

# MAYOR AND COUNCIL

## AGENDA

JULY 6, 2021

6:00 PM

**PRESENT:** Mayor Mark Walsifer, Councilman James McCracken, Councilman Thomas Carvelli, Council President Patricia Wann, Borough Attorney Patrick Varga, Business Administrator Edward Kirschenbaum and Borough Clerk April Claudio

**ABSENT:** Councilman Thomas Brennan

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 2, 2020 and 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, Sal Marchese and Jackie Minchala

### **EXECUTIVE SESSION:**

Councilman Carvelli offered the following resolution for adoption:

**No. 2021-175 RESOLUTION AUTHORIZING EXECUTIVE SESSION**

Seconded by Councilwoman Wann and approved by the following vote:

**AYES:** Wann, Carvelli, McCracken and Walsifer

The Mayor and Council were in Executive Session for approximately 15 minutes.

### **WORKSHOP DISCUSSION:**

Chief Scott gave an update on the holiday weekend. Over 200 summonses were issued for borough ordinance violations. She also explained the “no knock” ordinance on the agenda for first reading.

**PETITIONS:** none

**APPROVAL OF MINUTES:** Councilwoman Wann made a motion to approve the June 15, 2021 minutes, which was seconded by Councilman Carvelli and approved by the following vote:

**AYES:** Wann, Carvelli and Walsifer

**ABSTAIN:** McCracken

### **REPORTS OF COUNCIL**

Councilman Carvelli: Planning Board met last month and welcomed a new member. Farmers Market started. Finance Committee met and are looking into maintaining the water/sewer infrastructure.

Councilman McCracken: Housing Authority building is full, the roof has been replaced, all residents have Verizon Fios, and the parking lot was paved. Shade Tree Commission meets on the 21<sup>st</sup>.

Councilwoman Wann: No report.

Mayor Walsifer: Working on a new date for the fireworks. The 9<sup>th</sup> Avenue Pier has started a tradition of ringing a bell at sunset so everyone will stop and sing God Bless America.

**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, 4<sup>th</sup> Avenue, asked about 2021-171. Mr. Kirschenbaum explained the resolution is in reference to the Main Street streetscape project. It’s an agreement that we maintain plowing and things of that nature so we can close the grant application.

Jack Leonard, 12<sup>th</sup> Avenue, asked about 2021-170. Mayor Walsifer stated it is for the remainder of 15<sup>th</sup> Avenue. Mr. Kirschenbaum stated we are still working on getting the contractor in to finish 12<sup>th</sup> Avenue.

Brett Lomas, 609 9<sup>th</sup> Avenue, asked about cross signals at Main Street and 8<sup>th</sup> Avenue. Mayor Walsifer stated

the State approved it, we are just waiting for them to come do it.

Councilman McCracken made a motion to close the public session, which was seconded by Mayor Walsifer and approved unanimously.

**CONSENT AGENDA #1 - RESOLUTIONS:**

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.

Councilwoman Wann offered the following resolutions for adoption:

- No. 2021-161            RESOLUTION AUTHORIZING PAYMENT OF BILLS**
- No. 2021-162            RESOLUTION ACCEPTING A GRANT FOR BODY WORN CAMERAS**
- No. 2021-163            RESOLUTION OF THE BOROUGH OF BELMAR AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO NJDOT**
- No. 2021-164            RESOLUTION APPOINTING SPECIAL POLICE OFFICERS FOR 2021**
- No. 2021-165            RESOLUTION PERMITTING SPECIAL EVENTS**
- No. 2021-166            RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF BELMAR, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, APPOINTING VANASSE HANGEN BRUSTLIN, INC., AS SUCCESSOR TO BRINKERHOFF ENVIRONMENTAL SERVICES, INC. FOR ENVIRONMENTAL CONSULTING SERVICES**
- No. 2021-167            RESOLUTION AMENDING PERMIT PARKING AREAS FOR OCEAN AVENUE CONCESSIONS IN THE BOROUGH OF BELMAR, MONMOUTH COUNTY, NEW JERSEY**
- No. 2021-168            RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND TO EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY URBAN & COMMUNITY FORESTRY PROGRAM FOR A TREE INVENTORY**
- No. 2021-169            RESOLUTION AUTHORIZING AMENDMENT TO THE 2021 TEMPORARY BUDGET**
- No. 2021-170            RESOLUTION APPROVING A TEMPORARY GENERAL CAPITAL BUDGET**
- No. 2021-171            RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF BELMAR, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, ACCEPTING AND AUTHORIZING EXECUTION OF THE JURISDICTIONAL AGREEMENT WITH NJDOT**
- No. 2021-172            RESOLUTION AMENDING PAID PARKING AREAS**
- No. 2021-173            RESOLUTION AUTHORIZING REFUNDS**
- No. 2021-174            RESOLUTION APPROVING A TEMPORARY WATER-SEWER CAPITAL BUDGET**

Seconded by Councilman Carvelli and approved by the following vote:

AYES:            Wann, Carvelli, McCracken and Walsifer

**RESOLUTIONS:**

Mayor Walsifer offered the following resolution for adoption:

- No. 2021-152            RESOLUTION AUTHORIZING ISSUANCE OF SEASONAL RETAIL CONSUMPTION LICENSE TO D'JAIS LLC, T/A D'JAIS FOR THE PERIOD ENDING JUNE 30, 2022 (REVISED)**

Seconded by Councilwoman Wann and approved by the following vote:

AYES:            Wann, Carvelli, McCracken and Walsifer

Councilman McCracken made a motion to remove Ordinance 2021-24 from the Consent Agenda, which was seconded by Mayor Walsifer and approved unanimously.

The ordinance was amended to state the end time would be 6 pm rather than 9 pm.

**ORDINANCE 2021-24**

**ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF BELMAR, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER XVI ENTITLED POLICE REGULATIONS**

Councilwoman Wann offered Ordinance 2021-24 for first reading and introduction, which was seconded by Mayor Walsifer and approved by the following vote:

AYES: Wann, Carvelli, McCracken and Walsifer

**CONSENT AGENDA #2 – ORDINANCES FOR FIRST READING & INTRODUCTION**

Councilman Carvelli offered the following ordinances for first reading and introduction:

**ORDINANCE 2021-19**

**BOND ORDINANCE PROVIDING FOR THE 2021 ROAD IMPROVEMENT PROGRAM, APPROPRIATING \$1,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$950,000 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY**

**ORDINANCE 2021-20**

**ORDINANCE BY THE BOROUGH COUNCIL OF THE BOROUGH OF BELMAR IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY PROHIBITING THE OPERATION OF ANY CLASS OF RECREATIONAL CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES AND AMENDING CHAPTER 40 ARTICLE V (ZONING DISTRICT REGULATIONS) AND AMENDING AND SUPPLEMENTING CHAPTER 16 (POLICE REGULATIONS)**

**ORDINANCE 2021-21**

**ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XIX, TRAFFIC, LOADING ZONES OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY**

**ORDINANCE 2021-22**

**ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XVII, STREET EXCAVATIONS, SIDEWALKS AND CURBS, OF THE GENERAL ORDINANCES OF THE BOROUGH OF BELMAR**

**ORDINANCE 2021-23**

**ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF BELMAR, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 20 ENTITLED LICENSES—GENERAL**

**ORDINANCE 2021-25**

**BOND ORDINANCE PROVIDING FOR VARIOUS WATER-SEWER UTILITY IMPROVEMENTS, APPROPRIATING \$375,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$375,000 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY**

Seconded by Councilwoman Wann and approved by the following vote:

AYES: Wann, Carvelli, McCracken and Walsifer

**ORDINANCES:**

**ORDINANCE NO. 2021-12 *Second Reading & Public Hearing***

**ORDINANCE BY THE MAYOR AND COUNCIL AMENDING THE BOROUGH OF BELMAR CODE OF ORDINANCES TO REPEAL CHAPTER 35; TO ADOPT A NEW CHAPTER 35; TO ADOPT FLOOD HAZARD MAPS; TO DESIGNATE A FLOODPLAIN ADMINISTRATOR; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE**

Public hearing: Gerald Buccafusco, 409 5<sup>th</sup> Avenue, questioned consent agenda #2 because he did not have the opportunity to speak on those ordinances. Mr. Varga explained he disagreed with Mr. Buccafusco and explained the statute regarding consent agendas and ordinance procedures.

Councilwoman Wann made a motion to close the public hearing, which was seconded by Councilman Carvelli and approved unanimously.

Councilman Carvelli made a motion to adopt Ordinance 2021-12, which was seconded by Councilwoman Wann and approved by the following vote:

AYES: Wann, Carvelli, McCracken and Walsifer

**ORDINANCE 2021-17** *Second Reading & Public Hearing*

**ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF BELMAR, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AUTHORIZING ACQUISITION OF REAL PROPERTY AND IMPROVEMENTS THEREON LOCATED AT BLOCK 83 LOT 10, AKA 414 NINTH AVENUE, BELMAR, NEW JERSEY**

Public hearing: Jim Bean, 16<sup>th</sup> Avenue, stated this ordinance is an abuse of power and stinks. He suggested putting this on for a vote via a referendum at the November election. He understands why the Borough wants the building but does not agree with how it is being done.

Mr. Varga explained the ordinance. It doesn't mean an eminent domain proceeding will be initiated immediately. The first step is to negotiate which is our hope to do. If we cannot negotiate then at the time we would decide if we would proceed with eminent domain.

Cheri Russo, 1218 Briarwood Road, asked about fees listed in the ordinance. Thinks this is a horrific situation. Felt we could have spent less money to save the first aid.

Mike Seebeck, 110 2<sup>nd</sup> Avenue, asked about the 1.5 million bond ordinance and why we didn't bid that in the first place.

Mayor Walsifer stated we had an appraisal done and bid that amount. Another bidder came in higher and we agreed to pay the higher price when they withdrew. It's important to have the building for the town. We have been in negotiations and this is where we are at.

Mr. Seebeck asked if eminent domain was plan B when we bid on the building. Mayor Walsifer explained we were in negotiations, but they added deed restrictions which led to us to think about eminent domain. He added the ordinance just continues negotiations. Mr. Seebeck felt if we were going to pursue eminent domain, we shouldn't have wasted the money on a bond ordinance.

Councilman McCracken stated if the first aid wants the building to continue to be used for the public then why are they not working to be more charitable. He clarified even if we do eminent domain we are still paying for the property.

Mayor Walsifer explained the history of events that have led to this point. He further explained how important it is to have that building for public safety.

Brett Lomas, 609 9<sup>th</sup> Avenue, asked what the deed restrictions are. Mayor Walsifer stated we cannot alter or expand the building at all.

Mark Levis, 904 13<sup>th</sup> Avenue, stated it seems like we are strong arming them when we should be negotiating with them. Mr. Varga explained we are negotiating with them. Mr. Levis suggested removing eminent domain from the ordinance.

Gerald Buccafusco, 409 5<sup>th</sup> Avenue, agrees the ordinance is just setting up the process to purchase the building but he is not clear on how eminent domain process works. If the Council is going to pursue eminent domain that it be put up for a vote by the Council. Mr. Varga explained the Council could discuss it, but a vote is not required. Mr. Buccafusco suggested there be a vote to show transparency. He also suggested looking into other property in a commercial area. Councilman Carvelli stated we wouldn't be able to build a building for 1.5 million.

Mr. Varga explained the four new deed restrictions that were added once the Borough became the only bidder. Two of the conditions were that the building and parking lot could not be expanded. The issue was we don't know what will happen in the future and if there will be larger equipment that may need a bay to be enlarged or some other situation.

Maria Rondinaro, 1246 Pinetree Way, residents don't want eminent domain. Taking it off the table will show good will.

Councilwoman Wann made a motion to close the public hearing, which was seconded by Mayor Walsifer and

approved unanimously.

Councilman McCracken stated we are elected to make tough decisions and sometimes people will disagree with them, but the decisions have to be what's best for Belmar. We have to move forward in a way to protect the town and provide adequate public safety resources. Understands decisions will become political during the election. Attorney did a good job explaining everything tonight. Will vote to continue negotiations and hope it doesn't get to eminent domain.

Mayor Walsifer made a motion to adopt Ordinance 2021-17, which was seconded by Councilwoman Wann and approved by the following vote:

AYES: Wann, Carvelli, McCracken and Walsifer

**ORDINANCE 2021-18** *Second Reading & Public Hearing*

**ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF BELMAR, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER XXVI ENTITLED HOUSING AND PROPERTY MAINTENANCE IN ORDER TO PROHIBIT THE PLANTING OR GROWING OF BAMBOO**

Public hearing: none

Councilman Carvelli made a motion to close the public hearing, which was seconded by Councilwoman Wann and approved unanimously.

Councilman Carvelli made a motion to adopt Ordinance 2021-18, which was seconded by Councilwoman Wann and approved by the following vote:

AYES: Wann, Carvelli, McCracken and Walsifer

**PUBLIC SESSION:**

Gerald Buccafusco, 409 5<sup>th</sup> Avenue, stated Councilman McCracken's comments upset him. He stated he would be making his comments whether he was running for election or not. Councilman McCracken stated it may not be a party line issue (meaning First Aid purchase) but it is political, people will take sides. He wants the community to come together and do what's best for the town.

Gina Greer, 1809 B Street – Lake Como, was concerned about two incidents that happen over the weekend. First incident was someone parking in the yellow zone on 15<sup>th</sup> Avenue and the person stated to a friend that he was not concerned about receiving a \$45 parking ticket. She asked are we monitoring parking in safety zones, ticketing and towing. Mayor Walsifer stated the police department will make the decision whether to tow or ticket. The second incident was yesterday a car was blocking her driveway. She came to the police department and spoke to someone through an intercom. She was discouraged by the comment that she was responsible for contacting the tow company. She then asked for them to come ticket the car but by the time they got there the people were leaving. The people were advised they were blocking her driveway, but they didn't care because they felt nobody enforces it. Mayor Walsifer will discuss the situation with Chief Scott.

Linda Sharkus, 4<sup>th</sup> Avenue, stated during COVID plans and applications for Zoning Board and Planning Board meetings were posted online and hopes we can continue it. Ms. Claudio will look into it. Ms. Sharkus was concerned about the environmental impact of the demolition of the old church on 7<sup>th</sup> Avenue and the air quality for the neighbors.

Wayne Thielen, 501 15<sup>th</sup> Avenue, felt there is a lot of intimidation going on in town. He stated Mr. Kirschenbaum came to his house and intimidated him when discussing the 15<sup>th</sup> Avenue project. Mayor Walsifer stated he will look into this matter and have a police officer take his statement.

Cheri Russo, 1218 Briarwood Road, questioned Councilman McCracken's comments previously made. She stated she spoke up at meetings during the prior administration when there were issues, or she disagreed with them. Councilman McCracken apologized if he offended her. He stated what is discouraging is the facts with the sale of the first aid have been exaggerated and twisted.

Mike Seebeck, 110 2<sup>nd</sup> Avenue, stated it is also discouraging when the public doesn't have all of the information which is why they come to the meetings and ask questions.

Mayor Walsifer made a motion to close the public session and adjourn the meeting, which was seconded by Councilwoman Wann and approved unanimously.

Respectively submitted,

April Claudio  
Municipal Clerk