

“GOD BLESS AMERICA”

REGULAR MEETING

JUNE 6, 2012

A Regular Meeting of the Mayor and Council of the Borough of Belmar on the above date at 1:30 PM in the auditorium of the Belmar Elementary School.

PRESENT: Mayor Doherty, Councilman Magovern, Councilman Bean, Councilwoman Deicke, Councilwoman Nicolay, Michael DuPont Esq., Borough Administrator William Young, and Borough Clerk April Claudio

ABSENT:

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 24, 2012 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

WORKSHOP DISCUSSIONS:

- Pat Hutchinson, Arts Council, presented a Belmar banner she created to be displayed at Borough Hall and the beach.
- Borough Administrator Bill Young gave an update on several ongoing projects.
 - o The new traffic lights on Main Street will be completed by the end of June.
 - o The bridge on Belmar Boulevard in Wall will be done this Friday afternoon.
 - o One side of the boat ramp will be open on June 16th and both will be open by July 7th.
 - o River Avenue pavement project will start after Labor Day.
- Doug Kovats, Planning Board Attorney gave an explanation of Ordinance 2012-08.
 - o Mayor Doherty explained the ordinance does not allow a property to install heat in a rear dwelling that does not already have heat. The ordinance does not increase or decrease the number of rentals. The only thing this ordinance does is lift the age-restriction requirement.
 - o Mr. Kovats explained the intent of the original ordinance which established regulations for age-restricted rear dwellings. The new ordinance only allows there to be one rear dwelling and one principal dwelling on site, therefore, if someone has more than one and wants to take advantage of the ordinance they would have to remove the multi-family aspect.
 - o Council member Deicke explained Mr. Kovats added wording that explains there are other ordinances on the books that allow Code Enforcement to enforce this and other ordinances that may coincide with this.
 - o Council member Magovern asked if the ordinance would increase the number of group rentals. Mr. Kovats explained the occupancy of the house would not increase the number of people renting the dwelling; however there may be younger people renting these units. The ordinance also limits the size of the dwelling which would limit the occupancy.
 - o Mr. Kovats also explained the ordinance does not allow the rear dwellings to have habitable attics or basements as well.
- Mayor Doherty made a motion to move the public hearing and second reading of Ordinance 2012-08 to the workshop portion of the agenda so that Mr. Kovats could be present for the hearing, which was seconded by Council member Deicke and approved unanimously.

ORDINANCE 2012-08

Second Reading & Public Hearing

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XL DEVELOPMENT REGULATIONS, ARTICLE 6 CONDITIONAL USES, CONVERSION OF SECONDARY DWELLING STRUCTURES TO ACCESSORY DWELLING UNITS OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY

Public Hearing: Pat Nugent, 16th Avenue, asked if the ordinance allows someone to rebuild their front house and maintain the rear structure at the same time. Mr. Kovats explained one would have to either follow this ordinance or seek a variance for a non-conforming use in order to maintain the rear house.

Ann Condon, 408 11th Avenue, asked why the rehabilitated rear dwelling would not be counted in the FAR, building coverage and impervious coverage calculations because a bigger rear dwelling could be built. Mr. Kovats explained you cannot build bigger, the ordinance limits the size of the structure. She expressed concern about impervious coverage and water runoff. Mr. Kovats explained the impervious coverage would be existing and not changing so it would not be an issue. He also explained there's language in the ordinance allowing the Planning Board to request water runoff mitigation measures.

Walter Murray, 314 Fourth Avenue is in favor of the ordinance. He has a back house and converted it to the age-restricted dwelling and once it's no longer needed for him he will have a back house that can only be rented to seniors.

David Schneck, 302 C Street, stated he was not in favor of the age-restricted rear dwelling because he felt it was age discrimination.

Frank Cozzi, 13th Avenue, had questions about how the ordinance would affect property taxes, the schools, etc. Mr. Kovats answered his questions and explained again that heat cannot be put into a unit that doesn't already have it.

Dan DellaSerra, 309 14th Avenue, asked if you have an existing two unit rear house and want to put a second story addition on the front house can it be done. Mr. Kovats explained he would have to appear before the Board because he would be increasing the non-conforming use.

Tom Dilberger, 1000 River Road, thanked Mr. Kovats for his knowledge on the ordinance, however he was still concerned about an increase in the number of immigrants that will come into town and into the school system.

Ms. Condon recommended the Borough hire a full-time Code Enforcement officer to help with enforcing this and other ordinances. She also suggested having presentations or classes for landlords to educate them on the laws.

Council member Bean stated he is working with Mr. Young about ways to enforce rentals better without hiring more staff by using the current computer program the Code Enforcement office uses.

Connie Dallaportas, 1002 Main Street, stated the Mayor and Council have to do what is best for the town. People should be allowed to use their rear bungalows as they like and get the additional income.

Mike Schappert, 513 Ninth Avenue, stated he is in favor of the ordinance because he has a rear house and would benefit from the ordinance. The ordinance will allow him to better enhance his property.

Council member Magovern thanked Mr. Kovats for his explanation and answering everyone's questions.

Council member Deicke stated her only concern would be about overcrowding and enforcement of it.

Council member Bean stated he is in favor of the ordinance and in favor of doing what is needed to help Code Enforcement enforce the Borough's ordinances.

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

Mayor Doherty made a motion to offer Ordinance 2012-08 for adoption, which was seconded by Council member Deicke and approved by the following vote:

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

SPECIAL RESOLUTIONS:

- Honoring Bea Zagorda

WORKSHOP DISCUSSIONS CONTINUED:

- Tenth Avenue parking complaints:
 - o Sam Marzarella, 602 10th Avenue. There is a parking issue on the 600 block of Tenth Avenue due to the number of vehicles parking by train patrons and the renovations to 1000 Main Street which created more restaurants and apartments. It's not only the patrons of the restaurants that are using up the parking it's the staff. He is here on behalf of other residents in the 600 block of Tenth Avenue who are concerned about the lack of parking. He stated they mailed a document to the Mayor and Council for their review and consideration. He stated there are other problems which were created from this building such as noise and garbage.
 - o Council member Bean asked if the Borough owns the parking lot behind Taylor Hardware. Mr. Young stated the Borough owns a portion of it. Mr. Bean asked if signage could be added to advise people they can use it. Mr. Young stated himself; the Mayor and the Police Chief will review the letter and see what can be done.
 - o Mayor Doherty stated him and Mr. Young discussed the possibility of making the parking near the train station 15 hour parking.

PETITIONS: None

APPROVAL OF MINUTES: Council member Deicke moved for approval of minutes for the regular meeting held on May 17, 2012, seconded by Mayor Doherty and approved by the following vote:

AYES: Deicke, Bean, Doherty, and Nicolay

ABSTAIN: Magovern

REPORTS OF MAYOR AND COUNCIL:

Council member Magovern: Old time baseball game was not well attended but was interesting. The seafood festival and AAU basketball tournament are this weekend. Read beach revenue and badge sales report.

Council member Deicke: Belmar Cares is hosting an event, Options for Healthy Lifestyles on June 11, 2pm at the library. The State passed a bill to allow a veteran to have his driver's license reflect that he is a veteran for easy access. ADA Committee had a meeting to help parents with special needs children. Walk the boardwalk program begins June 18th. Belmar Womans Club is hosting a fashion show and luncheon on June 21st. Harbor Commission met this Monday and discussed the status of ongoing projects in the marina. Police Department is hosting a safety day on June 16th at Memorial Field. Did a ride along on Memorial Day weekend with Police Captain Huisman and Mr. Young and noticed the Police and Shush patrols out in full force and doing a great job.

Council member Bean: Congratulated council member Nicolay for a good showing in the primary election as well as Tom Burke and David Schneck for their write-in votes.

Council member Nicolay: Gave an update on Belmar Elementary School activities. Dr. Richard Allington gave a presentation at the school regarding the independent reading program 100 book challenges. Career Day was held on May 31st for 7th and 8th grade students. June 11th there will be a bully busting school wide event to learn about conflict resolution strategies. June 13th is the

8th grade graduation. Monmouth County has a satellite office on Route 66 in Neptune now. Read DPW report. June 30th is military appreciation day. The recreation department is offering multiple summer youth programs including a new youth running club.

Mayor Doherty: The students at the last meeting gave some good ideas; one of them was to build a bridge across silver lake which he will look into to see if it would be feasible. Thanked Mr. Young and Mary Brabazon of Tourism for promoting Belmar's beach. Belmar was voted number 5 beach in the state and number 1 in Monmouth County. Airplanes are now flying through partnership with NJ Transit. Working on NJ Transit to promote people to use the train. Police and DPW doing a great job handling the crowds and clean-up. The Tiki bar and miniature golf course are moving forward well. The project presented for Fifth and Main appears not to be moving forward due to parking issues. The developer mentioned in an article in the Coast Star that the Borough was not willing to work with him but this is not true. Discussed the Asbury Park press article about beach revenues. Belmar does their beach budget openly and correctly.

2012 BUDGET AMENDMENT PUBLIC HEARING:

No Public comments

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

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

Joan Corallo, A Street, asked about the resolution regarding the Nicchio liquor license transfer. Ms. Claudio explained the resolution that was done in 2010 regarding the place to place transfer of the license had some incorrect language and the State asked the Borough to do an amended resolution.

Mike Seebeck, 110 Second Avenue, questioned a revised election contribution report filed by Council member Nicolay that he feels is not in compliance. He asked Council member Nicolay not to vote on the resolutions on the agenda tonight.

Tom Dilberger, 1000 River Road, asked about the resolution authorizing the CFO and Recreation Director to file a grant application. Mr. Young stated the application is for \$8,000 from the State of New Jersey Department of Community Affairs with a match of \$2,000 from us which would be used to teach disabled children art and other activities.

Mr. DuPont commented on Mr. Seebeck's concern that an adequate description of the funds being returned on Council member Nicolay's election report stating he feels it is diminutive and she can vote.

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, 2012- 131, RESOLUTION AUTHORIZING THE READING OF THE 2012 BUDGET BY TITLE ONLY**, for adoption, which was seconded by Council member Deicke and approved by the following vote:

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

Mayor Doherty offered **Resolution, 2012-132, RESOLUTION ADOPTING THE 2012 BUDGET**, which was seconded by Council member Magovern and approved by the following vote:

AYES: Deicke, Magovern, Doherty, and Nicolay

NAYS: Bean

Discussion prior to voting on the budget:

Council member Bean stated in 2011 the Borough took a loss in revenue and are now using surplus money for this year so not to increase taxes which means the surplus is decreasing.

Beach budget was increased \$435,000 in two years due to an increase in police salaries, beach salaries, and beach communication. He asked why there was such a large increase.

Mayor Doherty stated the total increase in the beach utility was about \$245,000. He explained how certain portions of DPW and Police salaries were moved to the beach utility since they handle clean-up and enforcement of the visitors coming to the beach.

Council member Bean asked what is the justification for this. Mayor Doherty explained Belmar is a popular beach and the special officers are needed and their salaries should be charged to the beach utility.

Council member Bean stated the Borough is not saving money by charging items to the beach utility because we cannot take money from the beach to put into the general account. He expressed concern about being sued for how money is allocated in the beach utility. Although he wishes the lawsuit could be changed so more of the beach money could be used. Feels the town is spending too much money and therefore is voting against the budget adoption.

Council member Deicke stated every three years the State has to review the Borough's budget and there have been no issues.

Council member Magovern stated the State is working on their own budget issues and changing rules and is not going to be concerned with the Borough's budget.

Mayor Doherty stated the beach utility increase amount is not correct. Council member Bean disagreed.

Mayor Doherty stated there is no tax increase for the second year in a row and he discussed the new expenditures listed in the budget.

CONSENT AGENDA:

All matters listed in the Consent Agenda are considered to be routine by the Borough Council and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

RESOLUTIONS BY CONSENT:

Mayor Doherty offered the following Resolutions as amended and moved them for adoption:

2012-133

RESOLUTION AUTHORIZING AMENDMENT TO LEASE WITH CHEF'S INTERNATIONAL, INC.

2012-134

RESOLUTION AUTHORIZING A PLACE TO PLACE TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE WITH BROAD PACKAGE PRIVILEGE NO. 1306-32-015-005, IN VINO VERITA LLC FOR THE PERIOD ENDING JUNE 30, 2010

2012-135

RESOLUTION AUTHORIZING THE CHIEF FINANCIAL OFFICER AND RECREATION DIRECTOR TO SUBMIT AN APPLICATION FOR A GRANT FROM THE NEW DEPARTMENT OF COMMUNITY AFFAIRS

2012-136

RESOLUTION PURSUANT TO N.J.A.C. 5:30-14.4 ET SEQ. CHANGE ORDER NUMBER ONE FOR IMPROVEMENTS TO TENTH AVENUE FROM W. RAILROAD AVENUE TO MAIN STREET

2012-137

RESOLUTION REJECTING THE LOWEST JOHN DEERE 6115D CAB TRACTOR BID BY HARTER EQUIPMENT AND AWARDED THE CONTRACT TO CHERRY VALLEY TRACTOR SALES, THE SECOND LOWEST BIDDER, IN THE BOROUGH OF BELMAR, MONMOUTH COUNTY, NEW JERSEY

**2012-138
RESOLUTION AWARDING A LEASE AGREEMENT FOR SKIM BOARDING CAMP**

**2012-139
RESOLUTION AWARDING A LEASE AGREEMENT FOR STANDUP PADDLE
BOARD LESSONS**

**2012-140
RESOLUTION AUTHORIZING THE ADVERTISEMENT FOR BIDS TO LEASE A
PORTION OF THE FIRST AVENUE BEACH FOR YOGA CLASSES**

**2012-141
RESOLUTION AUTHORIZING REFUNDS**

**2012-142
RESOLUTION GRANTING TAXICAB OWNERS & DRIVERS LICENSES FOR THE
YEAR 2012**

**2012-143
RESOLUTION PERMITTING SPECIAL EVENTS**

**2012-144
RESOLUTION APPROVING PAYMENT OF BILLS LIST FOR JUNE 6, 2012**

PAYMENT OF BILLS: certification that the vouchers listed on the warrant register numbering 56886 thru 57022 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	\$1,127,016.37
03	Grant Account	\$1,975.00
05	General Capital Account	\$40,062.64
11	Water/Sewer Account	\$44,206.84
21	Beach Utility Account	\$160,677.65
23	Parking Utility Account	\$1,166.82
41	Dog License Account	\$1,602.00
55	Trust Fund Account	\$19,798.79
61	Tourism Development Account	\$13,648.28
62	Seafood Festival Account	\$12,581.03
Total:		\$1,422,735.42

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

	AYES	NAYS	ABSTAIN	ABSENT
Mrs. Deicke	X			
Mr. Magovern	X			
Mr. Bean	X			
Mrs. Nicolay	X			
Mayor Doherty	X			

ORDINANCES:

Second Reading & Public Hearing:

ORDINANCE 2012-11

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XIX
(TRAFFIC) OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF
BELMAR, SECTIONS 19-46 HANDICAPPED PARKING SPACES ON OCEAN
AVENUE AND SECTION 19-39 TAXICAB STANDS**

Public Hearing: None

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

Mayor Doherty made a motion to offer Ordinance 2012-11 for adoption, which was seconded by Council member Deicke and approved by the following vote:

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

PUBLIC SESSION:

Lillian Meme 1323 L Street, opposed to the one way sign on K Street into 14th Avenue. Asked why this was done, was told it was for safety of children playing in the area but believes the children have moved away. She was not asked her opinion about this.

Council member Deicke stated a petition was circulated last year and she too was not asked about it and knows of others that weren't asked as well. Chief Palmisano suggested trying it out for the summer to see how it works and she thought that would be fine but agrees there is no consensus from the residents in the area. She has noticed people doing u-turns in Ms. Meme's driveway because of this.

Kyle Rizzitello, 14th Avenue, thankful for the one way sign even if it is temporary and believes it is working. There are still about ten children living on the block, only one family moved. This is temporary to see how it works. She had a concern about 1009 14th Avenue which has become a non-stop party house. Wanted to thank Mike Campbell, DPW, for addressing the weeds near the wall along K Street.

Tom Dilberger, 1000 River Road, would like Council member Magovern when giving the beach revenue and badge sales to also give how much it was at the same time last year. Council member Magovern had the information and provided it to Mr. Dilberger and will provide that information in future.

Council member Deicke would like Chief Palmisano to review the one way on K Street and make a determination at the end of the summer.

Tom Volker, 301 Fourth Avenue, thanked everyone who helped get Belmar ready for the summer season.

Maria Florio, 115 12th Avenue, suggested Council member Deicke visit her block before the summer patrons visit the bars to see what it's like. Had an incident on Saturday of Memorial Day weekend and asked for a regular office to come by instead of a special and nobody did until the next day when she called again. Noticed some dogs on the beach with no leashes.

David Schneck, 302 C Street, noticed a lot of mosquitos and asked if anything is being done. Council member Deicke stated there were meetings last year about it and could look into it again this year. Ms. Claudio explained a resolution was done at the last meeting authorizing the County to spray over Belmar from May through November.

Mr. Schneck asked to view the public advocates decision regarding the beach utility and asked if the State could be asked for guidance on this. Mayor Doherty stated the Borough has a CFO and an auditor who oversee the budget to make sure it is legal.

Connie Dallaportas, 1002 Main Street, stated there is a dog issue along the lakes, people do not clean up after them. She does not like having the parking meters on the boardwalk when she is just taking her grandchild to the park on the beach.

Joan Corallo, A Street, said there were so many events going on in one weekend which is why the baseball game was not well attended. She asked if any curbs will be painted. Fran Hines, DPW, stated they have been doing some painting every day. Stated Council member Bean's wife did a YouTube video of the Memorial Day service which was done very beautifully.

Mike Seebeck, 110 Second Avenue, suggested reviewing the beach budget allocations with NJ DEP. Asked Mr. DuPont why he felt the violation he provided for Council member's Nicolay

election report was diminimous. Mr. DuPont stated that based on the way it was described he did not feel there was any violation that would warrant her from not voting on the resolutions. Mr. DuPont offered to discuss this further with Mr. Seebeck at another time. He felt Council member Bean's concerns about being sued over the beach budget are legitimate. He asked Mr. DuPont what would happen if other counties in NJ sued the Borough for not providing free beach access to their firemen and first aid volunteers and not just Monmouth County. He felt it should be offered statewide.

Ann Condon, 11th Avenue, stated she is happy there are more police in the summer and feels it seems that it should be legal to charge their salaries to the beach utility. She asked if road repairs, garbage, and like items that take a toll due to the beach activity are charged to the budget. Mayor Doherty replied no and stated the budget is done very conservatively. Council member Deicke stated she feels there are many other items that could be charged to the beach utility but agrees it is done conservatively. Ms. Condon felt the legal decision is very old and should be looked into it because laws and costs have changed.

David Schneck, C Street, read a portion of the public advocate's decision regarding their explanation of how the expenses can be charged to the beach utility. He felt the Borough should work with the State to look at the budget closely.

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

Respectively submitted,

April Claudio
Municipal Clerk