

“GOD BLESS AMERICA”

REGULAR MEETING

JUNE 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., 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 April 10, 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 and Molly Ahern

WORKSHOP DISCUSSION:

- Code Enforcement/Housing Department Update
 - o Frank Cinelli, Code Enforcement Officer, stated they did close to 300 summer rental inspections. Since this is the third season of the new inspection policy, this year’s inspections went well and a lot of homes put a lot money into renovating their homes. Only six houses failed inspection this year. Two big houses, 215 14th and 100 18th Avenue are not rented this year because they were sold and will be renovated. Issued warnings to properties on Memorial Day for trash.
- Belmar Tree City
 - o Council member Magovern stated the Shade Tree Commission has been working hard to get the Tree City designation again. We finally got approval which allows us to apply for grants. Presented a flag that will hang in town. Planted 27 trees over the last few months.

2017 BUDGET HEARING:

- Public Hearing
 - o Robbin Kirk, CFO gave a PowerPoint presentation.
 - o Mayor Doherty spoke about the different improvements that have been made around town that increased debt as well as the interlocal agreements that have been done to increase revenue. There has been a total savings of \$975,000 over the last seven years. We have been able to increase services without burdening the residents with a tax increase.
 - o Council member Walsifer asked if we are making mandatory payments on debt service or more. Ms. Kirk stated we are making about \$200,000 more than the mandatory payment.
 - o No public comments.
 - o Mayor Doherty made a motion to close the public hearing, which was seconded by Council member Brennan and approved unanimously.

Mayor Doherty offered, **2017-98, RESOLUTION ADOPTING 2017 MUNICIPAL BUDGET**, for adoption, which was seconded by Council member Magovern and approved by the following vote:

AYES: Doherty, Magovern, Walsifer, Brennan and Nicolay

PETITIONS: None

APPROVAL OF MINUTES:

Mayor Doherty made a motion to approve the minutes of the May 4, 2017 meeting, which was seconded by Council member Magovern and approved unanimously.

Council member Walsifer made a motion to approve the minutes of the May 11, 2017 meeting, which was seconded by Council member Brennan and approved by the following vote:

AYES: Walsifer, Brennan, and Nicolay

ABSTAIN: Doherty and Magovern

REPORTS OF COUNCIL:

Council member Magovern: Read a thank you letter sent to Chief Huisman from a couple who was rescued by an off-duty lifeguard over the weekend. Historical Society met last month and discussed vandalism at Doughboy Statue. Still trying to get prices to get it repaired. They will be hosting fundraisers to raise money to repair the statute because it will cost around \$17,000.

Council member Walsifer: Harbor Commission working on updated website. Attended BBP meeting, they would like the awning ordinance reviewed to possibly allow canopies without needing approval from the Zoning or Planning board. Mayor Doherty agreed we should consider this.

Council member Brennan: Environmental Commission did a contest for a logo for the new reusable shopping bags, which got a big response. Winning entry was by Delia Nune from Communications High School. A photo of the winning entry is on the Ecowatch facebook page. Has a PowerPoint presentation on plastic bags that he would like to show at a future meeting.

Council member Nicolay: Youth art workshop at Arts Council was very nice. The BBP and DPW have placed large flower pots on the corners of Main Street filled with beautiful flowers. Belmar Woman’s Club flower luncheon was today and they did a great job.

Mayor Doherty: No report.

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

Sharon Mahoney, 800 Main Street, followed up on her concerns regarding Anchor Tavern that she spoke about at the May 4th meeting. Mayor Doherty stated he spoke to the Chief Police and it appears she is the only one making complaints. She requested the time for outdoor music be changed from 11 pm to 10 pm.

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

RESOLUTIONS:

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

Council member Magovern made a motion to adopt, **2017-99, RESOLUTION AUTHORIZING PAYMENT OF BILLS**, which was seconded by Council member Walsifer and approved by the following vote:

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

PAYMENT OF BILLS: certification that the vouchers listed on the warrant register numbering 284 thru 488 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	\$1,055,190.53
03	Grant Account	\$179.00
05	General Capital Account	\$112,787.65
11	Water/Sewer Account	\$22,643.37
15	Water/Sewer Capital Account	\$2,850.00
21	Beach Utility Account	\$40,630.89
25	Beach Capital Account	\$833.70
41	Dog License Account	\$1,464.00
55	Trust Fund Account	\$1,975.00
61	Tourism Development Account	\$13,253.76
Total:		\$1,251,807.90

Council member Magovern made a motion to adopt, **2017-100, RESOLUTION AWARDDING CONTRACT FOR LAKE COMO STORMWATER OUTFALL IMPROVEMENTS**, which was seconded by Council member Nicolay and approved by the following vote:

AYES: Magovern, Walsifer, Brennan and Nicolay

ABSTAIN: Doherty

Council member Magovern made a motion to adopt, **2017-101, RESOLUTION PURSUANT TO N.J.A.C. 5:30-14.4 ET SEQ. CHANGE ORDER NUMBER ONE FOR THE 2016 SIDEWALK PROGRAM**, which was seconded by Council member Brennan and approved by the following vote:

AYES: Magovern, Walsifer, Brennan and Nicolay

ABSTAIN: Doherty

Council member Magovern made a motion to adopt, **2017-102, RESOLUTION AUTHORIZING GSA CONTRACT PURCHASE OF A BARBER SURF RAKE**, which was seconded by Council member Brennan and approved by the following vote:

AYES: Magovern, Walsifer, Brennan and Nicolay

ABSTAIN: Doherty

Council member Magovern made a motion to adopt, **2017-103, RESOLUTION AUTHORIZING ISSUANCE OF PLENARY RETAIL CONSUMPTION LICENSE NO. 1306-32-015-007 TO FUSAL, LLC T/A LA DOLCE VITA FOR THE PERIOD ENDING JUNE 30, 2018**, which was seconded by Council member Walsifer and approved by the following vote:

AYES: Magovern, Walsifer, and Nicolay

ABSTAIN: Doherty and Brennan

Council member Magovern made a motion to adopt, **2017-104, RESOLUTION AUTHORIZING ISSUANCE OF SEASONAL RETAIL CONSUMPTION LICENSE NO. 1306-34-011-008 TO SLBD ASSOCIATES LLC (TO BE HELD IN POCKET) PERIOD ENDING JUNE 30, 2018**, which was seconded by Council member Nicolay and approved by the following vote:

AYES: Magovern, Walsifer, and Nicolay

ABSTAIN: Doherty and Brennan

Council member Magovern made a motion to adopt, **2017-105, RESOLUTION AUTHORIZING ISSUANCE OF PLENARY RETAIL DISTRIBUTION LICENSE FOR DAI SENG CORP. T/A LITTLE RED BARN FOR THE PERIOD ENDING JUNE 30, 2018**, which was seconded by Council member Nicolay and approved by the following vote:

AYES: Magovern, Walsifer, and Nicolay

ABSTAIN: Doherty and Brennan

Council member Magovern made a motion to adopt, **2017-106, 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, 2018**, which was seconded by Council member Walsifer and approved by the following vote:

AYES: Magovern, Walsifer, and Nicolay

ABSTAIN: Doherty and Brennan

Council member Magovern made a motion to adopt, **2017-107, RESOLUTION AUTHORIZING ISSUANCE OF SEASONAL PLENARY RETAIL CONSUMPTION ALCOHOLIC BEVERAGE LICENSE FOR CSL BELMAR LLC FOR PERIOD ENDING JUNE 30, 2018 TO BE HELD IN POCKET**, which was seconded by Council member Nicolay and approved by the following vote:

AYES: Magovern, Walsifer, and Nicolay

ABSTAIN: Doherty and Brennan

Council member Magovern made a motion to adopt, **2017-108, RESOLUTION AUTHORIZING ISSUANCE OF A PLENARY RETAIL CONSUMPTION LICENSE NO. 1306-33-001-010 FOR CHEFS INTERNATIONAL INC. FOR THE PERIOD ENDING JUNE 30, 2018**, which was seconded by Council member Walsifer and approved by the following vote:

AYES: Magovern, Walsifer, and Nicolay

ABSTAIN: Doherty and Brennan

Prior to voting Council members Walsifer and Magovern felt the resolution should be reviewed next year to

determine if the time for outdoor music should be changed.

Council member Magovern made a motion to adopt, **2017-109, RESOLUTION AUTHORIZING ISSUANCE OF SEASONAL RETAIL CONSUMPTION LICENSE TO D’JAIS LLC, T/A D’JAIS FOR THE PERIOD ENDING JUNE 30, 2018**, which was seconded by Council member Walsifer and approved by the following vote:

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

Council member Nicolay made a motion to adopt, **2017-110, RESOLUTION AUTHORIZING CONTRACT PURCHASE OF PLAYGROUND SURFACE MATERIALS**, which was seconded by Council member Brennan and approved by the following vote:

AYES: Walsifer, Brennan and Nicolay
ABSTAIN: Magovern 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:

2017-111
RESOLUTION REJECTING ALL BIDS FOR FENCING FOR PARKS AND PLAYGROUNDS

2017-112
RESOLUTION AUTHORIZING THE RECEIPT OF BIDS FOR PARK FENCING

2017-113
RESOLUTION GRANTING PERMISSION FOR A BLOCK PARTY FOR RESIDENTS ON D STREET BETWEEN 11TH AND 12TH AVENUES

2017-114
RESOLUTION AUTHORIZING THE RECEIPT OF BIDS FOR SIDEWALK AND CURBING PROJECT

2017-115
RESOLUTION AUTHORIZING THE ADVERTISEMENT FOR BIDS TO LEASE A PORTION OF THE SECOND AVENUE BOARDWALK FOR ZUMBA CLASSES

2017-116
RESOLUTION APPOINTING AND CONFIRMING APPOINTMENTS TO THE ENVIRONMENTAL COMMISSION AS PROVIDED BY BOROUGH ORDINANCE 1991-3 AND ORDINANCE 2004-19

2017-117
RESOLUTION AUTHORIZING REFUNDS

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

AYES: Magovern, Walsifer, Brennan, Nicolay 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: Rick Adase, 413 13th Avenue, thankful his property will be grandfathered. He did not understand the reason for banning turf in the front yard for new installations. Also, doesn’t understand the requirement of having a one foot border. Feels the ordinance should be revisited. Mayor Doherty stated he sees the functionality of it in the backyard but not in the front yard. Mayor Doherty stated he doesn’t see plastic lawns all over town being what Belmar wants.

Tom Volker, 527 Eighth Avenue, agreed with Mr. Adase that the ordinance should be reconsidered.

Janine Lonski, 98 13th Avenue, she has artificial turf because it is her second home and she cannot maintain a natural lawn. She was not happy that she received a letter months ago that she was in violation of ordinances because she had turf. She has provided information proving artificial turf is better for the environment. Feels there are requirements in the ordinance for maintaining the turf that people who have natural lawn don't have to do.

David Schneck, 302 C Street, stated grass is not natural and the argument that artificial turf isn't natural is irrelevant. These natural lawns have white flags on them warning of unsafe pesticides.

David Wolf, 409 13th Avenue, stated he doesn't see where we stop with this ordinance. Do we not want vinyl siding on homes and want wood which is natural?

Jason Rusack, Forever Lawn, synthetic lawn is costly which is why someone may not have it at their primary home. Asked why commercial properties are banned from using artificial turf.

Robin Monte, 117 19th Avenue, stated Mayor Doherty praised how good her artificial turf lawn but feels his opinion has changed. Mayor Doherty stated she is grandfathered in and won't have any issues with the ordinance.

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

Mayor Doherty offered Ordinance 2017-10 for adoption, which was seconded by Council member Nicolay and approved by the following vote:

Council member Walsifer felt an ordinance should be adopted regarding color and look but not like this. Council member Magovern stated natural lawn is better than artificial and understands this isn't a perfect ordinance.

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

ORDINANCE 2017-11 *Second Reading & Public Hearing*
AN 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

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

Mayor Doherty offered Ordinance 2017-11 for adoption, which was seconded by Council member Brennan and approved by the following vote:

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

ORDINANCE 2017-12 *Second Reading & Public Hearing*
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)

Public Hearing: none

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

Mayor Doherty offered Ordinance 2017-12 for adoption, which was seconded by Council member Brennan and approved by the following vote:

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

ORDINANCE 2017-13 *Second Reading & Public Hearing*
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

Public Hearing: none

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

Mayor Doherty offered Ordinance 2017-13 for adoption, which was seconded by Council member Walsifer and approved by the following vote:

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

ORDINANCE 2017-14 *Second Reading & Public Hearing*
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

Public Hearing: none

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

Mayor Doherty offered Ordinance 2017-14 for adoption, which was seconded by Council member Brennan and approved by the following vote:

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

ORDINANCE NO. 2017-15 *First Reading and Introduction*
ORDINANCE OF THE BOROUGH OF BELMAR AMENDING THE REVISED GENERAL ORDINANCE CHAPTER 40: “DEVELOPMENT REGULATIONS" TO INCLUDE STANDARDS FOR COMMERCIAL BOAT STORAGE IN THE MC-1 AND MC-2 ZONING DISTRICTS

Mayor Doherty offered Ordinance 2017-15 for first reading and introduction, which was seconded by Council member Brennan and approved unanimously.

ORDINANCE NO. 2017-16 *First Reading and Introduction*
ORDINANCE OF THE BOROUGH OF BELMAR AMENDING THE REVISED GENERAL ORDINANCE CHAPTER 28: “FIRE PROTECTION AND PREVENTION" REVISING CERTAIN NON-LIFE HAZARD ANNUAL REGISTRATION FEES AND THE MAXIMUM PENALTY

Mayor Doherty offered Ordinance 2017-16 for first reading and introduction, which was seconded by Council member Nicolay and approved unanimously.

PUBLIC SESSION:
Maria Florio, 12th Avenue, asked what the duties are of Special I Officers. She stated an officer saw a car parked on the sidewalk and did not address it. Captain Cox stated they can issue a summons if they witness a violation. She was also concerned about parking at the Belmar Inn and it not being addressed.

Mark Luckasavage, 310 10th Avenue, thankful for Mayor performing his marriage ceremony, thankful to the council to allow him to rebuild his house pre-fire and thankful to the whole town, police, ems and fire for their response to the fire. Feels blessed he is here tonight because of all their help.

Tom Volker, 527 8th Avenue, reiterated the discussion on awnings and canopies.

Katrina Clapsis, 1304 B Street, stated the issues with the rentals and people is all summer not just the holiday weekends. Asked how many times a house can be ticketed and why we don’t use Sheriff’s officers anymore. Mayor Doherty stated there is no limit on the number of tickets a house can get. He added it’s up to the chief of police to place a sheriff’s officer. Ms. Claudio explained the animal house process. She reiterated Ms. Florio’s comments. Would like the Council to recognize the issues that occur south of 10th Avenue. Mayor Doherty stated he and the Council are aware as to what goes on in town.

Mark Kirschenbaum, Wall Township, attended some of the tax appeal hearings for Belmar residents. Discussed

the process that took place. Feels the County and Tax Assessors are not treating people fairly.

David Schneck, 302 C Street, suggested there be a public session at the beginning of the meeting. He felt it is unnecessary to pay Spark to market the town. We don't need to bring more people to town and cause parking problems. We should be addressing the needs of the people already here. Felt any council member who abstains from voting on liquor licenses should also abstain from discussion on the licenses.

Mayor Doherty stated there are other ways to speak to the Mayor and Council than the public session. There's email and the new Reportit app. He agreed we do things to attract people to come to town. We do things to attract families to town. People who attend the bars are coming here either way. We do look out for the people that live here.

Tom Dilberger, 1000 River Road, agreed with Ms. Florio and Ms. Clapsis. Mayor Doherty stated the town has got much better over the years.

Susan Mahoney, 800 Main Street, asked about the bike lane insignias to be placed on Ocean Avenue. Or suggested share the road signs. Mayor Doherty stated he will consider this. She was also concerned about businesses charging prices that are different than what they advertise.

Janine Lonski, 98 13th Avenue, was concerned about electrical wires in the development across the street from her that were not moved to the newly installed pole. Mayor Doherty stated the code official will look into it.

George Komitas, 111 Third Avenue, stated the town may be getting busy but remembers when it was crazy in the 70's and 80's. The police do a great job.

Angela Pheiffer, 319 Fifth Avenue, asked if there is an ordinance about music outside and number of band pieces or is by establishment. Mayor Doherty stated it depends. Mayor Doherty and Council member Walsifer discussed the discretion the police department uses to enforce the noise ordinance.

Michael Druz, 404 Ocean Avenue, people should remember fifty years ago when the drinking age was 18 and there were more bars. People should look at the establishments where there are long lines and listen to how they talk. The cursing has nothing to do with liquor but how they are brought up.

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

Respectively submitted,

April Claudio
Municipal Clerk