

**“GOD BLESS AMERICA”**

**REGULAR MEETING**

**JUNE 5, 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 and Senator Frank Lautenberg

**SPECIAL RESOLUTIONS:** Belmar Elementary School Mentoring & Tutoring Program

**RECEIPT OF BIDS:** Paddleboard lessons at Maclearie Park  
Sean McGrath was the only person to place a bid of \$500.

**WORKSHOP DISCUSSION:**

Mayor Doherty stated Chef's International would be making their presentation at the next meeting.

Ms. Connolly provided the Mayor and Council with proposed amendments to the bonfire regulations. Council member Magovern recalled meeting with the special events committee to discuss bonfires and had discussed limiting them from October 1st to May 15th. He would like to see that added to the rules. Mayor Doherty stated that most people want to have them during the summer months so the rule that was added was that they be limited to only one per a week. Council member Magovern thought it was a step in the right direction but still liked the idea of limiting them to the off season. Ms. Connolly explained the reasons for the change. She also added that DPW has a new rake that will help with clean up. Council member Magovern was concerned about the amount of people that attend a bonfire and how they affect the residents in the neighborhood. He suggested limiting the number of people that attend a bonfire. Mayor Doherty suggested making the proposed changes for this summer and see how it works and then can revisit it in the fall. Council member Magovern suggested holding town bonfires instead if this doesn't work out so it can be controlled better. Council member Deicke agreed with Council member Magovern's time frame recommendation and suggested it be looked at it again in the future. Council member Nicolay stated she attended two children's parties that had bonfires and they went very well. She would like to see them continue in the summer. Council member Bean stated he has no problem with having them year round.

Mayor Doherty discussed the 2013 budget. He stated there will be no property tax increase for the third year in a row. Some expenses will increase due to Sandy but are reimbursable through FEMA. The Borough also received a \$4 million community disaster loan which is a loan that becomes a grant that municipalities don't have to pay back. Spoke to the Mayor of Pass Christian, MS who advised him to take advantage of this loan. Throughout the budget there are also salary increases and decreases, department finances decreased, pension increases, debt payments increased, and hurricane expenditures. Overall the amount of taxes to be collected is a

decrease of \$51,000. Tax rate is exactly the same as last year. He asked the Council to review it carefully before the public hearing which will be on July 3<sup>rd</sup>.

**PETITIONS:** None

**REPORTS OF MAYOR AND COUNCIL:**

Council member Magovern: Attended Harbor Commission meeting and they feel that Charlie Vanderlinde who runs the marina does a great job but is only one person and could use some full time assistance. They feel this will help to open more slips and bring more money in. Saturday June 1st was the second largest grossing day of beach badge sales in the past ten years. However, with two weekends of bad weather sales are behind last year right now. Silver Lake improvements are moving forward.

Council member Deicke: ADA Committee's Caregiver's workshop went very well. Mayor's Wellness Campaign Healthy Home program gave out great information. Belmar Woman's Club secured a grant for the Belmar Library. Mayor's Wellness Campaign is organizing the Choose Your Cover skin cancer screening event for this year, which is Belmar's fourth year of participating. The event will be held on July 20th at the Fifth Avenue Beach. Sixth annual health fair will be on September 22nd in the gym. Harbor Commission met; south comfort station is now complete, some areas still do not have power, excited the pier and mini golf are open again. The Horizon Blue Cross boardwalk challenge sign ups were well attended, 153 people signed up. Heard a lot of good feedback about how wonderful the boardwalk is.

Council member Bean: Asked Ms. Connolly if anymore FEMA money has come in. Ms. Connolly replied no. He asked what was going on with the water issue. Fran Hines, DPW, stated there are some areas that cleared up and some that still need to be addressed. Ms. Connolly stated NJ American Water is meeting with her next week to present their findings. Asked the Mayor to keep politics in the newspaper and not during the meeting. Doesn't want Council meetings to turn into yelling meetings and suggested keeping the meetings to the agenda. He was referring to the mayor's comments about him and articles in the Asbury Park Press that were mentioned at the last meeting. He asked the Mayor his thoughts. Mayor Doherty suggested to Council member Bean that he apologize to the police officer in question. Council member Bean explained the history of the replacement wedding ring and how it ended up in the newspaper and feels it's a political issue and doesn't need to be discussed in the meeting.

Council member Nicolay: Added that she did think the newspaper article was disgraceful and felt it affected the integrity of the police department. Final soccer registration is June 12th. Read DPW report. Seafood Festival is this weekend. Belmar Elementary School's graduation is June 20th. Will find out when St. Rose's is having theirs. Belmar Elementary School is also holding a program to join students and special needs students together.

Mayor Doherty: Red Cross as over \$100 million dollars to help hurricane sandy people and the Borough hasn't received anything yet. He will be attending a meeting with them to get an explanation as to where the money will be spent. He stated there are many people to thank for the boardwalk: borough staff, county, state, governor, contractors etc. DPW will be striping Ocean Avenue soon. The County will pave it in the fall. None of this would have been done without the support of the Council.

Council member Bean asked Mayor Doherty how he heard the Red Cross had money. Mayor Doherty stated he read it in a newspaper. Council member Bean felt the Borough should be held to the same standards and should make money that's available to residents known to the public. Mayor Doherty stated all of the gift cards and money that were donated to the Borough was announced publicly.

Council member Deicke asked if there was any information available about the money collected by Governor Christie's wife. Ms. Connolly stated that money is being distributed to non-profit organizations.

Mayor Doherty stated he is very proud of the job Belmar has done with collecting donations and distributing aid to the residents. Council member Nicolay acknowledged all of the residents and volunteers who have helped each other out through the recovery.

**APPROVAL OF MINUTES:** Council member Deicke moved for approval of minutes for the meetings held on May 15, 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.

Gene Creamer, Fourth Avenue stated there was a typo in first paragraph of the boardwalk change order resolution that needs to be corrected.

Ted Ehmann, 1218 Oakwood Road, asked the Mayor when he knew the budget would not be ready on March 20th. Mayor Doherty replied, on March 20th. Mr. Ehmann asked if DCA was notified. Robbin Kirk, CFO, stated the State is made aware when the budget is submitted. Mr. Ehmann felt that the DCA should have been notified before March 20th that the budget would not be ready.

David Schneck, 302 C Street, was concerned about the promissory note writing that is listed in the community disaster loan resolution. Mayor Doherty explained that the worst case scenario is the loan has to be repaid over three years but 98% of the time the loan doesn't have to be repaid. Mr. Schneck was concerned about using the Borough's revenues as collateral.

Tom Dilberger, 1000 River Road, was concerned about going into the loan with the plan to not pay it back. Mayor Doherty explained again that 98% of the time it turns into a grant that doesn't have to be paid. Mr. Dilberger felt it is a bad plan.

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

**RESOLUTIONS:**

Mayor Doherty offered, **Resolution 2013-147, RESOLUTION AUTHORIZING PAYMENT OF BILLS LIST**, for adoption, which was seconded by Council member Deicke and approved by the following vote:

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

Prior to the vote Council member Bean asked about the police radios list on the bill list. Ms. Connolly stated they are replacement portable radios damaged in the storm. Council member Bean also asked about a tower listed on the bill list. Ms. Kirk said it was on 10th Ave pavilion and had to be relocated.

**PAYMENT OF BILLS:** certification that the vouchers listed on the warrant register numbering 59417 thru 59540 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	\$1,121,943.50
05 General Capital Account	\$74,646.53
11 Water/Sewer Account	\$22,623.14
15 Water/Sewer Capital Account	\$241,484.34
21 Beach Utility Account	\$82,868.51

25 Beach Capital Account	\$3,199,565.81
41 Dog License Account	\$1,464.00
55 Trust Fund Account	\$28,673.98
61 Tourism Development Account	\$4,762.82
62 Seafood Festival Account	\$6,200.00
Total	\$4,784,232.63

Mayor Doherty offered, **Resolution 2013-148, RESOLUTION OF THE BOROUGH OF BELMAR, COUNTY OF MONMOUTH, STATE OF JERSEY, SETTING FORTH REASON FOR DELAY OF INTRODUCTION OF THE MUNICIPAL BUDGET FOR 2013** for adoption, which was seconded by Council member Nicolay and approved by the following vote:

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

Prior to the vote Council member Bean stated the resolution mentions it takes time to type the budget which is a reason for delay. He asked why that was in there. Ms. Connolly stated it is standard language. Council member Bean felt the resolution should state why it was actually late such as the storm.

Mayor Doherty offered, **Resolution 2013-149, RESOLUTION AUTHORIZING THE READING OF THE 2013 BUDGET** for adoption, which was seconded by Council member Deicke and approved by the following vote:

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

Mayor Doherty offered, **Resolution 2013-150, RESOLUTION INTRODUCING THE 2013 LOCAL MUNICIPAL BUDGET** for adoption, which was seconded by Council member Magovern and approved by the following vote:

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

Council member Bean made a motion to remove three resolutions from the Consent Agenda which were for the Community Disaster Loan, the change order for boardwalk utility services and concrete, and the change order for the boardwalk. Council member Deicke seconded that motion which was approved unanimously.

Mayor Doherty offered, **Resolution 2013-151, RESOLUTION AUTHORIZING APPLICATION FOR A COMMUNITY DISASTER LOAN**, for adoption, which was seconded by Council member Deicke and approved by the following vote:

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

Prior to the vote Council member Bean stated he felt this resolution was not a routine item and shouldn't be on the consent agenda. Mayor Doherty disagreed because it is part of the budget which was introduced. Council member Bean asked what the collateral is. Ms. Connolly stated the collateral is the Borough's revenue in the form of a promissory note. Council member Bean felt there is a spending problem and the Borough doesn't need a loan.

Mayor Doherty offered, **Resolution 2013-152, RESOLUTION PURSUANT TO N.J.A.C 5:30-14.4 ET SEQ. CHANGE ORDER NUMBER ONE FOR THE UTILITY SERVICES AND CONCRETE IMPROVEMENTS TO THE BOARDWALK**, for adoption, which was seconded by Council member Deicke and approved by the following vote:

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

Prior to the vote Ms. Connolly explained the deductions and changes to the contract were due to the removal of test pits from the contract, additional quantities of conduit were added, and to

perform utility connections for businesses on the boardwalk. Council member Bean asked if the work has already been done. Ms. Connolly replied yes. He therefore voted to abstain.

Mayor Doherty offered, **Resolution 2013-153, RESOLUTION PURSUANT TO N.J.A.C 5:30-14.4 ET SEQ. CHANGE ORDER NUMBER TWO FOR THE BOARDWALK RECONSTRUCTION**, for adoption which was seconded by Council member Deicke and approved by the following vote:

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

Prior to the vote Council member Bean asked what the purpose of this resolution was for. Ms. Connolly explained the sea wall and sea wall cap were removed from the contract and adjustments for final as-built quantities and materials were made. Council member Bean stated he would be voting against the resolution. Mayor Doherty stated the sea wall will be done sometime but need FEMA's approval first.

**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:

**2013-154  
RESOLUTION AWARDING A LEASE AGREEMENT FOR THE 10<sup>TH</sup> AVENUE  
BOARDWALK KITCHEN TRAILER**

**2013-155  
RESOLUTION AWARDING A LEASE AGREEMENT FOR THE 13<sup>TH</sup> AVENUE  
BOARDWALK KITCHEN TRAILER**

**2013-156  
RESOLUTION PURSUANT TO N.J.A.C. 5:30-14.4 ET SEQ. CHANGE ORDER  
NUMBER ONE FOR THE NJDOT & CDBG DRAINAGE AND ROADWAY  
IMPROVEMENTS TO SIXTH AVENUE**

**2013-157  
RESOLUTION PURSUANT TO N.J.A.C. 5:30-14.4 ET SEQ. CHANGE ORDER  
NUMBER ONE FOR THE VARIOUS ROOF REPAIRS PROJECT**

**2013-158  
RESOLUTION GRANTING TAXICAB OWNERS & DRIVERS LICENSES FOR THE  
YEAR 2013**

**2013-159  
RESOLUTION PERMITTING SPECIAL EVENTS**

**2013-160  
RESOLUTION MAKING FINDINGS AND DETERMINATIONS ON LEGALIZED  
GAMES OF CHANCE APPLICATION NUMBER 2013-08**

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

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

**ORDINANCES:**

*Second Reading & Public Hearing:*  
**ORDINANCE NO. 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**

Public Hearing: No comments

Mayor Doherty made a motion to close the public hearing for Ordinance 2013-08, which was seconded by Council member Nicolay, and approved unanimously.

Mayor Doherty made a motion to offer Ordinance 2013-08 for adoption which was seconded by Council member Nicolay and approved by the following vote:

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

*First Reading & Introduction:*

**ORDINANCE NO. 2013-09**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XL,  
DEVELOPMENT REGULATIONS OF THE REVISED GENERAL ORDINANCES OF  
THE BOROUGH OF BELMAR SECTION 2, IMPERVIOUS AREA AND SECTION 5,  
ZONING DISTRICT REGULATIONS**

Mayor Doherty explained the changes to the ordinance, which were recommendations by the Zoning Board of Adjustment. Council member Magovern did not agree that pavers should be made permeable because he knows of a situation where they have created water runoff problems.

Mayor Doherty made a motion to offer Ordinance 2013-09 for introduction and first reading and schedule it for public hearing on June 19, 2013, which was seconded by Council member Deicke and approved by the following vote:

AYES: Deicke, Bean, Nicolay, and Doherty

NAYS: Magovern

*First Reading & Introduction:*

**ORDINANCE NO. 2013-10**

**CALENDAR YEAR 2013 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET  
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (NJS.A. 40A:4-45.14)**

Ms. Kirk explained that this ordinance allows for the CAP bank to be there if need it in the future.

Mayor Doherty made a motion to offer Ordinance 2013-10 for introduction and first reading and schedule it for public hearing on June 19, 2013, which was seconded by Council member Deicke and approved by the following vote:

AYES: Deicke, Magovern, Nicolay, and Doherty

NAYS: Bean

*First Reading & Introduction*

**ORDINANCE NO. 2013-11**

**BOND ORDINANCE PROVIDING FOR VARIOUS WATER AND SEWER  
INFRASTRUCTURE IMPROVEMENTS IN AND BY THE BOROUGH OF BELMAR,  
IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$5,000,000  
THEREFOR AND AUTHORIZING THE ISSUANCE OF \$4,761,900 BONDS OR NOTES  
OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF**

Mayor Doherty explained this ordinance will allow for much needed repairs to infrastructure which will address a lot of the water problems. Council member Bean was concerned about adding more debt to the budget.

Mayor Doherty made a motion to offer Ordinance 2013-11 for introduction and first reading and schedule it for public hearing on June 19, 2013, which was seconded by Council member Deicke and approved by the following vote:

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

**PUBLIC SESSION:**

Nathena Daniel, Belmar Cafe, understands supporting Ocean Avenue businesses but need to support Main Street businesses also. One of the parking spaces in front of her restaurant is missing a stripe.

Robert Forte, 114 8th Avenue, asked who approved the plans of the boardwalk lights and aprons. Council member Magovern stated the boardwalk advisory committee and the council discussed it with the engineers and the county. The aprons were done to code as a requirement by the county. Mr. Forte felt the positioning of the light poles should be east to west. He asked if the buildings that will be up there will go to the planning board or town for review. Mayor Doherty stated it will go before the council. Mr. Forte stated he received a letter from DEP about strengthening the dunes. Mayor Doherty stated the beach is all public property and not private so the Borough would sign off on easements so it doesn't make sense for the letter to go to all residents. He also asked if there is a cap on how much money can be bonded by the Borough. Ms. Kirk stated it is 3 ½ % of the total assessments of the town.

Maryann Cassella, 1310 Highway 71, stated she would like a date of when the fence on her property which was knocked down by DPW in January 2012 will be replaced. She stated she keeps getting promises but would like a definite date. Mayor Doherty stated there is no definite date. Ms. Cassella asked why it wasn't put up in the 9 months before the storm and why a new fence was put up behind the condos but was stopped when it reached her property. The pieces of the fence are just sitting on the ground waiting to be put up and rotting. Mayor Doherty stated there is no definite date. Council member Magovern stated he is extremely disappointed how this is being handled.

Brendan Reed, 100 Ninth Avenue, asked if there are provisions in the bonfire rules that the fire department can cancel a bonfire due to weather. Council member Magovern replied yes. He asked about the lights on the west side of Ocean Avenue. Mayor Doherty stated we are still working with JCP&L on that issue.

David Lonski, 98 13th Avenue, asked for a status on the 13th Avenue road improvements. Ms. Connolly stated the curbing work is wrapping up; will start paving as soon as possible.

Ted Ehmann, Oakwood Road, asked why the Ashbritt bill is being paid for by the boardwalk bond. Ms. Connolly and Ms. Kirk stated it is being charged to the beach bond. Ms. Kirk explained the bond ordinance is for boardwalk reconstruction and clean up of the beach. He said he was disgraced by the water ordinance.

Janis Keown-Blackburn, 106 River Court, said years ago Sandy Hook used to have bonfires with folk singers gathered around which might be an idea. She also stated she is glad to see water improvements will be done.

George Komitas, 100 Third Avenue, suggested using a cement pit for the bonfires to keep it cleaner.

Bill Strauss, 1218 Oakwood Road, asked Council member Bean if he did anything to help out with cleanup after Hurricane Sandy. Council member Bean replied yes. Mr. Strauss asked Mayor Doherty why he didn't thank Council member Bean for the work he did after Sandy. Mayor Doherty stated he thanked the council members who supported the reconstruction of the boardwalk. He also asked how many parking spaces were lost due to new curbing by the boardwalk. Mayor Doherty replied with 97 spaces. Mr. Strauss was concerned by the loss of revenue and felt the parking meters should have been put up first to get the revenue.

Marty Riccio, 300 Tenth Avenue, asked why there is no charge for the beach during the week in the beginning. Council member Magovern stated one of the reasons is the lifeguards are not

available at the time and another is most schools are still in session. Mr. Riccio stated the beach has been mobbed during the week and the potential for huge revenue is lost.

Kyle Rizzitello, 14th Avenue, stated the beach looks fantastic but what about Maclearie Park and the L Street beach. Mike Campbell stated they are trying to remove the piece of dock that is stuck and has had nine people working on the walkway over the past two weeks.

David Schneck, 302 C Street, expressed concern about the amount of debt building up. Mayor Doherty stated some of that will go away when reimbursed from FEMA. He asked about some items on the bill list: a tent, lifeguard boat, and psych evaluation classes. Ms. Connolly explained the tent is for the beach and seafood festival and was paid for by Tourism, the lifeguard boat was damaged during the hurricane and the Psych evaluation classes were for the new hires in the police department.

Tom Dilberger, 1000 River Road, asked where the piece of dock that is stuck in the marina came from. Mike Campbell stated it is owned by the FOBH.

Randi Brazel, 101 11th Avenue, stated it was a long cold winter and it feels good to be on the boardwalk.

Thomas Burke, 608 10th Avenue, stated last December he sent the Mayor an email about how he thought it was inappropriate that the Mayor attacked Council member Bean publicly. He felt the comments made by the Mayor at the last meeting were inappropriate too. He also felt Council member Bean did just as much as anyone else and should be recognized. He submitted more of his comments in writing because he would go over his five minutes.

Mayor Doherty stated he would stand up for the police department in any forum; public or private. He also stated he thanked everyone who supported the construction of the boardwalk. Council member Bean and Mr. Burke stated Mayor Doherty is playing politics. Mayor Doherty stated he stands by his words.

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