

**“GOD BLESS AMERICA”**

**REGULAR MEETING**

**FEBRUARY 6, 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, 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

**WORKSHOP DISCUSSION:**

Mayor Doherty and Ms. Connolly announced there will be applications for aid for displaced families courtesy of the Robin Hood Foundation and money raised through donations on the Borough’s website. Property owners are eligible to receive \$5,000 and renters are eligible to receive \$2,000. Residents will be notified through public notice and a Code Red alert.

Ms. Connolly introduced Kevin Gahan as the new Recreation Director.

**PETITIONS:** none

**APPROVAL OF MINUTES:** Council member Deicke moved for approval of minutes for the meetings held on December 31, 2013 and January 3, 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: Asked everyone to clean up debris on the sidewalks throughout town. March 9<sup>th</sup> is the ALS plunge which he will be participating in.

Council member Deicke: Autism Spectrum at the Belmar Elementary School was a great success. She thanked Ray Claudio and the BES Staff for their support. The Woman’s Club made donations to the boardwalk reconstruction and the First Aid Department at their last meeting. Thanked Chris Brandl for allowing the Woman’s Club to meet at his restaurant. The ST. Rose Grammar School boy’s baseball team and the Shell Kids are also making donations to the boardwalk. Thanked Ray Claudio and Rosemarie Korbela from the Library for interviewing her for the book on super storm Sandy. March 30<sup>th</sup> there will be women’s health expo in the gym.

Council member Bean: The winter hockey classic for special needs children is this Sunday in Avon. He was glad to see all the debris removal contracts were posted on the Borough’s website. He asked that the Ferraira contract be extended rather than handled through daily task orders if they are going to continue to do work. He asked why the Broadco contract was not posted on the website. Ms. Connolly stated they were fired and did not do any work. He felt the contract should still be posted on the website.

Council member Nicolay: The Youth Club snow tubing trip is scheduled for February 24<sup>th</sup>. DPW is hard at work throughout town. Thanked the Arts Council and Surf Taco for allowing

the Shell Kids to use their facilities.

Mayor Doherty: The Mayor's Ball is this Saturday. George Komitas is the 2013 Citizen of the Year and will be recognized at this event. He gave a report on 100 days after the storm. Debris removal will finish up tomorrow, pilings and girders for the boardwalk are up to 12<sup>th</sup> Avenue, the boardwalk decking has been delivered, and beach badge sales are up 48%. He said he thought former Administrator Bill Young, Captain Huisman and Mr. Campbell did an outstanding job during the storm. They did the right thing when it came to hiring contractors to get the work done. He stated Ferraira had donated to his campaign and he knew it would be a problem. Ashbritt was on the list of contractors provided to the Borough from the Governor's office. He explained his wife had worked with Conti which was a subcontractor for Ashbritt, however the Borough Attorney advised him to allow Mr. Young to do his job and stay out of any decision making. He felt he did the right thing by trusting Mr. Young to get the town cleaned up how he seemed fit. He knew he would take a political hit but felt it's the price of leadership.

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

Charles Bull, 1501 Ocean Avenue, felt that providing just the headings of the resolutions on the agenda is confusing because he doesn't know what any of them mean. Mayor Doherty gave him copies of the resolutions for him to read.

David Schneck, 302 C Street, asked if the garbage and debris removal resolution for 3.6 million is in addition to the already approved 1.6 million. Ms. Connolly replied yes. He was concerned about the work being done and the contract being increased after the fact. He was also concerned about the conflict with the Mayor's wife and the possibility of future conflicts. Mayor Doherty explained he would recuse himself from any decisions where there may be a conflict.

Council member Bean asked why one of the emails sent by Ms. Connolly was sent to someone named Laura. Ms. Connolly and Mayor Doherty explained that Mayor Doherty's cell phone was not working and she had emailed people she thought would be near the Mayor in hopes the message would get to him.

Mike Seebeck, 110 Second Avenue, stated he read the emails from Council member Bean's OPRA request and felt wording used by Ms. Connolly was unprofessional. Mayor Doherty stated Ms. Connolly has done an outstanding job. Mr. Seebeck asked why there were no emails from the Mayor. Mayor Doherty explained his blackberry was not working.

Mayor Doherty explained that if they had waited to put out the debris removal for bid then it would have been 19 days after the storm before any work was done.

Bill Young, 303 Ninth Avenue, former Administrator, stated he fired Broadco because they did a terrible job. He stated he hired Ferraira because he knew they were professional.

Sue Gerber, Fifth Avenue, felt it was upsetting to see everyone at odds. She is thankful that the cleanup was done in a timely fashion and she felt she doesn't need to know the details of how it got done. The important thing is getting the town ready for the summer.

William Merkler, 219 Second Avenue, felt Ferraira did a great job with the cleanup which was an emergency, however the other work they have been doing should have gone out to bid. He stated Manasquan just received bids for sand sifting that were much lower than what the Borough has been paying.

Neil Vincent Scheck, 410 Fourth Avenue, stated Mayor Doherty has proven to be a great Mayor.

David Schneck, 302 C Street, was concerned that work was not put out to bid and there were no help wanted ads published either.

Sam Kaye, 414 Seventh Avenue, stated Mayor Doherty is doing a lot of things right and has helped put Belmar on the map.

Mr. Merkler asked why the marina clean-up was not put out to bid.

Ms. Connolly stated all the work that has been done needed to be done in a timely manner for the health and welfare of the town and was also done according to the law. Mayor Doherty stated all of the debris removal was emergency work.

Ted Ehmann, Oakwood Road, asked why general contractors were used and not hauling contractors.

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

**RESOLUTIONS:**

Council member Magovern offered the following resolution for adoption, **2013-50, RESOLUTION AUTHORIZING PAYMENT OF BILLS**, which was seconded by Council member Nicolay and approved by the following vote:

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

PAYMENT OF BILLS: certification that the vouchers listed on the warrant register numbering 58362 thru 58522 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	\$1,900,980.70
05 General Capital Account	\$195,581.25
11 Water/Sewer Account	\$139,225.40
15 Water/Sewer Capital Account	\$317.50
21 Beach Utility Account	\$192,488.94
25 Beach Capital Account	\$1,416,957.50
41 Dog License Account	\$1,500.60
55 Trust Fund Account	\$7,530.69
61 Tourism Account	\$12,617.43
Total:	\$3,867,200.01

Council member Magovern offered the following resolution for adoption, **Resolution 2013-51, RESOLUTION PERMITTING SPECIAL PERMITS FOR SOCIAL AFFAIRS FOR THE FRIENDLY SONS OF THE SHILLELAGH**, which was seconded by Council member Deicke and approved by the following vote:

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

Council member Nicolay offered the following resolution for adoption, **Resolution 2013-52,**

**RESOLUTION AUTHORIZING STATE CONTRACT PURCHASE OF GARBAGE AND DEBRIS REMOVAL**, which was seconded by Council member Deicke and approved by the following vote:

AYES: Magovern, Deicke, and Nicola

ABSTAIN: Doherty

NAYS: Bean

**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:

**2013-53**

**RESOLUTION MAKING FINDINGS AND DETERMINATIONS ON LEGALIZED GAMES OF CHANCE APPLICATION NUMBER 2013-1,2&3**

**2013-54**

**RESOLUTION AUTHORIZING STATE CONTRACT PURCHASE OF ELECTRICAL SUPPLIES & MATERIALS**

**2013-55**

**RESOLUTION PERMITTING SPECIAL PERMITS FOR SOCIAL AFFAIRS FOR THE GOODWILL HOSE FIRE COMPANY**

**2013-56**

**RESOLUTION TEMPORARILY ALLOWING THE USE OF OUTDOOR EATING AREAS DURING THE BELMAR & LAKE COMO ST. PATRICK'S DAY PARADE FOR THE BOROUGH OF BELMAR, MONMOUTH COUNTY, NEW JERSEY**

**2013-57**

**RESOLUTION AUTHORIZING REFUNDS**

**2013-58**

**RESOLUTION PURSUANT TO N.J.A.C. 5:30-14.4 ET SEQ. CHANGE ORDER NUMBER ONE FOR THE 2011 TRANSIT VILLAGE IMPROVEMENTS**

**2013-59**

**RESOLUTION PERMITTING SPECIAL EVENTS**

**2013-60**

**RESOLUTION CREATING AN ADDENDUM TO THE BMIA LLC LEASE AGREEMENT FOR BLOCK 86 LOT 1.01**

**2013-61**

**RESOLUTION RELEASING THE TENANT FROM THE LEASE FOR 10<sup>TH</sup> AVENUE PAVILION UNIT C CONCESSION ON THE BOARDWALK**

**2013-62**

**RESOLUTION RELEASING THE TENANT FROM THE LEASE FOR 13<sup>TH</sup> AVENUE PAVILION CONCESSION ON THE BOARDWALK**

**2013-63**

**RESOLUTION PERMITTING SPECIAL PERMITS FOR SOCIAL AFFAIRS FOR ST. ROSE HIGH SCHOOL**

**2013-64**

**RESOLUTION AUTHORIZING THE TRANSFER OF APPROPRIATION RESERVES AS PERMITTED BY N.J.S.A. 40A:4-59**

**2013-65**

**RESOLUTION AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT WITH THE WALL TOWNSHIP BOARD OF FIRE COMMISSIONERS**

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

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

**ORDINANCES:**

Second Reading & Public Hearing

**ORDINANCE 2013-01**

**BOND ORDINANCE PROVIDING FOR MARINA REPAIRS AND IMPROVEMENTS IN AND BY THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$4,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$3,800,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.**

Public Hearing: David Schneck, 302 C Street, asked how much money the marina made last year. Ms. Connolly stated she would find out and email him.

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

Mayor Doherty made a motion to adopt Ordinance 2013-01, which was seconded by Council member Deicke and approved by the following vote:

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

**PUBLIC SESSION:**

Kanelia Dallaportas, 1002 Main Street, stated Mayor Doherty and Mr. Young did an excellent job and helped many people.

Council member Deicke told Mayor Doherty not to be dismayed by the negativity because everywhere she goes in town she hears compliments.

Jimmy Kumaras, 804 Ocean Avenue, stated the Mayor's leadership gave everyone the momentum to help others and got people excited.

Charles Bull, 1501 Ocean Avenue, stated he does not like politics and nepotism and wants everyone to just speak the truth.

Bill McKim, 905 Ocean Avenue, thanked the Mayor and Council for doing a great job protecting the oceanfront properties from the recent Nor'easter. He stated is proud to be a part of this town.

Bill Strauss, Oakwood Road, stated it is the responsibility of the public to question their leaders.

Mike Seebeck, 110 Second Avenue, stated that everyone who is criticizing is not doing it to score political points but rather to seek information. He felt Council member Bean shouldn't have to submit an OPRA request to get information.

Council member Deicke stated she has no problem with people asking questions and getting answers but does not like to see people trying to hurt other people's reputations.

Mayor Doherty stated any member of the Council can ask Ms. Connolly for documents.

Gene Creamer, Fourth Avenue, was concerned about the notice for ordinance 2013-02 being published in the newspaper when in fact it was not acted on.

Vicky Renner, 11<sup>th</sup> Avenue, suggested the meetings be filmed and posted on the Borough's website for everyone to view.

Brendan Reed, 100 Ninth Avenue, felt the Borough did a proper and amazing job recovering from the storm.

Pat Wann, 18<sup>th</sup> Avenue, was concerned about the clean-up of Como Lake.

Mr. Schneck stated he has no objection to the Borough using his video recordings of the meetings on the Borough's website.

Ms. Renner asked the Council to state whether or not they would be in favor of the meetings being recorded and posted on the website. The Council said they have no issue with the meetings being recorded. Mayor Doherty stated he would take her suggestion under advisement.

Neil Scheck, Fourth Avenue, asked about the Celtic Chase. Mary Brabazon, Tourism Coordinator, stated it will be done on the road this year. Mr. Scheck suggested having it before the parade. Council member Magovern stated that idea was suggested once but the parade committee was against it.

Jimmy Kumaras, 804 Ocean Avenue, asked if garbage cans could be placed on Ocean Avenue because people have been using his dumpster.

Steve Woelfer, 10<sup>th</sup> Avenue, asked when residents can go back on the beach. Mayor Doherty explained the beach would be closed until the end of April.

Maria Florio, 12<sup>th</sup> Avenue, asked why Ocean Avenue will be open for parade day. Mayor Doherty stated it will be open because Main Street will be closed.

Mr. Seebeck stated his video recordings of the meetings are unedited and can be used.

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  
Borough Clerk