

Office of the Board of Commissioners  
Borough of Monmouth Beach  
SPECIAL MEETING  
January 28, 2014, 5:00 pm

The following statement was read by Mayor Howard:

This meeting is called pursuant to the provisions of the open public meetings law. Notice of this meeting was published in the Asbury Park Press on January 28, 2014 and transmitted to The Link News on January 24, 2014. In addition, a copy of this notice was posted on the bulletin board in the Municipal Building and filed in the office of the Municipal Clerk on that date. The notice has remained continuously posted as required under the Statute.

Pledge of Allegiance

Mayor Howard called the meeting to order at 5:00 pm

Present – Mayor Howard, Commissioner Cunniff

Absent – Commissioner McBride (entered the meeting late)

Commissioner Cunniff moved, seconded by Mayor Howard, that bills totaling \$79,129.82 which were reviewed by their respective department heads be approved for payment:

Upon the call of the roll the foregoing motion was passed by the following vote: Ayes -2-, Nays -0-.

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

**A RESOLUTION GRANTING A VARIANCE TO LOT 1.01 BLOCK 55  
(37 VALENTINE 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 1.01 Block 55 and more commonly known as 37 Valentine Street 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 1.01 Block 55, also known as 37 Valentine Street 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

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### **RESOLUTION**

**BE IT RESOLVED** by the Board of Commissioners of the Borough of Monmouth Beach that the Borough Clerk be authorized to advertise for bids for the lease of the Monmouth Beach Bathing Pavilion Concession for the 2014 summer season and/or the 2015 and 2016 seasons and/or the 2014, 2015 and 2016 summer seasons and;

**BE IT FURTHER RESOLVED** that the Mayor and Borough Clerk be authorized to execute the contract for same.

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### **RESOLUTION**

**BE IT RESOLVED** that the Operating Dates and Hours of the Monmouth Beach Bathing Pavilion for the 2014 Summer Season shall be as follows:

May 24 – 26	10:00 am – 5:30 pm
May 31, June 1	10:00 am – 5:30 pm
June 7 – 8	10:00 am – 5:30 pm
June 14 – 15	10:00 am – 5:30 pm
June 21 – Sept. 1	10:00 am – 7:00 pm (Monday thru Thursday)
	10:00 am – 8:00 pm (Friday thru Sunday)
Sept. 6 – 7	10:00 am – 7:00 pm

**BE IT FURTHER RESOLVED** that the Board of Commissioners reserve the right to modify this Resolution based upon circumstances which would require the closure of the bathing pavilion including weather conditions or a failure to meet staffing requirements.

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### **RESOLUTION**

**WHEREAS**, there is a need for Accounting Services 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 William Antonides & Company, to perform accounting services for the year 2014 and do hereby appoint William Antonides & Company to perform said services.

2. Said company is retained 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 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.

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## RESOLUTION

WHEREAS, enfoTech & Consulting, Inc. is a computer software company that provides cloud based GovOnline software hosting services to the Borough; and

WHEREAS, enfoTech has proposed to upgrade the Borough's current use of the GovOnline software under the Premier Member program to a "Gold" membership; and

WHEREAS, as per the attached Gold Membership Service Agreement, the cost of said "Gold" membership for the term of one (1) year is Ten Thousand Dollars (\$10,000.00),

NOW, THEREFORE, BE IT RESOLVED that the Borough of Monmouth Beach hereby agrees to upgrade from the Premier Member Program to the "Gold" membership as offered by enfoTech; and

BE IT FURTHER RESOLVED that the term of said contract shall be for a period of one (1) year from 01/01/2014 to 12/31/2014 and will be renewable each year by both parties when mutually agreed upon; and

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

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

*End of Consent Agenda*

The Clerk read the following Ordinance by title only:

**AN ORDINANCE OF THE BOROUGH OF MONMOUTH BEACH  
COUNTY OF MONMOUTH, STATE OF NEW JERSEY  
AMENDING CHAPTER XI ENTITLED "BEACHES, DUNES, PAVILION AND  
WATERWAYS" SECTION 11-2.2 ENTITLED "FACILITY FEES, BEACH RATES AND  
BATHHOUSE CHARGES"**

Commissioner Cunniff moved, seconded by Mayor Howard that the Ordinance be passed on title only and that the Clerk be instructed to advertise the Ordinance for a public hearing to be held on February 11, 2014.

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

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

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

There being no public comment,

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

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

Dennis Collins stated that the Commissioners would convene a brief executive session at this time. He said that no official action would take place and the regular meeting would be re-convened at the conclusion of the closed session.

Commissioner McBride entered the meeting at this time.

Commissioner Cunniff moved the following Resolution which was seconded by Mayor Howard:

**RESOLUTION**

**BE IT RESOLVED** that the following portion of this meeting dealing with the following generally described matters shall not be open to the public: Pending or Anticipated Litigation and/or contract negotiations in which the public body is or may be a party:

Contract Negotiations; Attorney - Client Privilege

**BE IT FURTHER RESOLVED** that it is anticipated that the matters to be considered in private may be disclosed to the public at a later date when confidentiality is no longer required:

**BE IT FURTHER RESOLVED** that private consideration is deemed required and is permitted because of the following noted exceptions set forth in the Open Public Meetings Act:

Contract Negotiations

Falls within the attorney-client privilege and confidentiality is required.

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At the conclusion of Executive Session,

Commissioner McBride moved, seconded by Commissioner Cunniff that the Executive Session be adjourned and that the regular meeting be re-convened.

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

There being no further business,

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-.

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Mayor Howard

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Commissioner Cunniff

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Commissioner McBride

ATTEST:

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Joyce L. Escalante, RMC  
Borough Clerk  
January 28, 2014