

“GOD BLESS AMERICA”

REGULAR MEETING

MAY 4, 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

“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 18, 2017 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

RESOLUTION:

Mayor Doherty offered, **2017-81, RESOLUTION APPOINTING MUNICIPAL COURT ADMINISTRATOR**, for adoption, which was seconded by Council member Magovern and approved by the following vote:

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

Mayor Doherty administered the Oath of Office to Patricia White.

PROCLAMATION:

- Arbor Day read by Council member Magovern
- Municipal Clerk’s Week read by Mayor Doherty

WORKSHOP DISCUSSION:

- Fire Marshal’s updates
 - o Ryan Dullea, Fire Marshal, gave an update on inspections of the Seaport Inlet Marina. Twenty-three violations were found and nine have since been abated. A shrink-wrapping protocol has been established with the owner. Boat racks have been moved to a 15-ft. setback.
 - Council member Magovern asked why the space between the boats and the property fence can’t be 18 ft. wide like a fire lane.
 - Mr. Dullea stated a fire truck would not access that area, the 15 ft. is adequate to get firemen and equipment in. He will be obtaining copies of the operational plans from the homeowner and will monitor the property. Residents can always make a complaint and he can do a site visit to ensure compliance. Property owner has been very cooperative.
 - Council member Brennan thanked Mr. Dullea for his diligence.
- Marina Boat Storage Ordinance
 - o Mr. Cannon drafted an ordinance adding a section to Ordinance 40-7.18 to provide restrictions on boat storage in the marine commercial zones.
 - o Council member Brennan suggested adding a restriction on the height of the storage racks. He suggested limiting it to three levels only.
- Environmental Commission updates
 - o Council member Brennan stated the Environmental Commission has been doing a lot of work to renew Sustainable New Jersey status. Will be appointing a new member to the Commission tonight. They will be sponsoring a logo contest to encourage reducing the usage of plastic shopping bags. The winning logo will be placed on reusable shopping bags. Will also make decals for stores to post in their shops and they will get the reusable bags to use in their shops. Working on establishing a recycling bin for plastic bags. Also, working on rebuilding dunes at the boardwalk.

PETITIONS: None

APPROVAL OF MINUTES: Council member Magovern made a motion to approve the April 4, 2017

meeting minutes, which was seconded by Mayor Doherty and approved unanimously.

REPORTS OF COUNCIL:

Council member Magovern: Arbor Day programs were very successful. Attended retirement dinner for Joe Nealon, longtime public works employee. Joe was also his recreation assistant. Can’t say enough about how great of a job he did. It’s great to see Taylor Pavilion open. He was impressed we attracted two U.S. Senators to our ribbon cutting. Geese eggs at Silver Lake were oiled, down to only two nests. Resident Trish Pellick is getting her associates degree from Brookdale, taken her 30 years to get that degree, a great accomplishment, raised four kids while doing this.

Council member Walsifer: Thanked the Mayor and Council for changing the meeting date to tonight. He had a conflict with the original date of May 2nd. Attended Harbor Commission meeting. They are working on solving the problems with the sailing camp so that can be up and running this year. Also, working on updates to the marina website.

Council member Brennan: Thanked our two U.S. Senators and Congressman Pallone for their efforts to fight offshore drilling. Belmar School band is having a car wash this weekend. School is also doing a Shore Got Talent event as well.

Council member Nicolay: May is Paint the Town Pink month. Excited to see the town being decorated in pink. Belmar School tied pink ribbons along their fence to show their support. Collected \$100 from the school for Belmar Cares. Last night was the In the Pink event where free pink manicures were given out and doctors were present who gave great speeches. May 15th at Taylor Pavilion, the Atlantic Wind Ensemble will be performing. Belmar Cares will be collecting donations at the event. May 19th is Belmar PTO gift auction. Encouraged everyone to attend the art shows at the Belmar Arts Center.

Mayor Doherty: Acknowledged the press conference the Senators held about offshore drilling. It not only affects the beach but clean water as well. Taylor Pavilion is re-open. Dot Taylor, wife of John Taylor, whom the pavilion is named after attended and cut the ribbon. Merri-Makers who is the concession in the pavilion will be open by Memorial Day. Last night was the soft opening of the Marina Grille. The building is phenomenal and should be opening soon. Will be hosting another Town Hall meeting on May 13th from 11-1 at Taylor Pavilion.

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

None

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

RESOLUTIONS:

Mayor Doherty offered, **2017-82, RESOLUTION INTRODUCING THE 2017 LOCAL MUNICIPAL BUDGET**, for adoption, which was seconded by Council member Nicolay and approved by the following vote:

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

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

Council member Magovern offered, **2017-82, 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

PAYMENT OF BILLS: certification that the vouchers listed on the warrant register numbering 126 thru 278 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	\$659,633.61
05	General Capital Account	\$88,707.20
11	Water/Sewer Account	\$50,028.84
15	Water/Sewer Capital Account	\$25,367.13
21	Beach Utility Account	\$64,956.23

25	Beach Capital Account	\$43,503.53
31	Public Assist I Account	\$1343.70
41	Dog License Account	\$1,489.20
55	Trust Fund Account	\$45,651.95
57	Law Enforcement Trust Fund	\$2,600.00
61	Tourism Development Account	\$15,236.38
Total:		\$998,517.77

Council member Magovern offered, **2017-84, RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY, DIRECTING THE PLANNING BOARD TO INVESTIGATE WHETHER CERTAIN PROPERTIES SHOULD BE DESIGNATED AS AN AREA IN NEED OF REDEVELOPMENT WITHOUT CONDEMNATION (NON-CONDEMNATION REDEVELOPMENT AREA)**, for adoption, which was seconded by Council member Walsifer and approved by the following vote:

AYES: Magovern, Walsifer, Nicolay and Brennan

Council member Magovern abstained from the next two resolutions because of a personal conflict.

Council member Nicolay offered, **2017-85, RESOLUTION AUTHORIZING CONTRACT PURCHASE OF PLAYGROUND MATERIALS AND SITEWORK**, for adoption, which was seconded by Council member Brennan and approved by the following vote:

AYES: Walsifer, Nicolay and Brennan

Council member Nicolay offered, **2017-86, RESOLUTION AUTHORIZING CONTRACT PURCHASE OF PLAYGROUND SURFACE MATERIALS**, for adoption, which was seconded by Council member Brennan and approved by the following vote:

AYES: Walsifer, 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:

2017-87, RESOLUTION AUTHORIZING REFUNDS

2017-88, RESOLUTION APPOINTING SPECIAL POLICE OFFICERS FOR 2017

2017-89, RESOLUTION PERMITTING SPECIAL EVENTS

2017-90, RESOLUTION WAIVING CONSTRUCTION PERMIT FEES

2017-91, RESOLUTION APPOINTING AND CONFIRMING APPOINTMENTS TO THE ENVIRONMENTAL COMMISSION AS PROVIDED BY BOROUGH ORDINANCE 1991-3 AND ORDINANCE 2004-19

2017-92, RESOLUTION HONORING AND RECOGNIZING THE SERVICE TO THE COMMUNITY BY ALL FIRST RESPONDERS AND AUTHORIZING FREE BEACH ADMISSION DURING THE 2017 BEACH SEASON TO ALL ACTIVE FIRST RESPONDERS PURSUANT TO BELMAR BOROUGH ORDINANCE SECTION 18-2.5(i)

2017-93, RESOLUTION DESIGNATING THE DATES FOR CLOSING THE BEACHFRONT EXCEPT FOR PAYMENT OF CERTAIN FEES TO THE GENERAL PUBLIC AND RESIDENTS OF THE BOROUGH OF BELMAR FOR 2017

2017-94, RESOLUTION HONORING THE MEN AND WOMEN OF OUR ARMED FORCES AND RECOGNIZING THE SACRIFICES BEING MADE BY THEM, AND ALSO BY THEIR FAMILIES, AND PROCLAIMING THE COMMENCEMENT OF “OPERATION: THANK YOU” WITHIN THE BOROUGH OF BELMAR, AND AUTHORIZING FREE BEACH ADMISSION DURING THE 2017 BEACH SEASON TO ALL ACTIVE MILITARY PERSONNEL AND THEIR DEPENDENTS AND

ALL VETERANS PURSUANT TO BELMAR BOROUGH ORDINANCE SECTION 18-2.5(i)

**2017-95, RESOLUTION OF THE BOROUGH BELMAR MAYOR AND COUNCIL
SUPPORTING INITIATIVES TO LESSEN THE NEGATIVE IMPACT OF SINGLE-USE
PLASTIC BAGS ON OUR ENVIRONMENT**

2017-96, RESOLUTION APPOINTING AND CONFIRMING AN ATTORNEY

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

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

ORDINANCES:

ORDINANCE 2017-10 *Second Reading & Public Hearing*

**ORDINANCE OF THE BOROUGH OF BELMAR AMENDING THE REVISED GENERAL
ORDINANCE CHAPTER 40: "DEVELOPMENT REGULATIONS" TO ADD SECTION 40-7.33
"ARTIFICIAL TURF"**

Public Hearing: Cancelled

Mayor Doherty made a motion to table this ordinance, which was seconded by Council member Brennan and approved unanimously.

ORDINANCE 2017-11 *First Reading & Introduction*

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

Mayor Doherty offered Ordinance 2017-11 for first reading and introduction, which was seconded by Council member Walsifer and approved by the following vote:

AYES: Walsifer, Magovern, Brennan, Nicolay and Doherty

ORDINANCE 2017-12 *First Reading & Introduction*

**AN ORDINANCE OF THE BOROUGH OF BELMAR, COUNTY OF MONMOUTH, STATE OF
NEW JERSEY, TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO
ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)**

Mayor Doherty offered Ordinance 2017-12 for first reading and introduction, which was seconded by Council member Nicolay and approved by the following vote:

AYES: Walsifer, Magovern, Brennan, Nicolay and Doherty

ORDINANCE 2017-13 *First Reading & Introduction*

**ORDINANCE OF THE BOROUGH OF BELMAR AMENDING THE REVISED GENERAL
ORDINANCE CHAPTER 28: "FIRE PROTECTION AND PREVENTION" ADDING ADDITIONAL
FIRE PROTECTION AND PREVENTION REGULATIONS AND ENFORCEMENT, VIOLATIONS,
AND PENALTIES**

Mayor Doherty offered Ordinance 2017-13 for first reading and introduction, which was seconded by Council member Brennan and approved by the following vote:

AYES: Walsifer, Magovern, Brennan, Nicolay and Doherty

ORDINANCE 2017-14 *First Reading & Introduction*

**ORDINANCE OF THE BOROUGH OF BELMAR AMENDING THE REVISED GENERAL
ORDINANCE CHAPTER 40: "DEVELOPMENT REGULATIONS" TO EXPAND THE
CIRCUMSTANCES UNDER WHICH A NON-CONFORMING STRUCTURE MAY BE RESTORED
AFTER DESTRUCTION BY CASUALTY**

Mayor Doherty offered Ordinance 2017-14 for first reading and introduction, which was seconded by Council member Magovern and approved by the following vote:

AYES: Walsifer, Magovern, Brennan, Nicolay and Doherty

PUBLIC SESSION:

Eric Lenz, 109 16th Avenue, he and his neighbors are concerned about the group rentals at 101, 103, and 107.5 16th Avenue. They recognize the tenants have the rights to be there if they abide by the rules. They have had to deal with a lot of noise and other disturbances from these three houses every summer. Overcrowding and trash is another issue. Code Enforcement does try to address it. Police do respond quickly but don't want to waste the town's resources by calling the police multiple times.

Councilman Walsifer stated there is a community policing officer assigned to that block he suggested the neighbors reach out to that officer.

Mr. Lenz stated the ordinance does allow for police officers or sheriff's officers to be posted at a house. He would like the Mayor and Council to consider it and see why that is no longer being done.

Mr. Lenz would also like to know the status of 111 16th Avenue.

David Schneck, 302 C Street, would like to see the user-friendly budget online.

Tom Dilberger, 1000 River Road, discussed his feelings on dune plantings and plastic shopping bags. He stated it's a state law to give military free beach access so the resolution isn't needed. He added the Mayor doesn't know what he is doing by allowing Chef's International in the marina.

Mr. Mehta, 16th Avenue, echoed Mr. Lenz's concerns and would like to see some improvement. He too is concerned about the abandoned house at 111 16th Avenue.

Sandy Caputo, 1705 Surf Avenue, discussed safety on the beach with balls and kites. Mayor Doherty stated he understands concerns but they don't want to ban people from playing on the beach. He agreed people who do throw a ball need to be respectful.

At 7:35 pm Council member Nicolay left the meeting.

Molly Spanarkle, 133 Terrace Road, thankful for the work to improve the safety of the Seaport Inlet Marina. Would like to see it continued.

Cindy Forsyth, 201 Eighth Avenue, asked about the concessions and food trucks on the boardwalk. Mayor Doherty stated there will be no food trucks on the beachfront.

Janine Lonski, 98 13th Avenue, asked about garbage pickup that used to be every day in the early mornings. It didn't seem like it was done very often last year. Wanted to know if it will be done this year. Would like to see people ticketed for leaving trash on the beach. Complimented the Council for adoption of the resolution to help reduce greenhouse gases. Shared an article she found done by a climate scientist regarding this issue. Great to see the Environmental Commission is looking to see what plants are good for the dunes.

Sharon Mahoney, 800 Main Street, emailed the Council about her concerns with Anchor Tavern. The noise of the inside and outside bar is like being at a rock concert. They keep the music on outside until 1:30 am in the morning even if nobody is outside. They've exceeded the occupancy of the outdoor dining area per the liquor license resolution. Mayor Doherty stated he will discuss this with the Police Chief.

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