

“GOD BLESS AMERICA”

REGULAR MEETING

JUNE 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, Councilwoman Nicolay, Councilman Bean, Councilman Magovern, Councilwoman Keown-Blackburn, Acting Borough Attorney Ed Washburne, 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 April 30, 2014 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

WORKSHOP DISCUSSION:

- Employee of the Month – Frances Hines of the Department of Public Works
- Certification of Petition read by Borough Clerk
 - o Mayor Doherty stated the timeline is as follows: Petitions are certified on today’s date, Council has until June 24th to repeal ordinance, petitioners have until July 24th to withdraw petition if the Council doesn’t repeal the ordinance. If that doesn’t happen a special election must be held within 40-60 days, which will most likely be held between August 13th and September 2nd.
 - o Mayor Doherty stated the special election will cost the taxpayers approximately \$20,000 which is a waste of tax payer dollars. Mayor Doherty felt this would be setting a precedent that future bond ordinances would have to be up for referendum which would delay projects and possibly stop projects from being done. He felt this matter was already settled by the results of this past November election.
 - o Council member Magovern stated he understood the Mayor’s concerns about the cost of the special election but feels the referendum will pass and then we can start construction in September so the pavilion could be done by next summer. Felt it would prove the Council’s point that the pavilions should be done and we should be moving forward. He added that he doesn’t want this to be pushed back to November and delay construction anymore.
 - o Mayor Doherty stated by state statute it cannot be pushed to the November election it has to be done through a special election.

PETITIONS: none

REPORTS OF MAYOR AND COUNCIL:

Council member Magovern: Thanked Neil Scheck from the Shade Tree Commission for pruning trees on Main Street on his own time. Beach Badge sales are ahead of last year right now. Expressed his dislike of the Asbury Park Press for reporting the worst beaches in Monmouth County. Also expressed his dislike of Bank of America closing their ATM and opening a new one that is open to the sidewalk and unsafe. There will be 40 pieces of art displayed through the month of August in Silver Lake.

Council member Keown-Blackburn: Memorial Day services were very nice and well attended. It was great to see the amount of people in town on Memorial Day weekend. Food drive is ongoing, boxes are at Borough Hall, the library, Stay Gold and Federicos. The Mayor’s Ball was very nice. Belmar Woman’s Club flower show is June 11th. Senior luncheon is June 18th.

July 19th will be the Choose Your Cover skin cancer screening event.

Council member Bean: Asked that the bill list and any changes to agendas be released quicker. Stated his wife will be at the Michael Feat booth at the Seafood Festival and asked that people stop by.

Council member Nicolay: Seafood Festival is in two weeks. Tonight is fall soccer registration. Belmar Elementary Graduation is June 18th. Matisse is back in town. Federicis is now open. The Belmar Business Partnership now has a billboard. Cruise Night will be June 19th. She stated she likes the art in Silver Lake. Thanked police and first aid for helping her son who had an accident. Mayor's Ball was phenomenal. Thanked Sweet, 10th Ave Burrito, Brandl and Holme.

Mayor Doherty: Boomer and Carton did their radio show live from D'Jais the Friday before Memorial Day which was a great event. Governor Christie joined us as well. We unveiled the story of the boardwalk which will be placed at the entrance of the boardwalk near the Spring Lake boarder. Asked Governor Christie to help expedite FEMA money being released to the Borough. Thanked everyone who is affected by the water projects going on for being patient while the work is being done. Echoed comments about the Mayor's Ball. This year we added a children's Mayor's Ball which was a great event. Friendly Sons of the Shillelagh are giving money to five families in town who are in need of assistance (\$2000 each). They are very generous organization and do a lot for Belmar.

APPROVAL OF MINUTES:

Council member Magovern offered the May 20, 2014 regular meeting minutes for adoption, which was seconded by Mayor Doherty and approved by the following vote:

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

Mike Seebeck, 110 Second Avenue, asked for an explanation on the resolution for a lawsuit settlement. Mayor Doherty stated Prominent Properties sued Chef's International for monies and the Borough was named in that suit. The Borough will not pay any money but we have to agree to the settlement since we were named in it. Chef's International is paying Prominent Properties.

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

RESOLUTIONS:

Mayor Doherty offered Resolution 2014-112, **RESOLUTION INTRODUCING 2014 BUDGET AMENDMENT**, for adoption, which was seconded by Council member Magovern and approved by the following vote:

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

Mayor Doherty offered Resolution 2014-113, **RESOLUTION AUTHORIZING PAYMENT OF BILLS LIST**, for adoption, which was seconded by Council member Keown-Blackburn and approved by the following vote:

AYES: Magovern, Keown-Blackburn, Nicolay and Doherty

ABSTAIN: Bean

Council member Bean questioned some of the bills on the list and stated he would abstain from voting on it because there were some unknown clients on the list and he did not have enough time to thoroughly review it.

PAYMENT OF BILLS: certification that the vouchers listed on the warrant register numbering 61707 thru 67195 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	\$888,479.19
05 General Capital Account	\$534,368.50
11 Water/Sewer Account	\$70,773.72
15 Water/Sewer Capital Account	\$45,660.00
21 Beach Utility Account	\$65,765.04
25 Beach Capital Account	\$1,904.00
23 Parking Utility Fund	\$2,101.24
41 Dog License Account	\$2,983.80
55 Trust Fund Account	\$97,960.28
61 Tourism Development Account	\$7,257.07
62 Seafood Festival	\$600.00
Total	\$1,717,852.84

Mayor Doherty offered Resolution 2014-114, **RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF BELMAR, COUNTY OF MONMOUTH, AUTHORIZING SETTLEMENT OF THE LITIGATION WITH PROMINENT PROPERTIES, LLC, ET ALS. CONCERNING THE BELMAR MARINA**, for adoption, which was seconded by Council member Magovern and approved by the following vote:

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

Council member Bean asked why we are being named in this suit. Mayor Doherty suggested he contact Prominent Properties and ask them. He felt since this was the first he heard of it and did not have sufficient information he would abstain from voting.

Mayor Doherty offered Resolution 2014-115, **RESOLUTION AUTHORIZING ISSUANCE OF CLUB LICENSE TO THE ORDER OF FRIENDLY SONS OF SHILLELAGH FOR PERIOD ENDING JUNE 30, 2015**, for adoption, which was seconded by Council member Keown-Blackburn and approved by the following vote:

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

Mayor Doherty offered Resolution 2014-116 **RESOLUTION AUTHORIZING ISSUANCE A CLUB LICENSE TO BELMAR FISHING CLUB FOR PERIOD ENDING JUNE 30, 2015**, for adoption, which was seconded by Council member Magovern and approved by the following vote:

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

Mayor Doherty offered Resolution 2014-117, **RESOLUTION AWARDDING CONTRACT FOR WEBSITE HOSTING, DESIGN AND MAINTENANCE**, for adoption, which was seconded by Council member Magovern and approved by the following vote:

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

Mayor Doherty made a motion to remove the resolution authorizing the issuance of the liquor license to Jack's Tavern because we did not receive their tax clearance yet, which was seconded by Ms. Keown-Blackburn and approved unanimously.

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:

2014-118

RESOLUTION GRANTING TAXICAB OWNERS & DRIVERS LICENSES FOR THE YEAR 2014

2014-119

RESOLUTION AUTHORIZING ISSUANCE OF PLENARY RETAIL DISTRIBUTION LICENSE FOR DAI SENG CORP. T/A LITTLE RED BARN FOR THE PERIOD ENDING JUNE 30, 2015

2014-120

RESOLUTION AUTHORIZING ISSUANCE OF PLENARY RETAIL DISTRIBUTION LICENSE TO ARPADO, INC. T/A HANLEY'S LIQUORS FOR THE PERIOD ENDING JUNE 30, 2015

2014-121

RESOLUTION AUTHORIZING ISSUANCE OF A PLENARY RETAIL CONSUMPTION LICENSE NO. 1306-33-001-010 FOR 8th AVE. VENTURES, LLC T/A CONNOLLY STATION FOR THE PERIOD ENDING JUNE 30, 2015

2014-122

RESOLUTION AUTHORIZING ISSUANCE OF PLENARY RETAIL CONSUMPTION LICENSE WITH BROAD PACKAGE PRIVILEGE NO. 1306-32-015-005 IN VINO VERITA LLC (INACTIVE) FOR THE PERIOD ENDING JUNE 30, 2015

2014-123

RESOLUTION AUTHORIZING ISSUANCE OF PLENARY RETAIL CONSUMPTION LICENSE NO. 1306-33-008-009 TO KLEIN'S FISH MARKET, INC. FOR THE PERIOD ENDING JUNE 30, 2015

2014-124

RESOLUTION AUTHORIZING ISSUANCE OF PLENARY RETAIL CONSUMPTION LICENSE NO. 1306-33-010-006 TO WATERVIEW PAVILION, INC. T/A RIVERVIEW PAVILION, WATERVIEW PAVILION FOR PERIOD ENDING JUNE 30, 2015

2014-125

RESOLUTION AUTHORIZING ISSUANCE OF PLENARY RETAIL CONSUMPTION ALCOHOLIC BEVERAGE LICENSE FOR CSL BELMAR LLC (INACTIVE) FOR PERIOD ENDING JUNE 30, 2015

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

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

2014 BUDGET & BUDGET AMENDMENT HEARING:

Robbin Kirk, CFO, gave a PowerPoint presentation on the budget.

Claire Deicke, 14th Avenue, asked where the state aid is applied. Ms. Kirk stated it comes through every year and goes toward the general fund.

Peter Piro, North Blvd., asked about the extra payment to SMRSA. Ms. Kirk stated it's actually a refinance of a payment for a project done 10 years ago.

David Schneck, 302 C Street, asked about the beach salaries. Mayor Doherty stated the salaries are for the beach badge checkers/sellers, lifeguards, police and DPW. Mr. Schneck asked what percentage of the beach budget is for just collecting the badges.

Mike Seebeck, 110 Second Avenue, asked about the CDL loan. Mayor Doherty stated it is in the surplus and if we don't need to use it then it will go into next year's surplus. Mr. Seebeck asked if it shows up in the debt statement. Mayor Doherty replied no, it's not a bond. Mr. Seebeck asked if we have received anymore payments from FEMA. Ms. Connolly stated she has been working with FEMA and expect to see 11.3 million within the next six weeks. Also got another 1.3 million added to the category B project worksheet. Mr. Seebeck asked how much we have collected so far. Ms. Connolly stated we have about 3.3 million in already. Mr. Seebeck asked what the total debt of the Borough is now that's outstanding. Ms. Kirk stated the debt statement is posted on the website.

Connie Dallaportas, 1002 Main Street, asked if we charge for people to get on the beach on weekdays. Mayor Doherty stated right now it's only on the weekends.

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

Council member Magovern asked what our bond rating is. Ms. Kirk stated it is AA2. He asked if it has ever been lower. She stated back in 2003 we were AA3, however she was advised the structure rating was changed so AA2 now is the same as AA3 from 2003.

Council member Magovern asked how many years it will take to pay off the debt from Hurricane Sandy. Ms. Kirk stated is unknown at this time but hopes that it will be paid off within the next five to six years.

Council member Bean asked about the special items of revenue for a developer's agreement. Mayor Doherty stated that is the agreement with Chef's International. Council member Bean asked if they are actually going to start construction. Mayor Doherty stated he hopes to see them start in the fall. Council member Bean asked about \$600,000 from FEMA. Ms. Connolly and Ms. Kirk stated that goes into the current fund and was part of our project worksheets. He asked if our revenues are dropping and if we will need to use the CDL loan. Mayor Doherty stated some revenues did drop and explained how the CDL loan works. Council member Bean stated the debt statement is 54 million which includes school, water, beach etc. He asked how much of that is expected to come back from FEMA. He asked if we have to pay money back to FEMA based on the recent audit, when do we find that out. Ms. Connolly stated it could take a few months. Mayor Doherty stated he wouldn't be surprised if it rolls into next year.

Mayor Doherty stated its important to point out that this is the fourth year without a tax increase. We have developer's agreements and PILOT payments coming in which offset the budget. The commercial tax base will be increasing over the next few years. Thanked Borough employees for doing more with less. He talked about how some towns are being forced to have paid fire and first aid and how that would hurt Belmar. He added that Belmar has great volunteers which helps prevent that from happening.

RESOLUTIONS:

Mayor Doherty offered, Resolution 2014-126, **RESOLUTION ADOPTING 2014 BUDGET & BUDGET AMENDMENT**, for adoption which was seconded by Council member Nicolay and approved by the following vote:

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

Prior to voting Council member Bean stated he normally likes to meet with the CFO to discuss

the budget one on one but was refused that opportunity this year. He feels the budget is still shaky and stated he would be voting no.

Mayor Doherty stated he told Ms. Connolly to sit in on the budget meetings with Ms. Kirk to better explain the budget together. He stated Council member Bean had the same opportunity as the other Council members to meet with them and he chose to walk out of the meeting. Council member Bean stated he wanted to meet with Ms. Kirk one on one without anyone over her head. Council member Magovern stated he met with both of them today and there was no problem. Council member Keown-Blackburn stated she spent an hour with them yesterday and it was a very comfortable meeting and they both helped explain the budget.

PUBLIC SESSION:

Connie Dallaportas, 1002 Main Street, talked about the old pavilions.

Ted Ehmann, Oakwood Road, stated he is a member of the petition committee and they have been in consultation with their attorney and they don't want to see \$20,000 spent on an election. Their attorney has advised them that they can enter into an agreement with the Borough to hold the referendum at the November election as long as the Borough puts a stay on the bond. He stated another possibility is to stick to the amount of money we are going to get from FEMA and build pavilions with that money. He stated nobody on the petition is against the pavilions they are against the \$7 million.

David Schneck, 302 C Street, stated we should try to prevent having paid fire and first aid if that ever comes up. He stated they have asked that the construction of the two pavilions be separated so the 10th Avenue pavilion can be built now and not be held up by Taylor Pavilion. He stated nobody is saying don't build the buildings it's just the cost of it. He would like to see a reasonable accounting of why it would be so expensive to build these buildings.

Peter Piro, North Blvd., asked at the next Council meeting that we discuss the hazard mitigation plans regarding Lake Como.

Tom Dilberger, 1000 River Road, asked what the interest rate is on the CDL loan. Mayor Doherty stated he will get him the information.

Joy DeSanctis, 101 Sixth Avenue, stated she is thrilled that the petitioners have solved the problem and it will not cost \$20,000. She stated nobody talks about the sea wall and thinks it's important to discuss that if we are going to be building pavilions.

Pat Wann, 119 18th Avenue, stated there are some problems on 18th Avenue such as speeding and the patrons from D'Jais,

Richard Seidel, 2010 Surf Avenue, questioned why this section of the meeting doesn't allow for the Council to answer questions anymore. Mayor Doherty stated this is just for the public to give comments and talk about whatever they want and the council and business administrator are available after the meeting to answer specific questions.

Gavin O'Day, Snyder Avenue, recent newsletter was great and very informative, the war on potholes email was great, the boardwalk and beach look great. Thanked Peter Piro for helping the Borough to address Lake Como's issues. Asked the Council to continue pushing the state to help us mitigate the problems. Suggested the Council take a ride along North Blvd. to see what it looks like. There are no garbage cans along the lake which means garbage goes into the lake. At North Blvd. and A Street there is a triangle median where a flag pole used to be, asked if it could be put back up. Would like to see the landscaping plans for Lake Como that were discussed at a meeting with the residents. The quality of life in the south end of town is bad. There have been some thefts and D'Jais patrons are loud. It's not a police issue because they cannot be there all the time, it's an element and perception that these people can do whatever they want. Code Red alert system is great during emergencies but would like to see it used more for items such as Ocean Avenue closures for events. Would like to see the skate park open in the morning for a few hours for families to come use it.

Robert Forte, 114 Eighth Avenue, stated the Mayor mentioned at the last meeting that fitness studios and gyms are not permitted uses and that the plan is to change the ordinance. He doesn't think it would be good for the Borough to amend the ordinance and just suggested allowing the gyms and fitness studios rather than opening it up to everything and missing something.

Tom Burke, 608 10th Avenue, stated he ran for office last year and was not against the building of the pavilions. He stated he did sign both petitions but it was because he did not like the plans.

Kyle Rizzitello, 14th Avenue, stated the 10th Avenue pavilion needs to be a priority. Stated the volunteers in this town are phenomenal. She asked if the 15% increase on the water rate is quarterly or yearly. Ms. Connolly stated it's a 15% increase on the water rate. Mayor Doherty stated he would explain it to her after the meeting. House across the street has overgrown grass and needs to be addressed. Also need to look into potholes on 14th Avenue.

Mike Seebeck, 110 Second Avenue, stated he would like the Mayor and Council to save the residents \$20,000 and putting the petition on the November ballot or negotiate with the petitioners. He stated nobody is against the pavilions they are just against the costs.

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