

“GOD BLESS AMERICA”

REGULAR MEETING

MARCH 4, 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, Councilwoman Nicolay, Councilwoman Keown-Blackburn, Borough Attorney Michael DuPont, Esq., Business Administrator Colleen Connolly, and Borough Clerk April Claudio

ABSENT: Councilman Magovern

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

PROCLAMATIONS:

- Irish Heritage Month
- Arc Awareness Month
- Women’s History Month

WORKSHOP DISCUSSION:

- La Dolce Vita liquor license expansion
 - o Nick Fucilli, owner/operator of La Dolce Vita presented his plan to expand the restaurant into two neighboring storefronts to operate a dining room with brick oven pizza and a pasta bar. This would require an expansion of the liquor license into the adjacent building. Will have the same hours of operation as La Dolce Vita. The new area would be more family oriented and casual.
 - o Police Chief Palmisano stated they have no issues with it.
 - o Council member Bean stated he has no problem with it. Council member Keown-Blackburn asked if it would be open year round. Mr. Fucilli replied yes. Council member Nicolay asked if there are any parking issues. Mr. Fucilli replied no. Mayor Doherty asked if there would be any entertainment. Mr. Fucilli stated he would just have radio style music piped through the space. Next step is to submit an application to the Zoning Board then a resolution from the Mayor and Council authorizing the expansion of the liquor license.
- Beachfront 2014
 - o Mayor Doherty stated Wi-Fi will be added to the beachfront to promote social media. New playground equipment for toddlers will be added to four of the existing playgrounds. Looking into installing cell phone charging stations and water bottle filling stations. Bathrooms will go back in the same places. Concessions at 5th and 10th will relocate while construction of the pavilions is taking place. Also considering making the beach entirely smoke free. Two concessions at 13th Avenue will be put out for public bid.
 - o Council member Bean asked when benches will be put on the boardwalk. Ms. Connolly stated 50 benches have been ordered. Mayor Doherty stated more bike racks will be added as well.
 - o Council member Nicolay asked for additional picnic tables near the playgrounds.
 - o Mayor Doherty added that swing sets for smaller children will be added at the playgrounds as well. Also, long time Lifeguard Director Bill Karatz has retired.

PETITIONS: none

REPORTS OF MAYOR AND COUNCIL:

Council member Keown-Blackburn: St. Patrick's Day parade was wonderful. There were no major problems for the police or first aid. The Belmar Woman's Club will be going to the Belmar Elementary School on Friday to read Dr. Seuss books to students. Senior walking is in the gym Monday-Thursday. The Methodist Church is having a grand re-opening ceremony on March 15th at 1 pm.

Council member Bean: Asked Chief Palmisano for an update on the gift card investigation. Chief Palmisano stated it is still under review. Council member Bean asked questions about the 2012 audit. Ms. Connolly will get him the information he needs. He questioned why Mayor Doherty didn't ask the Governor for assistance on grants instead of asking to allow the seasonal liquor licenses to open earlier. Mayor Doherty stated he went to a press conference the Governor held and he spoke to him about three things: the executive order to allow the seasonal liquor licenses to operate on March 1, to review the Borough's EDA application for funding for the pavilions and for a permanent solution to address the flooding at Como Lake. Mayor Doherty added that the seasonal liquor license holders in town asked him to advocate for them to be opened earlier. Council member Bean felt that it is a political favor and does not encourage it and is concerned about how it would affect the year round businesses. Mayor Doherty stated he does hear from businesses when they aren't happy but he is willing to advocate for any business or resident to try to help them. Council member Bean wanted to go on the record stating he is willing to answer any public questions even if the Mayor's new policy for the public session does not allow it.

Council member Nicolay: Thinks it is good for the seasonal liquor licenses to be open earlier it creates more jobs and gets people into town. Belmar Recreation will be hosting women's volleyball nights, Saturday toddler time, and senior walking in the gym. Belmar Elementary School is celebrating Read Across America week. The drama club will be presenting Willy Wonka. Belmar Arts Council has many events in March and April. Read DPW report.

Mayor Doherty: Asked Mr. DuPont to explain what a public session is. Adding that it is a time for the public to speak and not the Mayor and Council. Mr. DuPont stated the public session is a time for the public to speak and ask questions. The Mayor and Council can answer questions or can take down the questions to get answers but it is not a time for the Mayor and Council to get into a discussion with the residents. Mayor Doherty stated the St. Patrick's Day parade went very well. Thanked Governor Christie for his executive order to allow for the seasonal liquor license establishments to open earlier. This supports small businesses and creates more job opportunities. He added that helping small businesses is not a political favor. He stated that Council member Bean has mentioned there is an investigation on a gift card issue but he wanted to point out that just because there is an investigation it doesn't mean there is any wrongdoing or criminal activity. He stated the Council has worked well with County Freeholders and other politicians who are of an opposite political party but has had a lot of difficulty working with Belmar's own Republican Party. He read an excerpt from a former Republican candidate's website that said there is no evidence that when the two parties work together it benefits the town.

APPROVAL OF MINUTES: Council member Keown-Blackburn made a motion to waive the reading and approve the minutes of the February 18, 2014 meeting, which was seconded by Mayor Doherty and approved by the following vote:

AYES: Keown-Blackburn, Bean, Nicolay, and 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.

None

Mayor Doherty made a motion to close the public session, which was seconded by

Councilmember Nicolay and approved unanimously.

RESOLUTIONS:

Mayor Doherty offered, Resolution **2014-48, RESOLUTION AUTHORIZING PAYMENT OF BILLS LIST**, for adoption, which was seconded by Council member Nicolay and approved by the following vote:

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

PAYMENT OF BILLS: certification that the vouchers listed on the warrant register numbering 61153 thru 61231 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	\$242,712.82
11 Water/Sewer Account	\$15,331.70
21 Beach Utility Account	\$26,572.98
25 Beach Capital Account	\$5,295.45
41 Dog Account	\$51.60
55 Trust Fund Account	\$120,963.35
61 Tourism Development Account	\$3,053.94
Total	\$413,981.84

Council member Bean requested the resolution for the adoption of the 2014 SID budget be pulled off the consent agenda. Mayor Doherty made a motion to remove the resolution from the consent agenda, which was seconded by Council member Bean and approved unanimously. Council member Bean stated he felt the items listed in the 2014 SID budget are items that should be handled by the Borough and not through a separate tax on the businesses.

Mayor Doherty offered Resolution **2014-49, RESOLUTION APPROVING THE CALENDAR YEAR 2014 SPECIAL IMPROVEMENT DISTRICT BUDGET AND ASSESSMENT ROLL**, for adoption, which was seconded by Council member Nicolay and approved by the following vote:

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

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:

**2014-50
RESOLUTION AUTHORIZING REFUNDS**

**2014-51
RESOLUTION CERTIFYING TO THE LOCAL FINANCE BOARD THAT ALL MEMBERS OF THE BOROUGH COUNCIL HAVE REVIEWED, AS A MINIMUM, THE SECTION OF THE ANNUAL AUDIT ENTITLED: COMMENTS-RECOMMENDATIONS**

2014-52

RESOLUTION INDICATING CORRECTIVE ACTION PLAN/STATUS REGARDING THE 2012 MUNICIPAL AUDIT REPORT

2014-53

RESOLUTION MAKING FINDINGS AND DETERMINATIONS ON LEGALIZED GAMES OF CHANCE APPLICATION NUMBER 2014-1,2

2014-54

RESOLUTION GRANTING TAXICAB OWNERS & DRIVERS LICENSES FOR THE YEAR 2014

2014-55

RESOLUTION AUTHORIZING THE ADVERTISING FOR SEALED BIDS FOR BOARDWALK TRAILERS

2014-56

RESOLUTION AUTHORIZING THE CLERK OF THE BOROUGH OF BELMAR TO ADVERTISE FOR BIDS AND NOTICE TO BIDDERS FOR LEASES FOR TWO CONCESSIONS ON THE BELMAR BOARDWALK

2014-57

RESOLUTION AUTHORIZING VACATION OF EASEMENT BETWEEN BOROUGH OF BELMAR AND HJB ASSOCIATES

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

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

ORDINANCES:

Second Reading & Public Hearing:

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

Public Hearing: Brendan Reed, 100 Ninth Avenue, asked when this ordinance would go into effect. Ms. Claudio stated 20 days from adoption. Mr. Reed asked if homes would have to bring themselves into compliance with the new ordinance. Ms. Claudio and Mr. DuPont replied no.

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

Mayor Doherty made a motion to adopt ordinance 2014-02, which was seconded by Council member Nicolay and approved by the following vote:

AYES: Keown-Blackburn, Bean, Nicolay and Doherty

Second Reading & Public Hearing

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

Public Hearing: none

Mayor Doherty made a motion to close the public hearing, which was seconded by Council

member Keown-Blackburn and approved unanimously.

Mayor Doherty made a motion to offer Ordinance 2014-03 for adoption, which was seconded by Council member Keown- Blackburn and approved by the following vote:

AYES: Keown-Blackburn, Bean, Nicolay and Doherty

Second Reading & Public Hearing

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

Public Hearing: None

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

Mayor Doherty made a motion to offer Ordinance 2014-04 for adoption, which was seconded by Council member Nicolay and approved by the following vote:

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

First Reading & Introduction

ORDINANCE 2014-06

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XX LICENSES-GENERAL OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY, SECTION 20-13 YARD SALES

Mayor Doherty offered Ordinance 2014-06 for first reading and introduction, which was seconded by Council member Keown-Blackburn and approved by the following vote:

AYES: Keown-Blackburn, Bean, Nicolay and Doherty

The public hearing on this ordinance will be held on the March 18, 2014.

PUBLIC SESSION:

Connie Dallaportas, 1002 Main Street, stated she doesn't want the SID tax.

Dirk Reitsma, River Road and BBP member, stated Council member Bean is right about the SID, however the town doesn't have the staff and funds to handle it on their own.

David Schneck, 302 C Street, asked if there is a difference between the public session on resolutions and the general public session. He suggested the agenda reflect that no questions can be asked. He added that the website Mayor Doherty referred to was his and he stands by his comments.

Mark Pheiffer, Fifth Avenue, asked when we will be breaking ground on Taylor Pavilion and if parking will be affected by the concessions being on the street.

Brendan Reed, 100 Ninth Avenue, stated he is glad to hear about the benches.

Norman Einhorn, 613 10th Avenue, stated he is thankful for the opportunity to be able to put his parents name on a bench.

Maria Florio, 115 12th Avenue, asked if anything can be done with the Belmar Inn. She is afraid to go outside. Parade day has become a day of drinking and is causing problems. She had an incident with a drunken person trying to get into her house. Thanked the Police

Department for their assistance.

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