

**“GOD BLESS AMERICA”**

**REGULAR MEETING**

**MAY 15, 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 Magovern, Councilwoman Deicke, Councilman Bean, Councilwoman Nicolay, Acting Borough Attorney Ed Washburne, Esq., Business Administrator Colleen Connolly, and Borough Clerk April Claudio

**ABSENT:**

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 RESOLUTIONS:** Belmar Slogan Winners and Belmar Shell Kids

**RECEIPT OF BIDS:** Zumba on the beach

Katherine Lyons and Brenda Yarnold placed bids. The starting bid was \$500. The winning bid was \$1300 which went to Katherine Lyons.

**WORKSHOP DISCUSSION:**

Richard Maser explained his firm’s knowledge and expertise. He stated they would be available 24/7 to assist the Borough with whatever issues arise. They currently service approximately 50 municipalities and have a staff of 380 people. He stated he is looking forward to working with Belmar. They will also be working with Birdsall to create a transition plan. Council member Magovern was concerned about the knowledge they would have since Birdsall had several employees that lived and currently live in Belmar. He stated Paul, Corey Nick and Robert are coming to their firm. Council member Bean asked if they have made any illegal contributions or have any pending indictments. Mr. Maser replied no.

Fran Hines, Joe Rummeler of DPW and Kevin Kerwin of NJ American Water discussed the brown water problems throughout town. Mr. Kerwin stated Lake Como and Avon have had similar problems which he has rectified. Mr. Hines stated they have flushed hydrants but that has not helped. This Saturday the town will be back on Belmar’s well water and they hope that the quality will be better. Mr. Hines stated he has been doing samplings. The town will go back on NJ American Water in September or October but they hope to have the issues resolved by then.

Mayor Doherty asked about the change in chemicals used in the water. Mr. Kerwin stated the change allowed for them to meet Federal regulations for disinfecting the water. There were letters that went out advising of the change with suggested preparation methods such as flushing.

Council member Deicke asked if any other communities are experiencing problems. Mr. Kerwin replied no.

Mayor Doherty suggested that if when we switch to Belmar's wells and there are no problems then there must be an issue with NJ American Water’s water. Mr. Kerwin stated he would want to be involved with the analysis and feels there are other factors that may be causing the problems. Mr. Kerwin stated NJ American Water is willing to come in and do some testing to try to figure out what is causing the problems.

Council member Nicolay asked if switching over to our wells would affect their investigation. Mr. Hines stated he has been collecting data to compare to the data to be collected from the Borough's well water.

Council member Bean asked if the water is safe to drink. Mr. Hines stated the water has been tested and it is safe. Ms. Connolly stated they have been testing specific homes that have called in about it too.

Ms. Connolly stated she has asked NJ American Water to offer protocols on how to transfer between the two different water sources and hopes that all issues can be resolved before the fall.

Council member Deicke asked why we are limited and cannot use our well water the entire year. Mr. Kerwin stated it goes back to 1990 in an effort to have aquifer recovery.

Council member Deicke was concerned about what would happen if it turns out there are bigger problems to address and felt the residents cannot deal with the brown water anymore.

Council member Bean asked Mr. Kerwin to come back to the next meeting and give an update. Mr. Kerwin agreed he will work with Ms. Connolly and Mr. Hines and if possible will come to the meeting.

**PETITIONS:** None

**REPORTS OF MAYOR AND COUNCIL:**

Council member Magovern: Recognized how good of a job the Police Department does for the town with the increase in population coming for the summer. They've been working hard to get ready for Memorial Day weekend. There were 50 volunteers that helped to replant the island at Silver Lake. Four DPW workers donated their time and helped out. Also had girl scouts and boy scouts troops helping out. On Arbor Day one of the 14 trees at memorial field was replaced with the help of 60 students from Belmar Elementary School.

Council member Deicke: Belmar Safety Day went very well. Thanked all those who participated and specifically Sgt. Tina Scott and Captain Pat Magovern. Caregiver's workshop is tomorrow at the library. County Health Department is presenting a program on May 22nd at the library entitled Healthy Homes. They have also scheduled a free clinic on May 30th at Belmar School for children with no health insurance and under the age of 18. Horizon Blue to You boardwalk challenge is coming to Belmar on May 27<sup>th</sup> thanks to Recreation Director, Ray Claudio. She has been attending MOVE board meetings and the committee is committed to assisting individuals affected by hurricane sandy. A handicap parking space will be added to the Main Street side of the borough offices. Thanked all who donated food to the Mayor's Wellness food drive.

Council member Bean: May 27<sup>th</sup> are the Memorial Day Services. Community Policing meetings are now on the website calendar. He asked if anymore FEMA checks came in. Ms. Connolly replied no. He asked if new FEMA worksheets have been submitted. Ms. Connolly replied not yet, not until rebuild is done. He asked who was in the community room when he stopped in the other day. Ms. Connolly stated it was Homeland Security representatives who are auditing debris removal procedures as part of their procedures.

Council member Nicolay: Tutoring and mentoring day was held this past Saturday at Belmar for grades k-3 with people from Stanford, Yale, and Harvard. Twenty five students attended Monday night's Blueclaws game and had a great time. Soccer registration is next Thursday. Arts and Crafts registration is June 5th. Summer Toddler Time starts June 11th. DPW has been working hard.

Mayor Doherty: Beach playgrounds will be completed by this Friday. Curbing and sidewalks on Ocean Avenue should be done by Friday also. Railings should be done by May 22nd. Light poles have been delivered and should be done by May 24th. Ribbon cutting is May 22nd at 11 am. He referenced an Asbury Park Press article regarding an ethics complaint filed against him by

Council member Bean which alleges him and his wife profited off hurricane sandy and that his wife was hired by Ashbritt. He explained that Governor Christie recommended Ashbritt. His wife never worked for them or received money but had a business with a sub contractor who had worked with Ashbritt but they did not work in Belmar. For these reasons he has recused himself from any payments to Ashbritt. He stated these are false accusations and complete nonsense. He referenced another article in the paper about Council member Bean's accusations and comments about a police officer who had been reimbursed for a lost wedding ring during the storm. He explained when he became aware of it he reviewed the police contract and it was not covered so he had the officer refund the town. He felt Council member Bean's comments indicated it was intentionally done which is false. He stated he doesn't understand how it is a story when the mistake has been corrected. He felt these baseless and false accusations affect the moral of the police department which is also wrong.

**APPROVAL OF MINUTES:** Council member Deicke moved for approval of minutes for the meetings held on May 1, 2013, seconded by Mayor Doherty and approved by the following vote:

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

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

None

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

**RESOLUTIONS:**

Council member Bean had questions about the bill list regarding a payment to fire commissioners. Ms. Connolly explained Wall is hosting union fire house until they are up and running. He asked about a payment for an emergency generator. Ms. Connolly stated it is for the water well. He asked about a payment to Sonnefeld. Ms. Connolly stated that is the firm that is working on initial designs of the beachfront buildings. He asked about a payment to Yes Graphics for beach balls. Ms. Connolly stated those are paid for by tourism and are a promotional item to welcome people back to the beach. He felt it was a lot of money for frivolous beach balls and doesn't think we should be buying them. Mayor Doherty said they were paid for by tourism not tax dollars.

Mayor Doherty offered, **Resolution 2013-135, RESOLUTION AUTHORIZING PAYMENT OF BILLS LIST**, for adoption, which was seconded by Council member Deicke and approved by the following vote:

AYES: Deicke, Magovern, Nicolay and Doherty

NAYS: Bean

**PAYMENT OF BILLS:** certification that the vouchers listed on the warrant register numbering 59325 thru 59416 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	\$1,735,531.13
05 General Capital Account	\$510,991.24
11 Water/Sewer Account	\$20,392.31
15 Water/Sewer Capital Account	\$359,808.50
21 Beach Utility Account	\$168,899.12
25 Beach Capital Account	\$245,139.59
41 Dog License Account	\$1,464.00
55 Trust Fund Account	\$5,956.00

61 Tourism Development Account	\$2,714.62
Total	\$3,051,196.51

Council member Deicke offered, **Resolution 2013-136, RESOLUTION PERMITTING SPECIAL PERMITS FOR SOCIAL AFFAIRS FOR THE FRIENDLY SONS OF THE SHILLELAGH**, for adoption, which was seconded by Council member Nicolay and approved by the following vote:

AYES: Deicke, Bean, Magovern, and Nicolay  
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.

Mayor Doherty made a motion to offer the following resolutions for adoption:

**2013-137  
RESOLUTION PERMITTING SPECIAL EVENTS**

**2013-138  
RESOLUTION AUTHORIZING REFUNDS**

**2013-139  
RESOLUTION APPOINTING AND CONFIRMING A CONFLICT ENGINEER**

**2013-140  
RESOLUTION AWARDED A LEASE AGREEMENT FOR THE 10<sup>TH</sup> AVENUE  
BOARDWALK KITCHEN TRAILER**

**2013-141  
RESOLUTION AWARDED A LEASE AGREEMENT FOR THE 13<sup>TH</sup> AVENUE  
BOARDWALK KITCHEN TRAILER**

**2013-142  
RESOLUTION TO CERTIFY THE AUDIT REVIEW FOR BELMAR SPECIAL  
IMPROVEMENT DISTRICT 2011 AND 2012 YEARS**

**2013-143  
RESOLUTION BY THE MAYOR AND COUNCIL AUTHORIZING THE  
WATER/SEWER COLLECTOR TO EXTEND THE GRACE PERIOD FOR SECOND  
QUARTER WATER/SEWER PAYMENTS**

**2013-144  
RESOLUTION AUTHORIZING SALE OF PERSONAL PROPERTY AT AUCTION**

**2013-145  
RESOLUTION MAKING FINDINGS AND DETERMINATIONS OF LEGALIZED  
GAMES OF CHANCE APPLICATION NUMBER 2013-07**

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

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

**SPECIAL IMPROVEMENT DISTRICT 2013 BUDGET PUBLIC HEARING:**

Kevin Jacobs, Belmar Plaza, VP for BBP, spoke in favor of the SID budget. Understands there will be people against and in favor of the budget. Believes there are people who have not taken advantage of the benefits the SID has offered. There have been improvements to the business district that have been a benefit to all. He urged the Council for their continued support.

Norman Einhorn, 10th Avenue, was in Belmar in 1950's when the SID was thriving; is involved with new BBP because of years of experience in town and wanted to help the Belmar businesses. Felt the budget needs to be approved so they can continue to operate.

Michael Redpath, past executive director of the BBP, stated the BBP has had many accomplishments despite their small budget. Understands people will be opposed to the budget and the SID but those people have not offered an alternative. Special Improvement Districts have been proven around the world to work but take at least 3 or more years to see a change that stands out as progress. If there are problems with the SID they should be worked out. Urged the Council to strongly support BBP and budget.

Connie Dallaportas, 1002 Main Street, felt that we don't need anyone to tell us how to run our town and businesses. The SID put bicycle racks up in places that make it difficult for people to open their car doors.

Tom Burke, 10th Avenue, opposed to the SID budget. Reviewed their budget and audit and prepared an analysis. While he is not opposed to a better Belmar and some of the things the BBP has offered he is against the SID. The law says there must be a direct benefit to the businesses and feels there are business owners who have not benefited. The borough ordinance calls for a detailed budget listing goals and achievements which was not provided. Reviewed audit and 44% of the budget went to salaries which is unacceptable. More than half of the money being spent is for staff, rent and other administrative costs.

Robert Harris, 711 13th Avenue, also owns properties in Freehold which has a SID and has noticed mostly restaurants benefit from the SID. Feels the way to improve a business district is not by adding a tax to property owners which gets passed onto tenants. Suggested property owners offer a month of free rent or a speedy approval processes for new businesses. Business owners are responsible for their own success. Property owners are responsible for their buildings and if in violation then code enforcement or zoning should be addressing that. Half of their budget went into salaries and overhead, if they really want to help they should volunteer their time and show they care.

June Seaman, North Lake Drive, asked how many of the new businesses that came in last year were as a result of the SID. Mr. Redpath stated they did not directly bring in any businesses but that is normal; the goal of the SID is to provide an environment that would attract businesses.

Walter MacGowan, 10th Avenue business owner, spoke out in opposition of SID two years ago and agrees with Mr. Harris.

Bart Yarnold, property and business owner, has not seen any benefits or been asked to offer any ideas for the SID. Businesses cannot afford the SID tax. Feels the stuff they have done has taken away from Belmar. Chamber of Commerce has a new website and is putting together a team to help the town.

Brendan Reed, 100 Ninth Avenue, stated some of the benefits of a SID is the sense of a community. He felt if we support the budget then we must look at an economic development plan to support the businesses.

Marvin Ellis, owner of Givemeservice.com, moved to Belmar a year ago and is proud to have a business here. He only found out about the SID five months ago. Nobody came by his business and introduced themselves. Felt everyone needs to come together as a business community and not deal with the property owners. The BBP should be creating a value for the businesses, there are no incentives to improve the budget.

Patricia Tecza, Nostalgic Nonsense, been here for 24 years and has seen a lot and felt whether you are for or against the SID, people should volunteer their time to help out. Don't know if need a SID but doesn't think it will hurt either.

David Schneck, 302 C Street, does appreciate all the work the members of the SID did and believes they may have good ideas but good ideas should not be forced on people. Should be voluntary and those who don't want to be involved should not be forced into it. In response to Mr. Redpath's comment about nobody providing alternatives, his suggestion is to make Belmar the easiest town to open a new business quickly.

Dirk Reitsma, property and business owner and member of the SID board of directors, has been a member of the community for many years and has seen the ups and downs of businesses. Felt the Chamber of Commerce is good but the changes that need to be done require money and help from a SID. Hopes all of the work they have done doesn't go unnoticed and they can continue. The amenities they have provided such as bike racks, plants, and signs, have made the town look good.

Council member Deicke stated she has heard a lot of conversation about the SID and their goal is to improve the business district. She has seen improvements and likes what she has seen. She understands it's a financial issue for many people but would like to see their work continue for another year. Those who say they are unaware of the SID's presence should approach them and offer suggestions. She also hopes the Chamber of Commerce will work with the BBP.

Council member Magovern stated the economy of Belmar has been improving over the last few years due to the mayor and council's improvements without any tax increase. He felt a good business man would reinvest his money into his business. The BBP has done a good job with their budget but he will be voting against it.

Council member Bean stated he has spoken to Spring Lake owners who are a part of their SID and they ended up taking over responsibilities the town should be doing such as cleaning the streets. He stated he was against this last year and will vote no again.

Council member Nicolay stated she is the council liaison and as seen the amount of hours put in and the amount of money that is needed. She has researched other SIDs throughout the nation and the statistics show it takes 3-5 years to see an overall improvement. She feels it is valuable.

Mayor Doherty stated he is not sure how he feels about it. There are many people who he knows and respects that are opposed and in favor. He is frustrated that more hasn't been done. He would have liked to have seen the SID subsidize rents to bring new businesses to town.

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

Mayor Doherty offered, **Resolution 2013-146, RESOLUTION APPROVING THE CALENDAR YEAR 2013 SPECIAL IMPROVEMENT DISTRICT BUDGET AND ASSESSMENT ROLL**, for adoption, which was seconded by Council member Deicke and approved by the following vote:

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

**ORDINANCES:**

*First Reading & Introduction:*

**ORDINANCE 2013-08**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XIX (TRAFFIC) OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BELMAR, SECTIONS 19-46 HANDICAPPED PARKING SPACES**

Mayor Doherty made a motion to offer Ordinance 2013-08 for introduction and first reading and schedule it for public hearing on June 5, 2013, which was seconded by Council member Deicke and approved by the following vote:

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

*Second Reading & Public Hearing:*

**ORDINANCE 2013-07**

**ORDINANCE OF THE BOROUGH OF BELMAR, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AUTHORIZING EXEMPTIONS FROM TAXES UNDER THE FIVE YEAR EXEMPTION AND ABATEMENT LAW, N.J.S.A. 40A:21-1 ET SEQ.**

*Public Hearing:* Bill Northgrave, Redevelopment Attorney, stated one minor change was made to the ordinance which clarified some language; any property owner whether a rental or not is eligible for an abatement.

Council member Bean asked about those who receive insurance checks to improve their property. Mr. Northgrave explained that regardless of where the money comes from if an improvement is made that would increase the tax assessment then that person would be eligible for the abatement.

Gene Creamer, Fourth Avenue, was concerned about forcing property owners to fund improvements of other property owners. Mayor Doherty explained there is no funding mechanism in this ordinance, it only allows for an abatement of the increased taxes.

Mr. Creamer questioned the Development Officer listed in the ordinance and how much money that person would be making. Mr. Northgrave explained the Borough would not have to hire another person it would just be simply the person who oversees the abatements. Mr. Creamer asked what the Administrator's role is in this because he was concerned by the fact that the current Administrator doesn't live in town. Mr. Northgrave explained the Administrator would oversee to make sure all of the criteria has been met.

David Schneck, 302 C Street, asked if the ordinance affects the powers of the Zoning Board and Planning Board. Mayor Doherty replied no.

Mayor Doherty made a motion to close the public hearing for Ordinance 2013-07, which was seconded by Council member Nicolay, and approved unanimously.

Council member Magovern made a motion to offer Ordinance 2013-07 for adoption which was seconded by Council member Deicke and approved by the following vote:

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

**PUBLIC SESSION:**

June Seaman, 304 North Lake Drive, was concerned about the algae in Silver Lake. Mayor Doherty stated the landscaper will be starting all improvements on Monday.

Mike Campbell, DPW Director and resident, stated Ms. Connolly breathes Belmar and cares a lot about Belmar and it doesn't matter whether or not she lives in Belmar because her heart is with Belmar.

Patty Cavanaugh, 1002 Main Street, asked about the intended use of 1006 Main Street. Ms. Claudio stated no plans or mercantile licenses have been submitted yet. Ms. Cavanaugh stated she believes her tenant, Tulipanos Restaurant, is moving in there. She also stated they have put a lot of pavers in the back yard and has heard they will be having outdoor dining in the back and is concerned about the quality of life for those that live near there. Ms. Claudio explained that an outdoor dining application had not been submitted yet but one would be required that would be reviewed by the Zoning Officer. Ms. Cavanaugh asked when the residents would be notified. Ms. Claudio stated they would not be notified, as it is not required.

Jimmy Kumaras, 804 Ocean Avenue, stated he has received many letters some with checks after his interview with CBS and is very humbled by all of this.

Janis Keown-Blackburn, 106 River Court, stated the Borough has the best police force and have proved themselves. Thanked all of the officers for their work and felt that any elected official should show support of not only the police but all employees.

Bill Strauss, Oakwood Road, asked why the Borough bought so many new vehicles. Ms. Connolly explained that many vehicles were lost during the storm. He asked for mechanic reports regarding the damages. Mr. Campbell stated the insurance company had their mechanic inspect all of the vehicles and the Borough does not have their reports. Ms. Connolly stated the Borough uses the Central Jersey JIF and suggested Mr. Strauss contact them.

Brendan Reed, 100 Ninth Avenue, attended a NJ transit meeting in which they were going to discuss improvements to the Perth Amboy station including accessibility improvements and felt Council member Deicke's request to add accessibility to Belmar's station will not go unnoticed.

Ernest Liberatore, A Street, stated there was a nice article on Belmar in the 201 Magazine.

Ms. Cavanaugh felt the Mayor and Council should consider amending the outdoor dining ordinance if the intent was for sidewalk dining and not dining in the rear.

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