

**“GOD BLESS AMERICA”**

**REGULAR MEETING**

**JUNE 17, 2014**

A special 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, Borough Attorney Michael DuPont, 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 June 12, 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

**WORKSHOP DISCUSSION:**

Mayor Doherty stated there was an issue last Thursday about the placement of a port a potty that he would like to discuss. He asked Mr. Campbell to speak about it. Mike Campbell, Director of Public Works, stated each year before big events they discuss things from the previous year that they want to try to make better. He stated one of things that came up this year was to have a port a potty closer to the vendors for them and their employees to use. He suggested one be placed at the top of the lake. He was not there at the time it was delivered and did not see where it was dropped. Once he heard there was a complaint he moved it across 6<sup>th</sup> Avenue away from the houses. He apologized if it upset anyone and for it creating an issue. He said some of the other complaints from last year were about litter and odor which he feels they addressed this year. Mayor Doherty stated there was no conspiracy and no political retribution and it is ridiculous to think otherwise. Mayor Doherty stated this conspiracy actually became dangerous because a resident named an employee on a political website as the person responsible for this incident and posted her address and phone number on the website and suggested people gather in front of her house. He stated no employee of the Borough should ever feel harassed or unsafe for something they may or may not have done.

Council member Bean stated he thinks that no resident of the town should be harassed either.

Council member Magovern stated it was a great seafood festival. He stated as a resident of the area he was upset that it was placed on the residential side of the street but it was taken care of. He felt the festival was very large this year and suggested it be scaled back a little bit next year.

Council member Keown-Blackburn stated it was a very nice festival. She is glad Mr. Campbell moved it as soon as he found out about it. She felt it was wrong for anyone to give out an employee’s phone number.

Mayor Doherty explained we received a petition protesting the bond ordinance for funding the rebuilding of the 5<sup>th</sup> and 10<sup>th</sup> Avenue pavilions which is requiring to put as a referendum at a special election. He explained that the bond is for \$7 million but we will be getting FEMA and insurance money which reduces the actual cost to approximately \$2.8 million. He stated he feels this amount should be allocated to the beach utility but that is being challenged and a judge is going to decide how much will be charged to the current fund and how much to the beach utility. He estimates that if we lose the court case it looks like approximately \$1.4 million will be charged to the current fund. We would also use \$700,000 of the buy a board campaign funds to reduce the cost. This means approximately \$700,000 is what would

actually be bonded over twenty years unless we pay it off sooner. Split over the number of properties in town it would be \$319 per a property spanned out over twenty years. He stated there were questions about the amount of change orders for the boardwalk but explained we rushed to get that done quickly and it was designed on the fly. There were changes because we didn't have time to design it and plan for it. The pavilions have been discussed for over a year now and have been designed and are ready to go so there should be limited change orders. These numbers don't include the revenue that would be generated from the concessions in each pavilion and the rental of Taylor Pavilion.

The election will be on August 19<sup>th</sup> and will be the same time and location as any other election.

Mayor Doherty stated he heard from some people stating they wish to have their names removed from the petition but it has already been certified so that cannot happen. He suggested they could just put a letter in the file stating their request.

Mayor Doherty discussed the amount of debt since Hurricane Sandy and how much FEMA money we have received towards that to date and how much we anticipate still getting.

Mayor Doherty stated all the different types of organizations and groups that have utilized Taylor Pavilion over the years.

Council member Magovern stated he would be willing to talk anyone after the meeting if they have any questions regarding this.

Council member Keown-Blackburn stated Taylor Pavilion was also used for sitting in rocking chairs and enjoying the cool breeze which she would like to see put back.

Council member Bean stated the Buy a Board campaign was for the boardwalk and not the pavilions. Mayor Doherty stated the pavilions are included in the dedication by rider that was approved by the state for the Buy a Board campaign.

Council member Nicolay felt the cost of the pavilions seems reasonable and with our bond rating it seems like a good deal.

Mayor Doherty stated we can have a special election and keep the contract with Epic or we can wait until the November election and lose the contract and have to rebid the project which may cause higher bids to come in. The lesser of two evils is to pay the costs for the special election.

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

Gene Creamer, Fourth Avenue, questioned why there are two levels of staircase in the 10<sup>th</sup> Avenue pavilion that are not handicap accessible. He feels the whole observation tower is obsolete with technology and not needed. Council member Magovern stated the observation deck is for police and lifeguards not the public. Mr. Creamer suggested just using a webcam instead.

Joan Corallo, A Street, stated there were a lot of numbers thrown out but it's still \$7 million and we don't know when we are going to get the money from FEMA. Mayor Doherty stated his explanation will be posted on the website. She felt it is too much debt and suggested slowing it down because there's no big rush.

Kenneth Pringle, Second Avenue, thought there was a statement that the \$700,000 from buy a board was going towards the Borough's 10% of the boardwalk bond. Mayor Doherty stated he is partially correct. Mr. Pringle asked for clarification on how the buy a board money will be allocated to the current fund.

Pat Wann 118 18<sup>th</sup> Avenue, stated the residents asked for it be put on the November election

and the Mayor chose to do the special just so we don't lose Epic. Mayor Doherty stated Epic was the lowest bidder and have a proven record for the work they did on the boardwalk. Ms. Wann stated it's too much money.

Joy DeSanctis, 101 6<sup>th</sup> Avenue, stated if we look at the bids received and separate the pavilions then Epic is not the lowest bidder. She also pointed out that the second lowest bidder was only a \$5000 difference which is less than what the election will cost and perhaps they would bid again. She felt we may end up with a lower bid if we rebid. She said there has been no discussion about the operation costs of the pavilions.

Mike Seebeck 110 Second Avenue, asked if there has been any effort made to reach out to the petitioners and try to discuss the petition with them to see what their issues were. Mayor Doherty stated he is pretty clear what their issues are. Mr. Seebeck suggested reaching out to them to see what their concerns are or see if they would withdraw the petition. Mayor Doherty stated he is unsure whether or not they can withdraw their petition, he would have to find out. He added it's their legal right to have the election but doesn't want it to appear he is trying to talk people out of their legal right. If they wanted to meet with him and discuss possibly withdrawing the petition then he would be willing to meet with them. Mr. Seebeck was concerned about the engineering costs for the pavilions. He was also concerned about being protected from change orders like the one for the boardwalk. Mayor Doherty stated he explained this before. He added that each project is different and there will probably be change orders but they are different situations.

Kathleen Coffey, 217 18<sup>th</sup> Avenue, stated the engineering costs seem high and asked if we could get a breakdown of what we are getting from them. She asked if we had looked at any other engineering firms to see if we can get a better deal.

Katrina Clapsis, 1304 B Street, stated she was one of the petitioners and feels it's disturbing that they are being treated like they are against the boardwalk and against rebuilding which is not true. She asked for explanation on the adoption of the ordinance regarding responsible contractors because she feels it limits the amount of contractors that can bid on projects. Council member Magovern stated the ordinance allows us to get contractors with the skill sets to perform the job right the first time. Ms. Clapsis would like to see more due diligence and more fiscal responsibility. She felt the election should be held in November.

David Schneck, 302 C Street, did not agree with the cost for the special election and the inconvenience it creates for the voters. He wanted it to be clear that it is the Council's decision to do the special election. He felt if Epic is so great that they should hold their bid until November or we just rebid and see if we can get lower bids.

Gene Clapsis, 1304 B Street, asked if we have Epic's response in writing. Mayor Doherty stated he does not have it but could ask them to put it in writing.

Bill Merkler, 219 Second Avenue, stated there was a lot learned tonight and felt the Mayor has a tough decision on what to do. He felt waiting until the November election gives us time to think about stuff and come up with better plans and discuss the concerns with the petitioners.

Mayor Doherty stated he would be happy to meet with the petitioners but still thinks we should set the election date for August 19<sup>th</sup> and keep the momentum going.

Martha Maselko, 102 North Blvd., stated she wishes it would be on the November ballot which is what everyone else is saying. It is only costing the tax payers money because the Council doesn't want to wait.

Noreen Dean, 106 16<sup>th</sup> Avenue, stated she is one of the circulators of the petitions and would be more than happy to meet with the Mayor to discuss this further. Mayor Doherty stated he would be in favor of meeting with them but still wants to set the date of the election now.

Tom Dilberger, 1000 River Road, stated the resolution can be tabled to allow for time to meet with the petitioners.

Council member Bean made a motion to table the resolution, which was seconded by Council member Magovern with the following vote:

AYES: Bean

NAYS: Keown-Blackburn, Magovern, Nicolay and Doherty

The motion failed.

Ellen Coviello, 205 Ocean Avenue, asked what would happen if our beach becomes free and we are counting on beach badge sales to pay for the pavilion. Mayor Doherty stated he doesn't think that will ever happen.

Pat Corea, 303 Ocean Avenue, was uncertain as to what the question on the ballot would actually be. Mayor Doherty read the wording of the question which states the public is voting on whether or not to ratify the bond ordinance. She felt we need to spend more time to look at contracts and other contractors and feels there are other people capable of doing the job besides Epic.

Bill Straus, 1218 Oakwood Road, stated people are questioning the bond because there has always been questionable math. He felt if the pavilions were built at the FEMA estimate than it might not be a problem.

Brendan Reed, 100 Ninth Avenue, felt that if we wait until November constructions costs will increase as the economy gets better and it gets more expensive to build in the winter months. He felt it is clear that the amount of money to be paid by the tax payers will be less and that the Lake Como issues have no impact on building the pavilions and vice versa. He felt moving quickly to put this issue to rest is better and would like to have the special election in August.

Claire Deicke, 1017 14<sup>th</sup> Avenue, asked the Mayor to explain the FEMA project worksheets and how it benefits the town. Mayor Doherty stated the project worksheets for the pavilions is a little over \$6 million. They will deduct flood insurance costs from the amount per a building and the rest is the \$3 million we discussed getting back. She felt the Mayor did a good job explaining all of the numbers.

Mike Seebeck, 110 Second Avenue, questioned why the buy a board money couldn't be used for a down payment on the bond ordinance rather than requesting a waiver for the down payment.

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

### **RESOLUTIONS:**

Mayor Doherty offered Resolution 2014-126, **RESOLUTION OF THE BOROUGH OF BELMAR PROVIDING FOR A SPECIAL ELECTION TO BE HELD ON TUESDAY, AUGUST 19, 2014**, which was seconded by Council member Keown-Blackburn and approved by the following vote:

Prior to voting each member spoke briefly.

Council member Keown-Blackburn stated she would like to not wait on this any longer because she is concerned the costs will increase.

Council member Magovern stated understands all of the concerns and sees both sides. He stated Epic was the low bidder and is comfortable with dealing with a company who has worked in the town before. If we get a yes answer in August that means the buildings will be rebuilt for 2015. If the answer is no we will go back to the drawing board and it gets voted on again in November and we won't have buildings for 2015.

Council member Bean stated anyone who votes on this doesn't care about taxpayer dollars and debt. He suggested everyone vote no on the referendum and vote for him for Mayor and he

will build the buildings cheaper.

Council member Nicolay stated it's time to start building.

Mayor Doherty stated again he would be willing to meet with anyone to go over the numbers in more detail. When put into perspective this is a great value for the community.

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

NAYS: Bean

**PUBLIC SESSION:**

Tom Dilberger, 1000 River Road, stated he is allowed to make a point of order per Robert's Rules of Order and he was not out of order by doing such. He felt Council member Magovern should have voted in favor of the motion he seconded. Mr. DuPont disagreed. Mr. Dilberger stated they are allowed to address the Council directly and felt the Mayor's new policy is out of order.

Gene Clapsis, 1304 B Street, stated a lot of the meetings are opened up with the Mayor giving a reprimand and then he questioned whether the former Mayor donated to the boardwalk which he feels is immature.

David Schneck, 302 C Street, stated it took 12 hours for the port a potty to be moved after the complaint was made and not right away. He doesn't believe the location of it was an accident. He added that nobody's address and phone number is private. He felt nobody was threatened. He feels the bond ordinance could be discussed with the petitioners and negotiated. He felt by having the special election it is in bad form.

Carmine DeSanctis, 101 6<sup>th</sup> Avenue, stated he understands Mr. Campbell made an apology earlier about the port a potty. He said he doesn't buy it. He was there when the port a potty was placed and questioned it and spoke to Mary Brabazon about it. She told him that it had to go there for the vendors. He approached Colleen Connolly about it and she laughed and said that's where it has to be. He believes the Mayor told them to put the port a potty in front of his house.

Mike Seebeck, 110 Second Avenue, felt in light of what Mr. DeSanctis said there should be an apology made by the Mayor and Ms. Connolly because what was done was clearly malicious.

Tom Volker, 301 Fourth Avenue, complimented DPW for setting up and breaking down the seafood festival.

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