

“GOD BLESS AMERICA”

REGULAR MEETING

**JANUARY 28, 2014
(POSTPONED FROM JANUARY 21, 2014)**

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: Councilman Bean, Councilman Magovern, Councilwoman Nicolay, Councilwoman Keown-Blackburn, Borough Attorney Michael DuPont, Esq. (left at 6:05), Acting Borough Attorney Ed Washburne, Esq., Business Administrator Colleen Connolly, and Borough Clerk April Claudio

ABSENT: Mayor Doherty

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 January 22, 2014 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 #1:

Council member Magovern noted that Mr. DuPont had to leave the meeting early and asked any Council members if they had anything they wanted to discuss with him first.

Council member Bean asked Mr. DuPont about the D’Jais use variance application with the Zoning Board. Mr. DuPont explained D’Jais applied for a use variance through the Zoning Board, which will require five affirmative votes. If the Board denies the application they can appeal it to the Mayor and Council. He advised the Council members to not discuss the application with any members of the Zoning Board due to the fact the application can be appealed to the Council.

SPECIAL PRESENTATION:

- RJ Langbein of Belmar Paint presented a \$657 check from Benjamin Moore to the Borough
- Resolutions honoring Patricia Provenzano, Sam Kaye, and Jay McDermott
- Employee of the Month – postponed to February 4th meeting

WORKSHOP DISCUSSION:

- Paul Desantis and Roy Childers from the Harbor Commission wanted to discuss some items for the marina.
 - o Recommended the Borough create a maintenance plan for dredging.
 - Ms. Connolly stated she is working with the Borough engineer on applying for a permit for 2015 and determining dredging options and a future maintenance plan.
 - o Recommended a second full time person to assist Charlie Van Derlinde who works in the marina now.
 - Ms. Connolly stated she has discussed with Mr. Campbell, Director of Public Works, and are looking to see if there is room in the budget to fund a second person.
 - Council member Keown-Blackburn suggested looking into an apprenticeship.
- DPW Updates
 - o Ms. Connolly stated the water infrastructure project in the “Rhode Island Point” portion of town is underway. Pipes are being cleaned and then the cement layering is being added. Similar job will start in the south end of town by same contractor soon. Some pipes in the south end of town will be lined and

- others that are undersized will be replaced with a larger pipe.
- Mr. Campbell stated DPW, first aid, fire and police have run into houses where there are no house numbers or they are hard to find or read. Recommended painting house numbers on the curbs.
 - Council member Bean thought it is a great idea.
 - Council member Keown-Blackburn was concerned about some curbs that are in disrepair. Mr. Campbell stated he is aware of that and they are able to fix those if needed.

PETITIONS: none

REPORTS OF MAYOR AND COUNCIL:

Council member Keown-Blackburn: Attended the senior luncheon which had a great presentation from Chill on bubble tea and a great lunch from Stay Gold. Gym is open for walking in the afternoons on Mondays, Wednesday and Thursdays. Attended Toddler Time in the gym which was also a great time. Attended retirement dinner for Fire Chief Pete Sykes and met the new Fire Chief. Arts Council raised \$2,000 at a fundraiser last week and plan to use that to put air conditioning in the Boatworks building. The Circle of Friends is having a Rock & Bowl event on Saturday February 1st. Met with Recreation Director Ray Claudio and Horizon Blue Cross regarding the Blue to You Boardwalk challenge for this year. Announced free rabies clinics being held by the Monmouth County Health Department throughout the County.

Council member Bean: Asked Kelly Williams, Social Services Director about the Shop Rite gift cards that were purchased and given out after Hurricane Sandy. He asked who brought the gift cards to the Belmar School. Ms. Williams stated she delivered them to the school nurse and then the school nurse dispersed them from her office. He stated he filed an OPRA request with the school and the amount they received is different then what the Borough is saying they gave them. Ms. Connolly offered Mr. Bean the opportunity to come speak with her and Ms. Williams on this matter. He asked Police Chief Palmisano to look into this matter as well. He asked why the senior building was given gift cards and not other seniors in town. Ms. Connolly stated the senior building was a large area of seniors that they were able to get aid to quickly. The other gift card program was opened up to other residents.

Council member Nicolay: Belmar Business Partnership had a Tour of the Inns which was a tremendous success. BBP stakeholders budget meeting is scheduled for February 5th at the Arts Council building. Recreation is hosting a women's volleyball night starting in March. Recreation is running a bus trip to Yankee Stadium on May 2nd. Toddler time Saturday registration is in March. Arts Council had people submit drawings for a mural at the train station; unveiling should be sometime in April. Arts Council has a full calendar of upcoming events. DPW report: water lines and snow removal along with other daily duties.

Council member Magovern: Stated he agrees Council member Bean has every right to give a report but feels this isn't the place to accuse a public employee of any wrong doing. He feels there is an answer to the discrepancy and felt he should have discussed it with Ms. Connolly first. Attended the Fire Chief's dinner and Doug Brand was pinned the new Fire Chief. This past Saturday the first aid, fire department and water rescue team had a frozen water rescue drill at the lake which was well attended by residents. Attended the Environmental Commission meeting, they will be putting a letter in the Ecowatch regarding redirecting water runoff onto the property instead of onto the sidewalks and streets where it creates hazardous icy areas. There is going to be a polar plunge event for a Belmar lifeguard, who was diagnosed with Breast Cancer, and he has signed up Mayor Doherty to participate. The Methodist Church on D Street is planning a grand re-opening on March 16th which will be opened to all residents. There will be a beach replenishment meeting with the Army Corp. of Engineers this Thursday. Project should start in March and be completed by the end of April. Freedman's Bakery should be starting with their site remediation work in the Plaza parking lot in February.

APPROVAL OF MINUTES:

Council member Keown-Blackburn moved for approval of minutes for the meetings held on December 30, 2013, and January 4, 2014, seconded by Council member Nicolay and approved by the following vote:

AYES: Bean, Nicolay, Keown-Blackburn, and Magovern

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 for an explanation on Ordinance 2014-01. Council member Magovern stated the Borough wants to make sure the companies bidding on projects are responsible bidders; pay employees prevailing wage, offer an apprenticeship program, and so forth. Mr. Schneck asked what advantages there are to the Borough for a contractor to have an apprenticeship program. Mr. Washburne stated the ordinance is written so that the bid amount and other public policy factors are taken into consideration because the lowest bidder isn't always the best contractor. Mr. Schneck stated the Borough should be choosing the lowest bidder which would be the best for the town and that should be the only consideration. Mr. Schneck felt this ordinance was being done to give Epic Management an advantage which would be a conflict. Mr. Washburne disagreed. Ms. Connolly pointed out the ordinance is for first reading and introduction and there is typically no public comment. She added that the ordinance just defines what a responsible bidder is. Ms. Connolly stated that many of the contracts that have been awarded recently would have qualified as a responsible bidder based on this language. Mr. Schneck questioned why the ordinance is needed then. Council member Magovern stated the ordinance ensures that the contractors being hired are well trained to do the work and the Borough won't have to hire someone else to fix the job.

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

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:

Larry Reynolds, Alternate Class IV Member, with a term expiring December 31, 2015

RESOLUTIONS:

Council member Keown-Blackburn offered, Resolution 2014-25, for adoption, **RESOLUTION AUTHORIZING PAYMENT OF BILLS LIST #1**, which was seconded by Council member Nicolay and approved by the following vote:

AYES: Bean, Nicolay, Keown-Blackburn, and Magovern

Council member Bean asked about an Avaya payment. Ms. Connolly stated it is the install payment for the new phone system. He asked about EAP payment. Ms. Connolly stated it is a program offered to employees who are in need of help. He asked about a payment for Mass Communications. Ms. Connolly stated she would look into it. He asked about the payment for the website. Ms. Connolly stated the RFP for the website will be going out soon.

Council member Magovern offered, Resolution 2014-26, for adoption, **RESOLUTION AUTHORIZING PAYMENT OF BILLS LIST #2 (STAVOLA)**, which was seconded by Council member Nicolay and approved by the following vote:

AYES: Nicolay, Keown-Blackburn, and Magovern

ABSTAIN: Bean

PAYMENT OF BILLS: certification that the vouchers listed on the warrant register numbering 60943 thru 61048 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	\$2,195,335.38
05 General Capital Account	\$166,932.91
11 Water/Sewer Account	\$412,655.06

15 Water/Sewer Capital Account	\$202,593.42
21 Beach Utility Account	\$51,496.63
25 Beach Capital Account	\$9,841.00
55 Trust Fund Account	\$116,476.85
61 Tourism Development Account	\$8,586.74
Total	\$3,163,917.99

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:

Council member Magovern offered the following resolutions for adoption:

2014-27

RESOLUTION APPOINTING SPECIAL I POLICE OFFICERS FOR 2014

2014-28

RESOLUTION GRANTING TAXICAB OWNERS & DRIVERS LICENSES FOR THE YEAR 2014

2014-29

RESOLUTION ESTABLISHING A RISK MANAGEMENT CONSULTANT

2014-30

RESOLUTION AWARDING CONTRACT FOR ENCODER REGISTERS, COLD WATER METERS AND RADIO FREQUENCY METER INTERFACE UNITS

2014-31

RESOLUTION CONFIRMING THE APPOINTMENT OF PETER PIRO AS BOROUGH ADVOCATE

2014-32

RESOLUTION AUTHORIZING THE RETENTION OF SPECIAL COUNSEL ON BEHALF OF THE BOROUGH OF BELMAR FOR ANIMAL HOUSE HEARING OFFICER

2014-33

RESOLUTION PERMITTING SPECIAL EVENTS

Seconded by Council member Keown-Blackburn and approved by the following vote:

AYES: Bean, Nicolay, Keown-Blackburn, and Magovern

ORDINANCES:

First Reading & Introduction

ORDINANCE 2014-01

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER IV, DEPARTMENT OF FINANCE, OF THE GENERAL ORDINANCES OF THE BOROUGH OF BELMAR, PERTAINING TO SECTION 13, RECEIPT OF BIDS

Council member Magovern offered Ordinance 2014-01 for first reading and introduction, which was seconded by Council member Nicolay and approved by the following vote:

AYES: Nicolay, Keown-Blackburn, and Magovern

NAYS: Bean

The second reading and public hearing of Ordinance 2014-01 will be held on February 18, 2014.

Council member Bean asked for an example where a company was hired and then we needed to hire a second company to finish the work. Council member Magovern stated there was a project on Route 35 that had some problems and a second contractor was hired. Council member Bean asked Council member Magovern if he thinks the contractor would have done a better job if they had an apprenticeship program. Council member Magovern stated it wouldn't necessarily mean that however it gives the view that a company who pays prevailing wages and takes care of their employees may be more qualified for the job. Council member Bean felt the Borough should be finding the company to do the job the cheapest and not who has an apprenticeship program.

PUBLIC SESSION:

Rich Seidel, 2010 Surf Avenue, stated there was an article in last week's Coast Star regarding Como Lake and the possibility of receiving aid from FEMA. He stated he heard that FEMA would not give any funding because the lake was owned by three towns. Ms. Connolly stated the Borough has applied for aid but has not received an approval or denial yet. He would like the Council to consider what needs to be done to address the flooding problems in that area of town.

Michelle Griffen, 201 Third Avenue, stated she is definitely in favor of having the house numbers painted on the curbs. She expressed concern about off the leash dogs throughout town, which was a minor problem, but has become worse recently. The Belmar website, under the beach rules, doesn't state the dogs need to be on a leash, which needs to be corrected. Concerned about safety of people and other dogs. Chief Palmisano stated he will look into it.

Mike Seebeck, 110 Second Avenue, asked if bid tabulations will be posted on the website. He felt there is a problem with getting information on the website in a timely fashion. He was concerned about the timing of agendas being placed on the website. Council member Magovern felt the Borough doesn't have a big enough staff to manage the website as if it were a big city. He added that residents have to be patient, the information will be added. He also added that Ms. Claudio who posts the agendas on the website has many other jobs for the town and does the best she can. Council member Bean asked why Your Targeting Marketing doesn't maintain the website since we are paying for them. Ms. Connolly stated they are paid to maintain and host the website and as well as some redesigns.

Connie Dallaportas, 1002 Main Street, thanked Ms. Griffen for speaking up, she added that it is a very big problem.

George Komitas, Third Avenue, stated the Borough had ethics training today and are always reminded not to take anything and believes the gift card issue will work itself out and Ms. Williams didn't do anything wrong. Believes the apprenticeship would be a good thing and would be proud to see the Borough hire a contractor who has that program.

David Schneck, 302 C Street, stated he was glad to see the archives posted to the website back to 2010 but added that the old website had back to 2004. Glad to see Silver Lake project moving forward quickly. He asked if a profit/loss analysis was ever done for the marina. Ms. Connolly stated the marina budget is healthy and the audits are posted online.

Maria Florio, 115 12th Avenue, stated there was a big drug bust a couple weeks ago and there was nothing about it in the newspaper. She asked how come residents don't hear about it. Captain Huisman stated he can confirm there was an arrest but can't comment on it any further because there is an investigation going on.

Michael Druz, 1211 16th Avenue, stated as a member of the public he expects to receive a full report on the investigation he has brought up. He added that it is a matter that should not have been aired publicly. Council member Bean asked Mr. Druz what allegations he made. Council member Magovern interjected and felt this matter should not be discussed any further. Council member Bean stated he has public record of two different amounts of money and if what both sides are saying is true then something in the middle went wrong and wants to determine what happen.

Anthony DiPasquale, 210 15th Avenue, member of National Dance Week, stated a committee was put together to do an event on the Jersey Shore and Belmar was chosen. Gave information

on their program and wants to see if the Borough would be interested.

Sandy Caputo, 1705 Surf Avenue, thanked Ms. Griffen for bringing up the dog problem which she feels is out of control.

Mr. Seebeck stated he has no issue with Ms. Claudio and added that she is always cooperative with providing information to him, his issue is with transparency and feels the website is the best way to make information available. Council member Magovern agrees and added that we try to get as much information as possible on the website as soon as we can. Mr. Seebeck stated he would like to know more about contracts that are awarded specifically the A Street project. Council member Magovern stated there will be a public meeting on that.

Mr. Campbell stated they have cleaned dog fecal matter off the boardwalk when they do hear about it, advised the residents to call DPW if they see it and they will clean it. Council member Magovern appreciated that however it is the dog owners responsibility to clean up.

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

Respectively submitted,

April Claudio
Municipal Clerk