

Office of the Board of Commissioners
Borough of Monmouth Beach
January 8, 2014

The following statement was read by Mayor Susan Howard:

This meeting is called pursuant to the provisions of the open public meetings law. Notice of this meeting was transmitted to the Asbury Park Press and The Link News on December 17, 2013, posted on the bulletin board in the Municipal Building on that date and has remained continuously posted as the required notice under the statute. In addition, a copy of this notice is and has been available to the public and is on file in the office of the Municipal Clerk.

Pledge of Allegiance

Mayor Howard called the meeting to order at 6:00 pm.

Present – Mayor Howard, Commissioner Cunniff, Commissioner McBride (entered late)
Absent – None

Commissioner Cunniff moved, seconded by Mayor Howard that the reading of the minutes of the previous meeting held on December 10, 2013 be dispensed with and that they stand as recorded.

Upon the call of the roll the foregoing motion was carried by the following vote: Aye -2-, Nay -0-.

Commissioner Cunniff moved, seconded by Mayor Howard that bills totaling \$299,960.54 which had been reviewed by their respective department heads be approved for payment.

Upon the call of the roll the foregoing motion was carried by the following vote: Aye -3-.

Commissioner McBride moved, seconded by Commissioner Cunniff that the following Consent Agenda items be passed and adopted:

ADOPTION OF TEMPORARY BUDGET FOR 2014

WHEREAS, N.J.S. 40A:4-19 provides that every Municipality must make temporary appropriations during the period January 1 to adoption of the budget sufficient to cover commitments made during the period January 1 to the date of adoption of the 2014 Budget, and

NOW THEREFORE BE IT AND IT IS HEREBY RESOLVED that the following list of appropriations shall constitute the 2014 Temporary Budget for the Borough of Monmouth Beach, Monmouth County, New Jersey.

2014 TEMPORARY BUDGET
<hr/>
\$ 1,725,000.00
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RESOLUTION – 2014
RESOLUTION PERMITTING PRE-PAYMENT
OF CERTAIN ITEMS

WHEREAS, the Borough of Monmouth Beach has budgeted funds for 2014 for payment of utilities, payroll, debt service, governmental fees, and insurance, and for the printing and mailing costs of the Borough; and

WHEREAS, the payment of these items frequently arrives out of time for placement on the next available bill list, and in several months of the year the governing body does not meet for a period of one month, thereby inadvertently placing these bills and mailings in arrears because of the schedule of meetings; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Commissioners of the Borough of Monmouth Beach that the Chief Financial Officer be and is hereby authorized to: make pre-payment of the following fixed items prior to the same appearing on the meeting bill lists, such funds to be taken from the pre-budgeted amount for each such expenses for 2014;

1. Utilities (electric, gas, water, sewer, cable and telephone).
2. Payroll.
3. Debt services as evidenced by pre-existing bonds and notes.
4. Health, dental and other insurance premiums.
5. Federal, state, county fees and taxes.
6. Postage for tax bills, newsletters, and other Borough mailings.

RESOLUTION

APPROVING MONMOUTH BEACH CASH MANAGEMENT PLAN

WHEREAS, NJSA 40A:5-14 mandates that the Governing Body shall, by Resolution passed by a majority of the membership thereof, approve a Cash Management Plan;

NOW, THEREFORE, BE IT RESOLVED by the Borough Commissioners of the Borough of Monmouth Beach as follows:

1. The attached updated Cash Management Plan will guide the investment of idle cash of the Borough of Monmouth Beach
2. The attached updated Cash Management Plan includes a Policy Statement to guide its implementation
3. The Chief Financial Officer will administer the Plan
4. The Plan is subject to annual audit

BE IT FURTHER RESOLVED that a certified copy of the within Resolution be forwarded to the following:

1. Borough Chief Financial Officer
2. Borough Auditor
3. All depositories named in Section IV of the attached updated Cash Management Plan
4. All dealers and brokerage firms in Section V of the attached Cash Management Plan

CASH MANAGEMENT PLAN OF THE BOROUGH OF MONMOUTH BEACH, IN THE COUNTY OF MONMOUTH, NEW JERSEY

I. STATEMENT OF PURPOSE

This Cash Management Plan (the "Plan") is prepared pursuant to the provisions of N.J.S.A. 40A:5-14 in order forth the basis for the deposits ("Deposits") and investment ("Permitted Investments") of certain public funds of the Borough of Monmouth Beach, pending the use of such funds for the intended purposes. The Plan is intended to assure that all public funds identified herein are deposited in interest bearing Deposits, if permitted, or otherwise invested in Permitted Investments hereinafter referred to. The intent of the Plan is to provide that the decisions made with regard to the Deposits and the Permitted Investments will be done to insure the safety and preservation of principal value, the liquidity (regarding its availability for the intended purposes) and the maximum investment return within such limits. The Plan is intended to insure that any Deposit or Permitted Investment matures within the time period that approximates the prospective need for the funds deposited or invested so that there is not a risk to the market value of such Deposits or Permitted Investments.

II. IDENTIFICATION OF FUNDS AND ACCOUNTS TO BE COVERED BY THE PLAN

A. The Plan is intended to cover the deposit and/or investment of the following funds and accounts of the Borough of Monmouth Beach:

Current Fund
Trust Funds
General Capital Fund
Payroll Funds
Grant Funds

III. DESIGNATION OF OFFICIALS OF THE BOROUGH OF MONMOUTH BEACH AUTHORIZED TO MAKE DEPOSITS AND INVESTMENTS UNDER THE PLAN

The Chief Financial Officer of the Borough of Monmouth Beach (and the Treasurer and Administrator) are hereby authorized and directed to deposit and/or invest the funds referred to in the Plan. Prior to making such Deposits or any Permitted Investments, such officials of the Borough of Monmouth Beach are directed to supply to all depositories or any other parties with whom the Deposits or Permitted Investments are made a written copy of the Plan which shall be acknowledged in writing by such parties and a copy of such acknowledgement kept on file with such officials.

IV. DESIGNATION OF DEPOSITORIES

The following banks and financial institutions are hereby designated as official depositories for the Deposit of all public funds referred to in the Plan, including any certificates of Deposit which are not otherwise invested in Permitted Investments as provided for in the Plan.

Amboy Bank
Bank of America (and/or its Successors)
Central Jersey Bank, a Division of Kearny Federal Savings
Investors Savings Bank
Ocean First Savings
PNC Bank
Sovereign Bank
Sun Bank
TD Bank
Valley National Bank
Wells Fargo Bank

All such depositories shall acknowledge in writing receipt of this Plan by sending a copy of such acknowledgement to the Designated Officials referred to in Section III above.

V. DESIGNATION OF BROKERAGE FIRMS AND DEALERS WITH WHOM THE DESIGNATED OFFICIALS MAY DEAL

The following brokerage firms and/or dealers and other institutions are hereby designated as firms with whom the Designated Officials of the Borough of Monmouth Beach referred to in this Plan may deal for purposes of buying and selling securities identified in this Plan as Permitted Investments or otherwise providing for Deposits. All such brokerage firms and/or dealers shall acknowledge in writing receipt of this Plan by sending a copy of such acknowledgement to the Designated Officials referred to in Section III above.

State of New Jersey Cash Management Fund/Morgan Stanley Trust
MBIA Municipal Investors Service Corporation, Program Administrator
Wells Fargo Bank

VI. AUTHORIZED INVESTMENTS

- A. Except as otherwise specifically provided for herein, the Designated Officials are hereby authorized to invest the public funds covered by this Plan, to the extent not otherwise held in Deposits, in the following Permitted investments:
1. Bonds or other obligations of the United States of America or obligations guaranteed by the United States of America;
 2. Government money market mutual funds;
 3. Any obligation that a federal agency or a federal instrumentality has issued in accordance with an act of Congress, which security has a maturity date not greater than 397 days from the date of purchase, provided that such obligation bears a fixed rate of interest not dependent on any index or other external factor;
 4. Bonds or other obligations of the Local Unit or bonds or other obligations of school districts of which the Local Unit is a part or within which the school district is located;
 5. Bonds or other obligations, having a maturity date not more than 397 days from the date of purchase, approved by the Division of Investment of the Department of the Treasury for investment by Local Units;
 6. Local government investment pools;
 7. Deposits with the State of New Jersey Cash Management Fund established pursuant to section 1 of P.L. 1977, c.281 (C.52:18A-90.4) or
 8. Agreements for the repurchase of fully collateralized securities if:
 - a. the underlying securities are permitted investments pursuant to paragraphs (1) and (3) of this subsection a;
 - b. the custody of collateral is transferred to a third party;
 - c. the maturity of the agreement is not more than 30 days;
 - d. the underlying securities are purchased through a public depository as defined in section 1 of P.L. 1970, c.236 (C.17:9-41); and,
 - e. a master repurchase agreement providing for the custody and security of collateral is executed for purposes of the above language, the terms “government money market mutual fund” and “local government investment pool” shall have the following definitions:

Government Money Market Mutual Fund. An investment company or investment trust:

- a. which is registered with the Securities and Exchange Commission under the “Investment Company Act of 1940”, 15 U.S.C. sec. 80a-1 et seq., and operated in accordance with 17 C.F.R. sec. 270.2a-7.
- b. The portfolio of which is limited to U.S. Government securities that meet the definition of any eligible security pursuant to 17 C.F.R. sec. 270.2a-7 and repurchase agreements that are collateralized by such U.S. Government securities; and
- c. Which had:
 - i. attained the highest ranking or the highest letter and numerical rating of a nationally recognized statistical rating organization; or
 - ii. retained an investment advisor registered or exempt from registration with the Securities and Exchange

Commission pursuant to the “Investment Advisors Act of 1940”, 15 U.S.C. sec. 80b-1 et seq., with experience investing in U.S. Government securities for at least the most recent past 60 months and with assets under management in excess of \$500 million.

Local Government Investment Pool. An investment pool:

- a. which is managed in accordance with 17 C.F.R. sec. 270.2a-7;
 - b. which is rated in the highest category by a nationally recognized statistical rating organization;
 - c. which is limited to U.S. Government securities that meet the definition of an eligible security pursuant to 17 C.F.R. sec. 270.2a-7 and repurchase agreements that are collateralized by such U.S. Government securities;
 - d. which is in compliance with rules adopted pursuant to the “Administrative Procedure Act”, P.L. 1968, c.410 (c.52:14B-1 et seq.) by the Local Finance Board of the Division of Local Government Services in the Department of Community Affairs, which rules shall provide for disclosure and reporting requirements, and other provisions deemed necessary by the board to provide for the safety, liquidity and yield of the investments;
 - e. which does not permit investments in instruments that: are subject to high price volatility with changing market conditions; cannot reasonably be expected, at the time of interest rate adjustment, to have a market value that approximates their par value; or utilize an index that does not support a stable net asset value; and
 - f. which purchases and redeems investments directly from the issuer government money market mutual fund, or the State of New Jersey Cash Management Fund, or through the use of a national or State bank located within this State, or through a broker-dealer which, at the time of purchase or redemption, has been registered continuously for a period of at least two years pursuant to section 9 of P.L. 1967 c.9 (C.49:3-56) and has at least \$25 million in capital stock (or equivalent capitalization if not a corporation), surplus reserves for contingencies and undivided profits, or through a securities dealer who makes primary markets in U.S. Government securities and reports daily to the Federal Reserve Bank of New York its position in and borrowing on such U.S. Government securities.
- B. Notwithstanding the above authorization, the moves on hand in the following funds and accounts shall be further limited as to maturities, specific investments or otherwise as follows:

Grant

Public Assistance

VII. SAFEKEEPING CUSTODY PAYMENT AND ACKNOWLEDGEMENT OF RECEIPT OF PLAN

To the extent that any Deposit or Permitted Investment involves a document or security which is not physically held by the Borough of Monmouth Beach, then such instrument or security shall be covered by a custodial agreement with an independent third party, which shall be a bank or financial institution in the State of New Jersey. Such institution shall provide for the designation of such investments in the name of the Borough of Monmouth Beach to assure that there is no unauthorized use of the funds or the Permitted Investments or Deposits. Purchase of any Permitted Investments that involve securities shall be executed by a “delivery versus payment” method to insure that such Permitted Investments are either received by the Borough of Monmouth Beach or by a third party custodian prior to or upon the release of the Borough of Monmouth Beach’s funds.

To assure that all parties with whom the Borough of Monmouth Beach deals either by way of Deposits or Permitted Investments are aware of the Authority and the limits set forth in this Plan, all such parties shall be supplied with a copy of the Plan in writing and all such parties shall acknowledge the receipt of the Plan in writing, a copy of which shall be on file with the Designated Officials.

VIII. REPORTING REQUIREMENTS

Each month during which this Plan is in effect, the Designated Official referred to in Section III hereof shall supply to the governing body of the Borough of Monmouth Beach a written report of any Deposits or Permitted Investments made Pursuant to this Plan, which shall include, at a minimum, the following information:

- A. The name of any institution holding funds of the Borough of Monmouth Beach as a Deposit or a Permitted Investment.
- B. The amount of securities or Deposits purchased or sold during the immediately preceding month.
- C. The class or type of securities purchased or Deposits made.
- D. The book value of such Deposits or Permitted Investments.
- E. The earned income on such Deposits or Permitted Investments. To the extent that such amounts are actually earned at maturity, this report shall provide an accrual of such earnings during the immediately preceding month.
- F. The fees incurred to undertake such Deposits or Permitted Investments
- G. The market value of all Deposits or Permitted Investments as of the end of the immediately preceding month.
- H. All other information which may be deemed reasonable from time to time by the governing body of the Borough of Monmouth Beach.

XI. TERM OF PLAN

This Plan shall be in effect from January 1, 2014 to December 31, 2014. Attached to this Plan is a Resolution of the governing body of the Borough of Monmouth Beach approving this Plan for such period of time. This Plan may be amended from time to time. To the extent that any amendment is adopted by the Commissioners, the Designated Officials are directed to supply copies of the amendments to all of the parties who otherwise have received the copy of the originally approved Plan, which amendment shall be acknowledged in writing in the same manner as the original Plan was so acknowledged.

RESOLUTION

- 2014 -

Designation of Municipal Depositories

WHEREAS, R.E. 17:9-9 and N.J. 40:5-A5-14 provide for the designation of depositories for Municipal Funds by Resolution of the Governing Body.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Monmouth Beach Commissioners that the following banks be designated for deposit of Borough Funds.

Amboy Bank
The Bank of America
Central Jersey Bank, A Division of Kearny Federal Savings
Dean Witter Trust Company, State of New Jersey Cash Management Fund
Investors Savings Bank
Ocean First Savings Bank
PNC Bank
Sovereign Bank
Sun Bank
TD Bank
Valley National Bank

RESOLUTION

ESTABLISHING FEES, PENALTIES AND INTEREST FOR 2014

BE IT RESOLVED that upon the recommendations of the Borough Tax Collector:

1. Taxes shall be collected quarterly on February 1, May 1, August 1 and November 1, 2014.
2. There shall be a ten (10) day grace period on the quarterly taxes, after which unpaid taxes will be charged interest back to the due date.
3. Interest shall be charged and calculated at the rate of eight (8) % per annum on the first \$1,500.00 of the delinquency, and eighteen (18) % per annum on any amount in excess of \$1,500.00 to be calculated from the date the tax as payable until the date the actual payment is received.
4. There shall be a six (6) % penalty for a delinquency over \$10,000.00 if not paid prior to the end of the calendar year. Delinquency is defined to mean the sum of all taxes and municipal charges due on a given parcel of property covering any number of quarters.
5. Redemption fee for Tax Sale Certificates as follows:
Two (2) % on certificates \$200.00 to \$4,999.99.
Four (4) % on certificates \$5,000.00 to \$9,999.99.
Six (6) % on certificates over \$10,000.00.
6. A service charge of \$20.00 will be charged for each returned check, used to make any payment to the Borough of Monmouth Beach, for insufficient funds.
7. A fee of \$5.00 will be charged for the first duplicate copy of the tax bill requested by a mortgage servicing organization and a fee of \$25.00 will be charged to each subsequent duplicate copy of the same bill in the same tax year.
8. All tax sale certificate redemption amounts shall be obtained from the Tax Collector. In addition, a \$25.00 fee will be charged for each additional request after the second, for a redemption calculation.
9. A fee of \$100.00 will be charged for the issuance of a Duplicate Tax Sale Certificate.

RESOLUTION

BE IT RESOLVED by the Board of Commissioners of the Borough of Monmouth Beach that Edward Junquet, 24 Scott Drive, Monroe, NJ 08831 be and is hereby re-appointed to serve as a Special Police Officer, Class II, for the Borough of Monmouth Beach, effective January 7, 2014; and

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to Drew Winans, Sr., Chief of Police, Monmouth Beach Police Department.

RESOLUTION

WHEREAS, Section 3d of the Open Public Meetings Act, Chapter 231, Public Law 1975 requires that certain notice of meetings be submitted to two (2) newspapers, one of which shall be the official newspaper; and

WHEREAS, the second newspaper designated by this body must be one which has the greatest likelihood of informing the public within the jurisdictional boundaries of this body of such meetings;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Monmouth Beach, County of Monmouth, State of New Jersey as follows:

1. The Asbury Park Press, Neptune, New Jersey, is hereby designated to receive all notices of meetings as required under the Open Public Meetings Act.
2. It is the opinion of this body that The Link, Long Branch, New Jersey has the greatest likelihood of informing the public within the jurisdictional area of this body of such meetings.

3. This Resolution shall take effect immediately.

RESOLUTION

WHEREAS, there exists a need for the services of a Borough Attorney for the Borough of Monmouth Beach for the year 2014; and

WHEREAS, funds are available for this purpose; and

WHEREAS, the Local Public Contracts Law, R.S. 40A:11-1 et seq., requires that the Resolution authorizing the award of contracts for "Professional Services" without competitive bidding must be published no more than ten (10) days following the adoption thereof;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Monmouth Beach as follows:

1. The Mayor and Municipal Clerk are hereby authorized on behalf of the Borough, to retain Dennis A. Collins, Esq., an Attorney-At-Law of the State of New Jersey, to perform the service of Borough Attorney for the year 2014 and do hereby appoint Dennis A. Collins to that office.

2. Said attorney is retained and appointed to the office of Borough Attorney without competitive bidding as a "Professional Service" under the provisions of the Local Public Contracts Law because the service rendered or performed is to be done by a person authorized by law to practice a recognized profession and whose profession and practice is required by law and bids are not required as per R.S. 40A:5-11.

3. The Contract has been awarded in compliance with State Law under a "Fair and Open" process as having been duly advertised as a request for proposal. This award shall be contingent upon the execution of a Business Entity Disclosure Certification as well as all other submissions as required by law.

4. A copy of this Resolution shall be published as required by law within ten (10) days of its passage. The Resolution and contract are on file and available for public inspection in the office of the Borough Clerk.

RESOLUTION

WHEREAS, there exists a need for the services of a Borough Engineer for the Borough of Monmouth Beach for the year 2014; and

WHEREAS, the Local Public Contracts Law, R.S. 40A:11-1 et seq., requires that the Resolution authorizing the award of contracts for "Professional Services" without competitive bidding must be published no more than ten (10) days following the adoption thereof;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Monmouth Beach as follows:

1. The Mayor and the Municipal Clerk are hereby authorized and directed to enter into an agreement with Bonnie Heard, of T&M Associates, professional engineers of the State of New Jersey, to perform the services of Borough Engineer for the year 2014 and do hereby appoint Bonnie Heard to that office.

2. This Contract is awarded without competitive bidding as a "Professional Service" under the provisions of the Local Public Contracts Law because the service rendered or performed is to be done by a person or persons authorized by law to practice a recognized profession and whose practice is regulated by law and bids are not required as per R.S. 40A:5-11.

3. The Contract has been awarded in compliance with State Law under a "Fair and Open" process as having been duly advertised as a request for proposal. This award shall be contingent upon the execution of a Business Entity Disclosure Certification as well as all other submissions as required by law.

4. A copy of this Resolution shall be published within ten (10) days of its passage as required by law. The Resolution and contract are on file and available for public inspection in the office of the Municipal Clerk.

RESOLUTION

WHEREAS, there exists a need for the services of a Registered Municipal Accountant to prepare the annual audit for the year 2013 as required by R.S. 40A:5-4; and

WHEREAS, funds for this purpose will be provided for in the 2014 municipal budget; and

WHEREAS, the Local Public Contracts Law, R.S. 40A:11-1 et. seq., requires that the Resolution authorizing the award of contracts for "Professional Services" without competitive bidding must be published no more than ten (10) days following the adoption thereof;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Monmouth Beach as follows:

1. The Mayor and Municipal Clerk are hereby authorized and directed to execute an agreement with Robert S. Oliwa for that office.

2. This contract is awarded without competitive bidding as a "Professional Service" under the provisions of the Local Public Contracts Law because the service rendered or performed is to be done by a person authorized by law to practice a recognized profession and whose practice is regulated by law and bids are not required per R.S. 40:5-11.

3. The Contract has been awarded in compliance with State Law under a "Fair and Open" process as having been duly advertised as a request for proposal. This award shall be contingent upon the execution of a Business Entity Disclosure Certification as well as all other submissions as required by law.

4. A copy of this Resolution shall be published within ten (10) days of its passage as required by law.

RESOLUTION

WHEREAS, there exists a need for the services of a Bond Attorney for the Borough of Monmouth Beach for the year 2014; and

WHEREAS, funds are available for this purpose and will not exceed \$17,500; and

WHEREAS, the Local Public Contracts Law, R.S. 40A:11-1 et. seq., requires that the Resolution authorizing the award of contracts for "Professional Services" without competitive bidding must be published no more than ten (10) days following the adoption thereof;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Monmouth Beach as follows:

1. The Mayor and Borough Clerk are hereby authorized on behalf of the Borough, to retain John M. Cantalupo, of Archer & Greiner P.C., 830 Broad Street, Suite B, Shrewsbury, NJ 07702, an Attorney At Law of the State of New Jersey, to perform the service of Bond Counsel for the year 2014 and do hereby appoint John M. Cantalupo to that office.

2. Said attorney is retained and appointed to the office of Bond Attorney without competitive bidding as a "Professional Service" under the provisions of the Local Public Contracts Law because the service rendered or performed is to be done by a person authorized by law to practice a recognized profession and whose profession and practice is required by law and bids are not required as per R.S. 40A:5-11.

3. This award shall be contingent upon the execution of a Business Entity Disclosure Certification as well as all other submissions as required by law.

4. A copy of this Resolution shall be published as required by law within ten (10) days of its passage. The Resolution and contract are on file and available for public inspection in the office of the Borough Clerk.

RESOLUTION
GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2012 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations, and,

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and,

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners of the Borough of Monmouth Beach, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

A RESOLUTION GRANTING A VARIANCE TO LOT 4 BLOCK 58
(17 JESSICA PLACE) FROM THE
STRICT APPLICATION OF FLOODPLAIN CONSTRUCTION STANDARDS
IN THE BOROUGH OF MONMOUTH BEACH
COUNTY OF MONMOUTH, STATE OF NEW JERSEY

WHEREAS, the Borough of Monmouth Beach participates in the National Flood Insurance Program: and

WHEREAS, The Borough of Monmouth Beach has adopted and enforces a local floodplain ordinance which incorporates the Federal Emergency Management Agency's (FEMA) floodplain standards and recommendations; and

WHEREAS, the owner of the residence located on Lot 4 Block 58 and more commonly known as 17 Jessica Place seeks the following relief:

- 1. Relief from the requirement that Coastal A Zone properties employ V-Zone construction standards; and**

WHEREAS, the property owner has represented that it will comply with the standards applicable to A Zones; and

WHEREAS, the Borough recognizes that the use of V-Zone construction standards in a Coastal A zone is not a mandatory requirement under federal guidelines and remains a recommendation to local government entities; and

WHEREAS, although the Borough has adopted the maximum standards recommended by FEMA, the requested variance from the Borough standards should be permitted as the owner does not seek to deviate from a minimum standard promulgated by the federal government. Most significantly, the owner only seeks a deviation from a recommendation of the federal government; and

WHEREAS, the Borough recognizes that the grounds upon which variances can and should be granted are met because the federal government has chosen not to mandate V-Zone construction techniques in a Coastal AE or Coastal A zone; and

WHEREAS, the Borough accepts the owner's representation that strict enforcement will result in undue hardship;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Commissioners of the Borough of Monmouth Beach, that a variance be granted to Lot 4 Block 58, also known as 17 Jessica Place, from the strict application of Floodplain Construction Standards in particular as follows:

1. The owner shall not be required to construct in accordance with V-Zone standards for the proposal that will raise the structure as more fully outlined in the owner's submission; and
2. A Zone construction techniques shall be utilized; and
3. This variance is limited to the relief noted in Paragraph 1 for the proposed repair/reconstruction project that will be first permitted following this approval; and
4. No variance from any other applicable standard shall be considered granted unless specifically noted herein.

BE IT FURTHER RESOLVED, that the Owner is hereby put on notice that this relief may result in increased expenses or diminution in property value which may include but not be limited to increased flood insurance premiums. The owner, by proceeding to construct in accordance with this variance approval, acknowledges that the Borough of Monmouth Beach has granted this approval based on the owner's voluntary request and any adverse conditions created by such deviation from ordinance standards are the sole and exclusive responsibility of the owner.

BE IT FURTHER RESOLVED that a true and accurate copy of this resolution be placed on file with the construction office of the Borough of Monmouth Beach

RESOLUTION

WHEREAS, Five (5) bids were received by the Municipal Clerk of the Borough of Monmouth Beach on January 7, 2014, at 10:00 am for the 2013 Capital Improvement Program, Phase II, a summary of which is attached; and

WHEREAS, the Governing Body has reviewed the recommendation made by the Borough Engineer on said bids; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Monmouth Beach, County of Monmouth, State of New Jersey that the contract for the 2013 Capital Improvement Program, Phase II be awarded to Z Brothers Concrete Contractors, Inc., 304 Jernee Mill Road, Sayreville, NJ 08872, in the amount of Two Hundred Twenty Nine Thousand Three Hundred Fifty One Dollars and Twenty Seven Cents (\$229,351.27); and

BE IT FURTHER RESOLVED that the contract has been awarded in compliance with State Law under a "Fair and Open" process as having been duly advertised. This award shall be contingent upon the execution of a Business Entity Disclosure Certification as well as all other submissions as required by law; and

BE IT FURTHER RESOLVED that said award is subject to a certificate of funds being available, to be issued by the CFO; and

BE IT FURTHER RESOLVED that said award is subject to the review and approval of the bid documents by the Borough Attorney; and

BE IT FINALLY RESOLVED that the Mayor and Municipal Clerk be authorized and directed to execute the contract for same.

RESOLUTION

BE IT RESOLVED by the Board of Commissioners of the Borough of Monmouth Beach that the architectural proposal submitted by Monteforte Architectural Studio, LLC, dated December 12, 2013, for a project entitled “Monmouth Beach Bathing Pavilion Phase IX - Pump Room Replacement, Expansion of Storage Area and Creation of a Balcony & Roof from Front Porch to include the Elevator”, Proposal #158.13; and

BE IT FURTHER RESOLVED that Monteforte Architectural Studio, LLC be authorized to perform the services as outlined in said proposal, in an amount not to exceed Seventeen Thousand Seven Hundred Fifty Dollars (\$17,750.00); and

BE IT FURTHER RESOLVED that a retainer in the amount of Three Thousand Dollars (\$3,000.00) be authorized and applied and credited to said proposal.

End of Consent Agenda

Before adopting the consent agenda the Mayor addressed Peter Moller, of TM Custom Homes, the owner of 17 Jessica Place. Mayor Howard explained that the Borough had adopted last year's FEMA maps and the most stringent regulations, in order to protect homeowners. She said she wanted to make it clear that we did not know what FEMA might do down the road, actions which may end up costing homeowners more money in the long run.

Mr. Moller thanked the Mayor and Commissioners and said that he understood the risk involved.

Upon the call of the roll the motion to adopt the Consent Agenda was carried by the following vote: Ayes -3-, Nays -0-.

Mayor Howard welcomed Dennis Collins, once again as Borough Attorney, and Bonnie Heard, the newly appointed Borough Engineer. She acknowledged Frances Mullan, the former Borough Engineer, and thanked him for his service.

Fran Mullan thanked the Mayor and Commissioners and pointed out that since he, Bonnie Heard and Bob Stetz all worked at T&M they were able to work together on all Borough matters.

Commissioner McBride moved, seconded by Commissioner Cunniff that the Consent Agenda be adopted.

Upon the call of the roll the foregoing motion was carried by the following vote: Ayes -3-.

Commissioner McBride moved, seconded by Commissioner Cunniff that the meeting be opened to the public.

Upon the call of the roll the foregoing motion was carried by the following vote: Ayes -3-, Nays -0-.

Roberta Jennings, 4 Cook Street, noted that she had brought up the issue of the flooding in her area of town before but she wanted to point out that the worst damage was caused by the river flooding, not the ocean. She said that Atlantic Highlands was building a seawall and she said that we needed to do something.

Fran Mullan said that the Borough would not be permitted to build along the riverfront as private property rights would be violated. Mr. Mullan explained that the Atlantic Highlands project was in a conceptual phase, where it could remain for several years, and was also unfunded at this time. He said their project was a concept and a vision for what they hoped to do some day.

Mr. Mullan said that Monmouth Beach has been actively working with the DEP and has drainage plans and improvements that are planned and under way.

Bonnie Crotty, Cook Street, said she had been told that raising some of the older homes may be questionable.

Mr. Mullan said complexities may exist but there was no structure that could not be raised.

Ms. Crotty said that she has seen a definite change in the river since Sandy. She said the river does not go down like it used to.

Mr. Mullan said that storms were getting more severe and the water level was rising. He said that the cost of mitigation projects was a factor and he pointed out that it had taken years to get funding for the sand replenishment project.

Mayor Howard said that the Borough had submitted ten projects for hazard mitigation and had just received word that only two projects were going forward. She noted that we had asked to raise the seawall but that project was not going forward. Mayor Howard explained that it was far more costly to raise the seawall than to pay claims from damage.

Commissioner McBride said that he had watched the Ocean come 30' over the seawall during the 1992 storm. He said the Borough's plan was to mitigate what it could but that we will never stop the water.

Teja Anderson, 62 Monmouth Parkway, said that the flooding in her area is not nearly as bad since drainage improvements were done on Monmouth Parkway.

Dennis Collins stated that Mr. Schecher, the owner of 17 Griffin Street, had entered the meeting. He said Mr. Schecher was requesting a construction variance and was present to discuss the matter.

Mayor Howard explained to Mr. Schecher that the Borough had adopted FEMA's advisory base flood elevation maps after Sandy. She pointed out that no one knew what FEMA regulations might come into play in the future and that there was some risk involved to those who were granted variances. Mayor Howard said that it was possible that homeowners could face higher flood insurance costs.

Mr. Schecher said he understood the risks involved.

Commissioner McBride moved to adopt the following Resolution which was seconded by Commissioner Cunniff:

**A RESOLUTION GRANTING A VARIANCE TO LOT 13 BLOCK 44.02
(17 GRIFFIN STREET) FROM THE
STRICT APPLICATION OF FLOODPLAIN CONSTRUCTION STANDARDS
IN THE BOROUGH OF MONMOUTH BEACH
COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

WHEREAS, the Borough of Monmouth Beach participates in the National Flood Insurance Program; and

WHEREAS, The Borough of Monmouth Beach has adopted and enforces a local floodplain ordinance which incorporates the Federal Emergency Management Agency's (FEMA) floodplain standards and recommendations; and

WHEREAS, the owner of the residence located on Lot 13 Block 44.02 and more commonly known as 17 Griffin Street seeks the following relief:

- 2. Relief from the requirement that there be 36 inches of freeboard over the Advisory base Flood Elevation(ABFE) (Applicant requests 2.6 feet); and**

WHEREAS, the property owner has represented he relied upon the best available flood data setting the base flood elevation at 8 when the Advisory Base Flood Elevation is 9; and

WHEREAS, the Borough recognizes that the 36 inches of freeboard above the ABFE zone is not a mandatory requirement under federal guidelines and remains a recommendation to local government entities; and

WHEREAS, although the Borough has adopted the maximum standards recommended by FEMA, the requested variance from the Borough standards should be permitted as the owner does

not seek to deviate from a minimum standard promulgated by the federal government. Most significantly, the owner only seeks a deviation from a recommendation of the federal government; and

WHEREAS, the Borough recognizes that the grounds upon which variances can and should be granted; and

WHEREAS, the Borough accepts the owner's representation that strict enforcement will result in undue hardship:

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Commissioners of the Borough of Monmouth Beach, that a variance be granted to Lot 13 Block 44.02, also known as 17 Griffin Street, from the strict application of Floodplain Construction Standards in particular as follows:

5. The owner shall not be required to his finished floor elevation with 36 inches of freeboard over the ABFE and may set the finished floor at 11.6; and
6. This variance is limited to the relief noted in Paragraph 1 for the proposed repair/reconstruction project that will be first permitted following this approval; and
7. No variance from any other applicable standard shall be considered granted unless specifically noted herein.

BE IT FURTHER RESOLVED, that the Owner is hereby put on notice that this relief may result in increased expenses or diminution in property value which may include but not be limited to increased flood insurance premiums. The owner, by proceeding to construct in accordance with this variance approval, acknowledges that the Borough of Monmouth Beach has granted this approval based on the owner's voluntary request and any adverse conditions created by such deviation from ordinance standards are the sole and exclusive responsibility of the owner.

BE IT FURTHER RESOLVED that a true and accurate copy of this resolution be placed on file with the construction office of the Borough of Monmouth Beach

Upon the call of the roll the foregoing motion was carried by the following vote: Ayes -3-, Nays -0-.

There being nothing further from the public,

Commissioner Cunniff moved, seconded by Commissioner McBride that the meeting be closed.

Upon the call of the roll the foregoing motion was carried by the following vote: Ayes -3-, Nays -0-.

Commissioner Cunniff moved, seconded by Commissioner McBride that the meeting be adjourned.

Upon the call of the roll the foregoing motion was carried by the following vote: Ayes -3-, Nays -0-.

Mayor Howard

Commissioner Cunniff

Commissioner McBride

ATTEST:

Joyce L. Escalante, RMC
Municipal Clerk
January 8, 2014