

“GOD BLESS AMERICA”

REGULAR MEETING

MAY 20, 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, Councilwoman Nicolay, Councilman Bean, Councilman Magovern, Councilwoman Keown-Blackburn, Borough Attorney Michael DuPont, Esq., Business Administrator Colleen Connolly, and 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

PROCLAMATIONS: Immuno Deficiencies Diseases

SPECIAL PRESENTATION:

- Belmar Woman’s Club Donations
 - o \$500 to Surfers Healing
 - o \$500 to First Aid
 - o \$200 to Military Appreciation Day

PUBLIC BID: Yoga at Second Avenue Boardwalk

- No Bids

WORKSHOP DISCUSSION:

- La Dolce Vita expansion of liquor license
 - o Nick Fuccilli, owner, would like to expand the La Dolce Vita liquor license into his neighboring business Crave. Appearing with Mr. Fuccilli was his attorney William Shippers. Mr. Shippers stated Fusal LLC is the holder of the seasonal liquor license at La Dolce Vita. The other business is a pizzeria named Crave that is two stores down in a neighboring building. Fusal LLC received approval from the Zoning Board of Adjustment to expand Crave into the neighboring two store fronts to create an upscale trattoria with an enclosed outdoor dining area. Seeking approval for a place to place transfer of the seasonal liquor license. Both businesses are owned by the same people and will have a continuous look so it looks as if one business. There will be no public thruways between the two businesses. Hours of operation would be identical to La Dolce Vita, lunch and dinner.
 - Mayor Doherty stated this is a very positive thing for Belmar and will make the setting even better than what is there today.
 - Council member Magovern said it looks nice but there’s no place from First to Ninth Avenue to get typical beach food or sundries. Mr. Shippers stated economic times have changed and it’s harder for those type of businesses to afford to stay in business. Mr. Fuccilli stated the one side will still have a walk up section to get a slice of pizza or a sandwich.
 - Council member Nicolay asked if beach attire would be acceptable on the trattoria side. Mr. Fuccilli stated it will be casual and more family friendly.
 - Mayor Doherty asked what the next step would be. Mr. DuPont stated

he would suggest doing a verbal resolution tonight to grant approval and then he will work with Ms. Claudio to draft a formal resolution to be adopted at the next meeting.

- Processing of Noise Tickets
 - o Mr. DuPont stated he spoke to Council member Bean about having an ordinance in place that would speed up the process for noise tickets. He stated he spoke to Chief Palmisano about it and stated they do attempt to process them quickly but would like to take more time to speak to the Chief and look at what other towns do and discuss again at the June meeting.

PETITIONS: none

REPORTS OF MAYOR AND COUNCIL:

Council member Magovern: Congratulated Library for a very successful 100 year anniversary celebration. Silver Lake was treated to prevent algae. Congratulated recreation department on a successful dodge ball tournament. Team Administration went down quickly but it was a lot of fun. He joked that the Recreation Department is in charge of documenting all of the dead fish including size and weight.

Council member Keown-Blackburn: Congratulated Goodwill Fire Department on winning the dodge ball tournament. Historical Society is moving back to their museum. Circle of Friends prom was a great event. A food drive is being held for the local food pantries. Belmar Woman's Club flower show is in June. Senior luncheon is tomorrow at D'Jais. Thanked DPW and volunteers for the fish clean up. Congratulated Claire Deicke for being named Citizen of the Year.

Council member Bean: May 26th is Memorial Day services at 9:30 am.

Council member Nicolay: Read DPW report. Children's Mayor's Ball is May 29th in Pyanoe Plaza. Thanked Federico's and Sweet for donating food for the event. Arts Council has many upcoming events. Matisse is open in town.

Mayor Doherty: The ice house building next to Klein's is finally down. Current ordinances don't allow for the existing fitness studios and gyms to operate which we will be working on fixing.

APPROVAL OF MINUTES:

Council member Magovern made a motion to approve the minutes of the May 6, 2014 regular meeting, which was seconded by Mayor Doherty and approved by the following vote:

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

Mayor Doherty made a motion to add a resolution granting approval of the expansion of the seasonal liquor license for Fusal LLC to the resolution calendar, which was seconded by Council member Bean and approved unanimously.

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

Joe Diaz, Ocean Avenue, stated he was concerned that there will be problems with the La Dolce Vita expansion and suggested the resolution set parameters and conditions. Mayor Doherty stated there will be no changes to the resolution and all the conditions in place will stay the same. Mr. Diaz felt this needs to be reviewed more carefully and questioned what benefit this would be on the tax base.

George Komitas, 111 Third Avenue, stated Mr. Fuccilli donates a lot to Belmar events and he lives down the street and there's no noise.

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

member Nicolay and approved unanimously.

RESOLUTIONS:

Mayor Doherty offered Resolution 2014-105, for adoption, **RESOLUTION AUTHORIZING PAYMENT OF BILLS LIST #1 (Stavola bill)**, which was seconded by Council member Magovern and approved by the following vote:

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

ABSTAIN: Bean

Mayor Doherty offered Resolution 2014-106, for adoption, **RESOLUTION AUTHORIZING PAYMENT OF BILLS LIST #2**, which was seconded by Council member Keown-Blackburn and approved by the following vote:

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

ABSTAIN: Bean

Prior to voting Council member Bean stated he is not happy about spending another \$5000 on beach balls. He stated he asked who the clients are listed for getting grant money and was told he had to file an OPRA request and therefore he didn't have enough time to review them so he stated he would abstain.

PAYMENT OF BILLS: certification that the vouchers listed on the warrant register numbering 61607 thru 61706 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	\$1,475,589.82
05 General Capital Account	\$362,823.27
11 Water/Sewer Account	\$118,584.86
15 Water/Sewer Capital Account	\$1,208,435.35
21 Beach Utility Account	\$72,811.53
25 Beach Capital Account	\$4,845.20
23 Parking Utility Fund	\$2,249.50
Tax Title Lien	\$115,158.11
61 Tourism Development Account	\$15,851.07
Total	\$3,376,348.71

Mayor Doherty offered Resolution 2014-107, for adoption, **RESOLUTION AMENDING PREVIOUSLY ADOPTED RESOLUTION 2014-101, AUTHORIZING ISSUANCE OF SEASONAL RETAIL CONSUMPTION LICENSE TO D'JAIS LLC, T/A D'JAIS FOR THE PERIOD ENDING NOVEMBER 14, 2014**, which was seconded by Council member Keown-Blackburn and approved by the following vote:

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

Mayor Doherty offered Resolution 2014-108, for adoption, **RESOLUTION AUTHORIZING PLACE TO PLACE TRANSFER OF SEASONAL LIQUOR LICENSE, FUSAL LLC, 408 OCEAN AVENUE**, which was seconded by Council member Magovern and approved by the following vote:

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

2014-109

RESOLUTION GRANTING TAXICAB OWNERS & DRIVERS LICENSES FOR THE YEAR 2014

2014-110

RESOLUTION PERMITTING SPECIAL EVENTS

2014-111

RESOLUTION APPOINTING SPECIAL POLICE OFFICERS FOR 2014

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

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

ORDINANCES:

Second Reading & Public Hearing

ORDINANCE 2014-09 (Replacing 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 and offered Ordinance 2014-09 for adoption, which was seconded by Council member Magovern and approved unanimously.

Second Reading & Public Hearing

ORDINANCE 2014-10

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XXIX (WATER SEWER UTILITY DEPARTMENT ESTABLISHING NEW WATER-SEWER RATES AND ESTABLISHING A MINIMUM USAGE

Public Hearing: Joan Corallo, A Street, asked why it's a 15% increase. Mayor Doherty stated we just had to bond for a lot of infrastructure improvements.

David Schneck, 302 C Street, asked that we speak to NJ American Water about what they put in the water because he had a problem when the water was switched from the Borough water to theirs.

Mayor Doherty made a motion to close the public hearing and offered Ordinance 2014-10 for adoption, which was seconded by Council member Keown-Blackburn and approved unanimously.

Second Reading & Public Hearing

ORDINANCE NO. 2014-11

CALENDAR YEAR 2014 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (NJSA. 40A:4-45.14)

Public Hearing: none

Mayor Doherty made a motion to close the public hearing and offered Ordinance 2014-11 for adoption, which was seconded by Council member Magovern and approved by the following vote:

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

NAYS: Bean

PUBLIC SESSION:

Peter Piro, 300 North Blvd., expressed his frustrations with the status of Como Lake and the three party agreement with Lake Como and Spring Lake. He asked where the pumps are and if they are coming back.

Richard Seidel, 2010 Surf Avenue, agreed with Mr. Piro and felt we are still getting stonewalled from Spring Lake and we need the Council to put pressure on them to get the lake issues resolved.

Claire Deicke, 1017 14th Avenue, stated she is much honored to be named Citizen of the Year.

Martha Maselko, 102 North Blvd., echoed Mr. Piro and Mr. Seidel's concerns. A lot of people are concerned that no action has been taken yet.

Ginny Seidel, 2010 Surf Avenue, asked if the tennis courts could be cleaned up.

Brendan Reed, 100 Ninth Avenue, suggested a beach trailer or truck that could sell sundries and newspapers to address Council member Magovern's comments. He expressed his dislike of Council member Bean voting no against the resolution granting free beach access to first responders. Feels the first responders deserve the free beach access for all they do.

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