

“GOD BLESS AMERICA”

REGULAR MEETING

MAY 6, 2014

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, Councilwoman Nicolay, Councilman Bean, Councilman Magovern, Councilwoman Keown-Blackburn, Acting Borough Attorney Kerri Higgins, 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 April 30, 2014 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, Joan Traverso, and former Bradley Beach Mayor Julie Schreck

SPECIAL PRESENTATION:

- Ed Brown Donation - New Maclearie Playground (postponed to another meeting)
- Employee of the Month – David Cupoli

PROCLAMATION:

- Municipal Clerk’s Week
- Raising Awareness of Fibro dysplasia Ossificans Progressiva

PUBLIC BID: Gem Car and/or Bicycle Rental Concession

- Anna Lamb made the minimum bid of \$100, there were no other bidders.

WORKSHOP DISCUSSION:

- Lori Dvorak (JIF Attorney) was present to discuss the settlement proposal with former employee George Giresi which is \$44,000 to be paid by the Borough and the JIF. The Borough’s portion would be \$32,000. She stated that it is the recommendation of the JIF to accept the proposal. Council member Bean asked if there was any documentation for him to review before making a decision. Ms. Dvorak stated this case is in the very early stages so the only documents available is the actual complaint that was filed; there have been no dispositions done yet. Mayor Doherty asked if it would be more expensive not to settle and have this matter go to trial. Ms. Dvorak replied yes.
- Council member Bean asked if the police department issues a ticket for a noise violation, what is the feasibility that it has to be before the court within 30 days and could it be put in the ordinance. Ms. Higgins stated it could not be put in an ordinance because there are a lot of variables that play into it to allow someone to have a fair defense. She added that you can discuss the issue with the Court to see if they can process the tickets more quickly. Council member Bean would like to discuss this further at the next meeting.

PETITIONS: Gene Creamer presented a petition urging the Borough to install a sewer meter at 801 Main Street for the new brewery.

REPORTS OF MAYOR AND COUNCIL:

Council member Magovern: Mikaela Mabrey and Denise Brooks, Belmar residents, participated in the Women’s NCAA championship. Arbor Day event at BES and St. Rose

were very successful. This Thursday the Historical Society is moving back into their museum on Ninth Avenue. Plantings at the Silver Lake island have been delayed because of a swan's nest. Harbor Commission met last night and discussed improvements to the marina. There is now kayak storage available and a gate attendant at the boat ramp. Horseshoe crabs will be coming ashore at the L Street beach next Wednesday.

Council member Keown-Blackburn: Pink around town is for Breast Cancer Awareness Month. The ribbon cutting of the train station mural was last week. This Saturday is the 100th birthday party at the Library. Library has Mahjong on Mondays. This Friday the Circle of Friends will be having their prom. Last Friday Recreation had a bus trip to Yankee Stadium which was a lot of fun. Next Monday night is a dodge ball tournament for Borough Departments. Full year Toddler Time will be starting in June. Belmar Woman's Club held a successful blood drive and is holding a flower show and luncheon fundraiser in June. A food drive will be held soon to fill the Belmar food pantries. Congratulated Bill and Joe Connor of Taylor Hardware for being honored as Irishmen of the Year by the Shillelaghs.

Council member Bean: Asked why the April 15th and May 1st meetings were cancelled/carried. Mayor Doherty stated the May 1st meeting was carried to today so the Local Finance Board could meet and discuss the Borough's application for the waiver on the down payment for the pavilions. Council member Bean asked why the meeting had to be carried rather than just wait until the next meeting for the bond ordinance. Mayor Doherty repeated his response. Council member Bean stated it is not good practice to keep changing the meetings. He asked if the FEMA audit problem written about in the newspaper is a problem for the bond ordinance. Mayor Doherty stated they are two different things. Mayor Doherty explained the Inspector General's office did an audit and is stating that FEMA shouldn't have allowed certain monies for contractors to be listed on the project worksheets and has offered some suggestions on how to solve this. He added that he has been in discussion with FEMA and they are fighting this and believe they will be able to obtain a waiver that will rectify this. He also added that this is two federal agencies fighting with each other with the Borough stuck in the middle. Council member Bean was concerned FEMA would lose and this would fall onto the taxpayers. Mayor Doherty stated he is confident FEMA will rectify this.

Council member Nicolay: Recommended everyone support Breast Cancer Awareness month and "Paint the Town Pink". Read DPW report. Belmar Business Partnership helped with the Art Walk and train station mural. Also working on "You Are Here" signs, signs for Belmar Plaza, flowers for Main Street and welcome signs. Arts Council did an outstanding job with mural, held the Art Walk and is working on other projects.

Mayor Doherty: Friendly Sons of the Shillelagh are an outstanding organization and it was great they honored Joe and Bill Connor from Taylor Hardware. D'Jais held a great fundraiser for autism this past Friday. Beach replenishment has been completed. Water projects throughout town are still ongoing and should be completed by Memorial Day.

APPROVAL OF MINUTES:

Council member Magovern made to a motion to approve the minutes of the April 1, 2014 and May 1, 2014 meetings, which was seconded by Mayor Doherty and approved by the following vote:

AYES: Magovern, Keown-Blackburn, Bean, 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.

Michael Seebeck, 110 Second Avenue, stated the resolutions for two of the three liquor license renewals require the employees take a TAM class. He asked why one of them is not subject to that. Mayor Doherty stated we will look into and see if it should have been added. Mr. Seebeck questioned language about training listed in the resolutions. He feels the bar owner should be responsible for providing the training and not the Borough. He also felt this should be listed in the renewal for 10th Avenue Burrito. He asked about the D'Jais resolution and the requirement that a police officer be assigned there for security. Mayor Doherty stated

an off duty police officer is there, has full powers, and is paid for by D’Jais. Mr. Seebeck suggested that the same officer be used. Mayor Doherty felt the process works fine now and doesn’t need to be changed.

Brendan Reed, 100 Ninth Avenue stated he is in favor of the resolution awarding the contract for benches on the boardwalk and the resolutions renewing the three seasonal liquor licenses. He acknowledged D’Jais for their active role in the community and opening the season with the autism fundraisers.

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

Council member Bean made a motion to remove the resolution granting free beach access to first responders from the consent agenda so it could be voted on separately, which was seconded by Mayor Doherty and approved unanimously.

RESOLUTIONS:

Mayor Doherty offered Resolution 2014-78 for adoption, **RESOLUTION AUTHORIZING PAYMENT OF BILLS LIST #1**, which was seconded by Council member Magovern and approved by the following vote:

AYES: Magovern, Keown-Blackburn, Bean, Nicolay and Doherty

Prior to voting, Council member Bean asked about the bill for a playground. Ms. Connolly stated the playground at the 10th Avenue beach was moved to 12th Avenue. Mayor Doherty stated there is now a playground every four blocks. Council member Bean asked if Megan Downing has not been paid within the last month. Ms. Connolly stated she got paid after the last bill list was approved. Council member Bean was surprised she had not been paid in a month.

Mayor Doherty offered Resolution 2014-79 for adoption, **RESOLUTION AUTHORIZING PAYMENT OF BILLS LIST # 2 (MARTURANO)** , which was seconded by Council member Keown-Blackburn and approved by the following vote:

AYES: Keown-Blackburn, Bean, Nicolay and Doherty.

ABSTAIN: Magovern

Mayor Doherty offered Resolution 2014-80 for adoption, **RESOLUTION AUTHORIZING PAYMENT OF BILLS LIST #3 (STAVOLA)** , which was seconded by Council member Nicolay and approved by the following vote:

AYES: Magovern, Keown-Blackburn, Nicolay and Doherty

ABSTAIN: Bean

PAYMENT OF BILLS: certification that the vouchers listed on the warrant register numbering 61426 thru 61606 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	\$1,437,267.58
03 Grant Account	\$30.00
05 General Capital Account	\$38,053.62
11 Water/Sewer Account	\$42,413.12
15 Water/Sewer Capital Account	\$1,158,143.94
21 Beach Utility Account	\$105,289.22
25 Beach Capital Account	\$2,262.50
41 Dog Account	\$1,464.00
55 Trust Fund Account	\$26,859.13

Total

\$2,890,958.24

Mayor Doherty offered Resolution 2014-81 for adoption, **RESOLUTION AUTHORIZING READING OF THE 2014 BUDGET**, which was seconded by Council member Keown-Blackburn and approved by the following vote:

AYES: Magovern, Keown-Blackburn, Bean, Nicolay and Doherty

Prior to voting, Mayor Doherty stated this resolution is so the full budget, which is very large, does not have to be published and rather a summary is published. He added that there will be a 0% tax increase for the fourth year in a row.

Mayor Doherty offered Resolution 2014-82 for adoption, **RESOLUTION INTRODUCING THE 2014 LOCAL MUNICIPAL BUDGET**, which was seconded by Council member Nicolay and approved by the following vote:

AYES: Magovern, Keown-Blackburn, Bean, Nicolay and Doherty

Mayor Doherty offered Resolution 2014-83 for adoption, **RESOLUTION HONORING AND RECOGNIZING THE SERVICE TO THE COMMUNITY BY ALL FIRST RESPONDERS AND AUTHORIZING FREE BEACH ADMISSION DURING THE 2014 BEACH SEASON TO ALL ACTIVE FIRST RESPONDERS PURSUANT TO BELMAR BOROUGH ORDINANCE SECTION 18-2.5(i)**, which was seconded by Council member Keown-Blackburn and approved by the following vote:

AYES: Magovern, Keown-Blackburn, Nicolay and Doherty

NAYS: Bean

Prior to voting, Council member Bean stated the state governs the beach and who can get free access and this is not allowed so even if he wanted to vote in favor of it he couldn't so he would be voting no. Mayor Doherty stated the attorneys have looked into this and it is allowed.

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:

- **RESOLUTION AUTHORIZING REFUNDS**
- **RESOLUTION GRANTING TAXICAB OWNERS & DRIVERS LICENSES FOR THE YEAR 2014**
- **RESOLUTION WAIVING CERTAIN CONSTRUCTION PERMIT FEES UNTIL DECEMBER 31, 2014**
- **RESOLUTION AWARDED A LEASE AGREEMENT FOR THE 13TH AVENUE BOARDWALK CONCESSION #1**
- **RESOLUTION AWARDED A LEASE AGREEMENT FOR THE 13TH AVENUE BOARDWALK CONCESSION #2**
- **RESOLUTION AUTHORIZING SALE OF PERSONAL PROPERTY AT AUCTION**
- **RESOLUTION AUTHORIZING SALE OF PERSONAL PROPERTY AT**

AUCTION #2

- **RESOLUTION AUTHORIZING THE ADVERTISEMENT FOR BIDS TO LEASE A PORTION OF THE SECOND AVENUE BOARDWALK FOR YOGA CLASSES**
- **RESOLUTION APPOINTING SPECIAL POLICE OFFICERS FOR 2014**
- **RESOLUTION AWARDED A LEASE AGREEMENT FOR THE ZUMBA CLASSES**
- **RESOLUTION AWARDED A LEASE AGREEMENT FOR THE SKIMBOARDING CLASSES**
- **RESOLUTION AWARDED A LEASE AGREEMENT FOR THE PADDLEBOARD CLASSES**
- **RESOLUTION DESIGNATING THE DATES FOR CLOSING THE BEACHFRONT EXCEPT FOR PAYMENT OF CERTAIN FEES TO THE GENERAL PUBLIC AND RESIDENTS OF THE BOROUGH OF BELMAR FOR 2014**
- **RESOLUTION HONORING THE MEN AND WOMEN OF OUR ARMED FORCES AND RECOGNIZING THE SACRIFICES BEING MADE BY THEM, AND ALSO BY THEIR FAMILIES, AND PROCLAIMING THE COMMENCEMENT OF “OPERATION: THANK YOU” WITHIN THE BOROUGH OF BELMAR, AND AUTHORIZING FREE BEACH ADMISSION DURING THE 2014 BEACH SEASON TO ALL ACTIVE MILITARY PERSONNEL AND THEIR DEPENDENTS PURSUANT TO BELMAR BOROUGH ORDINANCE SECTION 18-2.5(i)**
- **RESOLUTION MODIFYING ALL LEASES FOR BEACHFRONT CONCESSIONS IN THE BOROUGH OF BELMAR, MONMOUTH COUNTY, NEW JERSEY**
- **RESOLUTION AUTHORIZING ISSUANCE OF SEASONAL RETAIL CONSUMPTION LICENSE NO. 1306-34-001-004 TO FUSAL, LLC T/A LA DOLCE VITA FOR THE PERIOD ENDING NOVEMBER 14, 2014**
- **RESOLUTION AUTHORIZING ISSUANCE OF SEASONAL RETAIL CONSUMPTION LICENSE TO THE IRISH CURSE, LLC DBA 10TH AVENUE BURRITO LICENSE NO. 1306-34-004-001, FOR THE PERIOD ENDING NOVEMBER 14, 2014**
- **RESOLUTION AUTHORIZING ISSUANCE OF SEASONAL RETAIL CONSUMPTION LICENSE TO D’JAIS LLC, T/A D’JAIS FOR THE PERIOD ENDING NOVEMBER 14, 2014**
- **RESOLUTION AWARDED CONTRACT FOR BOARDWALK BENCHES**
- **RESOLUTION PURSUANT TO N.J.A.C. 5:30-14.4 ET SEQ. CHANGE ORDER NUMBER ONE FOR THE WATER TANK EMERGENCY REPAIRS PROJECT**
- **RESOLUTION APPOINTING SPECIAL II POLICE OFFICERS FOR 2014**

Seconded by Council member Nicolay and approved by the following vote.

AYES: Magovern, Keown-Blackburn, Bean, Nicolay, Doherty

ORDINANCES:

First Reading & Introduction

ORDINANCE 2014-09 (Replacing Ordinance 2014-04)

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER V DEPARTMENT OF PUBLIC SAFETY OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY

Mayor Doherty offered Ordinance 2014-09 for first reading and introduction, which was seconded by Council member Magovern and approved by the following vote:

AYES: Magovern, Keown-Blackburn, Bean, Nicolay, Doherty

First Reading & Introduction

ORDINANCE 2014-10

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XXIX (WATER SEWER UTILITY DEPARTMENT ESTABLISHING NEW WATER-SEWER RATES AND ESTABLISHING A MINIMUM USAGE

Mayor Doherty offered Ordinance 2014-10 for first reading and introduction, which was seconded by Council member Magovern and approved by the following vote:

AYES: Magovern, Keown-Blackburn, Bean, Nicolay, Doherty

First Reading & Introduction:

ORDINANCE NO. 2014-11

CALENDAR YEAR 2014 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (NJSA. 40A:4-45.14)

Mayor Doherty offered Ordinance 2014-11 for first reading and introduction, which was seconded by Council member Keown-Blackburn and approved by the following vote:

AYES: Magovern, Keown-Blackburn, Nicolay, Doherty

NAYS: Bean

Second Reading & Public Hearing

ORDINANCE 2014-07

BOND ORDINANCE PROVIDING FOR THE CONSTRUCTION OF BEACHFRONT BUILDINGS IN AND BY THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$7,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$7,000,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

Public Hearing: Martha Maselko, North Blvd., feels the pavilions should be bonded separately so funds can be allowed for other infrastructure projects. She added she feels the 10th Avenue pavilion can be done now and the Taylor Pavilion could be done later because it is not a priority and Lake Como flooding is a priority. She asked the Mayor and Council to table the ordinance.

Mayor Doherty stated the Army Corp. of Engineers did beach replenishment near the south of end of town which will help with future storm surges. Also, Lake Como has flooded in the past just from rain storms. He added the pavilions are separate from the outfall pipe at Lake Como. He stated the pavilions are located in Belmar whereas the Lake is owned by Belmar, Spring Lake and Lake Como. He read a letter from DEP which stated the outfall pipe is owned by Spring Lake. He stated he has advised Spring Lake that Belmar will work with them to help get the outfall pipe fixed but it is not on Borough property. Ms. Maselko stated we need to put pressure on Spring Lake to get this job done. Mayor Doherty stated each project in town is looked at individually and understands the flooding issue is a priority and we are working with

Spring Lake. Council member Bean stated he believes Ms. Maselko is suggesting splitting the bond ordinance and use the money for Taylor Pavilion to fund Lake Como issues and only build the 10th Avenue pavilion. Ms. Maselko agreed.

Council member Bean made a motion to table the ordinance, there was no second.

Richard Seidel, 2010 Surf Avenue, asked why the residents weren't notified when the County removed the pump from Lake Como and nobody had an answer. He stated he wants the pavilions to be built but believes this project could affect us if the Borough has to pay money and if we don't have the money and we can't get a bond. Mayor Doherty stated how we pay for Taylor Pavilion will have no impact on how we pay for Lake Como's issues. Mr. Seidel stated he would like the Council to help Ms. Connolly and Peter Piro advocate for the Borough to get Spring Lake to fix the issue. Ms. Connolly explained her conversations with Spring Lake and how they are working on the issue.

Peter Piro, 300 North Blvd., stated he spoke to Spring Lake's Business Administrator today and they have an excavator ready to go on site. He also spoke to Senator Menendez's office to see if they could help with getting FEMA to approve funding for the project.

David Schneck, 302 C Street, stated he feels it is relevant to discuss the Lake Como issues and possible bonding for that and that they shouldn't be considered separate issues. He suggested the Borough could put in a completely new outfall pipe on Belmar's side to address the issues rather than waiting for Spring Lake. Mayor Doherty stated we can do both projects at the same time.

Brendan Reed, 100 Ninth Avenue, stated he urges the Council to vote in favor of the ordinance. The pavilions are an iconic part of Belmar and are used by residents and tourists. They also generate revenue for the Borough which could be used to fund other projects.

Gene Creamer, Fourth Avenue, thanked the Mayor for all of the work done at the beach it looks better than it ever has. Mayor Doherty said Mike Campbell and his staff should be thanked, they did all of the work. Mr. Creamer stated there used to be a lot of pavilions on the boardwalk but they are all gone. He stated he feels we don't need the pavilions and it's a waste of money. He added that people going to the beach can enjoy it without the added obstruction. Council member Magovern stated the pavilions were burned down by people and not lost due to storms.

Joy DeSanctis, 101 Sixth Avenue, stated she strongly objects to the bond ordinance due to the funding of the bond. She asked what the engineering costs will be for this project. Mayor Doherty stated he will have to get that information. Ms. DeSanctis stated she would like to know what the interior floor plan is, what the usage is and what the maintenance costs will be for the pavilion. She stated the residents don't want this. She added she wants the 10th Avenue Pavilion to be built because it's a safety building but stop Taylor Pavilion until the public knows more about it and the Lake Como flooding issue is addressed. She suggested the bond ordinance be put for a referendum vote by the residents. Mayor Doherty stated to Ms. DeSanctis that she can fight the town's recovery to rebuild the boardwalk but the Borough will rebuild no matter what.

Council member Magovern felt the Taylor Pavilion with a second floor could have been used for so many things and generated a lot of money.

Ms. DeSanctis asked how much FEMA will reimburse us for and how much the Borough will have to pay. Mayor Doherty stated FEMA will reimburse us approximately \$3 million and the balance will be split between the beach utility and the taxpayers. He added that he will be fighting against her in court to get as much as possible allocated to the beach utility.

David Schneck, 302 C Street, stated he feels the opposition isn't against recovery but that they want to see the money spent wisely. He feels the cost is too high.

Michael Seebeck, 110 Second Avenue, stated he attended the DCA hearing on the waiver of the down payment and his question is why we had to ask for a waiver if we received money

from the insurance company. Mayor Doherty stated the money from the insurance company will be used to pay down the bond. Mayor Doherty stated the money is still being used so what does it matter if it's being used for the down payment or to pay down the bond. Ms. Connolly added that Judge Lawson stated we couldn't use the insurance money for the down payment because of the pending lawsuit against the bond ordinance.

Tom Volker, 301 Fourth Avenue, stated he wants the pavilions built. He would like to have them paid for by beach fees and doesn't see the logic behind those that are fighting that. He stated he will be happy to pay his fair share of taxes to fund these buildings.

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 offer ordinance 2014-07 for adoption, which was seconded by Council member Magovern and approved by the following vote:

AYES: Magovern, Keown-Blackburn, Nicolay and Doherty
NAYS: Bean

Prior to voting:

Council member Keown-Blackburn stated she doesn't usually speak before she votes but felt she should. She said many referred to the Taylor Pavilion as a recreation center but many events were held there that brought people into town.

Council member Magovern stated he cannot stress how much in need we are of the Taylor Pavilion. The demand for it is very high. There's no other place in Monmouth County that has a more well-known place and attracts so many events and people. It's a tremendous asset. He is disappointed we don't have enough money to replace the 13th Avenue Pavilion too.

Council member Bean stated nobody has said not to build Taylor Pavilion but they want the 10th Avenue built and Lake Como flooding issues fixed and then build Taylor Pavilion.

Council member Nicolay stated she cannot speak enough about the number of events that have been held at Taylor Pavilion and could think of 100 reasons to rebuild it.

Mayor Doherty thanked Council member Magovern for heading the boardwalk redevelopment committee who designed the pavilions. He stated that Council member Bean cannot say he wants the pavilion rebuilt and then vote against it. He stated we should all be proud of how we recovered and how we are rebuilding. Nobody is going to stop us from fully rebuilding the boardwalk. He feels the pavilions should be paid for through the beach utility just like the boardwalk was. Taylor Pavilion is a place for concerts, events and to come together and is an important part of our town that is open to everyone. The only people who think the tax payers should pay for the pavilions are residents and not outsiders.

Second Reading & Public Hearing

ORDINANCE 2014-08

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XVII
BEACHFRONT & MARINE REGULATIONS OF THE REVISED GENERAL
ORDINANCES OF THE BOROUGH OF BELMAR, IN THE COUNTY OF
MONMOUTH, NEW JERSEY, SECTION 18-2 BEACHFRONT REGULATIONS**

Public Hearing: Gene Creamer, Fourth Avenue, stated the ordinance prohibits smoking on the beachfront but there is nothing in the ordinance that defines via a map; what area delineates the beachfront. The public has no idea what area this covers. Specifically he asked about L Street beach and the marina. Ms. Connolly and Mayor Doherty stated they would confer with the Borough Attorney and if need be the ordinance could be amended.

Tom Dilberger, 1000 River Road, stated he doesn't understand why this has to be 365 days of the year and not just during the beach season. Mayor Doherty stated it's primarily for litter. Mayor Doherty made a motion to close the public hearing, which was seconded by Council member Keown-Blackburn and approved unanimously.

Mayor Doherty made a motion to offer ordinance 2014-08 for adoption, which was seconded by Council member Nicolay and approved by the following vote:

AYES: Magovern, Keown-Blackburn, Nicolay and Doherty
NAYS: Bean

Prior to voting:

Council member Keown-Blackburn stated she had an adopt a spot near the boardwalk and witnessed many people flicking cigarette butts onto the beach.

Council member Magovern feels it should be clear cut you can't smoke on the beach in season or off season. The litter doesn't go away.

Council member Bean asked if the ordinance that is in place now is seasonal. Ms. Claudio stated the current ordinance designates smoking in certain areas. Chief Palmisano stated it is seasonal. Council member Bean asked if this applies to beach staff too. Mayor Doherty replied yes. Council member Bean stated he likes the current ordinance with the designated smoking areas and suggested making it year round instead of doing this ordinance.

Council member Nicolay stated she doesn't just look at the litter issue but also the health issue. Mayor Doherty agreed.

RESOLUTIONS:

Mayor Doherty offered Resolution 2014-105 for adoption, **RESOLUTION AWARDING CONTRACT FOR CONSTRUCTION OF PAVILIONS AT THE 5TH AVENUE AND 10TH AVENUE BOARDWALK**, which was seconded by Council member Keown-Blackburn and approved by the following vote:

AYES: Magovern, Keown-Blackburn, Bean, Nicolay and Doherty

Prior to voting Council member Bean stated the funding is already in place and even though he doesn't agree with it and he does want to see the pavilions rebuilt so he will vote yes.

PUBLIC SESSION:

Claire Deicke, 1017 14th Avenue, stated she appreciates the pink ribbons around town. The Belmar Woman's Club is celebrating 100 years of service and the proceeds from the luncheon will fund their many charitable contributions. Thanked the Mayor and Council for the moment of silence for Joan Traverso who was a dear friend of hers. The people who live in the Rhode Island point of Belmar do want to see the pavilions rebuilt.

Connie Dallaportas, 1002 Main Street, stated the pavilions used to be for residents and then were used to rent to concessions. Everyone wants to see the pavilions rebuilt but doesn't want the Borough to rent them to businesses. She added that we need more parking and shouldn't be taking away parking. She also stated every other state doesn't charge for the beach and doesn't understand why. She feels the beach should be free.

Richard Seidel, 2010 Surf Avenue, stated he feels some mistakes were made during the last rain fall and we should learn from the mistakes and move forward to address Lake Como flooding.

Charles Peters, 202 19th Avenue, asked if parking striping will be done.

David Schneck, 302 C Street, stated he has heard many people thanked for the painting of the mural at the train station but feels Dr. Ives who owns the building and rents it to NJ Transit should be thanked for allowing the building to be used. He added that the Libertarian Party is running Joe Baratelli against Cory Booker and he is looking for petition signatures.

Gene Creamer, Fourth Avenue, read his petition he submitted earlier in the evening. He was concerned the brewery would truck in water rather than use Borough water to bypass the water

charges. He suggested a sewer meter be installed if they do this so the Borough can charge for any water going into the sewer.

Joy DeSanctis, 101 Sixth Avenue, stated she would like to see the FEMA audit be put on the website. She stated the audit gave the Borough 90 days to respond and asked if the Borough did respond to it and if they did that should be put online too.

George Komitas, Third Avenue, stated he is happy to hear people speak on both sides of the issues and we will all work to figure it all out.

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