

## **“GOD BLESS AMERICA”**

### **REGULAR MEETING**

**APRIL 24, 2018**

A Regular Meeting of the Mayor and Council of the Borough of Belmar to be held on the above date at 6:00 PM at the Belmar Municipal Building, 601 Main Street.

**PRESENT:** Mayor Magovern, Councilman Brennan, Councilman Walsifer, Councilwoman Nicolay, Borough Attorney Greg Cannon, Esq., Business Administrator Colleen Connolly, and Borough Clerk April Claudio

“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 March 12, 2018 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

### **SPECIAL PRESENTATION:**

- Child Abuse Prevention Month
- Bank of America Redevelopment
  - o Attorney John Sardo, Engineer Rich DiFolco, property owner Bill Stapleton, and Architect Michael Jardino were present.
  - o Mr. Jardino stated they plan to preserve the exterior of the bank building and use the interior for offices and build covered parking with three floors of apartments above behind the bank building. Total of 24 apartments. Will increase parking and restripe the Borough parking lot.
  - o Mr. DiFolco stated they would redo the borough parking lot to increase the number of parking spaces by 8. Total of 47 new spaces being added for the whole project. Each apartment would get one dedicated parking spot.
  - o Council member Walsifer asked about the height. It will be four stories at 45 feet. Ms. Connolly stated the previous commercial zoning allowed for this.
  - o Mr. Stapleton would like to have a local art display on a wall in the parking area.
  - o Mayor Magovern asked how quickly they would start construction. Mr. Stapleton would want to start within 150 days of getting approvals.
  - o The Council gave approval to move forward with discussions on a developer’s agreement and financial agreement.

### **WORKSHOP DISCUSSION:**

- Nomination for Council Seat
  - o Council member Brennan nominated Mark Levis, which was seconded by Council member Nicolay and approved unanimously.
  - o Mayor Magovern administered the Oath of Office to Council member Levis.
- Nomination for Council President
  - o Council member Brennan nominated Council member Nicolay, which was seconded by Council member Levis and approved unanimously.
- Belmar Fire Department
  - o Chief Steve Hines stated they answered 217 calls last year. Seeking to purchase new equipment. Their newest truck is from 2002. The other trucks are from the 80’s and 90’s except for the ladder truck they got in 2009.
  - o The Council asked about looking into grants. Ms. Connolly stated they are hard to obtain and would anticipate having to bond for a truck.
  - o George Burr, former Chief, discussed the current conditions of the three firehouse buildings. There are issues with leaks, flooding, water damage, driveway aprons are cracked and uneven, and exhaust systems need to be serviced and upgraded. They try to do what they can but it now needs more work than they can do; the buildings are just old.
  - o Mayor Magovern asked if would be better to house all three departments in one building. Mr. Burr stated they are not opposed to it.
  - o Tim Maguire, member of Goodwill Fire, discussed section 5.3 of the borough ordinance. Would like to change some of things in the ordinance that are out of date. One of the things is the

training requirements. Would like to have a Fire Administrator to help with all the reports, grants, and other paperwork that is required.

- Council member Walsifer would like to know prices on trucks. He suggested doing a three to five-year plan on maintenance of the buildings so it can be budgeted in order of priority. Mr. Burr stated the Borough's engineer did a report on the buildings.

- Main Street Bridge Project

- Mayor Magovern stated there was a meeting earlier today in Avon to discuss the options to repair or replace the Main Street bridge.
- Council member Brennan stated they gave a good presentation of the options but felt a lot of people in attendance didn't get the chance to voice their concerns. DOT was not prepared for the number of people in attendance. There is no support to build a high-level bridge.
- Council member Nicolay stated it was interesting to hear how old the bridge is and that it is on wood pilings. Confident they will do the best option. Her and Council member Brennan encouraged everyone to voice their opinions by contacting DOT or attending the meeting on June 7<sup>th</sup> at Borough Hall.
- Council member Walsifer stated we will have to work with Avon to try to force what we want to see DOT do.
- Council member Levis stated they did a good job explaining all the options and didn't say they were swaying towards one or the other. He agreed the large span bridge will not be good for Belmar and Avon.
- Mayor Magovern stated it would be 4-5 years before doing any construction or 3-4 years to do repairs.

- Plastic Bags

- Council member Brennan stated the Governor of NYC is proposing a statewide ban. Thinks it's something we need to do. Would like to do an ordinance like Long Beach Township, NJ. Would hope the State would get behind this as well.
- Mayor Magovern agreed the County or State should be the ones pushing this. He stated he is behind the environmental aspect of the ordinance but is concerned about enforcement and the big companies taking us to court on this.
- Council member Brennan understood his concerns but thinks it would be a bad PR move for those big companies so doesn't see them doing it. If we were to do the ordinance he would want to give a long window before enforcing it. This would allow time to meet with the businesses and get them prepared for it. Suggested giving them to January 1<sup>st</sup>. Would like to see a store in town sell reusable bags.
- Council member Nicolay stated she is all for it. Is glad to see we would give people until January 1<sup>st</sup>. Feels there needs to be more education.
- Council member Walsifer agreed to giving them time. It will allow the businesses to take it in and oppose if there is opposition.
- Council member Levis agreed plastic pollution in the ocean is a big problem. Doing this though will be a small change but should give it a try. His concern was also enforcement.
- Council member Brennan stated there are provisions in the ordinance to exempt certain types of bags.
- Mayor Magovern stated it would be great to have the support of the businesses.

- Council member Walsifer suggested putting together a committee to review the municipal building project along with the professionals. Ms. Connolly stated Council member Walsifer and Nicolay were involved in the discussions and planned to continue with that. Council member Walsifer stated he was thinking of a committee with residents, developers, and the police chief so we can get a project we really want. Mayor Magovern suggested a subcommittee that could make recommendations to Council members Walsifer and Nicolay. Council member Walsifer's hope would be the committee could come up with a plan that would be scaled down. Ms. Connolly stated if the Council wants to take feedback from other people and report back to her for when she starts redevelopment negotiations that would be fine. Mayor Magovern suggested speaking to Ms. Claudio about getting in touch with the Technical Design Review Committee for some input. Council member Nicolay stated since it was proposed there has been a lot of public input. Council member Levis agreed with Council member Walsifer and hoped there would be an open line of communication with the school board.

**PETITIONS:** None

**APPROVAL OF MINUTES:** Council member Nicolay made a motion to approve the minutes of the April 10, 2018 and April 14, 2018 meetings, which was seconded by Council member Brennan and approved by the following vote:

AYES: Magovern, Walsifer, Brennan and Nicolay  
ABSTAIN: Levis

**REPORTS OF COUNCIL:**

Council member Levis had no report.

Council member Walsifer: Welcomed Council member Levis on board. Harbor Commission had a meeting recently and talked about WIFI in the marina and marketing. Would like the marketing proposal for the marina presented to the Mayor and Council at a meeting.

Council member Brennan: Thursday night is the Shore Got Talent fundraiser for the Belmar school band and chorus. Thanked the local merchants for supporting them as well. Test planting at 12<sup>th</sup> Avenue beach is doing well and building dunes. Hopes to expand the project.

Council member Nicolay: Belmar Arts Council juried art show still going on. Art Walk is this Saturday. Library did an incredible job on Harry Potter Day. Had a beautiful day at the Jane Magovern playground dedication.

Mayor Magovern: Did Arbor Day programs at the two schools last week. May 1<sup>st</sup> we will have our regular Borough meeting to get back on track. This past weekend was nice so a lot of people did yard work and put brush out against the schedule but DPW did a good job and picked it all up. Ms. Connolly gave a status update on the Lake Como outfall pipe.

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

None

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

**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:**

Council member Brennan made a motion to approve the following resolutions:

**2018-64, RESOLUTION AUTHORIZING PAYMENT OF BILLS**

**PAYMENT OF BILLS:** certification that the vouchers listed on the warrant register numbering 2008 thru 2122 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             | \$350,266.13   |
| 03     | Grant Account               | \$428.50       |
| 05     | General Capital Account     | \$361,644.49   |
| 11     | Water/Sewer Account         | \$438,467.67   |
| 21     | Beach Utility Account       | \$26,286.17    |
| 31     | Public Assist I Account     | \$192.50       |
| 41     | Dog License Account         | \$1,464.00     |
| 55     | Trust Fund Account          | \$4,004.00     |
| 61     | Tourism Development Account | \$8,087.37     |
| Total: |                             | \$1,191,269.06 |

**2018-65, RESOLUTION APPOINTING AN ELECTRIC SUBCODE OFFICIAL AND INSPECTOR**

**2018-66, RESOLUTION AUTHORIZING REFUNDS**

**2018-67, RESOLUTION AUTHORIZING SPECIAL EVENTS**

**2018-68, RESOLUTION AUTHORIZING THE ACCEPTANCE OF THE COPS IN SHOPS SUMMER SHORE INITIATIVE 2018 GRANT #AL-18-45-05-01 AWARD**

**2018-69, RESOLUTION DESIGNATING THE DATES FOR CLOSING THE BEACHFRONT EXCEPT FOR PAYMENT OF CERTAIN FEES TO THE PUBLIC AND RESIDENTS OF THE BOROUGH OF BELMAR FOR 2018**

**2018-70, RESOLUTION HONORING AND RECOGNIZING THE SERVICE TO THE COMMUNITY BY ALL FIRST RESPONDERS AND AUTHORIZING FREE BEACH ADMISSION DURING THE 2018 BEACH SEASON TO ALL ACTIVE FIRST RESPONDERS PURSUANT TO BELMAR BOROUGH ORDINANCE SECTION 18-2.5(i)**

**2018-71, RESOLUTION HONORING THE MEN AND WOMEN OF OUR ARMED FORCES AND RECOGNIZING THE SACRIFICES BEING MADE BY THEM, AND BY THEIR FAMILIES, AND PROCLAIMING THE COMMENCEMENT OF “OPERATION: THANK YOU” WITHIN THE BOROUGH OF BELMAR, AND AUTHORIZING FREE BEACH ADMISSION DURING THE 2018 BEACH SEASON TO ALL ACTIVE MILITARY PERSONNEL AND THEIR DEPENDENTS AND ALL VETERANS PURSUANT TO BELMAR BOROUGH ORDINANCE SECTION 18-2.5(i)**

Seconded by Council member Walsifer and approved by the following vote:  
AYES: Magovern, Walsifer, Levis, Brennan and Nicolay

**ORDINANCES:**

**ORDINANCE NO. 2018-04**  
*First Reading & Introduction*

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XIX (TRAFFIC) OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BELMAR, SECTION 19-46 HANDICAPPED PARKING SPACES AND SECTION 19-15 PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS**

Mayor Magovern made a motion to approve Ordinance 2018-04 for first reading and introduction, which was seconded by Council member Brennan and approved by the following vote:

AYES: Magovern, Walsifer, Levis, Brennan and Nicolay

**ORDINANCE NO. 2018-05**  
*First Reading & Introduction*

**ORDINANCE OF THE BOROUGH OF BELMAR AMENDING THE REVISED GENERAL ORDINANCE CHAPTER 19: “TRAFFIC” TO DESIGNATE CERTAIN INTERSECTIONS AS MULTI-WAY “STOP INTERSECTIONS” AND TO DELETE CERTAIN “THROUGH STREETS”**

Mayor Magovern made a motion to approve Ordinance 2018-05 for first reading and introduction, which was seconded by Council member Brennan and approved by the following vote:

AYES: Magovern, Walsifer, Levis, Brennan and Nicolay

**PUBLIC SESSION:**

Jim Bean, 612 16<sup>th</sup> Avenue, sent an email to all the towns with seasonal liquor licenses seeking them to pass a resolution opposing the bill to convert them to year-round licenses. Heard back from all the other towns except Belmar. Wanted to know if they would support D’Jais going year-round.

Mayor Magovern stated until it is passed he would not know the effect on Belmar. D’Jais does run a good business and tries to control the noise. There are restrictions on their liquor license as well. Doesn’t think D’Jais would be like it is in the summer, in the winter. He would be okay with it if there are restrictions.

Council member Walsifer stated he has been in touch with State legislators about some amendments or restrictions. Just because it’s D’Jais he wouldn’t be opposed to stopping it for other towns or places that want to use their establishments as restaurants. If D’Jais just wants the year-round license to be open for parade day only then he would be fine with that.

Mayor Magovern envisioned D’Jais only doing special events in the winter and feels parking won’t be an issue.

Mr. Cannon stated if this were to happen the Council could put more restrictions on the liquor license.

Peter Piro, North Blvd., sent an email to the Mayor and Council regarding the one-way direction of 19<sup>th</sup> Avenue and any proposed changes. Chief Huisman stated no changes are being made right now until the Lake Como

pipe construction is complete. Mr. Piro would like 19<sup>th</sup> Avenue to be west bound like it always was. He stated when there is a race there is no way out when 19<sup>th</sup> Avenue is going east bound. Chief Huisman stated they have many races in town throughout the year that inconvenience residents. They work to allow traffic through even if going the wrong way.

Claire Hayner, 18<sup>th</sup> Avenue, stated it was discussed that 19<sup>th</sup> and 20<sup>th</sup> one ways were going to change but it hasn't. Asked if 19<sup>th</sup> Avenue is going to switch to east bound. Mayor Magovern stated not tonight. Chief Huisman stated the ordinance states 19<sup>th</sup> would go east and 20<sup>th</sup> west but it is not being enforced because of the construction. She asked about changing the direction of Snyder. Chief Huisman stated he will look at it. Also asked if no parking could be painted on the street. DPW Director Campbell stated when the weather is better he plans on having striping done throughout town.

Janine, Howell Resident, stated she would like teach yoga on the boardwalk. Ms. Connolly stated we have bid it in the past and usually bid all our summer concessions in February or March. Suggested we could consider doing it for 2019.

George Komitas, 111 Third Avenue, congratulated Council member Levis. Thanked everyone for attending the Boy Scouts spaghetti dinner. Autism Benefit is on May 4<sup>th</sup> at D'Jais. Fire Department is a wonderful group. They train and work hard.

Pat Tecza, 903 Main Street, is happy the police sent out a notice to enforce the two-hour parking on Main Street but it must be enforced year-round. Supports the plastic bag ban but believes there will be some push back. January 1<sup>st</sup> for it to go into effect might be too soon.

Jackie Pearsante, 1000 River Road, stated the intersection of Route 35 and Tenth Avenue has become dangerous especially with people crossing the street. Suggested changing the light to have a green left-hand turn arrow and paint lines or arrows directing people how to turn left. Mayor Magovern stated it is a state road and would need their approval. Chief Huisman stated there is a state study going on since the fall for that intersection.

Katrina Clapsis, B Street, asked about the Taylor Pavilion bond and if we received any money from FEMA. Ms. Connolly stated they are still working with FEMA and are working to close out projects in the next three to six months. Ms. Clapsis asked if we have made any payments towards the Taylor Pavilion bond. Ms. Connolly stated she believes it's still in notes. Ms. Clapsis asked about the CDL loan. Ms. Connolly stated we are still waiting on the state for this. Ms. Clapsis asked if the state has demanded repayment of the loan. Ms. Connolly replied no. Ms. Clapsis asked when all of this is closed out it be made public because the public wants to know what our debt will be. Ms. Connolly stated all our financial records are on the Borough's website.

Maria Florio, 115 12<sup>th</sup> Avenue, asked about putting garbage out on the weekend. Her neighbor put mattresses out on Easter weekend. Code Enforcement doesn't work weekends so asked the police to give them a warning to take them in. She asked what she should do. Director Campbell stated there is DPW staff working on the weekends and could address it with Code Enforcement.

Dave Schneck, 302 C Street, asked if there have been any changes to require the redevelopment projects to contribute into the SID. Ms. Connolly stated the current redevelopment agreements do not have provisions for SID payments but it is something that could be negotiated in future agreements. Mayor Magovern stated he will consider it. Mr. Schneck felt the DOT study on 10<sup>th</sup> and Route 35 is due to Marina Grille. Ms. Connolly stated it was prompted by a letter from form Councilwoman Janis Keown-Blackburn in 2015. Mr. Schneck stated regardless of how you feel about seasonal liquor license S1958 bill the issue is that it will supersede the town's zoning laws. The state shouldn't be able to control our town.

Matthew Doherty, 115 Inlet Terrace, congratulated the Mayor and Council for selecting Mark Levis. Also congratulated them on appointing Council member Nicolay as Council President.

Pat Tecza agreed the big projects should be paying into the SID.

Council member Magovern made a motion to close the public session, which was seconded by Council member Nicolay and approved unanimously.

### **EXECUTIVE SESSION:**

Council member Brennan offered **2018-72, RESOLUTION AUTHORIZING EXECUTIVE SESSION**, for adoption, which was seconded by Council member Walsifer and approved by the following vote:

AYES: Magovern, Walsifer, Levis, Brennan and Nicolay

At the end of the executive session, Council member Brennan made a motion to close the executive session,

which was seconded by Council member Levis and approved unanimously.

The Mayor and Council returned to the public meeting.

Mayor Magovern made a motion to deny the grievance filed by Dawn Copolla, which was seconded by Council member Brennan and approved unanimously.

Mr. Cannon explained the grievance was denied due to her not seeking advanced approval from the Business Administrator.

Council member Nicolay made a motion to adjourn the meeting, which was seconded by Council member Walsifer and approved unanimously.

Respectively submitted,

April Claudio  
Municipal Clerk