

“GOD BLESS AMERICA”

REGULAR MEETING

OCTOBER 17, 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 Magovern, Councilman Brennan, Councilman Walsifer, 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 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 Benjamin Hawkins

RESOLUTIONS:

Councilman Witte, Councilwoman Hawley and Councilwoman Kropac of Lake Como were also present for the following resolutions.

Mayor Doherty offered, **2017-172, RESOLUTION APPOINTING PATRICK MCGILL AS PATROLMAN OF THE BELMAR POLICE DEPARTMENT WITH ADVICE AND CONSENT OF THE BOROUGH COUNCIL**, which was seconded by Council member Brennan and approved by the following vote:

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

Mayor Doherty administered the Oath of Office to Patrolman McGill.

Mayor Doherty offered, **2017-173, RESOLUTION APPOINTING RYAN NOLAN, SERGEANT OF THE BELMAR POLICE DEPARTMENT WITH ADVICE AND CONSENT OF THE BOROUGH COUNCIL**, 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 Sergeant Nolan.

Mayor Doherty offered, **2017-174 RESOLUTION APPOINTING CHRISTOPHER LYNCH, SERGEANT OF THE BELMAR POLICE DEPARTMENT WITH ADVICE AND CONSENT OF THE BOROUGH COUNCIL**, 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 Sergeant Lynch.

WORKSHOP DISCUSSION:

- 807-809 11th Avenue Redevelopment Project
 - o Mayor Doherty stepped down.
 - o Appearing for this project was Randy Newman, Jonathan Newman, Martin and Patricia Newman, Engineer William Jensen and via Skype, Architect Allison Paul.
 - o Randy Newman stated the property has been in the family for 100+ years. Existing homes are outdated and in disrepair. Would like to replace the existing 5 homes with two buildings of 4 townhouses in each building. The buildings would have a roof deck to get a view of the marina. They will be three bedroom units with a garage on the first level and an elevator. Each unit would have a two-car garage, there will be no other off-street parking. There will be more parking than there is now.
 - o Council member Brennan asked if any of the units will be affordable housing. Mr. Newman stated three of the units will be owned by the family.
 - o Council member Nicolay asked about fencing and a buffer being near commercial properties.

- Randy Newman stated the neighboring properties have existing fences.
- Council member Magovern made a motion to authorize their proposal to move forward with a developer’s agreement and a Planning Board application, which was seconded by Council member Walsifer and approved unanimously.
- Council member Brennan hopes they can help the tenants that are already there. Likes the idea they want to stay in town. Council member Nicolay agreed. Council member Magovern stated he believes the Planning Board will have some concerns about parking. Council member Walsifer stated this is exactly what we want with the redevelopment plan.

PETITIONS: None

APPROVAL OF MINUTES: Council member Magovern made a motion to approve the minutes of the October 3, 2017 meeting, which was seconded by Mayor Doherty and approved unanimously.

REPORTS OF COUNCIL:

Council member Magovern: The Historical Society program last week went extremely well.

Council member Walsifer: Harbor Commission working on marketing marina to fill slips.

Council member Brennan: School had a car wash for the Band. This Saturday is Band Day at Manasquan High School. Plantings for dune project will be next week. Handing out recyclable bags to merchants.

Council member Nicolay: Basketball signups are going on. Arts Council has a class for young children. October 29th is a fundraiser for Arts Council. Shop local.

Mayor Doherty: Thanked Mike Campbell for coming up with the idea to put boxes at the beach on Labor Day to raise money for Rockport, Texas. He talked about the bar crawl that was scheduled for this weekend that is not happening. Read a letter from an attorney for Shore Point Distributors stating they appreciated the open communication between their client and the town. Thanked Mr. Cannon for sending a letter to them that was well done. There’s a resolution on tonight for fencing of all the playgrounds. Kudos to Colleen Connolly for getting a bid of \$75,000 for all the parks. Been hearing a lot of people say Belmar has never looked better.

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:

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 offered for adoption, **2017-175, RESOLUTION AUTHORIZING PAYMENT OF BILLS**, seconded by Council member Walsifer and approved by the following vote:

AYES: Magovern, Walsifer, Brennan and Nicolay

PAYMENT OF BILLS: certification that the vouchers listed on the warrant register numbering 1061 thru 1135 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	\$106,006.353
03	Grant Account	\$3,739.76
05	General Capital Account	\$139,563.78
11	Water/Sewer Account	\$12,916.75
21	Beach Utility Account	\$3,727.57
23	Parking Utility Fund	\$197.00
55	Trust Fund Account	\$3,200.50
61	Tourism Development Account	\$89.67
	Total:	\$269,441.38

Council member Magovern offered for adoption, **2017-176, RESOLUTION AWARDING FENCING AT VARIOUS PARKS & PLAYGROUNDS**, seconded by Council member Brennan and approved by the following vote:

AYES: Magovern, Walsifer, Brennan and Nicolay

Council member Magovern offered for adoption, **2017-177, RESOLUTION AWARDING STATE CONTRACT PURCHASE OF A FORD F450 TRUCK WITH MASON DUMP AND SNOW PLOW**, seconded by Council member Walsifer and approved by the following vote:

AYES: Magovern, Walsifer, Brennan and Nicolay

Council member Magovern offered for adoption, **2017-178, RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY, DESIGNATING PROPERTY IDENTIFIED AS BLOCK 95, LOTS 5 AND 7-13 ON THE BOROUGH TAX MAPS AS AN AREA IN NEED OF REDEVELOPMENT, NON-CONDEMNATION**, seconded by Council member Nicolay and approved by the following vote:

AYES: Magovern, Walsifer, Brennan and Nicolay

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:

2017-179
RESOLUTION AUTHORIZING REFUNDS

2017-180
RESOLUTION AUTHORIZING MAYOR AND COUNCIL TO DECLARE HALLOWEEN CURFEW

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

AYES: Doherty, Magovern, Walsifer, Brennan and Nicolay

ORDINANCES:

ORDINANCE 2017- 22: *Second Reading & Public Hearing*
ORDINANCE OF THE BOROUGH OF BELMAR AMENDING THE REVISED GENERAL ORDINANCE CHAPTER 19: “TRAFFIC” TO CORRECT AN ERROR IN SECTION 20: “THROUGH STREETS” AND TO DESIGNATE CERTAIN “SEASONAL” ONE-WAY STREETS AS “YEAR-ROUND” ONE-WAY STREETS PER ENGINEERING ANALYSIS AND DIRECTIVES FROM MONMOUTH COUNTY

Public Hearing: Chief Huisman stated 16th Avenue is not an option, it is being changed to one way or else we would lose parking on one side. The recommendation for the other streets is to keep them one way year-round or remove parking on one side. It’s a public safety issue which should have been addressed years ago.

Council member Magovern asked about eliminating parking on one side of the street. Chief Huisman stated that is an option but is concerned about taking away parking because some of those streets are very busy. Council member Magovern asked if we will be adding stop signs. Mayor Doherty stated it’s not part of this ordinance but we did hear from residents that they want more stop signs which we will move forward with. Council member Nicolay stated she would like to see consistency and likes the idea of not having to take down and put up the signs. She agreed we can’t take away parking. Chief Huisman stated he has received emails for and against it. One of the concerns is the evacuation route which he is working on addressing with the County OEM. Council member Magovern suggested reducing the speed limit. Chief Huisman stated he hasn’t considered that but is considering having the stop signs uniformed throughout town.

Charles Peters, 202 19th Avenue, asked about the change to his street. Chief Huisman explained his street will change to go west to make an easier traffic flow pattern. Mayor Doherty stated if it doesn’t work out we can adjust. Mr. Peters was concerned that he and his neighbors now must find an alternate route to their properties because they won’t be able to use North Blvd.

Chief Huisman stated they had to close off 19th Avenue a lot during the summer because traffic was too much; this is the reason for the change.

Stephanie Shatzman, Surf Avenue, stated the one-way streets are a necessity in the summer but doesn't know who benefits from having them up in the winter. Hopes the Council will consider what the south end of town wants.

Mayor Doherty stated nobody wants to inconvenience any residents but the Police Chief has brought concerns of public safety that need to be addressed. He added it's not a north end of town vs south end of town issue. It's the area of town that has the narrowest streets.

Ms. Schatzman stated there aren't a lot of cars parked on the street now.

Chief Huisman stated Surf Avenue is the narrowest street of them all. According to DOT standards to keep it two way we would have to eliminate parking on one side.

Christine Carlino, 15th Avenue, asked how many times Belmar has been sued for not having the streets wide enough. Mayor Doherty stated he doesn't believe we have been sued at all. She asked for the accident data.

Mayor Doherty stated the state regulations apply to all towns and they don't care if we can argue that there have been no accidents.

Mr. Cannon reviewed the DOT manual looking for an exception. The only thing he could find would be at the smallest a road could be 30 feet wide which many of these are not. From a legal point, knowing that the streets are not in compliance makes the town more liable if something happens if we don't do anything.

Ms. Carlino stated their preference would be two-way traffic on the streets with parking on one side in the winter.

Rocco Cavalluzzi, 318 10^h Avenue, asked about C Street being kept one way. Chief Huisman stated a lot of residents have concern about changing the direction of the street but yes, we are keeping it one way year-round. Mr. Cavalluzzi stated he would like C Street to be two ways. There are no traffic concerns there. He feels these streets should be grandfathered in.

Chief Huisman stated there is no grandfathering in, he asked when the issue came up with 16th Avenue.

Claire Hayner, 18th Avenue, would like Snyder to be considered to go North instead of South because D and Surf go South.

Mayor Doherty asked if making Snyder northbound would make things better for those on 19th. Mr. Peters replied yes. Chief Huisman will consider that.

Florence Tedesco, 2003 Surf Avenue, asked if 20th Avenue is going to be westbound. Mayor Doherty stated that is correct. Mr. Cannon will amend the ordinance.

Pat Wann, 119 18th Avenue, asked if there could be some form of compromise even if it's just for a couple months in the winter. She suggested putting up the one way signs a little earlier like April or May.

Adam Crimmons, 13th Avenue, is in favor of the one-way streets. Sees people not yielding when the cars are going two ways. Certain streets that go north and south don't get much traffic and could be two ways in the winter.

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

Mayor Doherty made a motion to adopt Ordinance 2017-22, which was seconded by Council member Walsifer and approved by the following vote:

Council member Brennan thanked Chief Huisman for his diligence in bringing this up. He felt we can't do nothing but wants us to consider two-way traffic with parking on one side. Seems residents are in favor of this. Can try it and see if it's a problem. He voted no.

Council member Nicolay stated she has heard many differing opinions. Wants consistency and safety. What will happen if there's a walk or festival in the winter and there's only parking on one side. She voted yes.

Mayor Doherty stated he understands this will make a lot of people unhappy. He voted yes.

Council member Walsifer stated being a police officer for 25 years we have talked about this for many years. Would like to see the changes to C Street and Snyder discussed tonight looked at. Would like to discuss bicycle lanes being added. He voted yes.

Council member Magovern stated he understands the inconvenience but defers to the chief and attorney for their expertise and he voted yes.

PUBLIC SESSION:

Josh Vallario, 407 10th Avenue, talked about an incident this past weekend where there was supposed to be a tree planting for Joy Desanctis, who is deceased, that was shut down due to a technicality. She was disrespected because of her political opposition. The ceremony was not about her views but a way for her friends and family to honor her.

Katrina Clapsis, B Street, talked about Joy Desanctis and her role in the community. Explained her daughter contacted Council member Magovern in January after Joy died about planting a tree in memory. Council member Magovern stated the Shade Tree Commission approved it and he helped them pick out a spot. Many friends and family came out this past weekend to celebrate Joy. On Friday, they were told a permit was required for the planting and that Mayor Doherty would not let it happen. Everyone knows Joy was a thorn in the Mayor's side. Felt the Mayor waited to deny the planting so a permit could not be applied for. Feels the rules don't apply to the Mayor.

Carmine Desanctis, 101 Sixth Avenue, thanked Josh and Katrina for outlining the insult against his wife and family. Felt the Mayor intentionally inflicted emotional distress to his family. Discussed the letter from the borough attorney regarding this. They did have permission back in January, there was no religious monument, there was no reference to a resolution being required. Permission was granted and nobody said a permit was needed. If they had known they would have got one. Visited Borough Hall to get a permit and was told there was never one. Feels this is pure vengeance. Ord 31-2.3 states the Shade Tree Commission has control over the trees. Asked what is preventing this tree from being planted.

Mayor Doherty stated the tree needs a permit and it was his understanding that there was going to be a plaque which requires approval from the Mayor and Council.

Mike Seebeck, 110 Second Avenue, stated Belmar lost two caring women dedicated to Belmar, Jane Magovern and Joy DeSanctis. Seems they had gone through the right channels to get the approval for the tree but apparently that is not the case. Asked Council member Magovern to see that this permit gets approved and they move forward.

Mayor Doherty stated all permits go through Code Enforcement.

Council member Magovern stated perhaps he should have known the Mayor and Council would have to pass a resolution but he did not know that. As Shade Tree Commission President, he is all for planting a tree at the lake.

Gene Clapsis, 1304 B Street, feels Council member Magovern should admit we messed up but will make good on this.

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