

**“GOD BLESS AMERICA”
REGULAR MEETING
APRIL 1, 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 Magovern, Councilman Bean, Councilwoman Nicolay, Councilwoman Keown-Blackburn, Borough Attorney Michael DuPont, Esq., Business Administrator Colleen Connolly, and Borough Clerk April Claudio

ABSENT:

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 & Anthony Palmisano

SPECIAL PRESENTATION:

- Mud Man X donation to Sandy Aid Fund -\$5000 to hurricane relief fund
- Employee of the Month – Alex Moumousis

PROCLAMATION:

- St. Rose High School Girls Basketball Champions

PUBLIC BID:

- 13th Avenue Concession #1: Jennifer Mayboun & Daniel Becker were present to make a bid. Starting bid was \$1500 per a month. The winning bid went to Daniel Becker at \$4700 per a month.
- 13th Avenue Concession #2: Jennifer Mayboun & Scott Cullen were present to make a bid. Starting bid was \$1500 per a month. The winning bid went to Jennifer Mayboun at \$4250 per a month.

WORKSHOP DISCUSSION:

Council member Bean asked if the movies on the beach will be held on Saturday or Sunday. Mayor Doherty stated they will be on Saturdays with Sunday as a rain date. Council member Bean asked if the ordinance pertaining to trucks and trailers being parked on the street is still in effect. Ms. Connolly replied yes. Council member Bean stated he would advise Chief Palmisano to be aware of it. Council member Bean stated the MacGowan Agency had asked for one way signs near 10th and Main. Mayor Doherty stated he thought they wanted a do not enter sign and he believed they spoke to the Police Department who would be the ones to do that.

REPORTS OF MAYOR AND COUNCIL:

Council member Magovern: Next week the Shade Tree Commission will be having their Arbor Day program for BES and St. Rose Grammar.

Council member Keown-Blackburn: March senior luncheon was very successful; next one is April 16th. Met with VFW about keeping their post in Belmar. They are looking for new, younger members. United Methodist Church had an open house after recovering from Hurricane Sandy. Goodwill Fire Department Comedy show fundraiser was a lot of fun. Last Friday of April will be senior movie day in the community room. The ADA committee will be going to NJ Transit meeting to try to get a new platform.

Council member Bean: Attended meeting last week with residents of the south end of town which was well attended and went very well. Thanked Mark Fitzgerald for organizing the meeting.

Council member Nicolay: Read DPW report. BES students performed Willy Wonka which was well attended. BES kindergarten and pre-k registration is underway. Arts Council working on displaying banners and flutter flags for the art walk as well as the mural at train station. Little League baseball and softball are underway. There's women's volleyball in the gym on Tuesdays.

Mayor Doherty: Beach replenishment has started. Water infrastructure projects are coming along. There was a meeting last week with residents near Como Lake to discuss options for mitigating lake flooding. Have a temporary solution with Spring Lake until reach a permanent solution. Hope to have an agreement on for approval at the next meeting. Silver Lake drainage project down A Street is underway. Still working on repairing docks in the marina. There's a bond ordinance on the agenda tonight for construction of the beachfront pavilions. Anticipate awarding contract to lowest bidder Epic, who built boardwalk, at the next meeting. Construction should take about six months and start in May. VFW needs members. Working with families affected by Sandy to help them get grant money. Discussed criminal complaints filed against the Police Chief and Police Captain by a former employee who was terminated. There is a lot of misinformation circulating about this issue.

Council member Bean asked Mayor Doherty when he found out about the complaints because he just found out yesterday. Mayor Doherty stated he only brought it up because there was an article about it in the Asbury Park Press. Mr. DuPont suggested there be no further discussion about this.

APPROVAL OF MINUTES: Council member Magovern made a motion to waive the reading and approve the minutes of the March 4, 2014 meeting, which was seconded by Mayor Doherty and approved by the following vote:

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

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

Brendan Reed, 100 9th Avenue, stated he thinks bicycle and gem car rentals would be a great business for Belmar. Suggested working with NJ Transit to encourage gem car usage in town.

Mark Fitzgerald, 1902 Surf Avenue, was going to ask about the pavilion ordinance but Mayor Doherty told him this session is only about resolutions.

Mike Seebeck, 110 2nd Avenue, asked why the low bidder for the A Street Drainage withdrew their bid and if the change order on for approval tonight is due to an engineer's error. He would like to know who the third bidder was and how much their bid was. Mayor Doherty stated Ms. Connolly will get him the information.

David Schneck, 302 C Street, stated he was going to discuss smoking on beach but will wait until the next meeting.

Mayor Doherty made a motion to close the public session, which was seconded by Councilmember Magovern and approved unanimously

Mayor Doherty explained the purpose of the redevelopment advisory committee resolution.

RESOLUTIONS:

Mayor Doherty offered resolution **2014-58, RESOLUTION AUTHORIZING PAYMENT OF BILLS LIST**, for adoption, which was seconded by Council member Magovern and approved by the following vote:

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

Mayor Doherty offered resolution **2014-59, RESOLUTION AUTHORIZING PAYMENT OF BILLS LIST (STAVOLA BILL)**, for adoption, which was seconded by Council member Magovern and approved by the following vote:

AYES: Keown-Blackburn, Magovern, Nicolay and Doherty

ABSTAIN: Bean

PAYMENT OF BILLS: certification that the vouchers listed on the warrant register numbering 61233 thru 61424 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	\$27,668,820.68
03 Grant Account	\$1,800.00
05 General Capital Account	\$16,519.38

11 Water/Sewer Account	\$545,909.52
15 Water/Sewer Capital Account	\$145,199.74
21 Beach Utility Account	\$166,372.50
25 Beach Capital Account	\$1,450.95
23 Parking Utility Fund	\$61.26
41 Dog Account	\$1,464.00
55 Trust Fund Account	\$50,314.41
61 Tourism Development Account	\$11,482.43
Total	\$28,609,394.87

Mayor Doherty offered resolution **2014-60, RESOLUTION OF THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY MAKING APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. 40A:2-7(d) AND N.J.S.A. 40A:2-11(c).**, for adoption, which was seconded by Council member Magovern and approved by the following vote:

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

Mayor Doherty offered resolution **2014-61, RESOLUTION AUTHORIZING A 2014 TEMPORARY CAPITAL BUDGET**, for adoption, which was seconded by Council member Magovern and approved by the following vote:

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

Mayor Doherty offered resolution **2014-62, RESOLUTION PERMITTING SPECIAL PERMITS FOR SOCIAL AFFAIRS FOR THE BELMAR FISHING CLUB**, for adoption, which was seconded by Council member Magovern and approved by the following vote:

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

Mayor Doherty offered resolution **2014-63, RESOLUTION AUTHORIZING THE TRANSFER OF APPROPRIATION RESERVES AS PERMITTED BY N.J.S.A. 40A:4-59**, for adoption, which was seconded by Council member Magovern and approved by the following vote:

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

Council member Magovern offered resolution **2014-64, RESOLUTION MAKING FINDINGS AND DETERMINATIONS ON LEGALIZED GAMES OF CHANCE APPLICATION**

NUMBER 2014-03, for adoption, which was seconded by Council member Keown-Blackburn and approved by the following vote:

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

Mayor Doherty offered resolution **2014-65, RESOLUTION TO CREATE A NEW ADVISORY COMMITTEE FOR THE PURPOSE OF DISCUSSING THE REDEVELOPMENT PLAN OF THE BELMAR**, for adoption, which was seconded by Council member Keown-Blackburn and approved by the following vote:

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

Mayor Doherty offered resolution **2014-66, RESOLUTION AWARDED CONTRACT FOR THE PURCHASE OF TWO MOBILE RESTROOMS**, for adoption, which was seconded by Council member Keown-Blackburn and approved by the following vote:

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

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:

**2014-67
RESOLUTION AUTHORIZING REFUNDS**

**2014-68
RESOLUTION GRANTING TAXICAB OWNERS & DRIVERS LICENSES FOR THE YEAR 2014**

**2014-69
RESOLUTION AUTHORIZING THE ADVERTISEMENT FOR BIDS TO LEASE A PORTION OF THE TWENTIETH AVENUE BEACHFRONT FOR A SKIM BOARDING CAMP**

**2014-70
RESOLUTION APPROVING MEMBERSHIP APPLICATION FOR UNION FIRE COMPANY**

2014-71

RESOLUTION AUTHORIZING THE ADVERTISEMENT FOR BIDS TO LEASE A PORTION OF THE SECOND AVENUE BOARDWALK FOR ZUMBA CLASSES

2014-72

RESOLUTION AUTHORIZING THE CLERK OF THE BOROUGH OF BELMARTO ADVERTISE FOR BIDS AND NOTICE TO BIDDERS FOR A LEASE AGREEMENT FOR USE OF PUBLIC PROPERTY FOR BICYCLE RENTALS OR GEM CAR RENTALS

2014-73

RESOLUTION WAIVING CERTAIN CONSTRUCTION PERMIT FEES UNTIL DECEMBER 31, 2014

2014-74

RESOLUTION AUTHORIZING THE ADVERTISEMENT FOR BIDS TO LEASE A PORTION OF THE SOUTHERN END OF MACLEARIE PARK FOR STAND UP PADDLE BOARD LESSONS

2014-75

RESOLUTION PURSUANT TO N.J.A.C. 5:30-14.4 ET SEQ. CHANGE ORDER NUMBER ONE FOR THE A STREET DRAINAGE IMPROVEMENTS PROJECT

2014-76

RESOLUTION URGING THE SWIFT PASSAGE OF HR 592

2014-77

RESOLUTION APPROVING SPECIAL EVENTS

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

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

ORDINANCES:

First Reading & Introduction:

ORDINANCE 2014-07

BOND ORDINANCE PROVIDING FOR THE CONSTRUCTION OF BEACHFRONT BUILDINGS IN AND BY THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$7,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$7,000,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

Council member Bean stated he wants the buildings back but feels the price tag is high and they shouldn't be a priority. He feels we should focus the money on Lake Como and then do the buildings. He added that he will not vote yes on this until funding for Lake Como is in place.

Mayor Doherty stated this bond ordinance has nothing to do with any other projects in town. The idea of holding up one project while starting another doesn't make sense.

Mayor Doherty offered Ordinance 2014-07 for first reading and introduction, which was seconded by Council member Magovern and approved by the following vote:

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

Second Reading and public hearing on Ordinance 2014-07 is scheduled for April 15, 2014.

First Reading & Introduction:

ORDINANCE 2014-08

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XVII BEACHFRONT & MARINE REGULATIONS OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY, SECTION 18-2 BEACHFRONT REGULATIONS

Council member Bean stated smoking is already banned on the boardwalk and this is just banning it on the beach. He added he doesn't see why we can't have the smoking pens on the beach.

Mayor Doherty offered Ordinance 2014-08 for first reading and introduction, which was seconded by Council member Keown-Blackburn and approved by the following vote:

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

Second Reading and public hearing on Ordinance 2014-08 is scheduled for April 15, 2014.

Second Reading & Public Hearing

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

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 2014-06 for adoption, which was seconded by Council member Magovern and approved by the following vote:

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

Second Reading & Public Hearing

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**

Public Hearing: Connie Dallaportas, 1002 Main Street, stated it should be easier for businesses to advertise with signs. Felt we should focus on regulating outside dining rather than signs.

Brendan Reed, 100 Ninth Avenue, asked if the sandwich boards will leave ADA compliant access. Mayor Doherty replied yes.

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

Mayor Doherty offered Ordinance 2014-05 for adoption, which was seconded by Council member Keown-Blackburn and approved by the following vote:

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

PUBLIC SESSION:

Mark Fitzgerald, 1902 Surf Avenue, stated he has a new found respect for the Mayor and Council for all the time they spend on keeping the town running. The meeting last week about Como Lake went really well and feels some traction is being made. Doesn't want the pavilion and lake projects to cause any friction, they are two separate projects that both need to be done. Hopes that the funding for the 10th Avenue pavilion can be paid for through the beach utility.

David Schneck, 302 C Street, stated he posted the video of last week's meeting on Como Lake on YouTube. Asked if it's state law that there is no public discussion on ordinances at the first reading level. Mr. DuPont stated there is a statute that addresses the process of adopting ordinances. Mr. Schneck stated he feels there should be more time to think about public comments made on ordinances before voting.

Tom Volker, 301 4th Avenue, stated the SID recommended the changes to the sign ordinance and wondered if anything was changed. Ms. Connolly stated she will get him a copy of the changes.

Randie Brazel, 101 11th Avenue, would like to see a bench put back at 11th Avenue beach.

Gene Creamer, 4th Avenue, would like to see the drawings for the pavilions available to the public.

Martha Maselko, 102 North Blvd., stated it is very important that Como Lake be funded.

Mike Seebeck, 110 2nd Avenue, agrees with Mr. Schneck's comments. Feels everyone's voices should be heard and the Mayor and Council should have time to digest these comments before voting on important issues such as ordinances.

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