

“GOD BLESS AMERICA”

SPECIAL MEETING

NOVEMBER 21, 2013

A Special Meeting of the Mayor and Council of the Borough of Belmar held on the above date at 5:30 PM at the Belmar Municipal Building, 601 Main Street.

PRESENT: Mayor Doherty, Councilman Magovern, Councilman Bean, Councilwoman Deicke, Councilwoman Nicolay, Borough Attorney Michael DuPont, Esq., Business Administrator Colleen Connolly, and Borough Clerk April Claudio

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 November 15, 2013 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

Mayor Doherty made a motion to amend the agenda to move the ordinances to the beginning of the agenda, which was seconded by Council member Nicolay and approved unanimously.

ORDINANCES:

First Reading & Introduction

ORDINANCE NO. 2013-19

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XVII, ALCOHOL BEVERAGE CONTROL, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BELMAR TO INCLUDE LIMITED BREWERY AND PLENARY BREWERY LICENSES

Mayor Doherty offered Ordinance 2013-19 for first reading and introduction and scheduled the public hearing for December 11, 2013, which was seconded by Council member Deicke and approved by the following vote:

AYES: Deicke, Magovern, Bean, Nicolay and Doherty

Council member Bean asked for an explanation on each bond ordinance. Ms Connolly stated the first ordinance is for the entire funding of the 10th Avenue Pavilion and a portion of Taylor Pavilion. The second ordinance is the remaining funding for the Taylor Pavilion. The third ordinance is to cancel a previous bond ordinance. Council member Bean asked why the cost for Taylor Pavilion was not lowered with the removal of the second story. Ms. Connolly stated the overall savings is only about half a million dollars. Council member Bean asked if approving these ordinances would conflict with the ongoing court case and Judge Lawson’s opinion. Mr. DuPont stated the ordinances have been removed by the Borough’s Redevelopment Attorney William Northgrave and he sees no issues with moving forward. Council member Bean suggested waiting until we get the final decision from Judge Lawson before moving forward.

First Reading & Introduction:

ORDINANCE NO. 2013-20

BOND ORDINANCE PROVIDING FOR CONSTRUCTION OF BEACHFRONT BUILDINGS IN AND BY THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$5,030,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$4,778,500 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

Mayor Doherty offered Ordinance 2013-20 for first reading and introduction and scheduled the public hearing for December 11, 2013, which was seconded by Council member Deicke

and approved by the following vote:

AYES: Deicke, Magovern, Nicolay and Doherty
NAYS: Bean

First Reading & Introduction:

ORDINANCE NO. 2013-21

BOND ORDINANCE PROVIDING FOR CONSTRUCTION OF BEACHFRONT BUILDINGS IN AND BY THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$1,970,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,970,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

Mayor Doherty made a motion to amend the bond issuance amount in ordinance 2013-21 to be the same dollar amount that is being appropriated, which was seconded by Council member Deicke and approved unanimously.

Mayor Doherty offered Ordinance 2013-21 for first reading and introduction and scheduled the public hearing for December 11, 2013, which was seconded by Council member Deicke and approved by the following vote:

AYES: Deicke, Magovern, Nicolay and Doherty
NAYS: Bean

First Reading & Introduction:

ORDINANCE 2013-22

ORDINANCE OF THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY PROVIDING FOR THE CANCELLATION OF BOND ORDINANCE 2013-15, FINALLY ADOPTED ON SEPTEMBER 4, 2013.

Mayor Doherty offered Ordinance 2013-22 for first reading and introduction and scheduled the public hearing for December 11, 2013, which was seconded by Council member Deicke and approved by the following vote:

AYES: Deicke, Magovern, Bean, and Doherty

At approximately 5:50 pm, Council member Nicolay left the meeting.

WORKSHOP DISCUSSION: NONE

PETITIONS: NONE

REPORTS OF MAYOR AND COUNCIL:

Council member Magovern: Congratulated the St. Rose girls varsity soccer team for making the state championships.

Council member Deicke: Attended a NJ Transit Board meeting and gave a statement regarding the need of an accessible train station platform. Has been contacted by a NJ Transit Rep to have a meeting to discuss further. Mayor's Wellness Campaign holiday food drive is underway. Thanked Ray Claudio for working with the ARC to present an education program for special needs children. No feeding ducks on private or public property allowed. Participated in the USS Juneau service at Calvary Baptist Church. Attended a meeting of residents near "Rhode island" point regarding water infrastructure improvements. Belmar Cares will be making donations to organizations for Christmas. Beach Badges will go on sale December 1st. Happy Thanksgiving to all.

Council member Bean: Asked what the need for this special meeting was. Mayor Doherty stated we want to move forward with rebuilding the pavilions. Council member Bean stated he asked for a reverse 9-1-1 call to go out to let people know about tonight's meeting but it did not happen. Read a list of five things that were more worthy of getting a reverse 9-1-1- call than this.

Mayor Doherty reminded everyone about the 10th Avenue Freeze Out event on November 30th.

APPROVAL OF MINUTES: Council member Deicke moved for approval of minutes for the meetings held on November 6, 2013, seconded by Mayor Doherty and approved by the following vote:

AYES: Deicke, Bean, Magovern, and Doherty

Mayor Doherty made a motion to amend the capital budget amendment resolution to state there will be no down payment, which was seconded by Council member Magovern and unanimously approved.

Mayor Doherty made a motion to remove the emergency appropriation resolution from the agenda, which was seconded by Council member Bean and unanimously approved.

Mayor Doherty made a motion to add a resolution requesting a waiver of the down payment to the agenda, which was seconded by Council member Magovern and unanimously approved.

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

Gene Creamer, 4th Avenue, asked about the Freedman's access agreement and site remediation. Ms. Connolly stated they will be removing 9 feet of contaminated soil and redo it and the parking lot. Mr. Creamer asked if there is any motivation for them to complete the work. Ms. Connolly replies yes, stating it would help them complete the sale of the building. Mr. Creamer suggested we add a daily compensation for loss of use of the parking lot.

Peter Piro, 300 North Blvd., stated he went to the SMRSA meeting to try push them to join the interlocal agreement but they refuse. Spoke to Spring Lake Administrator who said work will get done. Thanked Ms. Connolly for her efforts.

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

RESOLUTIONS:

Mayor Doherty offered Resolution **2013-259, RESOLUTION AUTHORIZING PAYMENT OF BILLS LIST**, for adoption, which was seconded by Council member Deicke and approved by the following vote:

AYES: Deicke, Magovern, Bean and Doherty

PAYMENT OF BILLS: certification that the vouchers listed on the warrant register numbering 60573 thru 60657 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	\$1,774,857.33
03 Grant Account	\$300.00
05 General Capital Account	\$116,574.74
11 Water/Sewer Account	\$38,502.91
15 Water/Sewer Capital Account	\$196,147.76
21 Beach Utility Account	\$36,820.83
25 Beach Capital Account	\$36,820.83
23 Parking Utility Fund	\$1,182.50
41 Dog License Account	\$51.60
55 Trust Fund Account	\$32,977.44
61 Tourism Development Account	\$4,271.91

Total \$2,238,518.73

Mayor Doherty offered Resolution **2013-260, RESOLUTION AUTHORIZING A 2013 CAPITAL BUDGET AMENDMENT**, for adoption, which was seconded by Council member Magovern and approved by the following vote:

AYES: Deicke, Magovern, and Doherty
NAYS: Bean

(REMOVED FROM AGENDA) RESOLUTION AUTHORIZING AN EMERGENCY APPROPRIATIONS – NJS 40A:4-48 - CURRENT FUND BUDGET

Mayor Doherty offered Resolution **2013-261, RESOLUTION OF THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY MAKING APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. 40A:2-7(d) AND N.J.S.A. 40A:2-11(c)**, for adoption, which was seconded by Council member Deicke, and approved by the following vote:

AYES: Deicke, Magovern, Bean 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:

2013-262

RESOLUTION AUTHORIZING THE SIGNING OF AN ACCESS AGREEMENT BETWEEN THE BOROUGH OF BELMAR AND FREEDMAN'S BAKERY INC.

2013-263

RESOLUTION AUTHORIZING THE BOROUGH OF BELMAR TO ENTER INTO AN INTERLOCAL SERVICE AGREEMENT FOR LAKE COMO FLOODING EMERGENCY MANAGEMENT

2013-264

RESOLUTION AUTHORIZING THE MAYOR AND BOROUGH CLERK TO REQUEST PERMISSION FROM THE UTILITY COMPANIES FOR USE OF POLES FOR CHRISTMAS DECORATIVE BANNERS FOR 2013

2013-265

RESOLUTION AUTHORIZING REFUNDS

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

AYES: Deicke, Magovern, Bean and Doherty

PUBLIC SESSION:

David Schneck, 302 C Street, stated he thought the original \$7 million bond ordinance was miscalculated. Ms. Connolly explained the bond only went down half a million because 10th Avenue was a higher bid than estimated. He felt the town was trying to sneak the pavilions through without the state noticing. He stated he is happy have a clear understanding of what can and cannot be charged to the beach utility.

Council member Magovern stated we didn't try to sneak anything past anybody. He added that he truly believes a second story would have been a great benefit to Belmar.

Jim Kumaras, 804 Ocean Avenue, expressed concern about not being able to park near Ocean Avenue when walks and runs are going on and may turn people off from staying in town.

Mayor Doherty stated some races aren't just on Ocean Avenue but will try to do them early in the morning to help.

Brendan Reed, 100 Ninth Avenue, recommended everyone walk off their turkey on Thanksgiving at the boardwalk.

Rich Seidel, 2010 Surf Avenue, stated he went to the SMRSA meeting where they discussed ownership of Lake Como and whether or not it's classified as a dam. He asked what impact this classification would have on the residents of Belmar. Ms. Connolly stated it may have some impact but might not be much; she will be meeting with DEP and will get more information. He asked why Spring Lake Heights and Wall Township can't contribute to repairs since the water is coming from those towns into the lake.

Gene Creamer asked why Belmar School can't be used for shelter in evacuations of storms.

Bill Merkler, 219 Second Avenue, asked if we received insurance money for the pavilions. Ms. Connolly stated we received under a half of million dollars for 10th Avenue only. He asked if any FEMA money will be used to rebuild Taylor Pavilion. Ms. Connolly replies yes, adding that we are waiting for a firm dollar amount. He asked if there will be any issues with flood elevations. Ms. Connolly stated there are no issues. He asked when more FEMA money is coming in. Ms. Connolly stated it trickles in.

Connie Dallaportas, 1002 Main Street, concerned about people parking on the wrong side of the street.

Joy Desanctis, 101 6th Avenue, asked what happen with the down payment resolution. Ms. Connolly stated the Bond Counsel advised us to remove it. She stated she was told back in September by the Mayor that he was going to do a better job of informing the public about the pavilions and he's not doing a good job. She asked why this meeting was rushed. Mr. DuPont suggested Ms. Desanctis have her counsel reach out to Mr. Northgrave regarding any issues.

Michael Seebeck, 110 Second Avenue, stated council woman elect Keown-Blackburn mentioned during her campaign she didn't like the negative discussions that go on and she would suggest one five minute comment per a person. He asked Mayor Doherty if he would do that. Mayor Doherty stated he hadn't thought about it but will think about it.

Mayor Doherty 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