

**“GOD BLESS AMERICA”**

**REGULAR MEETING**

**FEBRUARY 18, 2014**

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 Bean, Councilman Magovern, Councilwoman Nicolay, Councilwoman Keown-Blackburn, Acting Borough Attorney William Magovern, Esq, and Business Administrator Colleen Connolly

**ABSENT:** Borough Clerk April Claudio

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 30, 2013 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, Mario Pesapane and Joseph Hillman

**SPECIAL PRESENTATION:**

- February Employee of the Month
- Proclamation Honoring Belmar St. Patrick’s Day Parade 2014 Grand Marshal John Sheridan and Deputy Grand Marshal Mary Keaney.
- Belmar Woman’s Club check donation to the Library

**WORKSHOP DISCUSSION:**

- Karl Kemm, Esq. gave an explanation on the outstanding 2012 order for revaluation. There is a proposed settlement to do the revaluation in 2017 with inspections in 2016 and update the tax map in 2014.
  - o Council member Bean asked who decided to fight the order. Mr. Kemm stated the Borough Administration did.
  - o Council member Nicolay asked when the last revaluation was done. It was done in the early 2000’s.
  - o Council member Magovern asked if every home gets checked. Mr. Kemm replied yes.
  - o Council member Keown-Blackburn asked how often revaluations need to be performed. Mr. Kemm stated it varies.
- Yard Sale Permits
  - o Ms. Connolly stated the Code Enforcement office would like to amend the yard sale ordinance to require permits.
  - o Council member Magovern stated he would like to limit the number of yard sales but does not want to charge a fee for the permit.
  - o Council member Bean agreed there should be no charge.
  - o Council member Keown-Blackburn suggested that signage for yard sales are enforced.
  - o Council member Nicolay asked how people would be informed about this. Ms. Connolly stated she would make sure residents receive adequate notice.
  - o An ordinance amendment will be on for first reading at the next meeting.
- Mayor Doherty stated the seaport redevelopment plan is outdated and has been a failure. He suggested throwing it out and making a new plan. He would like to create an advisory board of 9 to 11 people including business owners and a member of the council who would report back to the Council with modifications to the plan or a new plan. He asked for anyone that is interested in being on the board to email him or email him ideas. He would like to establish the board at the second meeting in March

so they can begin meeting in April.

- Council member Magovern thought it is a good idea however he was concerned about it being chaotic and felt it needs to be very well thought out. He would like to include architects and design professionals on the board.

**PETITIONS:** none

**REPORTS OF MAYOR AND COUNCIL:**

Council member Magovern: The Polar Plunge was a smashing success. Planning Board unanimously approved two projects: a new building in the marina and a temporary outdoor dining use at the ice house property. Michaela Mabrey played a great game for Notre Dame the other day. Spoke about the passing of former Commissioner Joseph Hillman. Read a snow removal report.

Council member Keown-Blackburn: Encouraged everyone to come out for senior movie day on the 28<sup>th</sup>. Thanked the police for addressing the concerns from the last meeting about dogs on the beach without leashes. The renovations to the Historical Society's building are almost done. Tomorrow is the senior luncheon and there will be walking in the gym afterwards.

Council member Bean: Asked for an update on the gift cards issue. Chief Palmisano stated there is an ongoing investigation. Thanked the Woman's Club for making scarves for the Winter Classic at the Avon pond.

Council member Nicolay: DPW has been doing a great job with snow removal. The Belmar Arts Council is 10 years old. The Art walk will be on April 27<sup>th</sup>. The new mural at the train station will be unveiled on April 26<sup>th</sup>. Belmar Elementary School gave out teacher and staff awards.

Mayor Doherty: Polar Plunge had a great turnout. DPW doing a great job with snow removal. Need to work on potholes now, asked people to call DPW if they see any. Since he was not at the last meeting he wanted to address the gift card issue brought up by Council member Bean. He stated Kelly Williams is a phenomenal employee and should never have to go through such baseless allegations. She managed over \$400,000 in aid and worked tirelessly to help the residents of Belmar after the storm. He stated he was disappointed without the Press reported on this. Council member Bean stated he never accused anyone. Council member Magovern stated Council member Bean's meaning and statement was clear and inappropriate. Mayor Doherty stated Council member Bean was unprofessional and felt he should address any questions he has on anything towards the Administrator or Chief of Police and not do it at a public meeting.

**APPROVAL OF MINUTES:**

Council member Magovern moved for approval of minutes for the meetings held on January 28, 2014, seconded by Council member Keown-Blackburn and approved by the following vote:

AYES: Bean, Nicolay, Keown-Blackburn, and Magovern  
ABSTAIN: Doherty

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

Ted Ehmann, Oakwood Road, asked about the resolution appointing an architecture firm. Ms. Connolly stated Mellilo and Bauer was a subcontractor for Birdsall that did design work for the boardwalk and Silver Lake for the Borough and need to be paid.

Mr. Ehmann questioned the resolution appointing a consultant. He asked what qualifications Ms. Downing has and why it was not advertised in the newspaper.

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

**RESOLUTIONS:**

Mayor Doherty offered, Resolution 2014-34, for adoption, **RESOLUTION AUTHORIZING PAYMENT OF BILLS LIST**, which was seconded by Council member Magovern and approved by the following vote:

AYES: Bean, Nicolay, Keown-Blackburn, Magovern, and Doherty

**PAYMENT OF BILLS:** certification that the vouchers listed on the warrant register numbering 61051 thru 61152 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	\$2,400,218.03
11 Water/Sewer Account	\$77,241.94
15 Water/Sewer Capital Account	\$76,547.80
21 Beach Utility Account	\$51,123.63
25 Beach Capital Account	\$101,244.49
41 Dog Account	\$2,928.00
55 Trust Fund Account	\$111,813.70
61 Tourism Development Account	\$5,555.34
Total	\$2,828,922.43

Council member Magovern offered, Resolution 2014-35, for adoption, **RESOLUTION PERMITTING SPECIAL PERMITS FOR SOCIAL AFFAIRS FOR THE FRIENDLY SONS OF THE SHILLELAGH**, which was seconded by Council member Keown-Blackburn and approved by the following vote:

AYES: Bean, Nicolay, Keown-Blackburn, and Magovern  
ABSTAIN: Doherty

Mayor Doherty offered, Resolution 2014-36, for adoption, **RESOLUTION APPOINTING AND CONFIRMING AN ARCHITECTURAL DESIGN FIRM**, which was seconded by Council member Magovern and approved by the following vote:

AYES: Bean, Nicolay, Keown-Blackburn, Magovern, and Doherty

Mayor Doherty offered, Resolution 2014-37, for adoption, **RESOLUTION AWARDING A CONTRACT FOR CONSULTING SERVICES**, which was seconded by Council member Magovern and approved by the following vote:

AYES: Nicolay, Keown-Blackburn, Magovern, and Doherty  
NAYS: Bean

Council member Bean suggested cancelling the interlocal agreement with Spring Lake to allow Robbin Kirk, former Administrator, to assist Ms. Connolly rather than hiring someone new.

**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:  
**2014-38**

**RESOLUTION AUTHORIZING REFUNDS**

**2014-39**

**RESOLUTION PERMITTING SPECIAL PERMITS FOR SOCIAL AFFAIRS FOR THE BELMAR FIRE DEPARTMENT**

**2014-40**

**RESOLUTION TEMPORARILY ALLOWING THE USE OF OUTDOOR EATING AREAS DURING THE BELMAR & LAKE COMO ST. PATRICK'S DAY PARADE FOR THE BOROUGH OF BELMAR, MONMOUTH COUNTY, NEW JERSEY**

**2014-41**

**RESOLUTION APPOINTING AND CONFIRMING MUNICIPAL AUDITOR**

**2014-42**

**RESOLUTION REJECTING ALL BIDS FOR THE FIFTH AND TENTH AVENUE BORDWALK PAVILIONS RECEIVED ON OCTOBER 11, 2013**

**2014-43**

**RESOLUTION AUTHORIZING THE MAYOR OF THE BOROUGH OF BELMAR TO EXECUTE AGREEMENTS WITH PBA LOCAL NO. 50, CWA LOCAL 1032, CWA 1075, AND SUPERVISORS UNION OF THE BOROUGH OF BELMAR**

**2014-44**

**RESOLUTION RELEASING PERFORMANCE GUARANTEE FOR WESTPORT OF BELMAR LLC**

**2014-45**

**RESOLUTION APPOINTING SPECIAL I POLICE OFFICERS FOR 2014**

**2014-46**

**RESOLUTION PERMITTING SPECIAL EVENTS**

**2014-47**

**RESOLUTION AUTHORIZING THE MAYOR OF THE BOROUGH OF BELMAR TO EXECUTE AN AGREEMENT WITH THE MONMOUTH COUNTY MOSQUITO EXTERMINATION COMMISSION**

Seconded by Council member Keown-Blackburn and approved by the following vote:

AYES: Bean, Nicolay, Keown-Blackburn, Magovern, and Doherty

**ORDINANCES:**

Second Reading & Public Hearing:

**ORDINANCE 2014-01**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER IV, DEPARTMENT OF FINANCE, OF THE GENERAL ORDINANCES OF THE BOROUGH OF BELMAR, PERTAINING TO SECTION 13, RECEIPT OF BIDS**

Public Hearing: Mayor Doherty stated there is some slight language modification to be made to the ordinance.

David Schneck, C Street, stated the language modification addresses his concerns.

Tom Dilberger, 1000 River Road, felt the second paragraph will lead to fraud and corruption and felt there is no reason for this ordinance.

Mike Seebeck, 110 Second Avenue, echoed Mr. Schneck and Mr. Dilberger's comments. He stated it is not the Council's job to train people. Mayor Doherty stated the Borough does have examples of issues with contractors and payrolls not matching.

Ted Ehmann, Oakwood Road, stated other towns thought about doing this and were against it.

He felt there are laws already in place for this kind of thing. Asked why more towns aren't doing this if such a good idea.

Mr. Dilberger asked that the ordinance be turned down.

Mike Druz, 1211 16<sup>th</sup> Avenue, explained the setting of prevailing wage.

Tom Burke, 608 10<sup>th</sup> Avenue, stated a cost benefit analysis of apprenticeships shows it increases costs.

Brendan Reed, 100 Ninth Avenue, stated he is in favor of the ordinance.

Tom Carvelli, 15<sup>th</sup> Avenue, stated it is very common across the country.

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

Mayor Doherty offered Ordinance 2014-01 for adoption, which was seconded by Council member Keown-Blackburn and approved by the following vote:

AYES: Magovern, Keown-Blackburn, Nicolay and Doherty  
NAYS: Bean

*First Reading & Introduction:*

**ORDINANCE 2014-02**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XXVI HOUSING AND PROPERTY MAINTENANCE OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY**

Mayor Doherty offered Ordinance 2014-02 for first reading and introduction and scheduled the public hearing for March 4, 2014, which was seconded by Council member Keown-Blackburn and approved by the following vote:

AYES: Magovern, Keown-Blackburn, Nicolay, Bean, and Doherty

**ORDINANCE 2014-03**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XXVIII BUREAU OF FIRE PREVENTION OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY**

Mayor Doherty offered Ordinance 2014-03 for first reading and introduction and scheduled the public hearing for March 4, 2014, which was seconded by Council member Keown-Blackburn and approved by the following vote:

AYES: Magovern, Keown-Blackburn, Nicolay, Bean, and Doherty

**ORDINANCE 2014-04**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER V DEPARTMENT OF PUBLIC SAFETY OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY**

Mayor Doherty offered Ordinance 2014-04 for first reading and introduction and scheduled the public hearing for March 4, 2014, which was seconded by Council member Keown-Blackburn and approved by the following vote:

AYES: Magovern, Keown-Blackburn, Nicolay, Bean, and Doherty

**ORDINANCE 2014-05**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XL DEVELOPMENT REGULATIONS OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY TO AMEND SECTION 7.24 SIGNS**

Mayor Doherty offered Ordinance 2014-05 for first reading and introduction and scheduled the public hearing for April 1, 2014, which was seconded by Council member Keown-Blackburn and approved by the following vote:

AYES: Magovern, Keown-Blackburn, Nicolay, Bean, and Doherty

**SPECIAL IMPROVEMENT DISTRICT 2014 BUDGET:**

Public Hearing: Sal Marchese, BBP President, gave an explanation on the 2014 budget and the SID.

Mayor Doherty asked if the Council could vote on the budget tonight. Mr. Magovern suggested waiting until the next meeting.

Council member Magovern asked if the charter boats in the marina pay. Mr. Marchese replied no.

Mayor Doherty felt there should be a public member or resident involved with the BBP.

Robert Harris, 711 13<sup>th</sup> Avenue, stated the SID can be positive but is concerned it is not addressing all commercial properties and the benefits are not equal. He has paid \$4000 so far and had to ask for what other businesses got so far (e.g. Christmas wreaths). He felt those that get more of a benefit should pay more than those who don't. He felt the assessment is unfair.

Connie Dallaportas, 1002 Main Street, stated the businesses don't need extra tax bills and don't need anyone telling them how to decorate for Christmas.

David Schneck, C Street, stated the assessment is unfair and felt businesses who don't want to be involved shouldn't have to be.

Patricia Corea, 303 Ocean Avenue, felt since the Council established the SID they should be able to fix it. Asked Council member Nicolay for her thoughts on the SID since she is the Council Rep.

Tom Burke, 10<sup>th</sup> Avenue, stated he submitted a two page report on a parking analysis for the town and suggested a parking summit be done.

**PUBLIC SESSION:**

Connie Dallaportas, 1002 Main Street, stated she doesn't want to see the members of the Council attacking each other.

Lou Thielen, 15<sup>th</sup> Avenue, the United Methodist Church is having a grand re-opening and the Mayor and Council are invited.

David Schneck, C Street, agreed the seaport redevelopment plan should be scrapped. If there is a new plan it should be kept modest and leave developers alone to let them do what they want.

Kyle Rizzitello, 14<sup>th</sup> Avenue, asked Chief Palmisano to look into a handicap parking space on 14<sup>th</sup> Avenue. DPW has done a good job plowing.

Gene Creamer, 4<sup>th</sup> Avenue, asked when the town wide yard sale will be. Ms. Connolly stated she would check and let him know.

Tom Dilberger, 1000 River Road, stated the plowing that has been done is good but is concerned about snow blocking pedestrian access. Suggested kids from the schools shovel paths as community service.

Mike Seebeck, 110 Second Avenue, felt that anytime the town does something different the Council's motives are in question. He was surprised that everyone was mad at Council member Bean for voicing his concerns when the Council doesn't hold executive sessions anymore.

Ted Ehmman, Oakwood Road, stated the DCA issued a notice about donations and how to set

them up which should have been followed.

Brendan Reed, 100 Ninth Avenue, felt the SID should help improve Belmar rather than a redevelopment plan.

Michael Druz, 16<sup>th</sup> Avenue, stated Sandy funds were handled differently in each town and Council member Bean had other avenues to get the information he needed.

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

Respectively submitted,

April Claudio  
Municipal Clerk