

“GOD BLESS AMERICA”

REGULAR MEETING

SEPTEMBER 18, 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 (arrived at 6:40), Councilman Bean, Councilwoman Deicke, Councilwoman Nicolay, Acting Borough Attorney Ed Washburne, Esq., Business Administrator Colleen Connolly, and Borough Clerk April Claudio

ABSENT: Councilman Magovern

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 Jane Magovern

SPECIAL PRESENTATION:

- HYDAS/Circle of Friends thanked the Mayor and Council and the Borough employees who help them with having their summer dances for special needs adults.
- Chris Romanzo (was not in attendance)

PROCLAMATION: Belmar Elementary School Race to the Top

WORKSHOP DISCUSSION:

- East Coast Brewery: Contract purchases for Freedman’s Bakery site. The plan is to open a micro brewery. They have had businesses in North Carolina since 2010 which are very successful. Belmar Beach Haus is the name of the brand. Easy conversion from bakery business to brewery by using similar setup and equipment.
- Council member Deicke asked if they have breweries in NJ. Mr. Merkland stated they do not they create their own recipes and rent manufacturing space. Council member Deicke asked what stores would be affected by this. Mr. Merkland stated they are under contract to buy the entire property which includes the bakery, barber shop and antique store. It is their impression that they are buying a completely vacant building. Council member Deicke asked if there are any environmental issues. Mr. Merkland stated there is an open environmental case involving the Borough's parking lot; they will be facilitating the clean up to ensure it is done. Council member Deicke asked about a timeframe. They stated they are ready to move forward just need approval and permits from town.
- Council member Bean asked if it's more of a store rather than a bar. Mr. Merkland stated they would brew the beer there, offer tours, and have some on stock for sale, a tasting section, and a visitors section to learn about the beer and other things in Belmar. Council member Bean asked about any odors that would come out. Mr. Merkland stated it is a 90 minute process and there is minimal odor.
- Council member Nicolay asked about hours of operation. Mr. Merkland stated the tours would be given in the early afternoon but the brewery and retail section would be open 7 days a week. She stated she is glad to hear they met with local businesses first. Mr. Merkland stated they will have a kiosk to advertise other businesses especially ones that will stock their beer.

- Council member Deicke asked if they would distribute. Mr. Merkland replied no, they have a distributing company that would acquire the product and distribute from their facilities. She asked if they would have a liquor license. Mr. Merkland stated they would have a limited brewery license.
- Public: Thomas Dilberger, 1000 River Road, asked how many employees they would have. Mr. Merkland stated they would hire 8-10 people.

PETITIONS: Kenneth Pringle, Esq. and Joy DeSanctis submitted a petition requesting that Bond Ordinance 2013-15 be put on the ballot as a referendum.

REPORTS OF MAYOR AND COUNCIL:

Council member Deicke: Honored to be the daughter of San Gennaro. Thanked Ray Claudio for coordinating the Blue to You Boardwalk and thanked Horizon for providing the awards luncheon. Harbor Commission working on a NJ Boat grant for marina improvements. Health fair with a blood drive is this Sunday. There will be a Stronger NJ Grant workshop on September 20th in Manasquan.

Council member Bean: asked if there were any FEMA updates. Ms. Connolly replied no. He stated he reviewed the Borough's vehicles and asked if they have been submitted to FEMA. Ms. Connolly stated they could be on various worksheets and she will be working with FEMA and there will be amendments to project worksheets as costs and estimates are submitted. He stated he wanted to discuss the filed ethics complaints but chose not to since Mr. DuPont was not present.

Council member Nicolay: Read DPW and Recreation reports. Belmar Elementary School back to school night is tonight. She is honored to have given a proclamation to the school for the race to the top program. Gave dates of upcoming Arts Council events. Belmar Business Partnership is working on workshops for local businesses to bring grants for those suffered by hurricane Sandy.

Mayor Doherty asked Captain Huisman and Director Campbell to explain the fleet of vehicles parked outside the building. Director Campbell explained a lot of DPW and police vehicles were lost during the storm. He learned about two programs where surplus military equipment is available for municipal governments. Captain Huisman did a great job working on the application process which is long and tedious. Captain Huisman stated the program was started prior to the storm but took a long time. They both stated the Borough will be well prepared for any future storms. We have bull dozers, hummers, deuce and a half trucks that can go through 7 feet of water, generators for Borough hall and fire departments, and have backup generators too; the only cost was man hours and gas to go get it. Mayor Doherty stated he asked Fire Official John Rizzitello to inspect businesses on Ocean Avenue and boardwalk to ensure safety and that there would no issues like what happened in Seaside. His report stated there were only a few businesses that had minor violations which will be corrected in the next few weeks.

APPROVAL OF MINUTES: Council member Deicke moved for approval of minutes for the meetings held on September 4, 2013, seconded by Mayor Doherty and approved by the following vote:

AYES: Deicke, Bean, Nicolay, and Doherty

Mayor Doherty stated he has to leave early and asked the Council to move the vote on Ordinance 2013-16 up on the agenda.

Second Reading & Public Hearing

ORDINANCE 2013-16

BOND ORDINANCE PROVIDING FOR THE INSTALLATION OF A STORM DRAIN LINE FOR SILVER LAKE IN AND BY THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$1,860,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,767,000 BONDS OR NOTES OF THEREOF

Public Hearing: None

Mayor Doherty made a motion to close the public hearing for Ordinance 2013-16, which was seconded by Council member Nicolay and approved unanimously.

Mayor Doherty made a motion to offer Ordinance 2013-16 for adoption, which was seconded by Council member Deicke and approved by the following vote:

AYES: Deicke, Nicolay, Bean and Doherty

Mayor Doherty and Council member Bean requested to move the resolution approving social affair permits for the Friendly Sons of the Shillelagh and the resolution authorizing the Planning Board to review the redevelopment plan, off of the consent agenda, all approved.

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

Eugene Creamer, 4th Avenue, stated he reviewed the boardwalk redevelopment plan and asked if a CAFRA permit was filed for Taylor Pavilion. Ms. Connolly stated CAFRA waived the permit process because it is being built within the same footprint.

Ted Ehmann, Oakwood Road, stated he had concerns about the resolution approving payment of bills list #3 for wire transfers. He stated that the resolution reads the wire transfers were inadvertently not put on a payment of bills list, all of which were from Feirra.

Council member Deicke stated this fell through the cracks but with all we were going through we did the best we could. It is being corrected now.

Mr. Ehmann felt this should have been addressed when he did an OPRA request requesting copy of the wire transfers back in May.

Ms. Connolly stated Feirra was not the only wire transfer not on the payment of bills lists. The list also includes county taxes, bond payments, and a total of 6 different vendors. She stated Ms. Kirk's certification statement states the Borough will be working with DCA moving forward to update the Borough's cash management plan.

David Schneck, 302 C Street, read an email from the Borough Attorney which stated he spoke to Mr. Ball of DCA who stated the Feirra bills must be paid. Ms. Connolly stated the email just shows how closely we have been working with DCA. We have a pay to play ordinance which she wanted to verify. She stated the Ferreira payments were approved via resolution to authorize the money for it. She reiterated that it was not just Ferreira who had wire transfers but that there were 6 different vendors.

Bill Strauss, Oakwood Road, stated the wire transfers were done after Ferreira. Ms. Connolly stated wire transfers have been done previously to other vendors. Mr. Strauss asked about the resolution regarding the boardwalk redevelopment plan. Mayor Doherty stated the boardwalk was designated an area of redevelopment some months ago, the Borough's planner has been working on a redevelopment plan for that zone and now we are looking to pass it onto the planning board for review.

Peter Piro, North Blvd, stated he was thankful for the work that was being done to bring the surrounding towns together and for the interlocal agreement for Lake Como.

Fred Marziano, Second Avenue, stated the Mayor said the boardwalk plan was amended so that only two buildings would be built and not four but the redevelopment plan shows four. Mayor Doherty stated the plan was put together by our planner Dave Roberts for the entire boardwalk. At this time we are only building 2 buildings. The plan calls for other buildings to show what could be built but we will be looking into alternate projects where new buildings would be put up but not at the beachfront. Mr. Marziano stated he doesn't understand why it shows 4 buildings when only intend to do 2. Mayor Doherty stated it is a recommended plan but not held to it. No intentions of building four.

Dom Paragano, Seventh Avenue, suggested we look into a new redevelopment law that gives tax breaks. Mayor Doherty stated he will speak to our redevelopment attorney.

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 **2013-226, RESOLUTION AUTHORIZING PAYMENT OF BILLS LIST #1**, for adoption, which was seconded by Council member Deicke and approved by the following vote:

AYES: Deicke, Nicolay, Bean, and Doherty

Prior to voting, Council member Bean asked some questions. He asked about the purchase of popcorn. Ms. Connolly stated it is for the Saturday movies which are paid for by Tourism. He asked about the payment for art work. Ms. Connolly stated that was for some design work of the new Belmar logo. He asked about a payment for Broadview. Ms. Connolly stated that was for our phone system.

Mayor Doherty offered Resolution **2013-227, RESOLUTION AUTHORIZING PAYMENT OF BILLS LIST #2**, for adoption, which was seconded by Council member Nicolay and approved by the following vote:

AYES: Deicke, Nicolay, Bean, and Doherty

Council member Nicolay offered Resolution **2013-228, RESOLUTION AUTHORIZING PAYMENT OF BILLS LIST #3 (WIRES)**, for adoption, which was seconded by Council member Deicke with following vote:

AYES: Nicolay and Deicke

ABSTAIN: Bean

Mayor Doherty did not vote on this resolution due to the potential appearance of a conflict in relation to the payments made to Ferreira.

Prior to voting Council member Bean asked Council member Deicke if she knew who authorized these wire transfers to go through. Council member Deicke stated she believes it would have been a Borough employee who is responsible for this. Ms. Connolly stated Robbin Kirk who is the Chief Financial Officer is the only person authorized to issue the wire transfers.

This resolution did not pass because there were not enough members present to vote. This resolution will be added to the next meeting's agenda for a new vote.

PAYMENT OF BILLS: certification that the vouchers listed on the warrant register numbering 60174 thru 60256 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	\$1,588,730.86
05 General Capital Account	\$169,038.88
11 Water/Sewer Account	\$106,518.74
15 Water/Sewer Capital Account	\$56,000.00
21 Beach Utility Account	\$434,243.89
25 Beach Capital Account	\$55,988.84
23 Parking Utility Fund	\$1,446.32
55 Trust Fund Account	\$15,509.39
61 Tourism Development Account	\$6,988.54
Total	\$2,434,465.46

Council member Bean made a motion to remove the Special Events resolution from consent agenda, which was seconded by Mayor Doherty and approved by the following vote:

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

Mayor Doherty offered, Resolution **2013-229, RESOLUTION PERMITTING SPECIAL PERMITS FOR SOCIAL AFFAIRS FOR FRIENDLY SONS OF THE SHILLELAGH**, for adoption, which was seconded by Council member Nicolay and approved by the following vote:

AYES: Deicke, Nicolay, and Bean
ABSTAIN: Doherty

Mayor Doherty offered, Resolution **2013-230, RESOLUTION OF THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY DIRECTING THE BOROUGH PLANNING BOARD TO REVIEW A PROPOSED REDEVELOPMENT PLAN PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW**, for adoption, which was seconded by Council member Deicke and approved by the following vote:

AYES: Deicke, Nicolay, and Doherty
NAYS: Bean

Prior to voting Council member Bean asked if the buildings have gone out to bid yet. Ms. Connolly replied yes. He asked why this plan is being done after the bond ordinance was approved. Mayor Doherty explained the plan is for the entire boardwalk redevelopment area and advised Council member Bean to abstain from voting on the resolution if he was unsure about it.

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:

2013-231

RESOLUTION MAKING FINDINGS AND DETERMINATIONS ON LEGALIZED GAMES OF CHANCE APPLICATION NUMBER 2013-14,15,16

2013-232

RESOLUTION AUTHORIZING SPECIAL EVENTS

2013-233

RESOLUTION AUTHORIZING REFUNDS

2013-234

RESOLUTION APPOINTING INSPECTORS FOR THE CONSTRUCTION DEPARTMENT

2013-235

RESOLUTION AUTHORIZING THE BOROUGH OF BELMAR TO ENTER INTO AN INTERLOCAL SERVICE AGREEMENT FOR LAKE COMO FLOODING EMERGENCY MANAGEMENT

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

AYES: Deicke, Nicolay, Bean and Doherty

Mayor Doherty left the meeting at approximately 7:40 pm.

ORDINANCES:

Second Reading & Public Hearing

ORDINANCE 2013-14

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XL,
DEVELOPMENT REGULATIONS OF THE REVISED GENERAL ORDINANCES
OF THE BOROUGH OF BELMAR PERTAINING TO GARAGES AND DRIVEWAYS**

Council member Deicke made a motion to table this ordinance to allow for further review and discussion due to the Planning Board providing a letter with recommendations to the ordinance, which was seconded by Council member Bean and approved by the following vote:

AYES: Deicke, Nicolay, and Bean

PUBLIC SESSION:

Tom Dilberger, 1000 River Road, stated he is concerned about the net loss of jobs available if the barber shop leaves and the brewery moves in. He felt we don't need to show off the new vehicles. He expressed concern about how long it is taking to repair the Maclearie park boardwalk.

Ted Ehmann, Oakwood Road, stated that 75% of the Borough's administration has not filed their financial disclosure form. He would like it looked into and felt we should advise them that they are required to file them.

Dom Paragano, Seventh Avenue, stated he is thankful for the skin cancer screening which was held a few months ago. He expressed concern about environmental hazards with the demolition of the Barclay and its affect on air quality.

Mr. Strauss, Oakwood Road, stated him and others bring up questions not as a personal attack but to get answers since the Mayor said we should trust him. He asked about the FEMA project worksheet on the boardwalk and some money that is unaccounted for and why it wasn't posted on the website until today. Ms. Connolly stated the project worksheet was originally 75% and will be amended for 90% because that is what FEMA had at the time it was written. Ms. Connolly stated there was a broken link on the website that was corrected. Mr. Strauss asked how they can trust the mayor and council when there are so many questions and things unaccounted for.

Council member Deicke felt they could be trusted based on past experience and has spoken to people throughout the community and has received a lot of positive feedback for everything that has been done.

David Schneck, 302 C Street, asked if we got the \$9 million yet. Ms. Connolly replied no but the funds have been authorized and will be drawn down.

Brandon Reed, Ninth Avenue, thinks the East Coast Brewery offers a vote of confidence to Belmar businesses and the community. Believes it will spinoff economic development which will create more jobs at other businesses in town.

Randi Brazel, 11th Avenue, stated at the last election she was asked to sign a petition which she doesn't think was right. She thought it was very uncomfortable to be approached.

Joy DeSanctis, 101 6th Avenue, stated she knows who the two people are that Ms. Brazel was talking about and she does not believe it is illegal.

Janis Keown-Blackburn, River Court, stated we have very few office workers in town and they have been doing a lot of work and are very busy. She was pleased that the resolutions for Lake Como and Silver Lake have gone through.

Michael Druz, 16th Avenue, stated he took offense to the statement made by Mr. Schneck that the mayor is under criminal investigation. Just because the Attorney General's office is investigating him doesn't mean there is a criminal offense.

Council member Deicke 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