

“GOD BLESS AMERICA”

REGULAR MEETING

AUGUST 5, 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 William Magovern, 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 23, 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 and Victor Corallo

SPECIAL PRESENTATIONS:

- National Dank Week Foundation - \$1000 donation to Hurricane Sandy Relief Fund
- Honoring Water Rescue Team, Belmar First Aid, Belmar Police Department and Craig Prothers
- Employee of the Month: Colleen Dillon

WORKSHOP DISCUSSION:

Mayor Doherty offered Resolution 2014-137, for adoption, **RESOLUTION APPROVING APPOINTMENTS OF PATROLMAN OF THE BELMAR POLICE DEPARTMENT**, which was seconded by Council member Magovern and approved unanimously.

- o Mayor Doherty Administered the Oath of Office to Anthony Steneck and Brian Poppert
- Green Acres Public Hearing
 - o Ms. Connolly stated the Borough is applying for a Green Acres Grant to replace the bulkhead and renovate the park at Maclearie Park. The renovations would include a new bulkhead, new tennis courts, enhance parking, new bocce ball court, new bathroom facility, and an event lawn, installation of a spray park, landscaping, lighting, and drainage. The program is for 25% grant and 75% low interest loan. We won't know if will receive any money until sometime in 2015.
 - o Mayor Doherty stated Maclearie Park is underutilized and is in disrepair.
 - o Council member Keown-Blackburn stated the residents in that area would like to see the park upgraded. Feels it's a great time to enhance the park.
 - o There were no public comments.
- Maser Consulting: Lake Como Outfall Pipe
 - o Paul Calabrese gave a PowerPoint presentation on the Lake Como drainage area. He discussed the existing outfall pipe, construction that has been done to date, and a plan of future improvements that need to be made to alleviate flooding during a 25 year storm.
 - o A resident had asked if we should look into installing a permanent pump at the site. Mr. Calabrese stated a very large pump would need to be installed and the electric that is there is not adequate for it. The same resident asked about dredging the lake. Mr. Calabrese stated dredging is always an option but we couldn't get any lower than what would be needed for the pipe that would be installed at -2 elevation.

- Mayor Doherty added that the proposals Mr. Calabrese spoke of, are work that can be done on Belmar's property, whereas the pump station is on Spring Lake's property.
 - Richard Seidel, resident, asked if we could take the human element out of the situation and work on getting the lake pumped quicker. Mayor Doherty stated until one of the options discussed is done there is no way to take out the human element and we will continue to work hard with Spring Lake to drain the lake in a timely fashion.
 - Mark Fitzgerald, resident, stated all of the towns that drain into the lake need to be concerned about impervious coverage and granting variances for it because the water from the properties that can't go back in the ground is going into the lake.
 - Peter Piro, resident, thanked DPW for working hard to address the issues with the lake. He asked what the cost difference would be between the two proposals. Mr. Calabrese stated they would both be expensive but comparable. Mr. Piro asked if FEMA money will be sought after. Mayor Doherty stated they would try to obtain FEMA money. Ms. Connolly stated they will work to obtain funding from any agency that has funding available.
 - Steve Gerard, resident, asked that the pipe going from the lake into the ocean go as far out as possible into the ocean so not to affect the water quality for the beachgoers.
- Council member Bean asked to recommend changes to the outdoor dining ordinance to state that no outdoor dining area shall abut a residential area. Council member Magovern stated he agrees. Mayor Doherty suggested we have Mr. DuPont review the current ordinance.

PETITIONS: none

REPORTS OF MAYOR AND COUNCIL:

Council member Magovern: Beach badge sales are already above what was anticipated in the 2014 budget. Shade Tree Commission has realized a lot of street trees are not growing due to damage from Hurricane Sandy. They have contacted a certified tree expert to inspect trees in town. Silver Lake plantings and wildlife are doing really well. He stated he would like to know when the sculptures in the lake will be removed. Council member Nicolay stated the program will end in October. The Historical Society is honoring the Belmar Woman's Club 100 year anniversary in their lobby display. The Water Rescue Squad is well deserving of the proclamations they received.

Council member Keown-Blackburn: The walk with the Mayor last month was well attended and a great event. Choose Your Cover was well attended and many were sent for further testing. Senior luncheon is August 20th. September 28th is annual health fair.

Council member Bean: Asked for an update on money received from FEMA and the \$10 million that came in. Ms. Connolly stated the \$10 million from FEMA was towards the boardwalk project worksheet and the debris project worksheet. Mr. Bean questioned the amounts we received from FEMA vs what we are expecting to get from FEMA. He stated the amount of money FEMA has obligated to us is lower than what the Mayor is advertising. Ms. Connolly stated the process with FEMA is not black and white. We have to submit project worksheets and work with them on amendments. She added that the numbers on FEMA's website are not final numbers and we won't know the final numbers until projects are closed out.

Council member Nicolay: Thanked Council member Keown-Blackburn for the Choose Your Cover event. The BBP is having a kite festival on September 7th. Cruise Night is on August 21st. Trip Advisor.com did a great press release on some Belmar bed and breakfasts. Basketball registration is September 17th. Thanked Recreation for putting on Belmar night at Iplay America. Read DPW report.

Mayor Doherty: Stated FEMA prevailed in the debris audit that was undertaken and it worked out to our advantage. He is running in the Belmar Chase this weekend.

APPROVAL OF MINUTES: Council member Magovern made a motion to approve the minutes of the July 1, 2014 meeting, which was seconded by Mayor Doherty and approved by the following vote:

AYES: Keown-Blackburn, Magovern, 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.

Gene Creamer, Fourth Avenue, stated the tax abatement ordinance that was done last year required a notice to be sent out with the tax bills and it was not done in 2013 or 2014. Mayor Doherty asked the Borough Attorney if we can just send a separate letter explaining it. Mr. Magovern replied yes.

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

RESOLUTIONS:

Mayor Doherty offered **Resolution 2014-138, RESOLUTION AUTHORIZING PAYMENT OF BILLS**, for adoption, which was seconded by Council member Keown-Blackburn and approved by the following vote:

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

Prior to voting Council member Bean asked about the bill for Pyanoe Plaza improvements. Ms. Connolly stated the fountain had to be removed because it did not survive the winter.

Mayor Doherty offered **Resolution 2014-139, RESOLUTION AUTHORIZING PAYMENT OF BILLS (MARTURANO & STAVOLA)**, for adoption, which was seconded by Council member Keown-Blackburn and approved by the following vote:

AYES: Keown-Blackburn, Nicolay, and Doherty

ABSTAIN: Bean & Magovern

PAYMENT OF BILLS: certification that the vouchers listed on the warrant register numbering 61969 thru 62135 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	\$1,609,133.83
03 Grant Account	\$300.00
05 General Capital Account	\$288,657.70
11 Water/Sewer Account	\$153,984.76
15 Water/Sewer Capital Account	\$45,660.00
21 Beach Utility Account	\$205,668.00
25 Beach Capital Account	\$17,440.50
23 Parking Utility Fund	\$923.50
41 Dog Account	\$1,464.00
55 Trust Fund Account	\$86,693.63
61 Tourism Development Account	\$15,981.40
Total	\$2,425,907.32

Mayor Doherty offered **Resolution 2014-140, RESOLUTION FOR DEPARTMENT OF ENVIRONMENTAL PROTECTION GREEN ACRES PROGRAM** for adoption, which was seconded by Council member Nicolay and approved by the following vote:

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

Mayor Doherty offered **Resolution 2014-141, RESOLUTION SUPPORTING THE INCREASE IN FUNDING FOR THE NEW JERSEY SHORE PROTECTION FUND**, for adoption, which was seconded by Council member Magovern 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:

2014-142

RESOLUTION MAKING FINDINGS AND DETERMINATIONS ON LEGALIZED GAMES OF CHANCE APPLICATION NUMBER 2014-04, 2014-05 and 2014-06

2014-143

RESOLUTION AUTHORIZING THE ISSUANCE OF PLENARY RETAIL CONSUMPTION ALCOHOLIC BEVERAGE LICENSE NO. 1306-32-006-009 (WITH "BROAD PACKAGE PRIVILEGE" PURSUANT TO P.L. 1948, CH. 98) FOR DCJ BELMAR, INC. T/A 507 MAIN STREET FOR PERIOD ENDING JUNE 30, 2015

2014-144

RESOLUTION AUTHORIZING THE ISSUANCE OF CLASS C LIQUOR LICENSE NO. 1306-33-002-004 TO TWO DAWGS, INC T/A THE BOATHOUSE BAR AND GRILL FOR PERIOD ENDING JUNE 30, 2015

2014-145

RESOLUTION BY THE MAYOR AND COUNCIL AUTHORIZING THE TAX COLLECTOR TO EXTEND THE GRACE PERIOD FOR THIRD QUARTER PROPERTY TAXES

2014-146

RESOLUTION APPROVING SPECIAL EVENTS APPLICATIONS

2014-147

RESOLUTION PROVIDING FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE BUDGET OF THE BOROUGH OF BELMAR PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159, P.L. 1948)

2014-148

RESOLUTION PROVIDING FOR THE RECREATION AND OPEN SPACE INVENTORY FOR THE BOROUGH OF BELMAR PURSUANT TO N.J.A.C. 7:36-25.3

2014-149

RESOLUTION AUTHORIZING THE MAYOR AND MUNICIPAL CLERK TO EXECUTE AN AMENDMENT TO THE 2012-14 AGREEMENT WITH MONMOUTH COUNTY FOR COOPERATIVE PARTICIPATION IN THE COMMUNITY DEVELOPMENT PROGRAM PURSUANT TO THE INTERLOCAL SERVICES ACT

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

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

ORDINANCES:

Second Reading & Public Hearing

ORDINANCE NO. 2014-12

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XX, LICENSES OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BELMAR SECTION 5-1, DESIGNATION OF AMUSEMENT OR ENTERTAINMENT AREAS

Public Hearing: Gregory Vella, attorney for Sonny and Rita Nardone who are looking to bring an arcade to Belmar. Their proposed location is the old Norwood Auto Parts store at 11th and Main Street.

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

Mayor Doherty stated this is a great opportunity to provide more for our youth to do.

Council member Magovern asked if there is an occupancy and what happens if there is overflow. Mr. Vella pointed out that their application still has to go before the Planning Board, however the space is only 1500 square feet.

Council member Keown-Blackburn stated her only concern was kids spending too much time there and it affecting how they do in school. Mr. Vella explained this isn't a hangout place. It's the type of place where you pay for an hour of time and then leave.

Mayor Doherty made a motion to offer Ordinance 2014-12 for adoption, which was seconded by Council member Keown-Blackburn and approved by the following vote:

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

Second Reading & Public Hearing

ORDINANCE NO. 2014-13

AN ORDINANCE AMENDING CHAPTER XL (Development Regulations) REVISE GENERAL ORDINANCES OF THE BOROUGH OF BELMAR

Public hearing: none

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

Mayor Doherty made a motion to offer ordinance 2014-13 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 2014-14

ORDINANCE OF THE BOROUGH OF BELMAR, COUNTY OF MONMOUTH, NEW JERSEY VACATING A PORTION OF A PUBLIC ROAD IN THE SEAPORT REDEVELOPMENT AREA IN FURTHERANCE OF THE REDEVELOPMENT PROJECT AT BLOCK 57, LOT 4.

Public hearing: Gene Creamer, Fourth Avenue, questioned the ordinance stating the area is River Road when in fact it is actually River Avenue. He also questioned the validity of the exhibit attached to the ordinance.

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 2014-14 for adoption, which was seconded by Council member Keown-Blackburn and approved by the following vote:

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

First Reading & Introduction

ORDINANCE 2014-15

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XVIII BEACHFRONT & MARINE REGULATIONS OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY, SECTION 18-3 WATERWAYS & WATERCRAFT

Mayor Doherty offered Ordinance 2014-15 for first reading and introduction, which was seconded by Council member Keown-Blackburn and approved by the following vote:

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

First Reading & Introduction

ORDINANCE NO. 2014-16

AN ORDINANCE AMENDING CHAPTER XL (Development Regulations) OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BELMAR, SECTION 40-7.8

Mayor Doherty offered Ordinance 2014-16 for first reading and introduction, which was seconded by Council member Nicolay and approved by the following vote:

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

PUBLIC SESSION:

Mark Fitzgerald, 1902 Surf Avenue, stated facts matter. He was referring to all of the discussions on the pavilions. He read an excerpt from the Slocum case from the 1980's that allows for certain allocations of costs for beachfront buildings to be put on the beach utility budget. Another falsehood is that voting no means the buildings could be built cheaper. He disagreed. He felt there are some people who may vote no just because they don't want pavilions at all. He felt if we build two pavilions at \$1 million against the tax payers it is a great deal. He added that an open bid process was taken so he doesn't understand how there are people saying the pavilions can be built cheaper. He felt if it could be done cheaper then why didn't those bids come in. He added that cheaper isn't always better.

Council member Bean asked Mr. Fitzgerald if he read in the Slocum case that special police officers that work at night cannot be charged to the beach utility. Mr. Fitzgerald stated he read the whole thing and feels there are some aspects that are in favor of the Borough and others against. He feels there are some areas that we may not be taking full advantage of.

Tom Dilberger, 1000 River Road, stated Mr. Creamer had pointed out at a past meeting that all the pavilions that existed since 1900 are gone. He felt that these new pavilions won't last either because they are stick built.

Joy DeSanctis, 101 Sixth Avenue, stated she did not think Mr. Fitzgerald's interpretation of the Slocum case was accurate. She questioned the amount of money listed on FEMA's website versus what Mayor Doherty has stated the Borough will be receiving. She felt some of the numbers on a recent mailing regarding the pavilions were incorrect.

Brendan Reed, 100 Ninth Avenue, stated he has spoken to people about the sculptures at Silver Lake and the coordinator and he is working on getting more information about the sponsorships which he will give to Ms. Connolly. He added that he would also be in favor of prohibiting outdoor dining in the rear of commercial properties.

Claire Deicke, 14th Avenue, is pleased to hear we are going to be getting Bocce courts. Complimented Council member Keown-Blackburn for coordinating the Choose Your Cover event this year.

David Schneck, 302 C Street, stated the FEMA numbers being talked about are not carved in stone. He added that FEMA actually took money back from towns in New Orleans after Hurricane Katrina.

Gene Creamer, Fourth Avenue, discussed the material used on the boardwalk.

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