

“GOD BLESS AMERICA”

REGULAR MEETING

AUGUST 4, 2015

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: Councilman Brennan, Councilwoman Keown-Blackburn, Councilman Magovern, Councilwoman Nicolay, Borough Attorney Ed Washburne, Esq., Business Administrator Colleen Connolly, and Borough Clerk April Claudio

ABSENT: Mayor Doherty

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 29, 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

Council member Magovern stated he would like to move the resolution naming the butterfly garden to the top of the agenda. Council member Nicolay made a motion to change the agenda, which was seconded by Council member Brennan and approved unanimously. Council member Magovern read the resolution. Thanked Dorsey Latza, Rose DeGayna, and Janet Grosshandler for helping to create the butterfly garden.

Council member Keown-Blackburn offered Resolution 2015-141, **RESOLUTION TO APPROVE NAMING OF MONARCH BUTTERFLY GARDEN**, for adoption, which was seconded by Council member Brennan and approved by the following vote:

AYES: Keown-Blackburn, Brennan, Nicolay and Magovern

SPECIAL PRESENTATION:

- Employee of the Month: Mafalda Cinelli

WORKSHOP DISCUSSION: None

PETITIONS: No petitions were presented. Ms. Claudio stated she received a petition on July 30, 2015 seeking a referendum on Bond Ordinance 2015-25 and certified the petition is valid.

APPROVAL OF MINUTES: Council member Keown-Blackburn made a motion to approve the minutes of the July 7, 2015 meeting, which was seconded by Council member Brennan and approved by the following vote:

AYES: Keown-Blackburn, Brennan, and Nicolay

ABSTAIN: Magovern

REPORTS OF COUNCIL:

Council member Keown-Blackburn: Choose Your Cover event was very successful, a lot of Borough employees attended. Thanked Police and DPW for helping out on this event. The bicycle and pedestrian committee have been working very hard and are close to finalizing the presentation to the Council for the September 1st meeting. Working with County and State on the plan. Thanked Bill McKim for taking photos for their presentation. Bill McKim’s photos are on display at the Library this month for viewing.

Council member Brennan: Leaseterns at First Avenue beach have been migrating south which is a concern. Spoke to Ed Lippincott of the Environmental Commission who said the leaseterns and other birds are nesting and producing offspring successfully which is why they are expanding their area. Thanked everyone who offered condolences to him and his wife for the loss of their dog.

Council member Nicolay: Thanked Council member Keown-Blackburn for the Choose Your Cover event.

Thanked Claire Deicke for giving three sessions at the summer camp. Ms. Deicke stated she is really enjoying it and hopes the kids are enjoying it too. Arts Council has a great show called Shore Reflections. Encouraged everyone to attend the Farmer’s Market and to buy local.

Council member Magovern: Beach locker and parking revenue has increased compared to this time last year. Beach badge sales are close to those from last year. Harbor Commission met last night and are still concerned about the dredging of the marina near the docks. Jet Ski docking fees are being reduced to hopefully encourage usage. Had a town hall meeting at Turnstile last week for the residents near the marina. The kayak rental and L Street beach have become very active and are drawing a lot of people to the area. Renovations to MacClearie Park will begin this fall. Belmar Historical Society is having a “show and tell” next Tuesday in the Community Room. They would like anyone who has something old in their attic or basement to come and present and possibly donate or loan to them.

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, stated the butterfly garden is entirely fitting to be dedicated to Jane Magovern. Questioned how it was determined who the marina would be dedicated to.

Council member Magovern stated over the years it was discussed. Jack Manutti was born and raised in Belmar, rose to the level of Police Chief and was a Councilman. He was very active in athletics. His family had asked if there was anything that could be done to recognize him.

Mr. Seebeck felt there are many other people who are of a stature to be recognized as well, such as former Mayor Ken Pringle who had a tremendous impact on the community. He also asked if the community was asked for a recommendation.

Council member Magovern stated he feels Ken Pringle would agree that Jack Manutti should be recognized. He felt putting it out for the community would bring in hundreds of recommendations which makes it difficult since we don’t have as many sites to name.

Mr. Seebeck stated he would like to see more involvement of the community in decisions.

David Schneck, 302 C Street, stated he would like to nominate Joe Hillman as someone who should be considered for recognition somewhere in town.

Donald Sterner stated the marina building is named after his grandfather and would like to make sure his plaque is moved to the new building. Council member Magovern and Ms. Connolly ensured that would be done.

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

RESOLUTIONS:
Council member Nicolay offered Resolution 2015-142, **RESOLUTION MAKING APPOINTMENTS TO THE BELMAR HOUSING AUTHORITY**, for adoption, which was seconded by Council member Brennan and approved by the following vote:

AYES: Magovern, Brennan, and Nicolay
ABSTAIN: Keown-Blackburn

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:
Council member Keown-Blackburn offered the following resolutions for adoption:

2015-143
RESOLUTION AUTHORIZING PAYMENT OF BILLS

PAYMENT OF BILLS: certification that the vouchers listed on the warrant register numbering 64003 thru 64157 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	\$1,046,188.52
05 General Capital Account	\$196,391.75
11 Water/Sewer Account	\$30,227.10
15 Water/Sewer Capital Account	\$3,518.75
21 Beach Utility Account	\$29,432.36
25 Beach Capital Account	\$280.00
23 Parking Utility Fund	\$18,666.00
41 Dog License Account	\$1,464.00
55 Trust Fund Account	\$23,947.91
61 Tourism Development Account	\$14,229.86
Total	\$1,364,346.25

2015-144
RESOLUTION AUTHORIZING REFUNDS

2015-145
RESOLUTION APPOINTING SPECIAL POLICE OFFICERS FOR 2015

2015-146
RESOLUTION BY THE MAYOR AND COUNCIL AUTHORIZING THE TAX COLLECTOR TO EXTEND THE GRACE PERIOD FOR THIRD QUARTER PROPERTY TAXES

2015-147
RESOLUTION ESTABLISHING LOCATIONS OF BEACHFRONT CONCESSIONS

2015-148
RESOLUTION TO OPPOSE SEISMIC TESTING AND OFFSHORE DRILLING ACTIVITIES

2015-149
RESOLUTION AUTHORIZING MISCELLANEOUS MARINA FEES FOR THE YEAR 2015

2015-150
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, 2016

2015-151
RESOLUTION AUTHORIZING ISSUANCE OF PLENARY RETAIL CONSUMPTION ALCOHOLIC BEVERAGE LICENSE FOR CSL BELMAR LLC FOR PERIOD ENDING JUNE 30, 2016

2015-152
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, 2016

2015-153
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, 2016

2015-154
RESOLUTION AUTHORIZING ISSUANCE OF PLENARY RETAIL CONSUMPTION LICENSE WITH BROAD PACKAGE PRIVILEGE NO. 1306-32-015-005 IN VINO VERITA LLC (HELD IN POCKET) FOR THE PERIOD ENDING JUNE 30, 2016

2015-155
RESOLUTION AUTHORIZING ISSUANCE OF PLENARY RETAIL DISTRIBUTION LICENSE TO ARPADO, INC. T/A HANLEY’S LIQUORS FOR THE PERIOD ENDING JUNE 30, 2016

2015-156
RESOLUTION AUTHORIZING ISSUANCE OF PLENARY RETAIL DISTRIBUTION LICENSE FOR DAI SENG CORP. T/A LITTLE RED BARN FOR THE PERIOD ENDING JUNE 30, 2016

2015-157

RESOLUTION PERMITTING SPECIAL EVENTS

2015-158

RESOLUTION TO APPROVE NAMING OF BELMAR MUNICIPAL MARINA

Seconded by Council member Nicolay and approved by the following vote:

AYES: Keown-Blackburn, Brennan, Nicolay and Doherty

ORDINANCES: None

PUBLIC SESSION:

Claire Deicke, 14th Avenue, on behalf of Belmar Cares, thanked Tourism, the Council and staff for allowing them to sell popcorn at the Saturday movie night. They raised \$450 for their group. Also thanked all the people who purchased items from them. The money is used to help people who are fighting breast cancer.

Paul DeSantis, 9th Avenue, asked for clarification on the appointments to the Housing Authority. He asked why there are so many trees coming down throughout town.

Council member Magovern stated after hurricane sandy many trees were damaged by salt water and were showing signs of dying and dropping bark. They were becoming hazardous. Had a certified tree inspector come through town to inspect the trees first. A lot of the trees had expanded over the power lines so JCP&L came in and cut them down to under the power lines and then DPW cut them down to the stumps. It is the property owner's responsibility to take them down further.

Mr. DeSantis wondered how long the tree stumps will remain before anyone takes them down. He also asked if there is a plan to plant more trees.

Council member Magovern stated it is very expensive to replace the trees.

Roger McLaughlin, attorney representing Tim and Matt Harmon, owners of 507 Main and Boathouse. They have been attempting to transfer the 507 liquor license across the street near the River at a new outdoor bar similar to the 9th Avenue Pier. Unfortunately there has been a great deal of resistance by the Borough on this matter. The Police Department is not moving normally with the investigation of their application as one would typically do. Had a meeting with Ms. Connolly, Mr. DuPont and three members of the Police Department in June. They have provided all information requested by the Police Department at the meeting and Captain Huisman is not returning any of his phone calls or emails. He feels this should not be taking this long. They feel there is an effort by Borough Officials to slow down the process because the Mayor doesn't want the license transfer to be approved. To add to the issue the Borough has issued a stop work order on the project because the work doesn't match the approved site plan. He has been unable to hold a meeting with the Construction Official and Planning Board Attorney but was told they need to file a full planning board application which they will do. He feels that the Borough should be working with Mr. Kapalko as the redeveloper and his clients to get this project finished per the approvals and developer's agreement. He would like the Council to urge their employees to process the application fairly and timely.

Council member Magovern stated he would not speak on this matter since he is a member of the Planning Board and friends with the Harmons and Mr. Kapalko.

Council member Nicolay stated she doesn't know enough of the details to make a comment on this and would like to speak to the Business Administrator further.

Council member Keown-Blackburn stated her and Council member Brennan were not on the Council when these approvals were given.

Council member Brennan stated he would defer to the Police Department and feels they would do their due diligence and when they are happy the application is complete then he will be happy.

Greg Kapalko, developer of the River Avenue site and resident, talked about the process he went through to get approvals for the construction at the old pied piper site. They did a lot of underground infrastructure and site work on the property. There were changes to the streetscape that were negotiated between him and the Borough at extra costs to him that were done through conversations. Doesn't understand why he can't talk to the Construction Official or any other officials about the project. He feels there is more going on and felt if the Borough doesn't want his project to go further then something should have been sooner before he signed a lease with a tenant.

Katrina Clapsis, 1304 B Street, stated she is one of the committee people on the petition presented to the Borough. She was concerned that there is no scheduled council meeting before the 20 day clock expires. She asked what happens.

Mr. Washburne stated just because a meeting isn't on the schedule it doesn't mean anything. The council can discuss it amongst themselves.

Ms. Connolly stated any action taken by the Council or the scheduling of a meeting would be properly noticed.

Mike Seebeck, 110 Second Avenue, read a letter written by Mayor Doherty regarding the group of people fighting the rebuilding of Taylor Pavilion. He asked the Council if they feel the same way.

Mr. Washburne stated he doesn't think the Council should speak on this because there is a lot of litigation involved and this is simply just the public comment session of the meeting.

Mr. Seebeck stated he feels there should be more open discussion with residents and the Council should be open to hearing what the residents want.

Roseann Eteson, 1307 L Street, stated she would like to volunteer somewhere in town. She attended the meeting at Turnstile last week and there was a discussion about a meeting where residents could comment on the renovations to Maclearie Park but she hasn't heard anything yet. Ms. Connolly stated a notification has not gone out but one will.

Tom Burke, 10th Avenue, stated he was reminded that we shouldn't forget some of the concerns residents had about the Seafood Festival. He met with the Mayor and discussed it and agreed there will need to be some changes made. Council member Magovern stated we are going to wait until after the summer to discuss. Mr. Burke stated there was a booklet that went out regarding the Haskell at Monmouth Park that only had one add not about horses which was about Belmar. Council member Magovern asked if that's a bad thing. Mr. Burke stated he was not sure. He stated he is not against tourism but feels we need to look at who we want to be attracting to our town. He just wanted to make sure we don't forget to discuss the seafood festival before next year.

David Schneck, 302 C Street, stated he looks at all of the election reports posted online and questioned why the Democratic Committee received a donation from a State Senator from Linden. The same senator made a donation to the Monmouth County Democrats and also received a donation from a labor union. He feel this is a pass through of donations and is a violation of the Borough's pay to play laws.

Joy DeSanctis, 101 Sixth Avenue, read a letter regarding the rebuilding of Taylor Pavilion which said the building should be built to the same size it was and for only the \$2.9 million being given by FEMA.

Council member Magovern stated the square footage of the building will be the same size as it was; the added cost is because it has to be built higher to comply with FEMA regulations. It will be in the same footprint and won't be any taller except for being raised 5 feet. He asked if we could have someone from FEMA come to talk about this.

Council member Brennan stated the committee has been reviewing the plans and they are looking at what can be done. He feels he has learned a lot about what standards are required for construction that may have not been in place when the building was originally built.

Claire Deicke, 14th Avenue, stated she is not sure this was an appropriate setting for Mr. Schneck to bring up his comments. As a member of the Democratic Committee she doesn't know of any in proper contributions.

Ms. Clapsis asked if the committee will be having any public meetings. Council member Brennan stated they will not be having public meetings but will make a public presentation at the September 1st meeting.

Rose DeGayna, 201 Ninth Avenue, stated she keeps reading letters about keeping Taylor Pavilion the way it was, however she is a member of the ADA Committee and knows the bathrooms that were in the old pavilion were not ADA compliant.

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

Respectively submitted,

April Claudio
Municipal Clerk