

“GOD BLESS AMERICA”

REGULAR MEETING

OCTOBER 16, 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 Kerri Higgins, 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 October 6, 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 Bill Buchear

WORKSHOP DISCUSSION:

Mayor Doherty stated the Getty gas station has new owners who are reliable. Encouraged everyone to use it.

Council member Bean stated he is not convinced that repealing the responsible bidder ordinance is enough to cancel the petition. He would like a resolution added to the agenda to accept the petition.

Mr. DuPont stated the court case filed for this issue has a hearing tomorrow and the Judge is aware of the repeal ordinance and will determine if there is any merit to it and whether or not the petition remains.

Council member Bean felt we don't know what the Judge will say and felt we should have a resolution accepting the petition.

Mr. DuPont stated the petition was already accepted and the repeal of the ordinance erases the ordinance in question in the petition.

Council member Bean stated the petition was to change the language of the ordinance not to repeal it. Mr. DuPont stated the actions to be taken to repeal the ordinance are stronger. He stated

once the repeal ordinance is adopted there is no ordinance for a petition to be filed against or an election held for.

Council member Magovern stated the petitioners did not want to meet with us to discuss language changes so rather than fight with them in court we decided to rescind the ordinance. Then we will look at what other towns do and possibly introduce a new ordinance later.

Council member Bean made a motion to adopt a resolution accepting the petition. There was no second motion. Council member Magovern stated he is confused. Mr. DuPont reiterated that he feels rescinding the ordinance will cancel the petition and the lawsuit.

PETITIONS: NONE

REPORTS OF MAYOR AND COUNCIL:

Council member Magovern: Attended memorial service for former DPW employee Fred Faas, which was very well attended and well done.

Council member Keown-Blackburn: Also attended the service and was impressed with the attendance. Last week we had Belmar Youth Government Day. This past Sunday Recreation ran a football bus trip which went very well. The 15th Avenue playground is looking great. Senior luncheon next week is at D'Jais. The D'Jais bash for cash is next weekend and all proceeds go to Belmar non-profit organizations.

Council member Bean: no report

Council member Nicolay: DPW report. Recreation is running a bus trip to Broadway. Arts Council has a new display. Benefit tickets for Tracy Orsi of Ragin Cajun are on sale now. She was teacher for a day at Belmar School which was a great day.

Mayor Doherty: Services for Fred Faas were wonderful. DPW did a great job setting it up. He wanted to address some rumors: he is not going to run for a hire office if he is re-elected, the Belmar fitness building is not going to be a bar, restaurant or a nightclub, D'Jais is not looking to install a pool in their parking lot, D'Jais is not going to tear down houses near them and expand their building, and him and his wife did not financially benefit from Sandy recovery. He stated Joy DeSanctis, campaign manager for Council member Bean, has been harassing his employer asking for his job status. She is also contacting his wife's business. Read a post from a republican website that said he as the mayor would use his baby as a shield when walking the town. He stated a nine month old child is not fair game and cannot defend himself. He asked the administrator of the website to remove this post.

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 Council member Nicolay and approved unanimously.

RESOLUTIONS:

Mayor Doherty offered, Resolution 2014-172, **RESOLUTION AUTHORIZING PAYMENT OF BILLS**, for adoption, which was seconded by Council member Keown-Blackburn and approved by the following vote:

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

Prior to voting, Council member Bean asked if the Kintech payment on the bill list was for the mailing that recently went out about the Borough’s financial status. Ms. Connolly stated she would have to check. Council member Bean said he would not vote on anything that talks about debt and doesn’t mention the cdl loan and the correct debt information.

PAYMENT OF BILLS: certification that the vouchers listed on the warrant register numbering 62428 thru 62514 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	\$1,058,921.75
11 Water/Sewer Account	\$13,064.35
15 Water/Sewer Capital Account	\$32,850.00
21 Beach Utility Account	\$12,542.67
23 Parking Utility Fund	\$30,836.62
41 Dog License Account	\$1,504.20
55 Trust Fund Account	\$11,952.98
61 Tourism Development Account	\$2,109.93
Total	\$1,163,782.50

Mayor Doherty offered, Resolution 2014-173, **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: Magovern, Keown-Blackburn, Bean, and Doherty
ASBTAIN: Nicolay

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.

Mayor Doherty offered the following resolutions for adoption:

RESOLUTIONS BY CONSENT:

2014-174

RESOLUTION MAKING FINDINGS AND DETERMINATIONS ON LEGALIZED GAMES OF CHANCE APPLICATION NUMBER 2014-17

2014-175

RESOLUTION AWARDING CONTRACT FOR BOARDWALK BENCHES

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

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

ORDINANCES:

First Reading & Introduction

ORDINANCE 2014-18

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER IV, DEPARTMENT OF FINANCE, OF THE GENERAL ORDINANCES OF THE BOROUGH OF BELMAR PERTAINING TO SECTION 13, RECEIPT OF BIDS

Council member Magovern offered Ordinance 2014-18 for first reading and introduction, which was seconded by Council member Nicolay and approved by the following vote:

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

ABSTAIN: Doherty

This ordinance will be scheduled for second reading and adoption on November 5, 2014.

When it was Council member Bean's turn to vote he asked for Council member Keown-Blackburn's opinion before he voted. Mr. DuPont stated questions should be asked before voting begins. Council member Keown-Blackburn stated she agrees the ordinance is good but is tired of the fighting and felt it is beneficial to rescind the ordinance.

PUBLIC SESSION:

Tom Volker, 301 Fourth Avenue, complimented the Mayor and Council for voting to eliminate the ordinance. It's an effort to bring people together who have serious concerns. Feels there is an opportunity to relook at the ordinance and address some of the concerns.

Bill Keiser, 102 19th Avenue, stated contractors will have to pay prevailing wage regardless of union or non-union and whether there's an apprenticeship program or not.

Claire Deicke, 14th Avenue, stated fake names are used on the blog that Mayor Doherty spoke about. She said there was a comment on there about her poisoning the kids she taught and her husband asked the administrator of the website to remove it was told that those type of comments would happen when she supports the mayor.

Patty Romano, 100 10th Avenue, read excerpts from a letter Council member Bean sent to residents regarding D’Jais registering their employees as voters. She works for D’Jais and felt D’Jais has every right to register their employees who are legitimate voters.

Mike Seebeck, 110 Second Avenue, gave an article to the Mayor and Council in which he was quoted in and felt was relevant to the ordinance rescinded tonight. He felt the petitioners want to know that they are clearly being heard. The concern is not having competitive bidding and political contributions from contractors. He feels the rescinding of the ordinance is to circumvent the petition. He suggested to just drop the language as requested in the petition.

Ted Ehmann, 1218 Oakwood Road, stated the petitioners didn’t ask for the ordinance to be rescinded they asked for language to be stricken. He felt Belmar is not a democracy it’s a republic.

Andrea Ganguzza, 110 14th Avenue, condolences to Fred Faas’ family. She stated she is so insulted by the divide amongst the mayor and council and feels they should represent all the people regardless of what party. She stated it is reprehensible that the Mayor’s son was mentioned on a blog. She felt that is a form of bullying and the Mayor has also acted as a bully. She asked for the debt at the last meeting and received a letter about it with a lot of words but she asked for just a number. Mayor Doherty stated it was in the letter.

Tom Dilberger, 1000 River Road, stated this ordinance only had a first reading and feels the petition will stand. He feels this is just delaying the inevitable and there will be a special election that nobody wants. He also stated he is against any pavilions on the boardwalk.

Gene Creamer, Fourth Avenue, stated there are violations of the sign ordinance in regards to political signs throughout town.

Michael Druz, 16th Avenue, stated it is his understanding that when we tell the judge we are in the process of rescinding the ordinance that he/she may stop the clock until the rescinding ordinance is adopted. Spouse and children are not the persons running for election and should not be involved in politics.

Carol Brandis stated her whole problem with everything in town is the lack of education on matters. She has been a victim of bullying by the town. She feels as a renter she misses out on information and can’t make an educated vote on matters.

Bill Strauss, Oakwood Road, stated if the ordinance is rescinding and brought back up they will file another petition and keep filing petitions anytime the mayor does something wrong.

Luis Pulido, Dina Manor, stated there is nothing wrong with an administrator of a website to remove comments. He feels the comment not being removed is either neglect by the administrator or he agrees with it. He questioned why Council member Bean feels his knowledge he has from a day of research is better than what the Borough Attorney said who has several years of experience.

Joy DeSanctis, 101 Sixth Avenue, stated their petition was for an initiative and not a referendum and therefore rescinding the ordinance is not permitted. She stated Council member Magovern

had mentioned they were not agreeable to meet and discuss the petition which was incorrect. She read an email which stated they felt the time had passed for negotiations. She felt what Mayor Doherty accused her of was irresponsible and harassment. She stated they just want certain language removed from the ordinance.

Judy Young, 303 Ninth Avenue, stated this whole meeting is embarrassing with the back and forth fighting. She stated she doesn't care what party you represent but it needs to be stopped. In regards to the woman who said she wants to be educated she suggested the Mayor and Council member Bean hold a debate. She felt this meeting is like an episode of Jerry Springer.

Brendan Reed, 100 Ninth Avenue, suggested the Mayor and Council adopt an ordinance that provides for competitive, fair, and safe building. Would like to see movement on the building of pavilions on the beachfront. Disgusted that anyone would make a comment about a baby.

Connie Dallaportas, 1002 Main Street, stated she doesn't understand why we are going through so much trouble and suggested putting the buildings up the way they were.

Mike Seebeck, 110 Second Avenue, felt the letter about the debt was not thorough enough. Mayor Doherty stated the letter explained the debt and the indebtedness against the tax payers. Mr. Seebeck asked for a status on the new restaurant in the marina. Mayor Doherty stated they received high bids and are reviewing their plans.

Frank Sementa, 1801 Ocean Avenue, if anyone has an organization or charity it's not too late to participate in D'Jais bash for cash event. He received a letter from Council member Bean in which D'Jais was mentioned 8 times and while it was to shine them in a negative light he feels no publicity is bad publicity.

Steve Day, L Street, stated former Mayor Ken Pringle had a relationship with D'Jais as well so why is it suddenly wrong.

George Komitas, 111 Third Avenue, stated all of this back and forth is because of the storm but he remembers during the storm how we all came together. He feels we are just killing each other and would like everyone to take a step back and move forward.

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