

“GOD BLESS AMERICA”

REGULAR MEETING

FEBRUARY 7, 2017

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, Councilman Walsifer, Councilman Magovern, Councilwoman Nicolay, Borough Attorney Greg Cannon, Esq., and Borough Clerk April Claudio

ABSENT: Business Administrator Colleen Connolly

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 7, 2016 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 and Pastor Arthur Guttered

SPECIAL RESOLUTIONS:

- Honoring Carol DeBartolo of the St. Vincent DePaul Society

WORKSHOP DISCUSSION:

- Recycling flyer, Mayor and Council will review and provide comments to Ms. Connolly and Ms. Claudio.
- Council member Magovern stated he has noticed properties in town putting down artificial turf. Concerned about whether or not it’s permitted. Mayor Doherty would like Code Enforcement to determine how many properties have turf. Ms. Claudio stated turf is not permitted in area between sidewalk and curb as listed in the ordinance; there is no ordinance regarding having it on your property, however Zoning has determined it to be an impervious surface.
- Council member Brennan did more research on plastic bags. Some towns throughout the country are banning them entirely. Longport said they ordered bags for people to purchase and use instead of plastic bags. They don’t enforce their ordinance. Would like to have an ordinance on this. Doesn’t want to force merchants and tell them what to do but want to educate people more. Council member Walsifer suggested the BBP create signs for each business educating people first. Mayor Doherty was concerned about having an ordinance but not enforcing it. Council member Nicolay felt the ordinance may not help. She liked the idea of using signage. Mayor Doherty would like to try to figure out how many businesses use plastic bags. Council member Magovern asked if there is a reward for the businesses that don’t use plastic bags.

PETITIONS: none

APPROVAL OF MINUTES: Council member Magovern made a motion to waive the reading and approve the minutes of the January 17, 2017 meeting, which was seconded by Mayor Doherty and approved by the following vote:

AYES: Magovern, Walsifer, Brennan, Nicolay and Doherty

REPORTS OF COUNCIL:

Council member Magovern: February 13th is Historical Society show and tell program. Possible snow storm coming this week; would like to see a Code Red go out advising people to take their cars off the street.

Council member Walsifer: BBP is having their business Summit February 27th.

Council member Brennan: Would like to see Belmar be more environmentally active. Tomorrow is 15th annual sending district band concert at Manasquan High School.

Council member Nicolay: Little League registration has started. Visit Belmar Arts Center. Buy local.

Mayor Doherty: Congratulated and recognized Belmar Police Department and surrounding departments for the

recent arrest of two individuals. Captain Cox said his detectives did a great job. Tax Collector Robbin Kirk did a great job figuring out what properties are most affected by property revaluation. Company did a bad job determining assessments. Will be working with seven houses who assessments for land are \$750,000 when everyone around them is in the \$500,000 area. They need to do a joint appeal. Council member Brennan asked if anything would happen to the company who did the revaluations if it turns out many appeals are being won. Mayor Doherty felt it won't affect the County Tax Board's opinion.

PLANNING BOARD MEMBER APPOINTMENTS:

Matthew Doherty, Mayor of the Borough of Belmar, makes the following appointments to the Planning Board as per Borough Ordinance 1995-07:

Class I (Mayor's Designee) - Jared Cohen, with a term to be served at the "pleasure of the mayor" anytime during the mayor's tenure.

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

David Schneck, 302 C Street, asked about the payment of bills list. He questioned a purchase for convention bags. Mayor Doherty stated that was for Tourism. He asked about a reimbursement of \$900 to a member of the SID. Mayor Doherty stated they were charged too much so we refunded them.

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

RESOLUTIONS:

Council member Magovern offered, **2017-38, RESOLUTION AUTHORIZING PAYMENT OF BILLS**, for adoption, which was seconded by Council member Brennan and approved by the following vote:

AYES: Magovern, Walsifer, Nicolay and Brennan

The Mayor abstained from voting on this Resolution by reason of his or her "General Ineligibility" as provided by Belmar Ord. No. 9-5.

PAYMENT OF BILLS: certification that the vouchers listed on the warrant register numbering 66752 thru 66877 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	\$951,071.70
05	General Capital Account	\$104,095.99
11	Water/Sewer Account	\$246,961.72
21	Beach Utility Account	\$66,357.65
25	Beach Capital Account	\$105,068.67
41	Dog License Account	\$2,932.80
55	Trust Fund Account	\$18,984.04
61	Tourism Development Account	\$6,848.68
Total:		\$1,502,321.22

Council member Magovern offered, **2017-39, RESOLUTION AWARDING A LEASE AGREEMENT FOR THE PADDLEBOARD CLASSES**, for adoption, which was seconded by Council member Walsifer and approved by the following vote:

AYES: Magovern, Walsifer, Nicolay and Brennan

The Mayor abstained from voting on this Resolution by reason of his or her "General Ineligibility" as provided by Belmar Ord. No. 9-5.

Mayor Doherty offered, **2017-40, RESOLUTION AUTHORIZING A 2017 TEMPORARY CAPITAL BUDGET**, for adoption, which was seconded by Council member Nicolay and approved by the following vote:

AYES: Magovern, Nicolay, Brennan, and Doherty
NAYS: Walsifer

Mayor Doherty offered, **2017-41, RESOLUTION AMENDING 2017 TEMPORARY BUDGET**, for

adoption, which was seconded by Council member Brennan and approved by the following vote:

AYES: Magovern, Nicolay, Brennan, and Doherty
NAYS: Walsifer

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:

2017-42
RESOLUTION AUTHORIZING THE PAYMENT OF UNCLAIMED CHECKS IN THE BELMAR MUNICIPAL COURT TO THE BOROUGH OF BELMAR GENERAL ACCOUNT

2017-43
RESOLUTION PERMITTING SPECIAL EVENTS

2017-44
RESOLUTION ESTABLISHING FEES AND RULES FOR BEACH BONFIRES IN THE BOROUGH OF BELMAR, MONMOUTH COUNTY, NEW JERSEY

2017-45
RESOLUTION AUTHORIZING NOTICE TO BIDDERS FOR FIFTH AVENUE CONCESSION/RESTAURANT ON BELMAR BOARDWALK

2017-46
RESOLUTION AUTHORIZING NOTICE TO BIDDERS FOR TENTH AVENUE CONCESSION/RESTAURANT ON BELMAR BOARDWALK

2017-47
RESOLUTION AUTHORIZING THE ADVERTISEMENT FOR BIDS TO LEASE A PORTION OF TAYLOR PAVILION FOR ZUMBA CLASSES

2017-48
RESOLUTION AUTHORIZING REFUNDS

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

AYES: Magovern, Walsifer, Nicolay, Brennan and Doherty

ORDINANCES:

- **ORDINANCE 2017-04:** *First Reading & Introduction*
ORDINANCE OF THE BOROUGH OF BELMAR AMENDING THE REVISED GENERAL ORDINANCE CHAPTER 31: “ENVIRONMENT AND NATURAL RESOURCES” TO ADD SECTION 31-5 “RELEASE OF BALLOONS”

Mayor Doherty offered Ordinance 2017-04 for first reading and introduction, which was seconded by Council member Brennan and approved by the following vote:

AYES: Magovern, Walsifer, Nicolay, Brennan, and Doherty

- **ORDINANCE 2017-05:** *First Reading & Introduction*
ORDINANCE OF THE BOROUGH OF BELMAR AMENDING THE REVISED GENERAL ORDINANCE CHAPTER 29: “WATER-SEWER UTILITY” TO ADD SECTION 29-9.4 “GREASE DISCHARGE ABATEMENT”

Mayor Doherty offered Ordinance 2017-05 for first reading and introduction, which was seconded by Council member Brennan and approved by the following vote:

AYES: Magovern, Walsifer, Nicolay, Brennan, and Doherty

- **ORDINANCE 2017-06:** *First Reading & Introduction*

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER IV DEPARTMENT OF FINANCE, CHAPTER XVII ALCOHOLIC BEVERAGE CONTROL AND CHAPTER XVI POLICE REGULATIONS OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY

Mayor Doherty offered Ordinance 2017-06 for first reading and introduction, which was seconded by Council member Magovern and approved by the following vote:

AYES: Magovern, Walsifer, Nicolay, Brennan, and Doherty

- **ORDINANCE 2017-07: First Reading & Introduction**

BOND ORDINANCE PROVIDING FOR VARIOUS PARK AND RECREATION IMPROVEMENTS IN AND BY THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$1,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$950,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

Mayor Doherty offered Ordinance 2017-07 for first reading and introduction, which was seconded by Council member Brennan and approved by the following vote:

Council member Walsifer stated he felt the improvements covered under this ordinance could be done within the Borough's annual budget over time.

Council member Magovern pointed out that we don't have to spend the whole one million dollars.

AYES: Magovern, Nicolay, Brennan, and Doherty

NAYS: Walsifer

- **ORDINANCE 2017-01: Second Reading & Public Hearing**

ORDINANCE OF THE BOROUGH OF BELMAR DELETING ARTICLE II CATS OF THE REVISED GENERAL ORDINANCES

Public Hearing: none

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

Mayor Doherty made a motion to adopt Ordinance 2017-01, which was seconded by Council member Brennan and approved by the following vote:

AYES: Magovern, Walsifer, Nicolay, Brennan, and Doherty

- **ORDINANCE 2017-02: Second Reading & Public Hearing**

ORDINANCE OF THE BOROUGH OF BELMAR, AMENDING FEES IN VARIOUS CHAPTERS OF THE REVISED GENERAL ORDINANCES

Public Hearing: none

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

Mayor Doherty made a motion to adopt Ordinance 2017-02, which was seconded by Council member Magovern and approved by the following vote:

AYES: Magovern, Walsifer, Nicolay, Brennan, and Doherty

- **ORDINANCE 2017-03: Second Reading & Public Hearing**

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XIX (TRAFFIC) OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BELMAR, SECTIONS 19-46 HANDICAPPED PARKING SPACES

Public hearing: none

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

Council member Magovern made a motion to adopt Ordinance 2017-03 which was seconded by Council

member Brennan and approved by the following vote:

AYES: Magovern, Walsifer, Nicolay, and Brennan

The Mayor abstained from voting on this ordinance by reason of his or her “General Ineligibility” as provided by Belmar Ord. No. 9-5.

ADDITIONAL RESOLUTIONS:

Mayor Doherty offered, **2017-49, RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF BELMAR ESTABLISHING VARIOUS FEES**, for adoption, which was seconded by Council member Magovern and approved by the following vote:

AYES: Magovern, Walsifer, Nicolay, Brennan, and Doherty

PUBLIC SESSION:

Sandy Caputo, 1705 Surf Avenue, would like a copy of the map with the assessment errors posted on the website. Mayor Doherty stated we could email it to her.

Tom Volker, Eighth Avenue, asked if the updated assessments are posted online. Ms. Claudio replied yes.

Mike Seebeck, 110 Second Avenue, asked what the cost of the playgrounds was estimated from. Mayor Doherty stated it’s based off estimates the Business Administrator received. Mr. Seebeck feels a couple hundred thousands of dollars for playgrounds seems expensive. Mayor Doherty stated the equipment is expensive as well as the ground surface. Mr. Seebeck stated he hopes Council member Brennan is successful with his plan to reduce plastic bags.

Michael Druz, Ocean Avenue, would like a full fence installed at the playground at Maclearie Park.

Marcus Kirschenbaum, Wall Township, discussed the approaches used to determine property assessments. He stated he has letters from the 1950’s that says the cost approach doesn’t exist. He stated the assessments are screwed up because the wrong approach was used. He had an issue with Mayor Doherty not allowing him to speak at the town hall meeting.

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

At approximately 7:25 p.m. Mayor Doherty announced the Council would be going into closed session and will be back to adjourn the meeting, however no further public business will occur.

Mayor Doherty offered, **2017-50, RESOLUTION AUTHORIZING CLOSED MEETING**, which was seconded by Council member Walsifer and approved by the following vote:

AYES: Magovern, Walsifer, Brennan, Nicolay, and Doherty

At approximately 8:37 p.m. the Mayor and Council reconvened in public session.

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

Respectively submitted,

April Claudio
Municipal Clerk