

“GOD BLESS AMERICA”

REGULAR MEETING

APRIL 17, 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, Councilwoman Deicke, Councilman Magovern, Councilwoman Nicolay, Acting Borough Attorney Ed Washburne, Esq., Business Administrator Colleen Connolly, and Borough Clerk April Claudio

ABSENT: Councilman Bean

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

WORKSHOP DISCUSSION: None

PETITIONS: None

REPORTS OF MAYOR AND COUNCIL:

Council member Magovern:

Council member Deicke: Senior luncheon held today was a great success. Thanked Kelly Williams and Mary Brabazon for putting it together. Woman’s Club blood drive was at the First Aid building today. Thanked all of those who donated. Community Fitness Walk is next Wednesday. Safety Day will be on May 5th. ADA Committee will be having a care givers workshop. A new program called Blue to You will kick off on the boardwalk on May 27th thanks to Recreation Director Ray Claudio.

Council member Nicolay: April 30th BES students will walk to school. The Belmar Strong beach celebration is on its way for May 22nd. BES is working on a new tutoring pilot program. Arts and Crafts, beach sports camp and junior lifeguard signups will be on May 1st. Little league has started. April 26th is the BES PTO gift auction.

Mayor Doherty: Ocean avenue will open to 17th Avenue this Friday. Buy a board is ending April 30th in order to get your names on display by this summer. Acknowledged those Birdsall employees who still showed up to work even though they were furloughed. D'Jais is selling pieces of their dance floor. Congratulated Council member Nicolay for being inducted into her high school hall of fame for field hockey. Announced that 92% of the boat slips are sold.

APPROVAL OF MINUTES: Council member Deicke moved for approval of minutes for the meetings held on April 3, 2013, seconded by Mayor Doherty and approved by the following vote:

AYES: Deicke, Magovern, Nicolay, and Doherty

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

No Public Comments

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 **2013-108, RESOLUTION AUTHORIZING PAYMENT OF BILLS LIST**, for adoption, which was seconded by Council member Deicke and approved by the following vote:

AYES: Deicke, Magovern, Nicolay and Doherty

PAYMENT OF BILLS: certification that the vouchers listed on the warrant register numbering 59047 thru 59147 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	\$1,067,993.63
05 General Capital Account	\$31,326.63
11 Water/Sewer Account	\$51,121.12
15 Water/Sewer Capital Account	\$125,244.00
21 Beach Utility Account	\$36,483.53
55 Trust Fund Account	\$69,883.24
61 Tourism Account	\$3,085.92
Total:	\$1,385,138.07

Mayor Doherty offered Resolution **2013-109, RESOLUTION INTRODUCING THE CALENDAR YEAR 2013 SPECIAL IMPROVEMENT DISTRICT BUDGET AND SETTING THE HEARING ON THE BUDGET**, for adoption, which was seconded by Council member Nicolay and approved by the following vote:

AYES: Deicke, Magovern, Nicolay and Doherty

Mayor Doherty clarified that this resolution is introducing the budget and scheduling the public hearing, not necessarily approving the adoption of 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.

Mayor Doherty made a motion to offer the following resolutions for adoption:

**2013-110
RESOLUTION GRANTING TAXICAB OWNERS & DRIVERS LICENSES FOR THE YEAR 2013**

**2013-111
RESOLUTION ESTABLISHING A RISK MANAGEMENT CONSULTANT**

**2013-112
A RESOLUTION AUTHORIZING THE CLERK OF THE BOROUGH OF BELMAR TO ADVERTISE FOR BIDS AND NOTICE TO BIDDERS FOR LEASES FOR TWO KITCHEN TRAILERS ON THE BELMAR BOARDWALK**

**2013-113
RESOLUTION AUTHORIZING STATE CONTRACT PURCHASE OF ELECTRICAL DISTRIBUTION EQUIPMENT FOR BELMAR BOARDWALK**

**2013-114
RESOLUTION MAKING FINDINGS AND DETERMINATIONS ON LEGALIZED**

GAMES OF CHANCE APPLICATION NUMBER 2013-05 & 06

2013-115

RESOLUTION AUTHORIZING ISSUANCE OF SEASONAL RETAIL CONSUMPTION LICENSE NO. 1306-34-001-004 TO FUSAL, LLC T/A LA DOLCE VITA FOR THE PERIOD ENDING NOVEMBER 14, 2013

2013-116

RESOLUTION AUTHORIZING ISSUANCE OF SEASONAL RETAIL CONSUMPTION LICENSE TO D'JAIS LLC, T/A D'JAIS FOR THE PERIOD ENDING NOVEMBER 14, 2013

2013-117

RESOLUTION AUTHORIZING ISSUANCE OF SEASONAL RETAIL CONSUMPTION LICENSE TO THE IRISH CURSE, LLC DBA 10TH AVENUE BURRITO LICENSE NO. 1306-34-004-001, FOR THE PERIOD ENDING NOVEMBER 14, 2013

2013-118

RESOLUTION AWARDED CONTRACT FOR PARKING METERS

2013-119

RESOLUTION AUTHORIZING GSA CONTRACT PURCHASE OF A BARBER SURF RAKE

2013-120

RESOLUTION AWARDED CONTRACT FOR WELL #10 PUMP – MOTOR AND WELL REHABILITATION

2013-121

RESOLUTION AUTHORIZING REFUNDS

2013-122

RESOLUTION APPOINTING SPECIAL I POLICE OFFICERS FOR 2013

2013-123

RESOLUTION AUTHORIZING THE ISSUANCE OF REQUESTS FOR QUALIFICATIONS FOR ENGINEERING SERVICES TO THE BOROUGH OF BELMAR

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

AYES: Deicke, Magovern, Nicolay, and Doherty

ORDINANCES:

Second Reading & Public Hearing:

ORDINANCE 2013-05

BOND ORDINANCE PROVIDING FOR THE FUNDING OF THE CAPITAL PORTIONS OF PRIOR EMERGENCY APPROPRIATIONS AND TEMPORARY EMERGENCY APPROPRIATIONS FOR REPAIRS TO BUILDINGS AND INFRASTRUCTURE AS A RESULT OF HURRICANE SANDY IN AND BY THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$1,640,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,640,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

Public Hearing: Robbin Kirk, CFO; Matt Jessup, Bond Counsel; and Tom Fallon, Auditor were on hand to answer any questions. Ms. Connolly stated the ordinance is for the capital portions of prior emergency appropriations and an additional \$1 million to be reconfigured into a bond ordinance.

Ted Ehmann, Oakwood Road, asked if the Borough is still seeking 75% reimbursement from FEMA. Ms. Connolly replied yes. He asked how that is going. Ms. Connolly stated the Borough already received \$2 million and is still working on some other project worksheets to submit.

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

Mayor Doherty made a motion to offer ordinance 2013-05 for adoption, which was seconded by Council member Nicolay and approved by the following vote:

AYES: Deicke, Magovern, Nicolay and Doherty

Second Reading & Public Hearing:

ORDINANCE 2013-06

REFUNDING BOND ORDINANCE OF THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY PROVIDING FOR THE FUNDING OF CERTAIN PORTIONS OF PREVIOUS EMERGENCY APPROPRIATIONS AND TEMPORARY EMERGENCY APPROPRIATIONS FOR EMERGENCY NEEDS RELATED TO DAMAGE CAUSED BY HURRICANE SANDY APPROPRIATING \$1,860,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,860,000 REFUNDING BONDS OR NOTES FOR FINANCING THE COST THEREOF.

Public Hearing: Ms. Connolly explained this ordinance is for the prior \$2.5 million in emergency appropriations of which \$1,860,000 are not capital expenditures. This ordinance cancels the emergency appropriations and puts them into refunding bonds. Mayor Doherty explained that the Borough will go to the insurance company for reimbursement before FEMA. So far the Borough has received \$981,000 from the insurance company.

Ted Ehmann, Oakwood Road, asked if FEMA or the insurance company will reimburse for regular operating items. Ms. Connolly replied no. Mr. Ehmann stated that under his OPRA request he filed he saw a few items that are regular expenses that were charged against the ordinance.

David Schneck, 302 C Street, asked if the police lost any police SUV's or just Crown Victorians. Ms. Connolly stated they did lose some SUV's but mostly cars. Mr. Schneck asked if the insurance company will reimburse. Ms. Connolly replied yes. Mr. Schneck stated that the Borough should only get paid the value of a used Crown Victoria. He also asked how these bond ordinances affect the Borough's bond rating. Ms. Kirk stated there is no affect.

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

Mayor Doherty made a motion to offer ordinance 2013-06 for adoption, which was seconded by Council member Deicke and approved by the following vote:

AYES: Deicke, Magovern, Nicolay and Doherty

PUBLIC SESSION:

Chris Seiler, 1203 Pinetree, stated the contractors working on the boardwalk are doing a great job and he is thankful for the Borough using local craftsmen who live in the state. He expressed concern about water quality in his neighborhood and showed a sample of yellow water. Mayor Doherty stated the pipes are shot in that area. He also stated that NJ American Water changed some of the chemicals they used which brought up some of the sediment in the pipes. The Borough will be switching over to Belmar's wells soon which should address the issue temporarily. It costs a lot of money to fix and the Borough is going to seek grants. Other towns have been affected too. Ms. Connolly stated she has been having conversations with NJ American Water to try to address this issue.

Mark Pheiffer, 319 Fifth Avenue, asked about the status of Silver Lake. Ms. Connolly stated the Borough will be going out to bid soon to redo the landscaping and the path.

Tom Volker, 301 4th Avenue, stated the marina is in great shape and its all thanks to Charlie Vanderlinde with help from DPW. The BBP sent out a press release to let everyone know the marina is open. The BBP will also be doing cruise nights again starting in May.

Jim Rice, Wall Township resident, asked if there is any new information on the proposed building for the marina and what will be done with parking. Mayor Doherty stated there is nothing more specific but will be increasing parking. He asked when there will be more information. Mayor Doherty stated at one of the May meetings. Council member Deicke stated there are other alternative parking areas across the street and behind Borough hall.

Jean Folker, 514 13th Avenue, expressed concerned about people crossing highway leaving from the pier. She asked if any work is to be done to the FOBH area. Ms. Connolly stated she has been looking into it.

George Komitas, Third Avenue, reminded everyone about the May 3rd autism benefit at Djais.

Paul Carew, 110 4th Avenue, was glad to see more than one concrete path at the boardwalk. He asked if the street sweeper will be going out anytime soon. Mayor Doherty stated the street sweeper is not working. Ms. Connolly stated she has been talking with the County for help. He suggested letting people on the beach. Mayor Doherty stated it is a liability issue until the railings go up.

Council member Magovern asked when JCP&L is going to fix the lights around Silver Lake. Ms. Connolly stated she is waiting for JCP&L to do an inspection to see which ones can be turned on.

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

Respectively submitted,

April Claudio
Municipal Clerk