

**“GOD BLESS AMERICA”**

**REGULAR MEETING**

**NOVEMBER 8, 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., 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 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

**WORKSHOP DISCUSSION:**

- Best Practices Checklist
  - o Ms. Connolly explained the purpose of the Best Practices Checklist. Municipalities score themselves, we scored 84% and 75% is required. This will give us money back out of the energy receipts tax.
  - o Council member Brennan would like it posted online.

**PETITIONS:** None

**APPROVAL OF MINUTES:** Council member Magovern made a motion to approve the minutes of the October 17, 2017 meeting, which was seconded by Council member Brennan and approved unanimously.

**REPORTS OF COUNCIL:**

Council member Magovern stated the opening of the new community center was fantastic, will be a great place. Was impressed with how DPW got the building into shape.

Council member Walsifer attended the BBP meeting, they are gearing up for the promotions and marketing for the holidays. The holiday planters came out on Main Street.

Council member Brennan commended Ray Claudio for the Halloween parade that was moved inside. The kids that came had a great time. The reusable shopping bags are on the shelves at many businesses. The pilot planting of dunes is in at the 12<sup>th</sup> Avenue beach playground. Thanked John Hutchinson, his campaign manager, and everyone that volunteered.

Council member Nicolay congratulated Belmar School for a successful lip sync contest and the boys' soccer team for being in the finals. Recreation basketball starting up. Youth Club starts November 18<sup>th</sup>, it's a great program; Ray and Kendy do a great job running it. Arts Council has an event this weekend called “Art on the Line”. Suggested a membership to the Arts Council is a great gift. Asked everyone to shop local.

Mayor Doherty stated we are going to have our buy in Belmar event this year, where we give beach badges to the top four people with the most receipts from stores in Belmar. Playground fencing demo is being started tomorrow and the contractor will be coming in soon to do the install.

**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:**

William Northgrave, who was Borough Attorney at the time of the Metra project, explained the settlement. Metra felt the contract signed was broader than what was done and they felt they would have made more money if the Borough stuck to the contract. He estimated that the Borough would have to pay \$150,000-\$400,000 based on what we owed them and what the outcome of the trial would have been. So, we settled on \$230,000 which covers the \$150,000 we owe them for work done, and some additional costs they feel they are entitled to.

Ms. Connolly stated they challenged a \$510,000 negative change order which saved the Borough a ton of money. We can pay this settlement in the 2017 budget.

Mayor Doherty stated he will agree with Mr. Northgrave's recommendation however he does not like having to pay for work that wasn't done.

Mayor Doherty offered, **2017-181, RESOLUTION AUTHORIZING THE SIGNING OF A SETTLEMENT AGREEMENT WITH METRA INDUSTRIES**, 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 following Resolutions by reason of his or her "General Ineligibility" as provided by Belmar Ord. No. 9-5.

Council member Magovern offered, **2017-182, RESOLUTION AUTHORIZING PAYMENT OF BILLS**, for adoption, which was seconded by Council member Brennan 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 1136 thru 1308 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	\$1,297,176.99
05 General Capital Account	\$361,090.53
11 Water/Sewer Account	\$101,095.97
15 Water/Sewer Capital Account	\$139,912.05
21 Beach Utility Account	\$15,038.54
31 Public Assist I Account	\$100.00
41 Dog License Account	\$1,470.60
55 Trust Fund Account	\$25,409.53
61 Tourism Development Account	\$4,364.24
Total:	\$1,945,658.45

Council member Magovern offered, **2017-182, RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE ASSOCIATED HUMANE SOCIETIES FOR ANIMAL CONTROL SERVICES FOR 2018**, for adoption, which was seconded by Council member Walsifer and approved by the following vote:

AYES: Magovern, Walsifer, Brennan and Nicolay

Council member Magovern offered, **2017-183, RESOLUTION AUTHORIZING A ISSUANCE OF PLENARY RETAIL CONSUMPTION ALCOHOLIC BEVERAGE LICENSE NO. 1306-32-006-012 (WITH "BROAD PACKAGE PRIVILEGE" PURSUANT TO P.L. 1948, CH. 98) FOR DCJ BELMAR, INC. FOR PERIOD ENDING JUNE 30, 2018 TO BE HELD IN POCKET (INACTIVE)**, for adoption, which was seconded by Council member Walsifer and approved by the following vote:

AYES: Magovern, Walsifer and Nicolay  
ABSTAIN: Brennan

Council member Magovern offered, **2017-184, RESOLUTION AWARDDING CONTRACT FOR CURBS, SIDEWALKS AND DRIVEWAY APRON REPLACEMENTS**, for adoption, which was seconded by Council member Brennan and approved by the following vote:

AYES: Magovern, Walsifer, Brennan, Nicolay 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:

**2017-185**

**RESOLUTION AUTHORIZING REFUNDS**

**2017-186**

**RESOLUTION AUTHORIZING THE MAYOR AND BOROUGH CLERK TO REQUEST PERMISSION FROM THE UTILITY COMPANIES FOR USE OF POLES FOR CHRISTMAS DECORATIVE BANNERS FOR 2017**

**2017-187**

**RESOLUTION PERMITTING SPECIAL EVENTS**

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

AYES: Magovern, Walsifer, Brennan, Nicolay and Doherty

**PUBLIC SESSION:**

Christine Cardolino, 15<sup>th</sup> Avenue, asked if there is any plan to put in stop signs at 15<sup>th</sup> and B Street. Captain Cox stated he will review it with the Chief and come up with a plan to put them up. Ms. Connolly stated they have looked at pricing for stop signs and will present to Council next month the locations.

Claire Hayner, 221 18<sup>th</sup> Avenue, asked about Snyder, C Street, 19<sup>th</sup> and 20<sup>th</sup>. Mayor Doherty stated the direction of 19<sup>th</sup> and 20<sup>th</sup> Avenue is not changing and C Street is still under discussion. Probably have a decision within a month. She would like the direction of Snyder to be changed.

Peter Piro, North Blvd., was thankful 19<sup>th</sup> Avenue will stay going West. He suggested Lake Como add stop signs on their portion of 19<sup>th</sup> Avenue.

Mike Seebeck, 110 2<sup>nd</sup> Avenue, the polls have shown we are divided about who we want to represent us on the council. Those that are on the council must represent the public respectfully. He felt at the last meeting it wasn't right that Gene Creamer wasn't allowed to speak and asked why. Mayor Doherty stated the last time Mr. Creamer was allowed to speak he gave everyone on the dais an obscene gesture. Mr. Seebeck stated he did not see that and felt he should still have his right to speak at a meeting. Mayor Doherty stated people have to act professional when speaking in a public forum. Mr. Seebeck stated he read a post that Mr. Creamer put online that said our polling locations are in violation of state law. He asked why we still vote out of Borough Hall. Mayor Doherty stated it is convenient. Ms. Claudio stated the Board of Elections visited all the public buildings and approved continuing the use of Borough Hall. Mr. Seebeck asked if the Council would allow Mr. Creamer to speak at a meeting since the Mayor wouldn't. He asked if Katrina Clapsis would be banned from speaking because of her outburst at the last meeting. Mayor Doherty stated he hadn't thought of it. He added that a meeting is run where all questions are addressed to him as the chair of the meeting and not directly to the council.

David Schneck, 302 C Street, asked where is Gene Creamer's due process. He asked where in the law can the Mayor permanently ban someone because he doesn't like them. It's a violation of his rights. Mayor Doherty stated the next time Mr. Creamer is here and is composed he will be allowed to speak but if he acts out again he will be told to sit down.

Mr. Seebeck asked Mayor Doherty to look back and reflect upon how the meetings are run. We all our have right to address the governing body. He asked the Mayor to be respectful when they are respectful to the council.

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