"GOD BLESS AMERICA"

REGULAR MEETING

NOVEMBER 9, 2016

A Regular Meeting of the Mayor and Council of the Borough of Belmar held on the above date at **5:30 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

"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 September 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

YOUTH GOVERNMENT MAYOR AND COUNCIL MEETING:

- Belmar Elementary School (postponed to 12/6/16)

WORKSHOP DISCUSSION:

- Best Practices Checklist
 - o Mayor and Council acknowledged receipt of the checklist and stated they all reviewed it. There were no questions. Thanked the CFO and Business Administrator for putting it together.
- Barry Depeppe Redevelopment Projects
 - o Mayor Doherty recused himself and stepped off the dais.
 - o Mr. Depeppe presented a proposal for the redevelopment of the corner of 5th and Main where Strollos and Torche Gallery are located. The proposal would be retail on the first floor and residential units on the second and third floors. He has noticed a demand for one bedroom units and two bedrooms with one bathroom which would be incorporated into the building. Would have a space available for Strollos if they want to stay.
 - o Council member Brennan would like to see an outdoor dining area for Strollos similar to what they have now.
 - o Council member Nicolay asked about parking. Mr. Depeppe stated it will have a parking lot similar to the one at 800 Main Street.
 - o Mr. Depeppe stated he would like the Mayor and Council to move the seaport redevelopment zone boundary line back 50 feet to include the adjacent residential property which they are in negotiations to purchase. He sees that as an area of additional parking that would benefit everyone. Could add sixteen parking spaces.
 - o Council member Brennan liked the concept and feels the building will be attractive.
 - o Council member Nicolay stated she likes the parking plan.
 - o Council member Magovern stated he would like to speak to some of the neighbors about the project.
 - O Mr. Depeppe presented a second project for 10th Avenue next to the railroad tracks where the current municipal lot and the building at 707 10th sit. He is in discussions with Jaeger Lumber about getting an easement to extend the existing alleyway towards the railroad tracks rather than into the current parking lot. The concept is to merge the Borough parking lot and the building at 707 10th Avenue and build a four story building. The first floor would be a covered parking lot and the second, third and fourth floors would be residential units. A total of 60 units and 87 parking spaces.
 - Ms. Connolly stated she had discussed the parking with Mr. Depeppe and came up with the idea of using the Borough property at 13th and Railroad as a parking lot that would add an additional 47 parking spaces.
 - Council member Brennan liked the idea of the parking lot but was concerned about the lack of sidewalk from 13th to 10th and pedestrian safety. Mr. Depeppe stated the goal would be to draw the people to walk towards Main Street on 13th or 12th and then go north or south on Main Street.
 - Council member Brennan suggested they speak to the school because they have an evacuation plan that goes into the municipal lot.
 - Council member Keown-Blackburn felt we should take into consideration the benefit of that parking lot 5-10 years from now because Main Street between 12th and 14th may be the next area to be redeveloped.

- William Northgrave, Redevelopment Attorney, discussed Ordinance 2016-12 which modifies the financial agreement for Mr. Depeppe's project at 5th and Main. At the time it was uncertain if the residential units would be apartments or condos. The property is being converted to condos. The PILOT program was renegotiated and works out better for the town.

PETITIONS: none

APPROVAL OF MINUTES: Council member Magovern made a motion to approve the minutes of the October 4, 2016 meeting, which was seconded by Council member Keown-Blackburn and approved by the following vote:

AYES: Magovern, Keown-Blackburn, Brennan and Nicolay

ABSTAIN: Doherty

REPORTS OF COUNCIL:

Council member Magovern: Shade Tree Commission is working on their Tree City application which would allow them to participate in grant programs. Has heard some residents complain of sewer backups due to flushable wipes which are not really flushable. He would like to put out a flyer in one of our next mailers about it.

Council member Keown-Blackburn: Veteran's Day service is this Friday at 9:30 am. The Historical Society will have refreshments at the Arts Council afterwards. December 6th starts winter walking in the gym on Tuesdays and Thursdays. Congratulated Mark Walsifer on his win at yesterday's election. Thanked everyone for supporting her, thanked the Borough staff, Fire, First Aid and Police Departments. She has enjoyed her three years on the Council.

Council member Brennan: Congratulated all of the candidates for putting in the time to run. Proud to have served with Council member Keown-Blackburn.

Council member Nicolay: Congratulated Mark Walsifer and Council member Magovern. She is going to miss Council member Keown-Blackburn. Encouraged everyone to buy local, visit the Arts Center, and recreation basketball has started.

Mayor Doherty: Lost the election for Freeholder, congratulated Tom Arnone and Serena Dimaso. Congratulated Mark Walsifer on wining. Council member Keown-Blackburn has done a tremendous job over the years transforming Belmar. Taylor Pavilion is moving forward well and hope to have it completed sometime in January. It will be a prized possession of the community. We will be going out to bid in the near future for the Lake Como outflow pipe. When he ran for Freeholder he solicited donations from several people which has caused him to have to recuse himself from voting on some resolutions in the future because of our current ordinance.

<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.

Mayor Doherty stepped off the dais.

Gene Creamer, Fourth Avenue, would like language added to the Fusal liquor license transfer resolution that requires two ADA parking spaces be added near the property.

Chief Huisman stated this wouldn't have to do with the liquor license but could look into his suggestion. Council member Magovern stated they can look into the approvals granted for the site when it went before the Zoning Board.

Joan Corallo, A Street, asked for an explanation on who the LLC's are in the liquor license transfers. Ms. Connolly explained.

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

Mr. McGill had to leave the meeting, his partner, Tom Hall stepped in.

RESOLUTIONS:

Mayor Doherty had previously stepped of the dais and was not eligible to vote on the below resolutions.

Council member Magovern offered, 2016-163, 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 Brennan

<u>PAYMENT OF BILLS:</u> certification that the vouchers listed on the warrant register numbering 66259 thru 66501 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	\$1,733,866.61
05	General Capital Account	\$742,631.09
11	Water/Sewer Account	\$65,198.00
15	Water/Sewer Capital Account	\$1,492.50
21	Beach Utility Account	\$89,595.58
25	Beach Capital Account	\$228,868.72
31	Public Assist 1 Account	\$100.00
41	Dog License Account	\$5.40
55	Trust Fund Account	\$79,491.67
61	Tourism Development Account	\$9,086.54
Total:		\$2,950,356.11

Council member Brennan stepped of the dais and recused himself from voting on the liquor license transfer resolutions.

Council member Magovern offered, 2016-164, RESOLUTION AUTHORIZING A PERSON TO PERSON AND PLACE TO PLACE TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NO. 1306-33-007-003 CSL BELMAR LLC (IN POCKET) TO IRISH CURSE LLC DBA 10TH AVENUE BURRITO, for adoption, which was seconded by Council member Keown-Blackburn and approved by the following vote:

AYES: Magovern, Keown-Blackburn, and Nicolay

Council member Magovern offered, 2016-165, RESOLUTION AUTHORIZING A PERSON TO PERSON TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NO. 1306-34-004-002 IRISH CURSE LLC DBA 10TH AVENUE BURRITO TO CSL BELMAR LLC (IN POCKET), for adoption, which was seconded by Council member Nicolay and approved by the following vote:

AYES: Magovern, Keown-Blackburn, and Nicolay

Council member Magovern offered, 2016-166, RESOLUTION AUTHORIZING A PERSON TO PERSON AND PLACE TO PLACE TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE WITH BROAD PACKAGE NO. 1306-32-015-006 SLBD ASSOCIATES LLC (HELD IN POCKET) TO FUSAL LLC, for adoption, which was seconded by Council member Keown-Blackburn and approved by the following vote:

AYES: Magovern, Keown-Blackburn, and Nicolay

Council member Magovern offered, 2016-167, RESOLUTION AUTHORIZING A PERSON TO PERSON TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NO. 1306-34-011-008 FUSAL LLC TO SLBD ASSOCIATIES LLC (TO BE HELD IN POCKET), for adoption, which was seconded by Council member Nicolay and approved by the following vote:

AYES: Magovern, Keown-Blackburn, and Nicolay

Council member Brennan rejoined the Council on the dais.

Council member Magovern offered, **2016-168**, **RESOLUTION REJECTING BID FOR BOARDWALK LUMBER**, for adoption, which was seconded by Council member Brennan and approved by the following vote:

AYES: Magovern, Keown-Blackburn, Nicolay and Brennan

Council member Magovern offered, **2016-169**, **RESOLUTION AWARDING CONTRACT FOR THE PURCHASE OF BOARDWALK LUMBER**, for adoption, which was seconded by Council member Keown-Blackburn and approved by the following vote:

AYES: Magovern, Keown-Blackburn, Nicolay and Brennan

Council member Magovern offered, 2016-170, RESOLUTION PROVIDING FOR THE INSERTION OF A SPECIAL ITEMS OF REVENUE IN THE BUDGET OF THE BOROUGH OF BELMAR PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159, P.L. 1948), for adoption, which was seconded by Council member Keown-Blackburn and approved by the following vote:

AYES: Magovern, Keown-Blackburn, Nicolay and Brennan

Council member Magovern offered, **2016-171**, **RESOLUTION RELEASING MAINTENANCE BOND FOR WESTPORT OF BELMAR LLC**, for adoption, which was seconded by Council member Brennan and approved by the following vote:

AYES: Magovern, Keown-Blackburn, Nicolay and Brennan

Council member Magovern offered, **2016-172**, **RESOLUTION RELEASING PERFORMANCE GUARANTEE FOR EASTPORT/LOKO CO. LLC**, for adoption, which was seconded by Council member Nicolay and approved by the following vote:

AYES: Magovern, Keown-Blackburn, Nicolay and Brennan

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:

2016-173

RESOLUTION AUTHORIZING THE MAYOR AND BOROUGH CLERK TO REQUEST PERMISSION FROM THE UTILITY COMPANIES FOR USE OF POLES FOR CHRISTMAS DECORATIVE BANNERS FOR 2016

2016-174

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE ASSOCIATED HUMANE SOCIETIES FOR ANIMAL CONTROL SERVICES FOR 2017

2016-175

RESOLUTION APPROVING DRIVERS OF FIRE APPARATUS FOR HOOK & LADDER FIRE COMPANY NO. 1 FOR 2016

2016-176

RESOLUTION ESTABLISHING BEACH STORAGE LOCKER FEES FOR THE 2017 SEASON IN THE BOROUGH OF BELMAR, MONMOUTH COUNTY, NEW JERSEY

2016-177

RESOLUTION AUTHORIZING SALE OF PERSONAL PROPERTY AT AUCTION

2016-178

RESOLUTION AUTHORIZING THE RECEIPT OF BIDS FOR MARINA FUEL

2016-179

RESOLUTION BY THE MAYOR AND COUNCIL AUTHORIZING THE TAX COLLECTOR TO EXTEND THE GRACE PERIOD FOR ADDED/OMITTED PROPERTY TAXES

2016-180

RESOLUTION AUTHORIZING A JURISDICTIONAL AGREEMENT BETWEEN THE STATE OF NEW JERSEY DEPARTMENT OF TRANSPORTATION AND THE BOROUGH OF BELMAR

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

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

ORDINANCES:

Second Reading & Public Hearing:

ORDINANCE NO. 2016-11

ORDINANCE OF THE BOROUGH OF BELMAR, AMENDING CHAPTER XXVII, STREET EXCAVATIONS, SIDEWALKS AND CURBS

Public Hearing: no comments

Mayor Doherty made a motion to close public hearing, which was seconded by Council member Keown-Blackburn and approved unanimously.

Mayor Doherty offered Ordinance 2016-11 for adoption, which was seconded by Council member Brennan and approved by the following vote:

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

First Reading & Introduction:

ORDINANCE 2016-12

ORDINANCE OF THE BOROUGH OF BELMAR, COUNTY OF MONMOUTH, NEW JERSEY AUTHORIZING THE EXECUTION OF AN AMENDED FINANCIAL AGREEMENT WITH $5^{\rm TH}$ AND MAIN URBAN RENEWAL, LLC

Mayor Doherty stepped off the dais. Council member Magovern offered Ordinance 2016-12 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

PUBLIC SESSION:

Greg Kapalko, Loko Co. LLC, stated he is trying to move forward with the Phase II project at Eastport. Would like to come before the Mayor and Council with a new Phase II plan that would be a joint venture with Ollie Klein.

Mike Seebeck, 110 Second Avenue, congratulated Council member Magovern, thanked Council member Keown-Blackburn for her service, and congratulated Mark Walsifer. He asked about the site remediation that is ongoing in Belmar Plaza. Mayor Doherty explained what is going on, it's not being done with public dollars, should be done by the end of November. Asked Mayor Doherty to reconsider his decision to not allow Gene Creamer to speak again. Council member Magovern pointed out Mr. Creamer was being disrespectful from his seat again.

Tom Dilberger, 1000 River Road, felt the town is already over developed. Agrees the proposed parking lot on 13th is a bad idea. Would like to see both plans knocked down.

Marcus Kirschenbaum, West Belmar, discussed his continued concerns with the tax revaluation and the cost approach being used.

Mark Walsifer, Ocean Avenue, congratulated Council member Magovern and thanked Council member Keown-Blackburn for her three years of hard work.

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

Respectively submitted,

April Claudio Municipal Clerk