

“GOD BLESS AMERICA”

REGULAR MEETING

JUNE 8, 2016

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 Nicolay, Councilwoman Keown-Blackburn, Councilman Magovern, Borough Attorney George McGill Esq., Business Administrator Colleen Connolly, and Borough Clerk April Claudio

ABSENT: Mayor Doherty

“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 28, 2016 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, Jane Smythe, and Bob Graney

PROCLAMATIONS: none

WORKSHOP DISCUSSION:

Verizon Wireless is installing ODAS systems which are clusters of small network nodes in municipal and county right of ways. A representative from Verizon was present to explain this process and ask for the Mayor and Council to give consent to attach their systems on no more than six utility poles or street lamps within the Borough in 2017. Council member Nicolay asked if any other towns have these. This is still in the implementation process so none have been installed yet anywhere. A radio frequency study would be done to determine location and number of installs.

James Murphy, P3 Global Management, gave a presentation on bike sharing programs. They pay for the entire program. Work with sponsorships to get names on the bikes. Would like to get this in place for next spring. A certain percentage of the revenue would go back to the town after they recoup their capital investment. They currently have this set up in Hoboken and it is working very well.

Nick Decotiis of Maser Consulting gave an update on the Maclearie Park and Lake Como projects. Still working with state on the documents they need for the Lake Como project. After the documents are approved there is a public comment period and then after that we can advertise for bids. Construction would start in early 2017 and take about nine months. The bathroom and shade structure at Maclearie Park should be installed within the next few weeks. In the fall, bocce ball courts will be installed and the tennis courts will be resurfaced. Ms. Connolly stated the Borough will be working on replacing the grills and picnic tables.

PETITIONS: none

APPROVAL OF MINUTES: Council member Keown-Blackburn made a motion to approve the minutes of the May 3, 2016 meeting, which was seconded by Council member Brennan and approved by the following vote:

AYES: Magovern, Keown-Blackburn, Nicolay and Brennan

REPORTS OF COUNCIL:

Council member Keown-Blackburn: St. Rose High School track team won the state championship. Senior luncheon is this Wednesday. Monmouth County has prepared flyers outlining all the pantries available for senior citizens. Belmar Womans Club and Central Jersey Blood Bank is holding a blood drive. Choose Your Cover will be held on July 16th.

Council member Brennan: Environmental Commission meets tomorrow. There is a fundraiser this Sunday for the Beach Music Studios scholarship at Beachaus Brewery.

Council member Nicolay: This evening is the BALC little league fundraiser at 10th Ave Burrito. Congratulated Citizen of the Year Gene Murray. Thanked all who voted yesterday. Gave an update on St. Rose Grammar

School, Belmar Elementary School and Belmar Arts Council events. Gave an update on what DPW has been doing getting ready for the summer. BBP social media campaign is going well, facebook page numbers are increasing and there is a Belmar commercial. BBP parking committee is working on a project with the Borough that includes additional bike racks being installed in an effort to encourage people to bike rather than drive.

Council member Magovern: Mayor’s Ball last week raised over \$40,000 for Belmar Youth Club. Congratulated the St. Rose track teams. Memorial Day weekend was great at the beach and the Memorial Day Service was also great.

PUBLIC HEARING – 2016 BUDGET:

Robbin Kirk, CFO, gave a PowerPoint presentation on the 2016 budget. Ms. Connolly added that this is our sixth year of no tax increase. Ms. Kirk stated the overall taxes are going down about \$5,000. Ms. Connolly thanked all the Department Heads who helped put the budget together.

Claire Deicke, 101 14th Avenue, stated she is very impressed with the work Ms. Kirk has done. Opposition in town has been critical of the debt but felt tonight a good presentation was given on how the debt is being paid down.

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

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

Ollie Klein, Klein’s Fish Market, spoke on the resolution of the liquor license transfer for 507. He had a number of concerns: will the pump station in this area be able to handle the additional usage, security, fencing, noise, policing, and parking.

Gene Murray, 710 8th Avenue, agreed with Mr. Klein.

Roger McLaughlin, attorney for Dockside Dining, stated the concerns brought up were discussed when this property went before the Planning Board. He stated the bathroom is sufficient for the occupancy, the entire property will be fenced in, the Board put restrictions on noise, and 40 additional parking spaces were created that weren’t there before.

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

RESOLUTIONS:

Council member Brennan offered the following resolution for adoption: **2016-95, RESOLUTION AMENDING 2016 BUDGET**, which was seconded by Council member Nicolay and approved by the following vote:

AYES: Magovern, Keown-Blackburn, Brennan and Nicolay

Council member Keown-Blackburn offered the following resolution for adoption: **2016-96, RESOLUTION ADOPTING 2016 BUDGET AND BUDGET AMENDMENT**, which was seconded by Council member Brennan and approved by the following vote:

AYES: Magovern, Keown-Blackburn, Brennan and Nicolay

Council member Magovern offered the following resolution for adoption: **2016-97, RESOLUTION AUTHORIZING A PERSON TO PERSON AND PLACE TO PLACE TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE WITH BROAD PACKAGE NO. 1306-32-006-012 DCJ BELMAR, INC. TO DOCKSIDE DINING LLC**

Council member Brennan stated he would be recusing from voting on all liquor license resolutions since his band plays at many of these establishments.

Council member Keown-Blackburn stated she is not sure this is in the best interest of the residents and therefore would vote no.

Mr. McLaughlin stated the borough approved a liquor license at this property location as part of the developer’s agreement for this property with Loko.

Council member Nicolay asked about restrictions, noise, and occupancy. Ms. Connolly added the Police Department has restrictions and plans on how to address people overflowing onto the street and entering and existing. Council member Nicolay was concerned about security, parking and noise and stated she would vote no.

Council member Magovern stated he disagrees. The planning board did go over this thoroughly and they agreed to do everything the Board asked for. Security is no different than that at 9th Avenue pier. The demographic won't be similar to 507 or Boathouse. Music won't be blasting. Has known the Harmons for many years and feels they would do a good job. Feels it will be similar to the 9th avenue pier and will be well liked. He added he would be in favor of this.

Mr. McLaughlin stated they needed to be notified of a rejection ahead of time and feels the Borough is in violation of the law.

The resolution was seconded by Council member Nicolay and defeated by the following vote:

AYES: Magovern
NAYS: Nicolay and Keown-Blackburn
RECUSAL: Brennan

Council member Keown-Blackburn offered the following resolution for adoption: **2016-98, RESOLUTION AUTHORIZING ISSUANCE A CLUB LICENSE TO BELMAR FISHING CLUB FOR PERIOD ENDING JUNE 30, 2017**, which was seconded by Council member Brennan and approved by the following vote:

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

Council member Brennan offered the following resolution for adoption: **2016-99, RESOLUTION AUTHORIZING ISSUANCE OF CLUB LICENSE TO THE ORDER OF FRIENDLY SONS OF SHILLELAGH FOR PERIOD ENDING JUNE 30, 2017**, which was seconded by Council member Magovern. Being that Council members Brennan and Magovern are members of the Shillelaghs they would have to recuse from the vote. Therefore this left only Council members Keown-Blackburn and Nicolay left to vote which does not constitute a quorum. No roll call was taken. Ms. Claudio will contact State ABC on how to proceed.

CONSENT AGENDA #1:

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 Brennan offered the following resolutions for adoption:

**2016-100
RESOLUTION AUTHORIZING PAYMENT OF BILLS**

PAYMENT OF BILLS: certification that the vouchers listed on the warrant register numbering 65541 thru 65675 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	\$3,199,478.32
05	General Capital Account	\$274,721.88
11	Water/Sewer Account	\$549,472.30
15	Water/Sewer Capital Account	\$6,084.59
21	Beach Utility Account	\$71,997.39
2	Beach Capital Account	\$27,136.58
23	Parking Utility Fund	\$856.35
42	Dog License Account	\$2,960.40
55	Trust Fund Account	\$42,415.77
61	Tourism Development Account	\$32,524.29
	Total:	\$4,207,647.87

2016-101

RESOLUTION APPOINTING SPECIAL POLICE OFFICERS FOR 2016

2016-102

RESOLUTION AUTHORIZING THE USE OF A REQUEST FOR PROPOSAL PROCESS AND AUTHORIZING THE FINANCE DEPARTMENT OF THE BOROUGH OF BELMAR TO ADVERTISE FOR REQUEST FOR PROPOSAL AND NOTICE TO BIDDERS FOR REVALUATION OF ALL REAL PROPERTIES

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

AYES: Magovern, Keown-Blackburn, Nicolay and Brennan

CONSENT AGENDA #2:

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:

2016-103

RESOLUTION AUTHORIZING ISSUANCE OF A PLENARY RETAIL CONSUMPTION LICENSE NO. 1306-33-001-010 FOR CHEFS INTERNATIONAL INC. FOR THE PERIOD ENDING JUNE 30, 2017

2016-104

RESOLUTION AUTHORIZING ISSUANCE OF PLENARY RETAIL CONSUMPTION ALCOHOLIC BEVERAGE LICENSE FOR CSL BELMAR LLC FOR PERIOD ENDING JUNE 30, 2017

2016-105

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, 2017

2016-106

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, 2017

2016-107

RESOLUTION AUTHORIZING ISSUANCE OF PLENARY RETAIL DISTRIBUTION LICENSE TO ARPADO, INC. T/A HANLEY'S LIQUORS FOR THE PERIOD ENDING JUNE 30, 2017

2016-108

RESOLUTION AUTHORIZING ISSUANCE OF PLENARY RETAIL DISTRIBUTION LICENSE FOR DAI SENG CORP. T/A LITTLE RED BARN FOR THE PERIOD ENDING JUNE 30, 2017

2016-109

RESOLUTION AUTHORIZING A 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, 2017 TO BE HELD IN POCKET (INACTIVE)

2016-110

RESOLUTION AUTHORIZING ISSUANCE OF SEASONAL RETAIL CONSUMPTION LICENSE TO D'JAIS LLC, T/A D'JAIS FOR THE PERIOD ENDING JUNE 30, 2017

2016-111

RESOLUTION AUTHORIZING ISSUANCE OF SEASONAL RETAIL CONSUMPTION LICENSE TO THE IRISH CURSE, LLC DBA 10TH AVENUE BURRITO LICENSE NO. 1306-34-004-001, FOR THE PERIOD ENDING JUNE 30, 2017

2016-112

RESOLUTION AUTHORIZING ISSUANCE OF SEASONAL RETAIL CONSUMPTION LICENSE NO. 1306-34-001-004 TO FUSAL, LLC T/A LA DOLCE VITA FOR THE PERIOD ENDING JUNE 30, 2017

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

AYES: Magovern, Keown-Blackburn and Brennan
NAYS:
RECUSALS: Brennan

ORDINANCES:

Second Reading & Public Hearing:

ORDINANCE NO. 2016-05
CALENDAR YEAR 2016 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK

Public hearing: no comments

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

Council member Keown-Blackburn made a motion to adopt ordinance 2016-05, which was seconded by Council member Magovern and approved by the following vote:

AYES: Magovern, Keown-Blackburn, Nicolay and Brennan

First Reading & Introduction:

ORDINANCE 2016-06
ORDINANCE OF THE BOROUGH OF BELMAR, AMENDING CHAPTER XVI, POLICE
REGULATIONS

Council member Brennan offered Ordinance 2016-06 for first reading and introduction, which was seconded by Council member Keown-Blackburn and approved by the following vote:

AYES: Magovern, Keown-Blackburn, Nicolay and Brennan

First Reading & Introduction:

ORDINANCE 2016-07
ORDINANCE AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION IN THE
AMOUNT OF \$210,000 FOR THE PREPARATION AND EXECUTION OF A
COMPLETE REVALUATION OF REAL PROPERTY IN AND BY THE BOROUGH OF
BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY

Council member Brennan offered Ordinance 2016-07 for first reading and introduction, which was seconded by Council member Magovern and approved by the following vote:

AYES: Magovern, Keown-Blackburn, Nicolay and Brennan

PUBLIC SESSION:

Sandy Caputo, 1705 Surf Avenue, was concerned about football playing on the beach being dangerous. Council member Magovern stated they could speak to Head Lifeguard Ray Elms about keeping an eye on it. Mr. McGill pointed out the ordinance doesn't completely prohibit it but does allow it to be stopped if it's creating a dangerous situation.

Brendan Reed, 100 Ninth Avenue, stated we need a comprehensive parking study. NJ Transit is adding their additional weekend train service this weekend. Felt we should encourage people to take the train to Belmar.

Claire Deicke, 1017 14th Avenue, on behalf of Belmar Cares thanked the Borough for allowing them to use the building for the In the Pink event.

David Schneck, 302 C Street, asked if Council member Brennan is going to recuse himself from voting on every liquor license because he feels it is a problem. His concern was he felt it's his duty as a Council member to vote on ABC licenses. He asked for an explanation on Ordinance 2016-06. He felt the ordinance was wordy and overly broad.

Council member Magovern made a motion to close the public session, which was seconded by Council member Nicolay and approved unanimously.

Council member Magovern made a motion to adjourn the meeting, which was seconded by Council member Brennan and approved unanimously.

Respectively submitted,

April Claudio
Municipal Clerk