"GOD BLESS AMERICA"

REGULAR MEETING

JANUARY 19, 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: Mayor Doherty, Councilman Brennan, Councilwoman Nicolay, Councilwoman Keown-

Blackburn, Councilman Magovern, Borough Attorney George McGill 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 December 4, 2015 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.

<u>PLEDGE OF ALLEGIANCE</u>

MOMENT OF SILENCE: Our troops and their families

SPECIAL PRESENTATION:

- 2015 Fire Chief George Burr
- Employee of the Month: Ray Claudio, Recreation Director
- Belmar Woman's Club presented donations they raised through their Monopoly fundraiser to the Belmar First Aid, Fire Department, Boy Scouts and Girl Scouts Troops, Belmar Elementary School and Belmar Cares.
- Danielle Decarolis from Belmar Elementary School received a \$1,000 STEM grant check from JCP&L

WORKSHOP DISCUSSION:

- Enhanced Animal House Ordinance
 - o Mayor Doherty stated the City of Wildwood adopted an ordinance that we would like to review and see if can incorporate into our ordinance regarding summer rentals and animal houses.
 - o Ms. Connolly stated the ordinance joins summer rentals with the mercantile license process to allow for those who violate the animal house ordinance to be held accountable.
 - Mayor Doherty stated he would look to introduce the ordinance for first reading at the next meeting.
- Nick Decotiis, Maser Engineering, explained the resolution to be added to the agenda to award a contract for the Fifth & Tenth Avenue pavilions. He explained there were three bids received however two bidders rescinded their bids due to mathematical errors and therefore he recommends the contract be awarded to Epic. He stated they plan use to value engineering to get the most out of Epic. The Council members had some concern about Maser managing the project. Mr. Decotiis stated they would manage the project no differently than they have for all of the Borough's construction projects. Ms. Connolly stated Mr. Decotiis's letter was reviewed by a procurement attorney for the Borough and they have issued a letter that the whole bidding and review process was done correctly.

PETITIONS: none

APPROVAL OF MINUTES: Council member Magovern made a motion to approve the minutes of the December 28, 2015 meeting and the January 7, 2016 meeting, which was seconded by Mayor Doherty and approved by the following vote:

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

REPORTS OF COUNCIL:

Council member Magovern: Attended the Fire Chief's dinner last weekend. Thanked all of the fireman who volunteer their time. Will be signing up for the polar bear plunge for ALS.

Council member Keown-Blackburn: Last week was the senior luncheon. There is a rabies clinic in Bradley Beach this weekend and recommended everyone go if they need to because dog licenses have to be renewed this month. DPW did a good job preparing for this past weekend's snow. There is walking in the gym on Tuesdays

and Thursdays at 1 pm.

Council member Brennan: Harbor Commission met last week. Thanked Paul Desanctis for being chairman for many years. They will be appointing a new Chairman. Still looking into the cleanup bins for the marina. Environmental Commission obtained a copy of Lake Como's bamboo ordinance and will have the Borough Attorney review it.

Council member Nicolay: Belmar Arts Council is now called Belmar Arts Center. Announced their upcoming events. Recreation running a bus trip to Beautiful: The Carole King musical. St. Rose Grammar School holding open houses. Belmar Elementary School is doing a Chopped contest. DPW is preparing for the storm. Encouraged everyone to shop local.

Mayor Doherty: Also attended the Fireman's dinner. We save a tremendous amount of money by having volunteer fireman and they should be applauded. Dredging in the marina has concluded for now. There are black bags with the sludge from the marina that will be dewatering over the next few months and then removed. He will be running for Monmouth County Freeholder this year. Its 47 days until parade day.

PUBLIC HEARING: SPECIAL IMPROVEMENT DISTRICT BUDGET

- Public Hearing
 - o Sal Marchese, President of BBP, presented a booklet of accomplishments for 2015 and goals for 2016. They are asking the Council to approve their 2016 budget for \$133,800.
 - Council member Magovern asked why the budget has gone up from last year's budget of \$118,700. Mr. Marchese stated the budget has gone up but there will be no increase to the tax payers.
 - o Gail O'Reilly, Treasurer of the BBP, explained the history of their budget. Their 2016 budget is similar to their 2012 budget.
 - o Council member Magovern asked if they plan to do more with the increased revenue.
 - O Dirk Reitsma, member of the BBP, stated they anticipate purchasing the benches, flowers and flags for Main Street from 5th to 10th to match the rest of the town if the Borough proceeds with that project.
 - Council member Magovern asked if they can anticipate their budget to go up or decrease over time. Mr. Reitsma stated they would always do more with more money but also don't want to put a burden on the business owners.
 - Council member Keown-Blackburn asked how many businesses there are and how often they communicate with them. Ms. O'Reilly stated there are about 169 businesses and they send out email blasts and hold meetings. Council member Keown-Blackburn asked for an example of what a special program expense is. Ms. O'Reilly stated the employee of the month certificate and Belmar flags for sale. Council member Keown-Blackburn stated she remembers when they were incorporated that one of the things they said they would do would be to bring in diverse businesses and asked if they feel they've accomplished that. Mr. Marchese stated they have helped bring in stores, the number of vacancies have decreased.
 - o Council member Nicolay stated the BBP does work very hard and has a passion to make the town better for the businesses. She sees a tremendous amount of improvement each year.
 - o Mayor Doherty stated they have done a great job over the past couple of years.
 - David Schneck, 302 C Street, asked if property owners who don't pay property taxes under a redevelopment area are included in the SID. Mayor Doherty stated those that have a tax abatement are not included in the SID. Mr. Schneck asked why they would be exempt.
 - Connie Dallaportas, 1002 Main Street, stated it is sad that there are so many properties that were
 on the tax sale auction for their SID bill. She doesn't want the SID budget approved.
 - o Tom Volker, 527 8th Avenue, stated the BBP plans to address the redevelopment zone properties this year.
 - o Gene Creamer, Fourth Avenue, stated they have done nothing to improve or raise the assessed values of commercial properties.
 - Mayor Doherty made a motion to close the public hearing, which was seconded by Council member Brennan and approved unanimously.
- Mayor Doherty offered Resolution 2016-27, Resolution adopting 2016 Special Improvement District Budget, for adoption, which was seconded by Council member Magovern and approved by the following vote:

AYES: Magovern, Brennan, Nicolay, and Doherty

NAYS: Keown-Blackburn

- Prior to voting the following comments were made:
 - o Council member Keown-Blackburn stated she feels that some of the expenses listed in the budget

- should be the responsibility of the Borough and not the property owners. The number of vacancies in storefronts has decreased however there aren't a diverse amount.
- o Council member Magovern stated he feels the budget is high despite their good explanation. Believes they do actually work hard. He would like them to readdress their assessment formula.
- O Council member Brennan stated he feels some businesses are being double taxed. Remembers when there was a Chamber of Commerce that was all volunteer and dependent on who participated and gave money. When comparing the two the SID is far more affective. The videos they did last year were done really well and would like to see more of them.

Mayor Doherty made a motion to amend the Consent Agenda to add a resolution awarding the contract for the pavilions, which was seconded by Council member Keown-Blackburn and approved by the following vote:

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

<u>PUBLIC SESSION:</u> Public Session on resolutions only on the Agenda. We will continue to have a Public Session at the end of this meeting.

Ted Ehmann, Oakwood Road, asked to discuss the resolution for paddleboard lessons at Maclearie Park. He stated he has become familiar with Green Acres law through various OPRA requests to different agencies. He felt that when this was brought up in 2014 nobody questioned the legality of it. He read the statute regarding green acres and doesn't find anything in it that allows the Borough to lease the property to a company for profit. He doesn't like that the lease states Maclearie Park when they actually operate at the L Street beach. Also doesn't like that the company who had the lease is advertising lessons for sale for 2016 and we haven't accepted bids yet.

Patricia Corea, 303 Ocean Avenue, stated value engineering is a way to look for cost savings while getting the same type of work done. Felt it would behoove Maser to figure out ways to save costs before the project starts.

George Skudera, 1311 River Road, stated he is all for the paddleboard program however Belmar failed to enforce the terms of the lease in 2014 and 2015. There were numerous violations by Summertime Surf who held the lease. Summertime Surf moved from the southern end of Maclearie Park to L Street beach in 2015 which violated the lease agreement and ignored the inherent safety issues such as the beach not having a lifeguard and first aid supplies. Felt Belmar was at risk to being sued by putting all of the beach attendees in danger. Another violation was the installation of a permanent structure to the bulkhead of the L Street beach for the storage of paddleboards. Another violation was the signage installed and a tent. He was also concerned about Summertime Surf advertising for 2016 lessons and camps prior to bids being received. Was also concerned about the low lease amount of \$500.

Mike Seebeck, 110 Second Avenue, thanked Council member Keown-Blackburn for voting against the SID budget. He felt there should have been some discussion by Mr. Decotiis about the savings for the Borough for the pavilions. He would like there to be a public meeting and discussion on these savings before the project is started. Mayor Doherty stated there would have been a cost savings two years ago when they wanted to start building the pavilions instead people fought it. Mr. Seebeck asked about a payment to Birdsall on the bill list. Ms. Connolly stated it is actually a voided check and not a payment.

Gene Creamer, Fourth Avenue, stated he was disappointed in the engineer's analysis of the bids. He felt there should be a bid analysis provided to the residents. Mayor Doherty stated it was explained earlier. Mr. Creamer asked about the bid securities and what is our protection from bid collusion.

Gill Olsen, Summertime Surf, stated they have been the only bidder for the paddle board lease and request the bid stay at \$500. They offer a week long training and hire skilled people to ensure safety. They have assisted people when there aren't lifeguards present and pride themselves on being able to help. They have a history of working with the town to keep a good relationship and make sure they are a good fit.

Mayor Doherty asked that they stop advertising on their website until the bids are taken. Mr. Olsen stated they are banking on their integrity to get the lease again and understand the liability of accepting registrations knowing there's a chance they could not get the lease.

Council member Magovern asked if he went to the L Street beach with his paddleboard would he be denied access. Mr. Olsen replied no and stated the beach is used by other paddle boarders, scuba divers and kayaks. He added that last year they made a small donation to the town to help with improvements to the bathrooms there.

Bill Straus, 1218 Oakwood Road, stated he doesn't have any problem with the paddle board people but the location in the lease says the south end and it should be corrected or changed.

Joy DeSanctis, 101 Sixth Avenue, asked if FEMA and JIF money will be used to build the pavilions. Mayor Doherty stated this matter is under litigation. Ms. DeSanctis asked if we accepted any bid bonds and can we keep them. Mayor Doherty stated we will look into it.

David Schneck, 302 C Street, asked that the paddleboard resolution be removed from the consent agenda and voted on separately. He questioned the bid amount for the pavilions because he feels the bond ordinance will not have enough money left after paying Maser for their bills.

Dan Sharfenberger, Neptune, shore protection fund resolution was created by his group and explained what they do and the need for the resolution. Thanked the Mayor for his support and asked the Council to support the resolution.

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

Council member Magovern suggested tabling the paddleboard resolution. Therefore, he made a motion to remove the resolution from consent agenda, which was seconded by council member Keown-Blackburn and approved by the following vote:

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

NAYS: Brennan

Council member Magovern made a motion to table, **RESOLUTION AUTHORIZING THE ADVERTISEMENT FOR BIDS TO LEASE A PORTION OF MACLEARIE PARK FOR STAND UP PADDLE BOARD LESSONS**, which was seconded by Council member Keown-Blackburn and approved by the following vote:

AYES: Magovern, Keown-Blackburn, Brennan, 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:

2016-28

RESOLUTION AUTHORIZING PAYMENT OF BILLS

<u>PAYMENT OF BILLS:</u> certification that the vouchers listed on the warrant register numbering 64899 thru 64965 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	\$762,246.39
05	General Capital Account	-\$10,875.00
11	Water/Sewer Account	\$344,004.83
15	Water/Sewer Capital Account	-\$810.00
21	Beach Utility Account	\$13,017.21
41	Dog License Account	\$2,943.00
55	Trust Fund Account	\$3,668.73
61	Tourism Development Account	\$2,100.66
Total:		\$1,116,295.82

2016-29

RESOLUTION APPOINTING MUNICIPAL COURT JUDGE

2016-30

RESOLUTION AUTHORIZING THE ADVERTISEMENT FOR BIDS TO LEASE A PORTION OF THE TWENTIETH AVENUE BEACHFRONT FOR A SKIM BOARDING CAMP

RESOLUTION AUTHORIZING THE ADVERTISEMENT FOR BIDS TO LEASE A PORTION OF THE SECOND AVENUE BOARDWALK FOR YOGA CLASSES

2016-32

RESOLUTION AUTHORIZING THE ADVERTISEMENT FOR BIDS TO LEASE A PORTION OF THE SECOND AVENUE BOARDWALK FOR ZUMBA CLASSES

2016-33

RESOLUTION AUTHORIZING THE CLERK OF THE BOROUGH OF BELMAR TO ADVERTISE FOR BIDS AND NOTICE TO BIDDERS FOR LEASES FOR TWO KITCHEN TRAILERS ON THE BELMAR BOARDWALK

2016-34

RESOLUTION AWARDING CONTRACT FOR ENCODER REGISTERS, COLD WATER METERS AND RADIO FREQUENCY METER INTERFACE UNITS

2016-35

RESOLUTION IN SUPPORT OF AN INCREASE IN THE DEDICATED \$25 MILLION ANNUAL ALLOCATION FOR THE SHORE PROTECTION FUND

2016-36

RESOLUTION AWARDING CONTRACT FOR CONSTRUCTION OF THE FIFTH AND TENTH AVENUE PAVILIONS

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

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

ORDINANCES:

First Reading & Introduction:

ORDINANCE NO. 2016-01

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER IX, CONFLICTS OF INTEREST OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY

Mayor Doherty offered Ordinance 2016-01 for first reading and introduction, which was seconded by Council member Keown-Blackburn and approved by the following vote:

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

First Reading & Introduction:

ORDINANCE 2016-02

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XL DEVELOPMENT REGULATIONS OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BELMAR IN THE COUNTY OF MONMOUTH, NEW JERSEY

Mayor Doherty offered Ordinance 2016-02 for first reading and introduction, which was seconded by Council member Nicolay and approved by the following vote:

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

PUBLIC SESSION:

Tom Burke, 608 10th Avenue, stated after some consideration and hearing some discussion tonight he has decided he will be running for Borough Council again this year.

Peter Piro, North Blvd., asked for the status on the Lake Como pipe project. Ms. Connolly stated the grant agreement is on her desk and Maser is making great progress on the environmental study.

Mike Seebeck, 110 Second Avenue, welcomed Mr. McGill. He asked what the outstanding debt of the Borough is. Mayor Doherty suggested he view the audit which is posted on the website.

David Schneck, 302 C Street, stated he's been checking for the annual debt statement to be posted on the website and hasn't seen it yet and knows it comes out in January.

Katrina Clapsis, B Street, wanted to ask the Borough attorney a question. Mayor Doherty asked her to address

her questions to the chair. She asked if what he said is legal. Mayor Doherty stated Mr. McGill is the attorney for the town and if she has questions she should contact her own attorney. She questioned the changes to the play to play ordinance and how it affects Belmar. She felt the changes are beneficial to the Mayor personally. She also felt it is uncomfortable when they come up to ask questions and they are laughed at. Mayor Doherty stated they have been discussing changes to the ordinance since last summer and there will be a public hearing at the next meeting.

Gene Creamer, Fourth Avenue, attempted to address the audience. Mayor Doherty asked him to address the Mayor and Council directly. Mr. Creamer stated he was trying to point out that it is a waste of time to address the council because they don't answer any questions. Mayor Doherty stated Mr. Creamer will no longer be able to address the Mayor and Council because of the hand gestures pointed at the Mayor.

Mr. Straus, Oakwood Road, asked to volunteer to work on the Mayor's campaign for Freeholder.

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

Respectively submitted,

April Claudio Municipal Clerk