

“GOD BLESS AMERICA”

REGULAR MEETING

FEBRUARY 20, 2013

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 Bean, Councilwoman Deicke, Councilman Magovern, Councilwoman Nicolay, Acting Borough Attorney Edward Washburne, 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 January 4, 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

SPECIAL PRESENTATIONS:

Chateau Gardens Condo Association made a “Buy a Board” donation in the amount of \$5,000.

SPECIAL RESOLUTIONS:

- Council member Magovern presented resolutions to BES Students: Jade Glab, Eric Keossian, and Devin Barry
- Mayor Doherty presented resolutions to Monmouth County DPW workers: Marc Metzenger & Dave Mimoe

WORKSHOP DISCUSSION:

- Freeholder Arnone discussed shared services that are offered by Monmouth County.
- Mayor Doherty showed the Council a photo of the new light fixtures to be placed on the boardwalk. The light fixtures will be bright enough to light up the west side of Ocean Avenue which means those light poles could be removed and it will save the Borough \$15,000 per a year. He also announced the beach playgrounds will be up by Memorial Day.
- Mayor Doherty suggested the Borough go out to bid for cleanup services that way in the event there is another storm we will already have prices for vendors locked in. Council member Deicke thought it would be a good idea to be proactive. Council member Magovern expressed concern about the quality of work. Ms. Connolly stated the bid could have provisions and special qualifications to ensure the bids come from reputable companies. Council member Bean asked how the price could be dictated when we don’t know how much debris there would be. Mayor Doherty stated they would provide multiple prices. Council member Nicolay thought it would be a great idea. Mayor Doherty made a motion to authorize the Administrator to go out to bid for prices, which was seconded by Council member Deicke and approved unanimously.
- Council member Deicke asked when the community center will open. Ms. Connolly stated she hopes to have it open by April 1st.

PETITIONS: Tom Burke, 10th Avenue, submitted a petition requesting the Mayor and Council look into creating a local ethics board.

APPROVAL OF MINUTES: Council member Deicke moved for approval of minutes for the meetings held on January 30, 2013 and February 6, 2013 seconded by Mayor Doherty and approved by the following vote:

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

REPORTS OF MAYOR AND COUNCIL:

Council member Magovern: April 20th, the Environmental and Shade Tree Commissions will start the plantings at Silver Lake. Mikaela Mabrey a Belmar resident and student/basketball player at Notre Dame will be on ESPN this Monday night.

Council member Deicke: Belmar Cares will be purchasing a board for \$250. The Historical Society is working on a second Belmar memories book. The Choose Your Cover event will take place again this year. Summer concerts will be offered at the gazebo. There will be a women's health expo on March 30th at the gym. She will be reading to the students at Belmar Elementary School on March 1st for Dr. Seuss's birthday. Free tax preparation is offered at the Wall Township Library. Congratulated former Council President Merry Brennan on writing her book. Thanked DPW for their efforts in the last snow storm.

Council member Bean: Expressed concern about the Borough's finances. He asked when the FEMA checks will be coming in. Ms. Connolly stated they have not committed to a date yet. He asked about Shop Rite gift cards that were given out. Mayor Doherty stated the Borough purchased \$20,000 worth of Shop Rite gift cards for \$18,000 with money raised through the website and the Social Services Director distributed them to the residents of the senior building and the Belmar Elementary School. The Belmar Elementary School then distributed them to families. He also expressed concern about issuing so many manual checks. Mayor Doherty stated under an emergency he has the power to authorize purchases with manual checks and those items then get added to a bill list later. He was concerned about approving bill lists with payments that have already been made. He stated he would be abstaining from voting on anymore bills that have already been paid. He also asked who gave former Administrator Bill Young the authority to sign those checks. Mayor Doherty stated he didn't need authority. He stated that according to the ordinance the Council President had the authority to sign the checks but not the Administrator. Mr. Washburne stated there is nothing in the ordinance prohibiting the Administrator from signing checks either. Mayor Doherty stated he would ask the DCA for clarity.

Council member Nicolay: The Belmar Elementary School pre-k registration begins today. The school is working on a community garden. Thanked the Youth Club parents for all of their volunteering. The Youth Club tubing trip is this weekend. Thanked DPW. Also thanked the Tourism Commission and Belmar Business Partnership for doing a good job promoting Belmar.

Mayor Doherty: The boardwalk pilings are at 17th Avenue, the girders are at 15th Avenue, and the stringers are 4th Avenue. Announced that there will be a grant program in place beginning tomorrow for families that are displaced as of January 1st. Those interested can contact Kelly Williams. The renovations to the library are moving forward. The 13th Avenue water improvements are almost done. Thanked DPW for a job well done on snow removal. Congratulate Council woman Nicolay for being chosen for the JFK Valor Award for her volunteer efforts during the storm.

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

Pat Wann, 18th Avenue, asked about the resolution for kitchen trailers on the boardwalk for the food concessions. Mayor Doherty replied stated it would be for this summer only. She suggested we help the downtown and rather than get food trailers have people get their food from Main Street.

Charles Bull, 1501 Ocean Avenue, asked who Peter Piro is. Ms. Claudio explained he is the Borough's Advocate for Animal House hearings.

Ted Ehmann, Oakwood Road, asked what the reason is for the rehabilitation resolution. Council member Nicolay stated it will help residents with fixing up their properties. Council member Deicke stated it will allow for tax abatements. Council member Magovern stated it will encourage people to rebuild and improve their properties. Mr. Ehmann was concerned that there is no historic preservation committee. Council member Magovern stated the County

did a survey in the early 90's and found that many of the homes that look historic cannot be deemed historic because improvements were done to them.

Gene Creamer, Fourth Avenue, stated he was glad to see the compensation for the Animal House Hearing Officer was listed in the resolution and felt that all resolutions should be drafted this way. He asked why the Borough would want to promote the overall development of the town through the rehab designation and he was concerned about urbanization. Council member Magovern explained it does not mean the whole town will be developed. Council member Bean felt there are other ways to go about getting tax abatements and that should be looked into. Council member Nicolay stated the resolution is to help promote the improvement of the town.

Bob Forte, Eighth Avenue, stated there are already zoning ordinances and a master plan in place and all the rehab resolution is doing is providing tax abatements.

Mayor Doherty stated there is no other way for the Borough to provide tax abatements.

Ms. Connolly stated the resolution awarding the contract for the food trailers will be pulled off of the agenda to allow for more time to review the bids that were received this morning.

Council member Bean asked what the temporary appropriations resolution was for. Ms. Connolly stated it is for most of the first responders needs in relation to the storm.

RESOLUTIONS:

Council member Deicke made a motion to offer, **Resolution 2013-65, RESOLUTION AUTHORIZING PAYMENT OF BILLS LIST**, for adoption, which was seconded by Council member Magovern and approved by the following vote:

AYES: Deicke, Magovern, and Nicolay

NAYS:

ABSTAIN: Doherty and Bean

PAYMENT OF BILLS: certification that the vouchers listed on the warrant register numbering 58523 thru 58607 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	\$2,187,681.86
11 Water/Sewer Account	\$62,443.27
15 Water/Sewer Capital Account	\$184,495.60
21 Beach Utility Account	\$24,000.61
25 Beach Capital Account	\$244.54
31 Public Assist I Account	\$250.00
55 Trust Fund Account	\$37,141.87
61 Tourism Account	\$5,526.92
62 Seafood Festival Account	\$450.00
Total:	\$2,502,684.67

Council member Bean made a motion to remove the Resolution designating the Borough as an area in need of rehabilitation from the Consent Agenda, which was seconded by Mayor Doherty and approved unanimously.

Mayor Doherty made a motion to offer, **Resolution 2013-66, RESOLUTION OF THE BOROUGH OF BELMAR, COUNTY OF MONMOUTH DESIGNATING ALL THE REAL PROPERTY WITHIN THE BOROUGH AS AN AREA IN NEED OF REHABILITATION**, for adoption, which was seconded by Council member Deicke and approved by the following vote:

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

Mayor Doherty made a motion to remove the Resolution awarding the contracts for the kitchen trailers from the Consent Agenda which was seconded by Council member Nicolay and approved unanimously. Mayor Doherty made a motion to table this resolution to another meeting, which was seconded by Council member Deicke and approved unanimously.

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 as amended and moved them for adoption:

2013-67

**RESOLUTION CONFIRMING THE APPOINTMENT OF PETER PIRO AS
BOROUGH ADVOCATE**

2013-68

RESOLUTION APPOINTING AND CONFIRMING LABOR ATTORNEY

2013-69

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

2013-70

**RESOLUTION GRANTING TAXICAB OWNERS & DRIVERS LICENSES FOR THE
YEAR 2013**

2013-71

**RESOLUTION MAKING FINDINGS AND DETERMINATIONS ON LEGALIZED
GAMES OF CHANCE APPLICATION NUMBER 2013-04**

2013-72

**RESOLUTION AWARDING CONTRACT FOR PURCHASE OF FOUR MOBILE
RESTROOM TRAILERS**

2013-73

**RESOLUTION AWARDING CONTRACT FOR THE RENTAL OF TWO MOBILE
RESTROOM TRAILERS**

2013-74

**RESOLUTION AWARDING CONTRACT FOR THE RENTAL OF FOUR OFFICE
TRAILERS**

2013-75

**RESOLUTION AWARDING CONTRACT FOR PURCHASE AND CONSTRUCTION
OF LIBRARY ENTRANCE STAIRCASE AND LANDSCAPING**

2013-76

**RESOLUTION AWARDING CONTRACT FOR ROOF REPAIRS AT VARIOUS
LOCATIONS**

2013-77

**RESOLUTION PROVIDING FOR EMERGENCY TEMPORARY
APPROPRIATIONS RESOLUTION #1**

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

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

ORDINANCES:

First Reading & Introduction

ORDINANCE 2013-03

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XXXV
FLOOD DAMAGE PREVENTION OF THE REVISED GENERAL ORDINANCES OF
THE BOROUGH OF BELMAR**

Mayor Doherty made a motion to offer ordinance 2013-03 for introduction and first reading and schedule it for public hearing and second reading on March 6, 2013, which was seconded by Council member Nicolay and approved by the following vote:

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

First Reading & Introduction

ORDINANCE 2013-04

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XL,
DEVELOPMENT REGULATIONS OF THE REVISED GENERAL ORDINANCES
OF THE BOROUGH OF BELMAR TO ALLOW HEIGHT LIMITATIONS
CONFORMING TO BASE FLOOD ELEVATIONS**

Mayor Doherty made a motion to offer ordinance 2013-04 for introduction and first reading and schedule it for public hearing and second reading on March 20, 2013, which was seconded by Council member Magovern and approved by the following vote:

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

PUBLIC SESSION:

Andrea Ganguzza, 14th Avenue, suggested leaving the boardwalk up without buildings and promote Main Street more.

Mayor Doherty stated he thinks the boardwalk buildings should be rebuilt.

Maria Florio, 115 12th Avenue, asked why renters can participate in the grant program. Mayor Doherty explained even though they rent they are still displaced residents.

Gene Murray thanked the Mayor for doing a great job and on behalf of all the seniors thanked him for the Shop Rite gift cards as well.

Samantha Crone presented an idea for a traveling ring apparatus to be placed on the beach playgrounds.

Sam Kaye, 414 7th Avenue, stated he is thankful for the grant money.

Charles Bull, 1501 Ocean Avenue, agreed with Ms. Ganguzza.

Tom Rogers, Ocean Avenue, asked if the trailers for the two concessions who cancelled their leases would be available. Ms. Connolly stated those two trailers and leases would go out to bid.

Janis Keown-Blackburn, River Court, thanked everyone for doing a wonderful job since the storm.

George Komitas, 111 Third Avenue, thanked everyone for supporting him as Citizen of the Year.

Steve Edelman, 13th Avenue, stated the storm crisis is over and everything should get back to normal operation. He also stated he is thrilled that the Matisse building is gone and felt the Council should consider how buildings on the boardwalk would affect property values.

Bill Young, 303 Ninth Avenue, felt the rehab resolution is a great idea. He stated the gift cards and the grant program is being done through donated money and not tax dollars.

Ernest Liberatore, A Street, stated he would like to be more involved in town.

David Schneck, 302 C Street, stated the people questioning the gift cards aren't against charity; they just want to make sure it was done correctly. He felt the Mayor and Council should not be in the position of giving out money to voters.

Council member Deicke stated her family is very private and she knows that if they were in a situation where they received aid they would not want it publicly known.

Bill McKim, 905 Ocean Avenue, stated he is happy to see professionals taking care of Ocean Avenue. He also stated the crisis isn't over; many people are still not in their homes.

Tom Volker stated he has not perceived any ethical violations and doesn't see the need for an ethics board. He said the Borough used a contractor approved by the governor.

Luis Pulido, Dina Manor Condos, stated the Mayor took action and followed the rules to help people and get the town up and running quickly.

Charles Bull liked the idea of an ethics board.

Council member Magovern stated it is not unethical for two people to see something differently.

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

Respectively submitted,

April Claudio
Municipal Clerk