW ENHANCED OUTDOOR EATING AREAS**, which was seconded by Council member Walsifer and approved by the following vote:

AYES: Magovern, Nicolay, and Walsifer
NAYS: Levis

Mayor Magovern made a motion to adopt, **2018-91, RESOLUTION AUTHORIZING ISSUANCE OF PLENARY RETAIL CONSUMPTION LICENSE FOR JOBIL, INC., T/A JACK’S TAVERN FOR PERIOD ENDING JUNE 30, 2019**, which was seconded by Council member Nicolay and approved by the following vote:

AYES: Magovern, Nicolay, Walsifer, and Levis

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 Magovern offered the following resolutions for adoption:

2018-92, RESOLUTION AUTHORIZING PAYMENT OF BILLS

PAYMENT OF BILLS: certification that the vouchers listed on the warrant register numbering 2367 thru 2468 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	\$528,297.61
05	General Capital Account	\$324,839.78
11	Water/Sewer Account	\$550,815.07
21	Beach Utility Account	\$31,121.90
25	Beach Capital Account	\$216,052.45
31	Public Assist I Account	\$200.00
55	Trust Fund Account	\$4,130.50
61	Tourism Development Account	\$14,980.26
Total:		\$1,670,437.57

2018-93, RESOLUTION AUTHORIZING REFUNDS

2018-94, RESOLUTION TO ALLOW STATE OF NEW JERSEY DIVISION OF A.B.C TO RENEW CLUB LICENSE TO THE BELMAR FISHING CLUB FOR PERIOD ENDING JUNE 30, 2019

2018-95, 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

2018-96, RESOLUTION PURSUANT TO N.J.A.C. 5:30-14.4 ET SEQ. CHANGE ORDER NUMBER ONE FOR THE LAKE COMO STORMWATER OUTFALL IMPROVEMENTS

2018-97, RESOLUTION PURSUANT TO N.J.A.C. 5:30-14.4 ET SEQ. CHANGE ORDER NUMBER TWO FOR THE LAKE COMO STORMWATER OUTFALL IMPROVEMENTS

2018-98, RESOLUTION PURSUANT TO N.J.A.C. 5:30-14.4 ET SEQ. CHANGE ORDER NUMBER THREE FOR THE LAKE COMO STORMWATER OUTFALL IMPROVEMENTS

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

AYES: Magovern, Nicolay, Walsifer, and Levis

ORDINANCES:

First Reading & Introduction

ORDINANCE 2018-08 (REVISED)

ORDINANCE OF THE BOROUGH OF BELMAR AMENDING THE REVISED GENERAL ORDINANCE CHAPTER 19: “TRAFFIC” TO CLARIFY CERTAIN PARKING RESTRICTIONS

Mayor Magovern offered Ordinance 2018-08 for first reading and introduction, which was seconded by Council member Levis and approved by the following vote:

AYES: Magovern, Nicolay, Walsifer, and Levis

Second Reading & Public Hearing

ORDINANCE NO. 2018-10

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XL OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BELMAR, SECTIONS 40-3.14 FEES

Public Hearing: None

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

Mayor Magovern made a motion to adopt ordinance 2018-10, which was seconded by Council member Nicolay and approved by the following vote:

AYES: Magovern, Nicolay, Walsifer, and Levis

Second Reading & Public Hearing

ORDINANCE NO. 2018-11

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 19, TRAFFIC – ONE WAY STREETS

Public hearing: None

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

Mayor Magovern made a motion to adopt Ordinance 2018-11, which was seconded by Council member Levis and approved by the following vote:

AYES: Magovern, Nicolay, Walsifer, and Levis

PUBLIC SESSION:

Katrina Clapsis, 1304 B Street, asked about the protocol for a tree plaque. Mayor Magovern stated we haven't finalized the process yet. Ms. Clapsis stated there is a rumor of a lifeguard lawsuit. Ms. Connolly stated there is a tort claim not a lawsuit. Mr. Cannon explained the tort claim statute.

Tom Carvelli, 609 15th Avenue, asked for greater police presence on 15th Avenue on "bar" nights, Tuesday, Friday and Saturday nights. Between 10 pm and 3 am there is chaos. Felt there isn't a significant amount of enforcement. Mayor Magovern stated the police do put on extra patrols but they are spread around town to cover all the bar closings. Ms. Connolly stated the Council does try to address it in their liquor license renewals. Mr. Carvelli would like to see more tickets written to reflect a zero-tolerance policy. He felt the shush patrol is not effective. Ms. Connolly stated she will discuss this with the Police Chief.

Sandy Caputo, Surf Avenue, discussed football playing on the beach. Have to constantly watching out for fellows running around and into people. Mayor Magovern believed the lifeguards can try to enforce it but the police might need to be involved if there is confrontation because the lifeguards don't have police powers. He also added that sometimes the lifeguards might not see it going on because they are focused on watching the swimmers.

Sandra Alvear, 115 12th Avenue, does appreciate the specials, they do the best they can with what they are told. There are a lot of issues with people not following the one-way signs in her area. Special Officers aren't enforcing bikes and skateboards on the boardwalk either.

Tom Dilberger, 1000 River Road, thinks the council should turn down the bicycle proposal. We need more benches at Maclearie Park and they should be placed in the shade. Also need new picnic tables. He gave his opinion on other comments made about the people coming out of the bars.

Tom Burke, 10th Avenue, stated it is a positive thing that the parking lot on 13th Avenue by the railroad was done. Appreciates seeing parking being enforced in the business area. Thinks getting more people to bike will hopefully alleviate congestion and help parking problems. There is a limited amount of parking near the community center; suggested adding a bicycle rack. Main Street seems dark from 5th to 10th Avenue hopes the problems are worked out so the street lights can be lit. Mayor Magovern stated JCP&L needs to come in and raise the electric lines before we can turn them on which won't happen this summer.

Maria Florio, 115 12th Avenue, asked why we don't have a police officer here to answer questions. Mayor Magovern stated Captain Cox was here but had to leave to answer a call. She felt another officer could have been here.

Rose Degayna, 201 9th Avenue, was concerned about the redevelopment in town. Finds it to be overdevelopment and is very upset by it. Asked what do they do if they don't want this. Mayor Magovern stated there is a Board of Adjustment meeting on 12th Avenue development next week. The Mayor and Council can't

give an opinion on this and must let the Board decide. Mr. Cannon explained the Council can vote on redevelopment projects but not those that go before the Zoning Board of Adjustment. Felt we are giving away the small town feel to developers.

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

Respectively submitted,

April Claudio
Municipal Clerk