

**“GOD BLESS AMERICA”  
REGULAR MEETING  
APRIL 3, 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, Councilman Bean, Councilwoman Deicke, Councilman Magovern, Councilwoman Nicolay, Borough Attorney Michael DuPont, Esq., Business Administrator Colleen Connolly, and Borough Clerk April Claudio

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

**RESOLUTIONS:**

Mayor Doherty offered, Resolution **2013-101, RESOLUTION APPROVING APPOINTMENT OF JONATHAN MAHONEY TO PATROLMAN OF THE BELMAR POLICE DEPARTMENT**, for adoption, which was seconded by Council member Deicke and approved by the following vote:

AYES: Deicke, Magovern, Bean, Nicolay and Doherty

Mayor Doherty administered the Oath of Office to Officer Mahoney.

**WORKSHOP DISCUSSION:**

Mayor Doherty stated he would like to add a resolution to agenda authorizing to go out to bid for two concessions for two kitchen trailers. He explained that if no bids come in then the Borough will not order the trailers. Council member Bean asked about the other trailers that were already awarded. Ms. Connolly stated those trailers will be used by the current lease holders.

**PETITIONS:** None

**REPORTS OF MAYOR AND COUNCIL:**

Council member Magovern: Marina Mabrey named Shore Conference female basketball player of the year.

Council member Deicke: The Women's Health Expo was a huge success. Thanked those who helped out and volunteered their services. At the ADA meeting last Thursday they discussed swings for handicap children for the Silver Lake Park. Also discussed lifts for wheelchairs at the train station. The Mayor's Wellness Campaign is launching a food drive this Friday. Baskets for collection will be placed at Borough Hall and the Library. The Mayor's Wellness Campaign is working with the Belmar school to have a community walk program on April 24th in the gym from 3-5 pm. Sgt. Tina Scott is planning a Safety Day for May 5th. There will be brunch for senior residents at the First Aid building this Sunday. The Woman's Club blood drive is April 17th at First Aid building.

Council member Bean: Asked if the Borough received anymore FEMA Money. Ms. Connolly replied no. He stated he spoke to Mike Ruble of SMRSA last week and he stated the hold up for the pipes and pumps at Como Lake is that FEMA will not pay for it until a town takes responsibility for it. Spring Lake volunteered to claim ownership and they will pay to get it fixed and go to FEMA to be reimbursed.

Council member Nicolay: The Easter Egg hunt had a great turnout. There is a 4h Club small animal show in the gym this Saturday. Read DPW report. The Circle of Friends dance had a tremendous turnout and was a lot of fun.

Mayor Doherty: Apologized for missing the last meeting. Buy a Board is over \$570,000. April 30th will be the last day to buy. Been in contact with the new CEO of Birdsall; and the Borough will continue to use them as long as the employees who are overseeing the boardwalk construction maintain employment. There will be a resolution at the next meeting authorizing for request for proposals for an engineering firm for future projects.

**APPROVAL OF MINUTES:** Council member Deicke moved for approval of minutes for the meetings held on March 27, 2013, seconded by Council member Magovern and approved by the following vote:

AYES: Bean, Deicke, Magovern, and Nicolay

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

Mike Seebeck, 110 Second Avenue, asked for an explanation on the resolution amending the contract for boardwalk concrete. Ms. Connolly stated it is for concrete pads and water/sewer. Mr. Seebeck asked who reviews the bids with Birdsall. Mayor Doherty stated the Council does. Mr. Seebeck asked what the math error was. Ms. Connolly stated they made a mistake in the unit price calculation of digging test pits but she will be talking to Birdsall about limiting the amount of test pits to lower the cost. Mr. DuPont stated the bid is still the lowest bid and lower than Birdsall's estimate. Mr. Seebeck stated he thinks the bidder's price is unreasonable and the Borough should allow DPW to do test pits to save money. Mayor Doherty stated he spoke to the engineer and they will be looking to do a change order to reduce the number of test pits.

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

Mayor Doherty made a motion to add the resolution authorizing to go out to bid for concession leases on the boardwalk to the Consent Agenda, which was seconded by Council member Nicolay and approved by the following vote:

AYES: Bean, Deicke, Magovern, and Nicolay

Council member Bean made a motion to amend the Consent Agenda by removing resolutions 2, 4, 5, which was seconded by Council member Deicke and approved by the following vote:

AYES: Bean, Deicke, Magovern, and Nicolay

Mayor Doherty made a motion to offer Resolution **2013-102, RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY, DESIGNATING THE BOARDWALK STUDY AREA AS AN AREA IN NEED OF REDEVELOPMENT**, for adoption, which was seconded by Council member Deicke and approved by the following vote:

Prior to voting Council member Bean asked why this resolution was needed. Mayor Doherty stated it allows the Borough the ability to use private developers. Council member Bean asked why someone would want to do this. Mayor Doherty stated a developer could do a land lease for a concession. Council member Bean asked if there would be a liquor license. Mayor Doherty stated it could be a possibility.

AYES: Deicke, Magovern, Nicolay and Doherty

NAYS: Bean

Mayor Doherty offered, Resolution **2013-103, RESOLUTION AUTHORIZING PAYMENT OF BILLS LIST**, for adoption, which was seconded by Council member Deicke and approved by the following vote:

Prior to voting Council member Bean asked about a bill for Enterprise rent a car. Ms. Connolly stated the Borough rented vehicles during the storm. Council member Bean asked about a bill for Your Target Marketing who manages the website. He stated he is not happy with the website.

Ms. Connolly stated they did a lot of work and updates to the website after the storm. He questioned other payments on the list labeled Client #7, etc. He asked how he could vote for checks when he doesn't know who they are going to. Ms. Connolly stated those are payments for displaced families who received help through the grant program. Mayor Doherty stated Council member Bean can meet with the Social Services Director, Kelly Williams and can find out the names but the names will not be released publicly.

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

PAYMENT OF BILLS: certification that the vouchers listed on the warrant register numbering 58942 thru 59046 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	\$334,974.43
05 General Capital Account	\$57,506.16
11 Water/Sewer Account	\$350,430.90
21 Beach Utility Account	\$23,367.88
25 Beach Capital Account	\$1,480,612.53
41 Dog License Account	\$1,464.00
55 Trust Fund Account	\$17,681.39
61 Tourism Account	\$9,306.12
Total:	\$2,275,343.41

Mayor Doherty offered Resolution **2013-104, RESOLUTION AMENDING THE AWARD OF CONTRACT FOR UTILITY SERVICES AND CONCRETE FOR THE BOARDWALK**, for adoption, which was seconded by Council member Nicolay and approved by the following vote:

Prior to voting Council member Magovern stated he is not comfortable with the change and the dollar amount of the mistake. He questioned how the quality of work would be if they made a mistake on the bid. He spoke to Paul Calabrese, the Borough's Engineer, about this earlier and while he is not pleased with the error he is confident they will do a good job.

Council member Bean asked if Birdsall or the contractor made the mistake. Ms. Connolly stated it was the contractor's error. Council member Bean pointed out that the letter recommending the award at the last meeting had an asterik next to bid amount and asked why we didn't wait a week to speak to the contracto.

Council member Nicolay asked what the impact would be if they vote no. Ms. Connolly stated the work will then not be completed by Memorial Day.

Mayor Doherty stated the contractor good work. They did the 10th Avenue work between the train tracks and Main Street. They are doing the Municipal parking lot also. He stated it is an embarassing mistake for them but if the project is rebid they would be lowest bidder again.

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

**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:

**2013-105**

## **RESOLUTION AUTHORIZING REFUNDS OF ANIMAL HOUSE BONDS**

**2013-106**

### **RESOLUTION AWARDING CONTRACT FOR CONCRETE, PAVING, AND STRIPING IMPROVEMENTS TO OCEAN AVENUE**

**2013-107**

### **A RESOLUTION AUTHORIZING THE CLERK OF THE BOROUGH OF BELMAR TO ADVERTISE FORBIDS AND NOTICE TO BIDDERS FOR LEASES FOR TWO KITCHEN TRAILERS ON THE BELMAR BOARDWALK**

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

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

#### **PUBLIC SESSION:**

Vicky Renner, 1106 D Street, stated she heard that at the last meeting Connie Dallaportas mentioned a tree that was dangerous. It's on the Main street property her and her husband own. The building was in bad shape when they purchased it and they are working to make it better. She stated she is disturbed by the accusation that she is intentionally destructing the tree. She intends to keep the tree and landscape around it. She is a former member of the Shade Tree Commission and knows how to handle trees. She stated Ms. Dallaportas' fence is 2 ft on her property, she worked with her other neighbors to put up new fence and wants her cooperation.

Council member Magovern stated he looked at the tree with a tree expert. It's a cotton wood tree and is very big and rare to NJ. He stated the work being done is not damaging the tree, it's improving it. The stability has not been compromised. He suggested they may even want to take away more dirt from around the tree.

Connie Dallaportas, 1002 Main Street, stated if the tree falls and hurts anyone she wants to have in writing the person's name who said it was safe. She also asked Ms. Renner's husband not to touch her fence but he can put his next to hers. If he wants to move he can but she is not.

Paul Carew, 110 4th Avenue, stated he is impressed with the recovery efforts. He stated he noticed other beach towns are far behind. He asked where the pieces of the boardwalk that are cut off go. Ms. Connolly stated the scraps are being stock piled by DPW to be used for various projects. He suggested giving them to town people after municipal use. He asked if Silver lake will be put back to normal. Council member Magovern stated the cynder path is coming back, and they will be planting wild flowers, trees, and grass. Mr. Carew suggested looking into adding wildlife back into the water. Mike Campbell, Director of DPW, stated the NJ Fish and Game are looking into what fish can be put back into the water.

David Schneck, 302 C Street, asked if more files will be posted on the website. Mayor Doherty replied yes. He stated John Paff, an open public records act advocate, has said names are not private. Mr. Dupont stated he uses welfare recipients as an example; their information is private. He explained the meditaiton that was held between the GRC, the Borough and Council member Bean, and the GRC will make a decision. Mr. Schneck stated the state had recommended towns not to get into the charitable business so that issues like this don't come up.

Bill Young, 303 Ninth Avenue, stated everyone is doing a great job. He thinks the names should be kept private. He stated everyone has to keep in mind that the boardwalk looked like a bomb went off and we need to get the boardwalk and beach back together.

Council member Deicke stated she has great faith in the Borough's social services director and agrees with keeping the names of grant recipients private and believes it is being done properly.

Council member Bean stated money is coming into the town and checks are cut and nobody knows who the money is going to. He stated he wants open government and the town should not be a charity.

Council member Nicolay stated the town is not a charity; we are just helping people who are displaced.

Mayor Doherty stated the money is not from tax dollars and by the Borough handling the disbursement we can ensure Belmar residents are getting the money. He stated he wishes the Borough could have raised more money for those families on the waiting list. He stated Council member Bean can look at the list but it will not be made public so he can embarrass them.

Mr. Dupont stated the mediator asked Council member Bean if he would be willing to go in and meet with the Social Services Director.

Randi Brazel, 101 11th Avenue, new resident, grew up in the projects in queens and is proud to live here now and was able to donate and proud her money went to someone in town.

Mike Seebeck, 110 Second Avenue, thanked Council member Magovern for voting against the resolution amending the award of contract for the boardwalk. He stated he would like negotiations with potential developers and vendors videotaped and out in public. Mayor Doherty stated it would not be a good idea. Mr. Seebeck was concerned about spending money and putting the town out of business and having a tax increase. Mayor Doherty disagreed. Mayor Doherty stated the Borough may negotiate with multiple developers and wouldn't want that out in public. Mr. Seebeck asked Council member Deicke if a notice was sent by the state stating the town should not get involved with charitable donations. Mayor Doherty stated the money is not comingled and was approved by a dedication by rider and is in a separate fund. Mr. Seebeck asked why they didn't have a group of people manage the money.

David Schneck, 302 C Street, asked the Mayor if he thinks Council member Bean's purpose is to embarrass residents. Mayor Doherty stated he doesn't know what his purpose is. He also stated the Borough has received letters, phone calls, and people come in saying they don't want their names released. Mr. Schneck stated it is a conflict of interest because the recipients of the money can return the favor by voting.

Council member Magovern stated there is no charity in town that is more qualified than our social services director. He stated you can't depend on volunteers. The social services director has spent many hours on doing it properly.

Council member Deicke stated she doesn't think Mr. Bean's intent is to embarrass anyone but that is what will happen.

Council member Nicolay felt people who are dealing with storm recovery shouldn't have to worry about their names becoming public too.

Jim Rice, Wall resident, asked about meetings discussing a proposal for the building in the marina. Mayor Doherty stated the Borough is working through DEP regulations and with a developer. He hopes to have the developer make a presentation at one of the next meetings. Mr. Rice asked if the new design will be different than the original RFP. Mayor Doherty stated the original RFP was for larger building. Mr. Rise asked why a new RFP wouldn't be done. Mayor Doherty stated when the Borough negotiated for the pier it was anticipated that the same developer would do the building.

Janis Keown-Blackburn, 106 River Court, stated it was a pleasure volunteering at the Easter egg hunt. The beach looked fantastic and the boardwalk looks nice. She is also pleased the ramps are at a lower angle and it will be helpful to those that use them.

Vicky Renner asked what the procedure is if she has a survey showing her neighbor's fence is on her property. Mayor Doherty suggested she meet with Ms. Connolly to discuss.

Mike Seebeck, asked the Council if they agree not going out to bid for matters is in the town's best interest.

Council member Nicolay stated she does agree the same person should be running the pier and the building in the marina. The current operator is doing a great job and agrees we should negotiate with them.

Council member Magovern stated they had an RFP proposal from a group and nothing happened. Then Bob Cooper of Chef's International came in and did a great job with pier. He has proved himself and is experienced.

Council member Deicke: Stated when RFP's are needed they are done. We already have a restaurateur in place who is operating a good business. It makes sense they would be involved with the restaurant in the building. She also stated this goes back to when Mayor Pringle was involved and it was always thought that it would be beneficial for both restaurants to be run by same company.

Tom Rogers, 1603 Ocean, asked if the rate is per season or a month for the kitchen trailers. Ms. Connolly stated it is per a month.

Gene Creamer, 4th Avenue, proponent of using NJ concrete barriers for the boardwalk skirt. Passed out a document with a list of the benefits of using them.

Mayor Doherty 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