

**MAYOR AND COUNCIL
AGENDA**

JUNE 18, 2019

6:00 PM

Mayor Mark Walsifer, Council President Thomas Brennan, Councilman James McCracken, Councilman Thomas Carvelli, Councilwoman Patricia Wann, Borough Attorneys Jerry Dasti, 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

WORKSHOP DISCUSSION:

- Mayor Walsifer stated Assemblyman Thompson has been working with Councilmen Carvelli and McCracken to make changes to the beach badge law. Councilman McCracken stated there was a lot of confusion as to who can get discounted or free beach badges. The Council passed an ordinance earlier this year that they were advised was consistent with state law. Wanted to be sure we were following state law given the number of lawsuits the town has been involved in over the past few years. Have worked it all out to make sure those who deserve free access get it. Assemblyman Thompson is looking to present a bill to further clarify the law. The bill also allows for a discounted children's rate for ages 12-17. Councilman Brennan hopes this will get approved this summer.
- Abandoned/Vacant Property Ordinance
 - o Ms. Claudio explained the draft ordinance.
 - o Councilman McCracken thinks residents deserve to not live next to houses that are not maintained.
 - o Councilman Brennan asked who is responsible. Ms. Claudio stated the creditors are responsible. Mr. Dasti further explained.
 - o Mayor Walsifer suggested we put this on for introduction at the next meeting, will give Code Enforcement another tool to utilize.
- Hazardous Waste Ordinance
 - o Mr. Kirschenbaum stated this ordinance allows us to recoup losses when there is a hazardous spill that needs to be cleaned up. Several towns utilize this. Insurance companies will have no option but to pay if ordinance is in place.
 - o Mayor Walsifer stated he is happy to put this ordinance in place.
 - o Councilman Carvelli suggested we add language that the fees be set by resolution. Mr. Dasti stated we could leave the fees but add language that future changes to fees will be set by resolution.

PETITIONS: None

APPROVAL OF MINUTES: Councilwoman Wann made a motion to approve the minutes of the June 5, 2019 meeting, which was seconded by Councilman Brennan and approved unanimously.

REPORTS OF COUNCIL:

Councilman Carvelli: Harbor Commission met last week, and 2019 slip stats seem good. We are over 60% for total slips leased. BBP met regarding upcoming events: Cruise Nights start tomorrow, Friday Night Concerts are in full swing, Line Dancing is starting July 1st. Did a beach operations tour with Gene Cory and learned a lot about their daily routine and met a lot of the beach staff.

Councilman McCracken: Happy to see all lifeguard stands and gates were staffed this past weekend. Did a tour of the public safety building which was concerning. The structural deficiencies are being repaired but it was upsetting to learn the lifeguards did not have input on the design of the building. They are using the building but operationally it has it flaws. Would have been better if they were involved. BBP Pirate Walk brought some people into town this past weekend.

Councilwoman Wann: ADA Committee meets this Thursday. Parks and Recreation Committee will be

reviewing all the parks to determine what needs to be improved. Concerned about the skate park. Also working on getting people on the bench waiting list off the list. Community Policing is underway.

Councilman Brennan: Environmental Commission finishing up the Environmental Resources Inventory. Marina Mabrey was drafted by the Los Angeles Sparks of the WNBA, Neal Sterling was recently signed by the Kansas City Chiefs, and Jade Glab was named Miss New Jersey. All three will have their pictures on the Route 35 sign.

Mayor Walsifer: Offered all three a congratulations. Mr. Kirschenbaum stated he is working with the families to get pictures and jerseys to display at Borough Hall. Belmar Elementary School graduation was last night. Congratulated Councilman Brennan on his retirement from the school. Seafood festival made a profit of \$64,326. Also helped the businesses by bringing it up to Main Street.

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

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

CONSENT AGENDA #1:

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.

Councilwoman Wann has a concern about the wording in the Chef's International resolution, says shush patrol should be maintained. Feels it should say they must do it. Asked if amplification is needed for small bands. Councilman Brennan explained it is needed if there are large crowds. Mayor Walsifer stated it was 11 pm but we reduced it to 10 pm last year.

Councilman Carvelli was concerned the shush patrol rules are not outlined. Mayor Walsifer stated Chief Huisman enforces that. Mr. Dasti stated it is up to the Chief's discretion.

Councilman Brennan recused himself from voting on these resolutions.

Councilwoman Wann offered the following resolutions for adoption as amended:

No. 2019-139 RESOLUTION AUTHORIZING ISSUANCE OF A PLENARY RETAIL CONSUMPTION LICENSE NO. 1306-33-001-013 FOR CHEFS INTERNATIONAL INC. FOR THE PERIOD ENDING JUNE 30, 2020

No. 2019-140 RESOLUTION AUTHORIZING ISSUANCE OF A RETAIL CONSUMPTION LICENSE TO THE IRISH CURSE, LLC DBA 10TH AVENUE BURRITO LICENSE NO. 1306-33-007-005, FOR THE PERIOD ENDING JUNE 30, 2020

No. 2019-128 RESOLUTION TO ALLOW STATE OF NEW JERSEY DIVISION OF A.B.C TO RENEW CLUB LICENSE TO THE ORDER OF THE FRIENDLY SONS OF THE SHILLELAGH

Seconded by Mayor Walsifer and approved by the following vote:

AYES: Wann, McCracken, Carvelli and Walsifer

CONSENT AGENDA #2:

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. 2019-141 RESOLUTION AUTHORIZING PAYMENT OF BILLS

No. 2019-142 RESOLUTION AUTHORIZING REFUNDS

No. 2019-143 RESOLUTION AUTHORIZING WAIVING OF INTEREST ON A WATER/SEWER ACCOUNT

No. 2019-144 RESOLUTION APPOINTING SPECIAL POLICE OFFICERS FOR 2019

No. 2019-145 RESOLUTION PERMITTING SPECIAL EVENTS

Seconded by Councilwoman Wann and approved by the following vote:

AYES: Brennan, Wann, McCracken, Carvelli and Walsifer

ORDINANCES:

ORDINANCE NO. 2019-20

Second Reading & Public Hearing

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”

Councilman Brennan made a motion to carry this ordinance until the July 16, 2019 meeting, which was seconded by Councilwoman Wann and approved unanimously.

ORDINANCE NO. 2019-23

Second Reading & Public Hearing

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: None

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

Mayor Walsifer offered Ordinance 2019-23 for adoption, which was seconded by Councilwoman Wann and approved by the following vote:

AYES: Brennan, Wann, McCracken, Carvelli, and Walsifer

Councilman Brennan offered Ordinances 2019-24, 25, and 26 for first reading and introduction, which was seconded by Councilman Carvelli and approved by the following vote:

AYES: Brennan, Wann, McCracken, Carvelli, and Walsifer

ORDINANCE NO. 2019-24

First Reading & Introduction

ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF BELMAR, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER XVIII OF THE BOROUGH CODE ENTITLED “BEACH FRONT AND MARINE REGULATIONS”, IN PARTICULAR SECTION 18-2.5 (FEES AND CHARGES)

ORDINANCE NO. 2019-25

First Reading & Introduction

ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF BELMAR, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, ESTABLISHING NEW CHAPTER XLIII, ESTABLISHING A DEVELOPMENT FEE ORDINANCE FOR AFFORDABLE HOUSING PURPOSES

ORDINANCE 2019-26

First Reading & Introduction

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XXXV, FLOOD DAMAGE PREVENTION OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BELMAR

PUBLIC SESSION:

Gerald Buccafusco, 409 5th Avenue, pointed out there are some corrections to the beach badge fee ordinance that need to be amended as far as section numbers. Mr. Dasti stated he will check on it before it is published. Mr. Buccafusco referenced a section of NJ state law regarding veterans that is not listed in the ordinance and

should be reviewed. The section identifies appropriate identification for veterans which should be a benefit to list. Mayor Walsifer stated we already follow this statute but can add it to the ordinance.

Katrina Clapsis, B Street, stated the website listed we were accepting bids for engineering, but it was removed. Mr. Dasti explained this involves the Lake Como stormwater project. In 2017 the administration was told we would not be reimbursed grant money on the project because of the way the engineer bid process occurred. We still need to close out this project so to do so we have to redo the advertising for the RFP for an engineer to close it out. The day it was published the DEP changed their mind and said we have to do it another way. Mr. Kirschenbaum stated the DEP and Attorney's General Office disagreed and it was pulled and needs to be redone. We have a conference call tomorrow to try to resolve some issues and going to Washington D.C. next week as well.

Linda Sharkus, 4th Avenue, excited about the community policing coming on board. Asked what the noise parameters are and what is acceptable for parties and bars. Mayor Walsifer explained the noise ordinance.

Mark Pfeiffer, 319 5th Avenue, at 5th Avenue and B Street, the corner is not ADA compliant. It is a trip hazard because of a drain pipe. Would like the temporary stop sign at 5th and C Street put back.

Kyle Rizzitello, 14th Avenue, thankful her request from the last meeting regarding making K Street one way was not ignored. Asked if there is a rule about commercial vehicles parked on the street overnight. Mayor Walsifer stated we do have an ordinance regarding vehicles over a certain size. Would like to see a stop sign near the arrows on 14th and K Street. Concerned about the road where it meets her driveway is sinking, would like it looked at again. Her neighbor would like to see swing sets or baby swings at Maclearie Park.

Maria Rondinaro, 1246 Pinetree, thankful for reversing the beach badge ordinance. Would like to advocate for the families of veterans and first responders to get free beach access as well. Councilman McCracken stated he requested first responders be added but was told it could not be done because it violated the public trust doctrine. Will keep looking into it. Ms. Rondinaro asked about the flood damage prevention ordinance and if it addresses Route 35. Mr. Kirschenbaum stated he is working with the County and engineers on flood mitigation. Councilman Brennan stated this ordinance is more for individual properties and regulations for when they do construction.

Angela Pfeiffer, 319 5th Avenue, asked for updates on the budget. Asked if there has been any progress to lower expenses. Mayor Walsifer stated we are looking at it every day. Such as the movies on the beach, the screen costs \$17,000 to replace and costs \$16,000 to run. Mr. Kirschenbaum stated it was not included in the budget and therefore we will be cutting it. Ms. Pfeiffer asked about overtime. Mayor Walsifer stated we are looking at everything that costs us overtime. Mr. Dasti stated we just received an order from the Appellate Division regarding litigation on the pay to play ordinance which orders the town to pay the attorney of the petitioners \$135,000. Mayor Walsifer stated we are working daily to cut back overtime as much as possible. Mr. Kirschenbaum stated he is staying on top of department heads. We are working hard every day to make sure the tax payers are covered. Councilman McCracken stated he can ensure that any out of control spending has stopped.

Mr. Buccafusco stated he keeps hearing about the mess that was inherited but asked how the budget could go up and spending be increased knowing we have the debt. He asked if any nonunion employee is going to get a raise. Mayor Walsifer replied no.

Tom Dilberger, 1000 River Road, suggested layoffs of 10% across the board. Suggested turning off the Route 35 sign so don't have to pay electricity. Need a sign of good faith to the tax payer. Councilman Carvelli stated we will be renting ads on the sign, got \$600 for this month. Looking at \$2,000 for July. Looking at leveraging the assets we have. Mr. Dilberger suggested getting rid of all events.

John Carvelli, 606 16th Avenue, stated he moved to this town because he wanted to live in a town where there were things to do. Cutting these things is not the way to go. People that live here want to go to the movies on the beach and the festivals. The same people complaining about cuts are going to complain when their services suffer.

Jim Bean, 16th Avenue, asked Mr. Kirschenbaum what his salary is and compared it to past Administrators. He stated the budget references a larger amount. Mr. Kirschenbaum stated his salary is \$130,000 and the budget would include other employees not just his. Mr. Bean asked for clarification on the hazardous spill ordinance. Asked why we can't bill the Bars for emergency responses.

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

Mayor Walsifer made a motion to adopt **RESOLUTION 2019-146 AUTHORIZING EXECUTIVE**

SESSION, which was seconded by Councilwoman Wann and approved unanimously.

After the Executive Session the Mayor and Council returned to the regular meeting. No further actions were taken.

Councilman Brennan made a motion to adjourn the meeting, which was seconded by Councilman Carvelli and approved unanimously.

Respectively submitted,

April Claudio
Municipal Clerk