

“GOD BLESS AMERICA”

REGULAR MEETING

FEBRUARY 15, 2012

A Regular Meeting of the Mayor and Council of the Borough of Belmar on the above date at 6:00 p.m. in the Belmar Municipal Building.

PRESENT: Mayor Doherty, Councilwoman Nicolay, Councilman Bean, Councilwoman Deicke, Councilman Magovern, Michael DuPont, Esq., Borough Administrator William Young, and Borough Clerk April Claudio

ABSENT: None

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 24, 2012 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 DISCUSSIONS:

- Coastal Habitat for Humanity
 - Maureen Mulligan stated they build low income housing. The Neighborhood Revitalization program has four programs. These programs fix exterior conditions of a house; install ramps for handicap access, do weatherization improvements, and offer home owner education information. Some programs are only for disabled or seniors. The seminars for home owner education are available to all. They will prepare applications to hand out to residents.
- Monmouth County Department of Economic Development - Grow Monmouth Program
 - Amy Fitzgerald, John Ciufio, and Freeholder Tom Arnone presented a PowerPoint presentation regarding the Grow Monmouth program which is available to help maintain economic growth of existing businesses and attract new businesses. Freeholder Arnone presented a booklet listing all shared services offered by the County. The Grow Monmouth program has a GIS mapping program to show highways, water/sewer lines, non-residential properties, vacant land, commercial properties, etc. All of this information may be useful to a possible new business owner. The program also offers a business toolkit to help businesses maintain and grow their business. They are working on creating seminars or information packets for small businesses which would offer tools and tips for how to handle human resources issues with their employees. More information is available on the County's website.
- Charles Callari, American Traffic Solutions, gave a presentation on intersection cameras which can be used to monitor safety issues and red light violations. There are 25 towns in NJ currently using these cameras, none in Monmouth County. NJDOT must approve the locations based on the amount of accidents and violations at an intersection. Use of the program will create a reduction in intersection violations.
 - Mayor Doherty asked if there is a monthly or yearly quota regarding the number of violations. Mr. Callari replied no and explained the program pays for itself through the revenue received from violations and if not there is still no cost to the Borough. There are no costs to the Borough for installation of the cameras either.
 - Mayor Doherty asked Chief Palmisano if he spoke to the Police Chief in Brick regarding their experience. Chief Palmisano stated he did and was told accidents have decreased and they are happy with it and looking to install the cameras at a third intersection.

- Council member Deicke asked where we would install them. Chief Palmisano suggested the intersections of 8th Avenue and Route 35, Route 71 and 16th Avenue, and Route 35 and 10th Avenue.
 - Mr. Callari explained if County does not participate in the ticketing program then the fees from the fine that would normally go to the County would go to the Municipality. If the County does participate they must pay 50% of the vendor's fees. There are three different pricing models offered. The most common one in NJ is a fixed yearly fee per a camera which would range from 15-20% of the total revenue.
 - Council member Bean asked how unsafe our intersections are. Chief Palmisano stated the number of violations and accidents varies. He also likes that having the cameras there will help them determine how an accident occurred. Council member Bean asked what would happen if someone moved and didn't receive the violation in the mail. Mr. Callari stated the first notice is sent regular mail, the second is sent certified mail, after 90 days it gets dismissed; there is no warrant entered in the Police database.
 - David Schneck, C Street, asked if there is a limitation from when the photo is taken and the violation is issued. Mr. Callari stated there is a 90 day window. Mr. Schneck suggested that violations decrease because people avoid the intersections. Mr. Callari stated their cameras also monitor traffic flow and they have not seen a decrease in traffic. Mr. Schneck asked if there would be a clause in the contract that would allow the Borough to opt out if there is objection to it.
 - Sam Kaye, Seventh Avenue, thought it sounds like a good idea. He asked if an insurance company can view the video. Mr. Callari replied no and further stated the videos are non-discoverable and can only be requested by a subpoena.
 - Connie Dallaportas, 1002 Main Street, asked why there is a need for these.
 - Mayor Doherty explained the cameras have to be put out to bid if they decide to move forward. Mayor Doherty asked Chief Palmisano if he thinks having the cameras would deter people from coming to town. Chief Palmisano replied no.
- Mayor Doherty stated Ordinance 2012-03 has been added to the agenda for introduction. This ordinance allows liquor stores to also open at 10:00 a.m. on Sundays. Ms. Claudio explained in order to adopt this ordinance before the St. Patrick's Day Parade the Mayor and Council must hold a special meeting. Mayor Doherty suggested having a special meeting on February 23rd prior to the Zoning Board of Adjustment meeting.

SPECIAL RESOLUTION: Honoring Molly Mulshine

PROCLAMATION: Read Across America

PETITIONS: None

APPROVAL OF MINUTES: Council member Deicke moved for approval of minutes for the regular meeting held on February 1, 2012, seconded by Mayor Doherty and approved by the following vote:

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

REPORTS OF MAYOR AND COUNCIL:

Council member Magovern: Announced the birth of his fourth grandchild and the passing of Robert Kordulak a former Belmar Elementary School gym teacher. Brian Hatfield, resident and owner of BDL landscaping, has offered to join the Shade Tree Commission. The Historical Society received a grant from Monmouth County for \$5,000. Belmar has a five page spread and is on the cover of the Monmouth County travel guide magazine.

Council member Deicke: Belmar will be partnering with Coastal Habitat for Humanity in bringing their Neighborhood Revitalization Program to Belmar. Department of Community Affairs offers financial assistance for heating bills to low income households. Harbor

Commission had an informative meeting about the upcoming marina developments. The Circle of Friends dinner dance at Taylor Pavilion this past Sunday was very well attended and ran smoothly. Thanked Mary Brabazon, Kelly Williams, DPW, Jack's Tavern, D'Jais, and all those who volunteered their time and services in putting together this event. Mayor's Wellness Campaign "Healthy Heart" program is tomorrow night. The mardi gras themed senior luncheon is tomorrow.

Council member Bean: On January 27th Mayor Bloomberg of NYC had a comment regarding no parades for Iraq war veterans which he was upset by. He contacted Administrator Young who contacted the St. Patrick's Day Parade Committee who offered to allow the Iraq war veterans to march in the parade. Wants to be involved with the infrastructure improvements the town will be working on since he sits on the Water/Sewer committee. Thinks if there is a policy to limit the public to speak for five minutes then the same should apply to the Mayor and Council when they speak.

Council member Nicolay: Thanked Council member Deicke for helping coordinate the Valentine's Day dance last Sunday. The plexi glass over the sign in front of Borough Hall was replaced. On April 15th there will be a free paper shredding day. The military appreciation day will be held again this year and will look to expand it and promote it early. Read DPW report. Junior Youth Club program going well. The tubing trip was well attended. Recreation is offering a hot shot basketball contest for third through eighth graders. The Belmar Business Partnership is preparing to present the way finding signs soon, working on a new Belmar logo, awarded a facade improvement grant to the Salt Water Inn on Tenth Avenue, and is working on enhancing the VIP program.

Mayor Doherty: Thanked Council member Bean for wanting to invite the Iraq war veterans to the parade. Also thanked Chip Cavanaugh of the parade committee.

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

Mike Seebeck, 110 Second Avenue, believes the Mayor is in violation of section 9.5 of the pay to play ordinance and therefore cannot vote on the resolutions setting appointments. He prepared a report to give to the Council for review and asked when it will be addressed.

Mr. DuPont stated he reviewed the ordinance after the last meeting and found that section 9.9 allows the Mayor to cure any violations. He stated he understands the Mayor did receive a contribution but it was not used and therefore was donated to a charity which then cures the violations.

Mr. Seebeck stated he believes the contribution must be returned and cannot be donated. Mr. DuPont stated if the contributor will not accept the money the Mayor has no other option but to donate it since he cannot spend it. Mr. Seebeck disagreed.

Mayor Doherty moved that the Public Hearing be closed, seconded by Council member Deicke and approved unanimously.

RESOLUTIONS:

Council member Magovern offered the following resolution for adoption, **RESOLUTION 2012-49, RESOLUTION MAKING FINDINGS AND DETERMINATIONS ON LEGALIZED GAMES OF CHANCE APPLICATION NUMBER 2012-07, 08**, which was seconded by Council member Nicolay and approved by the following vote:

AYES: Deicke, Bean, Nicolay, and Magovern
ABSTAIN: 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:

Council member Bean stated he would like to take the Resolution awarding the contract for 10th Avenue improvements off of the consent agenda.

Mayor Doherty made a motion to take the resolution awarding the contract for the 10th Avenue improvements off of the consent agenda and approve the consent agenda as amended, which was seconded by Council member Bean and approved by the following vote:

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

2012-50

RESOLUTION PERMITTING SPECIAL PERMIT FOR A SOCIAL AFFAIR FOR GOODWILL HOSE FIRE COMPANY #1

2012-51

RESOLUTION SUPPORTING THE USE OF A “NO PASSING” ZONE ON ROUTE 71

2012-52

RESOLUTION AUTHORIZING REFUNDS

2012-53

RESOLUTION APPOINTING AND CONFIRMING MEMBERS TO THE BOARD OF ADJUSTMENT AS PER BOROUGH ORDINANCE 2004-21

2012-54

RESOLUTION PERMITTING SPECIAL EVENTS

2012-55

RESOLUTION GRANTING TAXICAB OWNERS & DRIVERS LICENSES FOR THE YEAR 2012

2012-56

RESOLUTION MAKING VARIOUS APPOINTMENTS TO THE TECHNICAL DESIGN & REVIEW COMMITTEE

2012-57

RESOLUTION APPROVING PAYMENT OF BILLS LIST FOR FEBRUARY 15, 2012

PAYMENT OF BILLS: certification that the vouchers listed on the warrant register numbering 56164 thru 56263 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	\$1,289,630.08
11	Water/Sewer Account	\$28,814.75
15	Water/Sewer Capital Account	\$138,709.69
21	Beach Utility Account	\$44,589.32
23	Parking Utility Fund	\$4,752.00
55	Trust Fund Account	\$45,584.86
61	Tourism Development Account	\$6,393.43
Total:		\$1,558,474.13

Mayor Doherty offered the following resolution for adoption, **RESOLUTION 2012-58, RESOLUTION AWARDING CONTRACT FOR IMPROVEMENTS TO TENTH AVENUE – WEST RAILROAD AVENUE TO MAIN STREET**, which was seconded by Council member Magovern and approved by the following vote:

AYES: Deicke, Nicolay, Magovern, and Doherty

ABSTAIN: Bean

Council member Bean explained he opted to abstain from voting on the resolution as he was not on the Council when this project was discussed and feels he does not have enough information about it to vote on it.

ORDINANCE 2012-02:

Mayor Doherty made a motion to offer **ORDINANCE 2012-02, AN ORDINANCE AMENDING THE SEAPORT REDEVELOPMENT PLAN**, for first reading and introduction and schedule it for public hearing on March 7, 2012, which was seconded by Council member Deicke and approved by the following vote:

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

ORDINANCE 2012-03:

Mayor Doherty made a motion to offer **ORDINANCE 2012-03, AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XVII ALCOHOLIC BEVERAGE CONTROL OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY TO AMEND HOURS OF OPERATION**, for first reading and introduction and schedule it for public hearing at a special meeting on a date to be determined, which was seconded by Council member Magovern and approved by the following vote:

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

PUBLIC SESSION:

David Schneck, C Street, expressed concern about several lawsuits he found involving ATS and cities across the Country. Mayor Doherty asked Mr. Schneck to provide copies of the information to the Administrator.

Mike Seebeck, 110 Second Avenue, read section 9.9 of the pay to play ordinance which discusses curing campaign contributions. He stated he believes that not all of the contributions were donated, some were spent. He also felt the ordinance does not address past contributions and a timeframe for curing them. Mr. DuPont disagreed. Mr. Seebeck asked the Council to review the ordinance thoroughly.

Council member Magovern asked Mr. Seebeck why he is concerned about a contribution from several years ago. Mr. Seebeck stated him and other Republicans including then Council member Merkler were against the pay to play ordinance from the beginning. He feels Mayor Doherty has violated the ordinance and has failed to file the correct reports.

Connie Dallaportas, 1002 Main Street, commended the DPW employee who painted the Borough offices for doing such a great job.

Tom Dilberger, 1000 River Road, stated the red light cameras will not change people's behavior and asked the Mayor and Council not to approve them.

Lisa Scarri, West Belmar, stated she filed several internal affairs complaints against the Police Department since 2009 which had not been addressed yet. She had contacted Mayor Doherty and Mr. DuPont regarding this and thought it would be discussed at this meeting. Mr. DuPont stated he will discuss the issues with the Administrator and Police Chief and not at a public meeting. He needs to gather the history of this since it goes back a few years and he was just informed of these two weeks ago.

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
Borough Clerk