

**MAYOR AND COUNCIL
AGENDA**

MAY 21, 2019

6:00 PM

Mayor Mark Walsifer, Council President Thomas Brennan, Councilman James McCracken, Councilman Thomas Carvelli, Councilwoman Patricia Wann, Borough Attorneys Jerry Dasti and Chuck Schlager, Acting Business Administrator Edward Kirschenbaum 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 December 19, 2018 and 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 emergency services personnel

PUBLIC HEARING – 2019 BUDGET:

- Public Hearing
 - Mayor Walsifer stated the former Mayor went to the newspaper and said we could have kept the budget at a zero-tax increase. There are \$300,000 in insurance premiums that haven't been paid. There's \$600,000 in engineering costs going back two years that hasn't been paid. Epic and Bird Construction are owed thousands for the pavilions and Lake Como project. We could do a flat tax if we don't pay anyone. Our finances are in crisis. Our Auditor Bob Allison and CFO Christine Manolio will give a presentation.
 - Mr. Allison stated this budget is going up 1.4 million dollars and explained what makes up that amount which includes debt, capital budget, salaries and wages, and professional fees. We don't take in a consistent amount of annual revenue to cover expenditures. Could whittle it down a little but would not be fiscally responsible. There are one-time revenues that were in past budgets that are not coming in anymore. If taxes had been raised 2% each year we wouldn't need this big increase. A lot of the salary increases are contractual and have been inherited by this administration.
 - Mr. Dasti stated we are being sued by the contractor that did the Lake Como project because he hasn't been paid. We can't pay him because the work isn't done, and we need to hire a new engineer to oversee the completion first. Once done then hopefully we will get the grant money from DEP, so we can pay him. Contractor feels he is entitled to more money than what we believe was approved by the Council. The Borough was sued years ago for using insurance money in the general funds to balance the budget, but the judge determined it should have gone to the beach budget. The judge also ordered \$175,000 in attorney fees that need to be paid and is not covered by insurance. These all contribute to the budget increase.
 - Mayor Walsifer stated the professionals have been working hard to see where we can move money or save money. One of the things we found was that Spark Marketing was running all of our events and keeping all of the money. We have removed them and are doing the events ourselves. The Friday Night concerts which cost about \$12,000 is now being paid by the BBP. Negotiated with the union to pay half the price for the Monday and Thursday night concerts. Will be raising the fees for Taylor Pavilion. Moved the Seafood Festival to Main Street to contain it and save DPW and Police costs. We cancelled all of the summer events on Ocean Avenue, so we don't have to pay for the police services to close down all the roads. We've raised the fees in the marina and doing a social media push to fill boat slips. There was a DPW employee who retired and was not replaced. We had four employees who waived benefit packages. Understands people want

layoffs but if we layoff one police officer then we can't use the 75 specials we hire. We need to work to get the debt down.

- Mr. Allison stated from 2013 to now the debt has increased about \$20 million. The debt is currently \$36 million and thirty of that is unfunded meaning not bonded. We will need to sell bonds later this year.
- Councilman Brennan asked if anyone's taxes are going up 20%. Mr. Allison stated the overall would probably be around 6 or 7% at the local rate. Councilman Brennan stated he did the math for his home based on his assessment which would be an increase of less than 8%. Mr. Allison agreed that would be right.
- Councilman McCracken stated he is concerned about taking all of the debt that has not been bonded. If we didn't make the decision tonight to plug the financial deficit we are in would that affect our bond rating. Mr. Allison stated it would if we do not have a structurally sound budget.
- Public Comments:
 - Dorothy DiPasquale, 607 8th Avenue, asked if tax breaks have ever been given and if everyone is paying their fair share of taxes, specifically the new redevelopment sites. Mayor Walsifer stated there are five PILOT programs that are out there that had signed contracts. Mr. Dasti stated there were binding agreements made with developers that cannot be broken. Future redevelopment projects will be negotiated differently. Ms. DiPasquale stated she enjoyed this past week and how everything was handled.
 - Elaine Stevens, 827 13th Avenue, stated she is very shocked and asked for a revenue report. All of the beach fees and other revenue should be covering our costs. Mayor Walsifer stated there is no beach surplus left and we need to rebuild it which is why we raised the beach badge prices. Mr. Dasti and Ms. Manolio stated revenues are detailed in the budget document.
 - Julia Stonakis, 213 14th Avenue, referenced a letter she received about an increase of 21.7% increase. Mr. Allison stated the local portion is increased 21% but that is one third of the total tax which will be about a 6% tax increase.
 - Elaine Giordano, Ninth Avenue, talked about the PILOT agreements. Mayor Walsifer explained conventional taxes vs. PILOT. He added we will negotiate differently in the future. Future projects once completed will be paying full taxes.
 - Mark Presto, 110 13th Avenue, asked what our current Moody's rating is. Ms. Manolio stated the last rating was done in 2014 and believes it was AA. Mr. Allison stated with the actions being taken tonight will be able to maintain that or maybe make it better. Mr. Presto stated the 6% is only the local tax and doesn't include schools and county. Councilman Brennan estimated the total would be around 8% or just under.
 - Peter Terranova, 800 B Street, feels the services that are provided at the cost of the taxes is a pretty good deal. He asked how much the bills are that we didn't know about. Mr. Allison stated there are bills reaching almost \$1 million that were not recorded in 2018. We hope to negotiate some of the bills down and then bond the rest. Mr. Terranova asked if the Mayor and Council will lower the increase in next years budget. Mayor Walsifer stated if we can, absolutely it will be less. Mr. Terranova asked about increases in salaries in the municipal court. Ms. Manolio stated there are three full time employees, a few part time employees, the prosecutor and judge. Mr. Dasti stated Spring Lake and Lake Como also pay us to cover some of those salaries.
 - Jerry, 1320 Route 71, stated the police department does a great job but doesn't understand why we needed 5 more officers to patrol Lake Como. Mayor Walsifer stated he wasn't sitting on the council when it happened but had a lot of questions himself. We had added four officers not five. Will look at retirements when the come up and see if they need to be replaced.
 - Steve Lemoine, 403 C Street, disappointed, expected cuts and not an increase in spending. Asked about the 2% cap and the loop hole. Mr.

Allison stated the budget has been reviewed by the state and was approved by them today. Mr. Lemoine stated he doesn't believe he is getting a good bang for his buck.

- Cheri Russo, 1218 Briarwood Road, feels the municipal tax increase is too much for our town. Asked that this be reconsidered.
- Debbie Mandaker, 108 Inlet Terrace, would like a clear understanding where the personnel increases are and how many have cars financed by the Borough. Mayor Walsifer stated the BA, some DPW employees and the Police Chief have cars. The BA gets a car because he is also the Deputy OEM Coordinator. Instead of paying mileage we pay \$3600 a year which is cheaper. Mayor Walsifer stated the increase in salaries is all contractual.
- Maggie McBride, 904 E Street, hearing a lot of numbers going around and as a renter concerned what the increase would do to her rent. Feels something like this should be put up to a public vote.
- Angela Pfeiffer, 5th Avenue, stated she is concerned about the debt. Asked if any of the debt is from hurricane sandy. Mayor Walsifer stated \$7 million of that is the two pavilions. Ms. Pfeiffer asked if we are due more FEMA money. Mayor Walsifer stated there will be some. She asked if we really owe Maser money. Mayor Walsifer stated we owe them \$500,000. She asked for clarification on how much Lake Como pays for policing.
- Maria Rondinaro, 1246 Pinetree Way, stated she feels misled. People are moving because they can't afford to live here already. Councilwoman Wann stated we are trying to do our best with what has been given to us.
- Bob Munich, 114 14th Avenue, feels there is a level of incompetence or malfeasance from the past administration. Can we sue them. Mr. Dasti stated the administration is trying to get our hands around things and then will talk to past employees. Mr. Kirschenbaum stated we are involved in a forensic audit right now. We are looking at decisions that were made with a wink and a nod. We have to figure out if it was incompetence, illegal, political favors etc. Councilman McCracken stated he asks the BA the same question every week. If people were committing crimes, they will need to be held accountable.
- Lewis Manzo, 409 8th Avenue, stated the state is working on a regionalization plan that would come with some aid. Should wait to adopt the budget so can take advantage of that. Even though its 8% vs 21% it's a lot for seniors and those on a fixed income. Asked if we looked into a payroll deferral. Asked if we should go on a fiscal year budget to match the state. Thinks we should look into challenging the PILOT agreements.
- Aileen Fahy, 400 River Avenue, would like to see revenue form PILOT programs shared with the school. Thanked the Mayor and Council for doing the brave thing in raising taxes to get us out of the whole we are in. Talked about many of things the Democrats tried to do over the years that she was not happy with as a Democrat herself.
- Mark Pfeifer, 319 5th Avenue, stated people don't know how little is paid by the PILOT properties. Ms. Manolio and Mr. Dasti explained how much they actually pay.
- Jackie Gallant, 611 6th, would like to see the contracts that cover the employees, how much St. Rose pays to the town. Seems the way we have been spending is irresponsible. Concerned about our taxes paying for a private school. Mr. Kirschenbaum stated we are looking into St. Rose and how it affects our budget.
- Peter Piro, 300 North Blvd., each year the budget was prepared, and finances were reviewed by an auditor. Seems like the auditors have missed millions of dollars that now need to be paid for. Hopes we will be able to work with DEP to get money for the Lake Como project.
- Tom Dilberger, 1000 River Road, hearing the word interest drives him crazy. Everyone knew Matt (former mayor) was up to no good. Cuts need to be made across the board. We don't know how many personnel there are.
- Cy Reitmayer, 400 5th Avenue, believes there was some shady stuff that went on. Why do we have to wait for a forensic audit to get retribution for

mistakes that were made. Who approved the bills that are showing up that were not accounted for. We know who signed the checks why wait for the results of the forensic audit.

- Bill Garcia, 322 14th Avenue, asked what our budget will look like next year and each year after. Mr. Allison stated when we sell the temporary debt into permanent debt we will know what our true debt is. We are trying to manage this, so we don't have to come back in a few years for another big tax increase. He has been advocating to look at the future instead of looking at the budget on a year to year. Mr. Garcia stated any operator can find a 2% cut. Feels this is the tip of the iceberg and sees another tax increase next year.
- Barbara Tepfendhart, 209 7th Avenue, concerned about the decline in businesses, what can we do for them. Mayor Walsifer stated the seafood festival was moved to Main Street to showcase the businesses. Working with BBP to change what is going on, on Main Street.
- Pat Tecza, BBP Trustee, agrees with sentiment of the PILOT programs. The PILOT buildings don't pay into the SID. The businesses are paying for a lot of things that residents might not realize.
- Councilman Brennan made a motion to close the public hearing, which was seconded by Councilwoman Wann and approved unanimously.
- Mayor Walsifer asked if we look at the budget one more time or go forward with voting tonight. They agreed to vote.
- Councilman McCracken stated we had 24 people come up and share their concerns and make their statements. There are several comments we should take into consideration such as the increases in the court salaries, the breakdown of salaries of contractual vs non. Not in favor of putting the budget up for referendum because it would incur costs. Thinks we should continue looking into shared services or services available from the state. Council needs to take into consideration the terms of future PILOTS. Comments were made about transparency. We haven't seen this much transparency in this town in a while.
- Councilman Carvelli thanked everyone who gave their feedback. The budget process is very complex. Nobody wants to raise taxes, but no tax increases for eight years aren't sustainable. When budget discussions started he asked how past budgets were done with no tax increase. The answer was there was a lot of one-shot revenues, there was a lot of depleting of reserves, there was mismanagement of debt, ,delaying infrastructure and equipment spending, and not paying bills. Was at a class for newly elected officials where he learned about red flags all of which were employed to keep our budget artificially low. Hopeful going forward we will find ways to increase revenues or reduce expenses.
- Councilwoman Wann thanked everyone for sharing their feelings. Very conflicted about the budget herself. Looks back to when she sat in the audience and questioned spending on the pavilions. We are trying to do the best we can. We will do better and not hide anything.
- Councilman Brennan thanked everyone for their comments, there were some really good ideas. Thanked CFO, auditor and BA for their work on the budget, it's not easy. Nobody is happy about the situation we are in. Agrees with Councilman McCracken about how angry he is. Nobody is more angry than he is. Had always asked a lot of questions and was told everything was fine. Appreciates everyone to say to cut but we need the personnel and the services we offer. You get what you pay for. Doesn't think elected officials should kick the can down the road. This is the right thing to do for the town and it's unfortunate it's the situation we are in.
- Mayor Walsifer thanked Mr. Allison and Ms. Manolio. Recalls former Mayor Ken Pringle advising the former administration of all things they were doing wrong which has resulted in lawsuits. We have combed over the budget to look at where we can cut and save money. Not looking forward to this budget but it is something that needs to be done. Will work hard to make sure this doesn't happen again. Looking at every area we can to increase revenue.

Mayor Walsifer offered for adoption:

No. 2019-119 RESOLUTION TO AMEND 2019 WATER/SEWER UTILITY BUDGET

Seconded by Councilwoman Wann and approved by the following vote:

AYES: Wann, Brennan, Walsifer, McCracken and Carvelli

Councilman Brennan offered for adoption:

No. 2019-122 RESOLUTION TO AMEND 2019 BEACH UTILITY BUDGET

Seconded by Mayor Walsifer and approved by the following vote:

AYES: Wann, Brennan, Walsifer, McCracken and Carvelli

Mayor Walsifer offered for adoption:

No. 2019-120 RESOLUTION ADOPTING 2019 BUDGET

Councilman McCracken stated he should vote no on the budget as a political decision since he is running for election this year but feels that wouldn't be right and needs to do what is right for the town. The budget incorporates money saving, shared service agreements, settling lawsuits, it does not one-time revenues or political one trick ponies, no taking from reserves or taking insurance money. This budget supports the property values we have all been beneficial of. There is a hiring freeze of full-time positions. The BA will be auditing departments and their efficiencies. Heard everyone loud and clear about the PILOT programs. As we heard we can amend the budget mid-year if need be. Regret we are in this situation, but we have to do this to fix our community.

Seconded by Councilman Brennan and approved by the following vote:

AYES: Wann, Brennan, Walsifer, McCracken and Carvelli

WORKSHOP DISCUSSION: None

PETITIONS: None

APPROVAL OF MINUTES: Councilman Brennan made a motion to approve the minutes of the May 7, 2019 meeting, which was seconded by Mayor Walsifer and approved unanimously.

REPORTS OF COUNCIL:

Councilman Carvelli: The Seafood Festival was a homerun. Thanked everyone that participated in it. Attended a class for newly elected officials which was very affirmative. Community Policing meetings were well attended and will be healthy program moving forward. The BBP is moving their headquarters to Main Street and will have daytime hours. Events coming up: Friday Night Concerts, line dancing on Monday nights, three cruise nights will be this summer in Pyanoe Plaza, the pirate walk is June 15th. Harbor Commission met and working on the boat show for 2020. Also talked about all the improvements made to the marina. Informed every one of the Special Needs Registry. Information is available on the ADA Committee's section of the website.

Councilman McCracken: Shade Tree Commission meeting is tomorrow night. The BA received an email today from Monmouth County Health Department stating the L Street bathing beach has passed the two preseason water monitoring events and can be open.

Councilwoman Wann: Community Policing program is going well.

Councilman Brennan: Harbor Commission has asked for years how much money is being made on fuel sales. Will finally be getting some answers and ensuring we are making money. Thanked Franked Cinelli and Mary Brabazon, the Mayor and BA for making it happen. Kudos to the police department and DPW for how they handled it. Gave a nod to Jon Sabia for the nonstop social media presence. Don't have the numbers yet but believes it was a success. The businesses around the festival site saw an increase in foot traffic. The businesses that participated in it did really well. The attendees were happy with the site especially those that are handicap or using a stroller. Could not have been any better. Next year need to take into consideration the service businesses such as hair dressers and barbers and how they can benefit from it.

Mayor Walsifer: Echoed Councilman Brennan's comments. It was a big decision to change the location, but it worked very well. Thanked Frank Cinnelli, Mary Brabazon and John Sabia for setting it up. Thanked DPW for keeping it cleaned. Also thanked the police department. The marketing of NJ Transit through social media worked. Monmouth County Tourism kicked off the summer season at the boardwalk yesterday.

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

Councilman Brennan made a motion to close the public session, which was seconded by Councilwoman Wann 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.

Councilman Brennan offered the following resolutions for adoption:

No. 2019-109 RESOLUTION AUTHORIZING PAYMENT OF BILLS

No. 2019-110 RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF BELMAR, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, EXTENDING FOR ONE YEAR THE PROJECT SCHEDULE FOR THE REDEVELOPMENT AGREEMENT WITH LOKO CO. LLC

No. 2019-111 RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF BELMAR ESTABLISHING VARIOUS FEES

No. 2019-112 RESOLUTION AWARDDING A LEASE AGREEMENT FOR BEACH VOLLEYBALL

No. 2019-113 RESOLUTION APPROVING MEMBERSHIP APPLICATIONS FOR VOLUNTEER HOOK & LADDER FIRE DEPARTMENT

No. 2019-114 RESOLUTION ASSESSING A PROPERTY MAINTENANCE LIEN

No. 2019-115 RESOLUTION AUTHORIZING REFUNDS

No. 2019-116 RESOLUTION AUTHORIZING THE BOROUGH OF BELMAR TO ENTER

INTO A SHARED SERVICE AGREEMENT WITH THE BOROUGH OF LAKE COMO FOR CODE ENFORCEMENT SERVICES

No. 2019-117 RESOLUTION AUTHORIZING THE BOROUGH OF BELMAR TO ENTER

INTO A SHARED SERVICE AGREEMENT WITH THE BOROUGH OF LAKE COMO FOR MUNICIPAL COURT SERVICES

No. 2019-118 RESOLUTION AUTHORIZING THE BOROUGH OF BELMAR TO ENTER

INTO A SHARED SERVICE AGREEMENT WITH THE BOROUGH OF LAKE COMO FOR SALT

No. 2019-121 RESOLUTION PERMITTING SPECIAL EVENTS

Seconded by Mayor Walsifer and approved by the following vote:

AYES: Wann, Brennan, Walsifer, McCracken and Carvelli

ORDINANCES:

ORDINANCE NO. 2019-07

Second Reading & Public Hearing

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XIX, TRAFFIC, SECTION 19-40.1 PARKING METER ZONES AND REGULATIONS, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY

Public Hearing: None

Councilman Brennan made a motion to close the public hearing, which was seconded by Councilwoman Wann and approved unanimously.

Councilman McCracken made a motion to adopt Ordinance 2019-07, which was seconded by Councilman Brennan and approved by the following vote:

AYES: Wann, Brennan, Walsifer, McCracken and Carvelli

ORDINANCE NO. 2019-17

Second Reading & Public Hearing

ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF BELMAR, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER XLIV OF THE BOROUGH CODE ENTITLED "STORM WATER MANAGEMENT" TO PROVIDE FOR REQUIRED PRIVATE STORM DRAIN INLET RETROFITTING

Public Hearing: None

Councilman McCracken made a motion to close the public hearing, which was seconded by Councilwoman Wann and approved unanimously.

Councilman Brennan made a motion to adopt Ordinance 2019-17, which was seconded by Mayor Walsifer and approved by the following vote:

AYES: Wann, Brennan, Walsifer, McCracken and Carvelli

Councilman Brennan made a motion to offer the following ordinances for first reading and introduction, which was seconded by Mayor Walsifer and approved by the following vote:

AYES: Wann, Brennan, Walsifer, McCracken and Carvelli

ORDINANCE NO. 2019-18

First Reading & Introduction

ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF BELMAR, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING SUBSECTION F. OF CHAPTER 40-3.3 OF THE CODE OF THE BOROUGH OF BELMAR ENTITLED PROVISIONS APPLICABLE TO BOTH MUNICIPAL AGENCIES (PLANNING BOARD, ZONING BOARD OF ADJUSTMENT)

ORDINANCE NO. 2019-19

First Reading & Introduction

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XI "PERSONNEL" "SEC. 11-3, SCHEDULES "A-F", FIXING AND DETERMINING SALARIES OF CERTAIN OFFICERS, POSITIONS AND EMPLOYEES OF THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AND REPEALING ALL OTHER ORDINANCES HERETOFORE ADOPTED WHICH ARE

INCONSISTENT HEREWITH

ORDINANCE NO. 2019-20

First Reading & Introduction

ORDINANCE OF THE BOROUGH COUNCIL, BOROUGH OF BELMAR, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, CREATING NEW CHAPTER XLIII OF THE BOROUGH CODE ENTITLED “PLACEMENT OF SMALL CELL EQUIPMENT AND WIRELESS POLES IN THE PUBLIC RIGHT-OF-WAY”

ORDINANCE NO. 2019-21

First Reading & Introduction

ORDINANCE OF THE BOROUGH OF BELMAR AMENDING THE REVISED GENERAL ORDINANCE CHAPTER 18: “BEACHFRONT AND MARINE REGULATIONS” TO INSERT NEW SECTION 18-2.7c. (PREVIOUSLY RESERVED) PROHIBITING USE OF TENTS AND CANOPIES ON THE BEACHFRONT AT CERTAIN TIMES WITH EXCEPTIONS

ORDINANCE NO. 2019-22

First Reading & Introduction

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTERS IV DEPARTMENT OF FINANCE, SECTION 4-4 DIVISION OF TREASURY FUNCTIONS OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY

PUBLIC SESSION:

Randi Brazel, 101 11th Avenue, ready to be block captain for the community policing program but hasn't heard anything. Councilwoman Wann stated she will get an email soon. Ms. Brazel stated the seafood festival was great. Do we need garbage pickup twice a week in the winter, might be something to look into. Mayor Walsifer stated we will look into it. Our recycling contract is up the end of this year and will be looking into possibly bringing that in house.

Pat Tecza, 903 Main Street, country line dancing will be on Monday nights July 1st to August 5th. Ran the information booth for the businesses at the festival. It was run smoothly. The money from the event goes to the Tourism not the Borough. This is one of the few meetings in many years where the council wasn't dismissive and treated everyone with respect.

Angela Pfeifer, 319 5th Avenue, would like to know what the new Taylor pavilion fees will be. Asked if the buy a board money is still there and can use it to pay down debt. Mayor Walsifer stated we are looking into it.

George Komitas, 111 3rd Avenue, asked about a mayor's ball. Mayor Walsifer stated it will be in September.

Elaine Stevens, 825 13th Avenue, looked at the budget and had more questions. Questioned the amount given to the library. Mayor Walsifer stated we have no control over that and it shown on the tax bill. Mr. Allison stated its state statute.

Councilman Brennan made a motion to close the public session and adjourn the meeting, which was seconded by Mayor Walsifer and approved unanimously.

Respectively submitted,

April Claudio
Municipal Clerk