

Office of the Board of Commissioners
Borough of Monmouth Beach
February 5, 2013

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 published in the Asbury Park Press and the Link News on January 24, 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
Absent – None

Mayor Howard acknowledged the presence of the Police Department and their families and friends on the occasion of Sgt. Thomas Walsh's promotion to Lieutenant. The Mayor introduced Chief Drew Winans and asked him to step forward and address the audience.

Chief Winans gave a brief synopsis of Tom Walsh's history with the police department, from his appointment as a Class I special in 1995 to the present.

Mayor Howard administered the Oath of Office to Tom Walsh.

Mr. Walsh thanked the Commissioners, his family and his friends for their support.

Commissioner McBride moved, seconded by Commissioner Cunniff, that the following Resolution be passed and adopted:

RESOLUTION

BE IT RESOLVED by the Board of Commissioners of the Borough of Monmouth Beach that Sergeant Thomas Walsh be and is hereby promoted and appointed to the position of Lieutenant of Police for the Borough of Monmouth Beach; and

BE IT FURTHER RESOLVED that this appointment is effective as of February 5, 2013; and

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

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

A Sands Point South resident asked if this was a FEMA meeting because she was just looking for some information. The Commissioners decided to hold the public portion of the meeting earlier to accommodate residents looking for guidance.

Commissioner Cunniff moved, seconded by Commissioner McBride 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-.

Caroline Murphy, a Sands Point South resident, asked how Sandy (storm) would affect the community as a whole with regard to taxes and flood insurance.

Mayor Howard replied that FEMA representatives had told her that even if the storm had not hit, everyone was going to have an increase in their insurance premiums because Congress had voted to no longer subsidize those programs. The Mayor noted that between her and Don Clare, the

Borough's Floodplain Manager and Construction Official, they had attended several meetings to be sure that the Borough was compliant with any existing and new regulations. She said that was why the Commissioners had adopted the recent ordinance requiring V-Zone construction standards and the ABFE + 3 requirements.

Mayor Howard said that the taxes in Monmouth Beach were lower than those in many neighboring towns and that the Commissioners were doing everything they could to keep the taxes down, even in the wake of Sandy.

Mayor Howard said that State hired assessors had been through the town and that residents would be getting a postcard showing the new assessment on their house. She said that those who were damaged by the storm would pay less in taxes. The Mayor said her goal was not to raise taxes.

Ellen McFadden, a Sands Point South resident, said she had seen Tim Anfuso, the Borough's Tax Assessor, and her taxes were only going to be 15% lower.

Stan Hansen, Monmouth Parkway, said that when you call Don Clare's phone, it's message said to send him an email and if you email him, you get a response that says to phone him. He said it was difficult to contact Mr. Clare, especially if you were not living in town.

Mayor Howard said that additional staff had been hired for the construction department but that they were inundated at present. She asked Mr. Hansen if he was on the Borough's email list because a lot of information had been sent out via email.

Mr. Hansen said he was on the email list but that he would like to move forward and would like to talk to Don before doing so.

Mayor Howard said that if Mr. Hansen would send her an email with his information she would see that it got to Don Clare. She said that the construction department has been working evenings and weekends to try and get everything processed as quickly as possible.

Mr. Hansen said he was under time constraints as he had to sign contracts soon.

Dennis Collins advised Mr. Hansen to talk to his design professionals to be sure that everything he planned to do was conformed to the Borough's ordinances.

Allen Shore, Hastings Place, asked if the ABFE + 3' regulation only applied to homes that had been deemed substantially damaged.

Mr. Collins said that it only applied to homes that were substantially damaged, new construction, or undergoing a substantial improvement.

Mayor Howard said that many homes that got water were at their ABFE. She said that a home at ABFE + 3' would pay less in for insurance than one that was at the ABFE.

Mr. Collins explained that the National Flood Insurance Program (NFIP) was a Federal program and that the adoption of a Flood Damage Prevention Ordinance was a federal mandate in order for people to get flood insurance.

Carl Gross, Lori Road, asked if he raises his house the 3' but isn't substantially damaged, can he choose not to have break away walls?

Mr. Collins said that Mr. Gross could get a variance.

Mayor Howard said that to be in full compliance all the construction requirements would have to be met. She said that those who were designated substantially damaged had four years to fix their homes.

Mr. Gross said that his wife had applied for an SBA loan and had been a rate of 1.6% but he said the low rates the SBA quoted were not available to everyone.

Commissioner Cunniff said he knew of someone on Lori Road who had been given a rate of 3.25% and who, after complaining, was able to get a rate of 1.65%.

There being no further comments or questions from the public,

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

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

Commissioner Cunniff moved, seconded by Commissioner McBride that the reading of the minutes of the previous meetings held on December 11 and December 27 be dispensed with and that they stand as recorded.

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

Commissioner Cunniff moved, seconded by Commissioner McBride that the following bills be approved for payment:

031683	353.12	02/05/13 A.R. COMMUNICATIONS
031684	104.90	02/05/13 ANNE P. ROONEY
031685	960.00	02/05/13 ARGUS-HAZCO CHESTERFIELD
031686	1007.00	02/05/13 ASBURY PARK PRESS
031687	1314.28	02/05/13 AVAYA, INC.
031688	141.30	02/05/13 AVAYA, INC.
031689	2070.00	02/05/13 BOROUGH OF EATONTOWN
031690	104.90	02/05/13 BRADFORD DODSON
031691	886.88	02/05/13 CAMBRIA COMPANIES
031692	4409.58	02/05/13 CITY OF LONG BRANCH
031693	209.53	02/05/13 COMCAST
031694	368.00	02/05/13 COUNTY OF MONMOUTH
031695	883851.85	02/05/13 COUNTY OF MONMOUTH - CURRENT FUND
031696	51409.23	02/05/13 COUNTY OF MONMOUTH - LIBRARY FUND
031697	51263.24	02/05/13 COUNTY OF MONMOUTH- OPEN SPACE FUND
031698	235.80	02/05/13 CRAFTMASTER PRINTING, INC
031699	256.00	02/05/13 CUSTOM TIRE ASSOCIATES
031700	1375.00	02/05/13 CUSTOM LAWN SPRINKLER CO.
031701	178.29	02/05/13 DONALD CLARE
031702	75.50	02/05/13 DRAGER SAFETY DIAGNOSTICS, INC.
031703	499.25	02/05/13 DREW WINANS
031704	160.00	02/05/13 DYNAMIC TESTING SERVICE
031705	45.00	02/05/13 ELITE FORMS, INC.
031706	186.23	02/05/13 F & C AUTOMOTIVE SUPPLY INC.
031707	57.00	02/05/13 GALL'S, INC.
031708	659.20	02/05/13 GEMPLER'S
031709	617.80	02/05/13 GEORGE WALL LINCOLN MERCURY
031710	463.76	02/05/13 GLOBE PETROLEUM, INC.
031711	251.76	02/05/13 GLUCKWALRATH LLP
031712	1742.78	02/05/13 GRAINGER GOVERNMENT CALL CENTER
031713	104.90	02/05/13 HEATHER E. TYNAN
031714	10509.00	02/05/13 INTERSOFT TECHNOLOGIES INTERNATIONAL LLC
031715	24000.00	02/05/13 J&M QUALITY CONTRACTING LLC
031716	4004.49	02/05/13 JERSEY CENTRAL POWER & LIGHT
031717	2279.77	02/05/13 JOHN L. KRAFT, ESQ.
031718	104.90	02/05/13 JOSEPH MASICA
031719	125.00	02/05/13 JOSHSA MARSH
031720	125.00	02/05/13 JUSTIN TUCKER
031721	325.45	02/05/13 KEPWELL SPRING WATER CO., INC.
031722	103.30	02/05/13 LANIGAN ASSOCIATES, INC.
031723	214.00	02/05/13 LAW ENFORCEMENT SYSTEMS
031724	57.50	02/05/13 LAWES OUTDOOR POWER EQUIPMENT
031725	95.00	02/05/13 M. SCHWARTZ & SONS, INC.
031726	100.00	02/05/13 MCANJ C/O DENISE SZABO, BERNARDS TOWNSHIP
031727	1287.00	02/05/13 MICHAEL A IRENE, JR. ESQ.
031728	135430.00	02/05/13 MONMOUTH BEACH FIRST AID
031729	150.00	02/05/13 MONMOUTH COUNTY POLICE CHIEF'S ASSOC.
031730	9905.50	02/05/13 MONMOUTH COUNTY REGIONAL HEALTH COMM #1
031731	23500.00	02/05/13 MONTEFORTE ARCHITECTURAL STUDIO, LLC
031732	136.00	02/05/13 MR. JOHN INC.
031733	893.00	02/05/13 MURRAY'S UNIFORMS
031734	416.04	02/05/13 NAPA AUTO PARTS
031735	446.36	02/05/13 NEW JERSEY AMERICAN WATER CO.
031736	25.00	02/05/13 NEW JERSEY LEAGUE OF MUNICIPALITIES
031737	713.21	02/05/13 NEW JERSEY NATURAL GAS CO.
031738	3432.00	02/05/13 NJ UNEMPLOYMENT COMPENSATION FUND
031739	103.28	02/05/13 ODB COMPANY
031740	104.90	02/05/13 PATRICIA KELLER
031741	104.90	02/05/13 PAULA MURRAY
031742	12.00	02/05/13 PERRY'S TROPHY CO., INC.
031743	5695.28	02/05/13 PRESCRIPTION CORPORATION OF AMERICA
031744	50.00	02/05/13 PUBLIC WORKS ASSOCIATION OF NEW JERSEY
031745	814.50	02/05/13 RADIO TECHNOLOGY INC
031746	300.00	02/05/13 REALTY APPRAISAL CO.
031747	786.49	02/05/13 RED THE UNIFORM TAILOR
031748	5058.35	02/05/13 SANITATION EQUIPMENT CORP.
031749	169.32	02/05/13 SEABOARD FIRE & SAFETY EQUIPMENT CO.
031750	279.69	02/05/13 STAPLES BUSINESS ADVANTAGE
031751	47.94	02/05/13 SUSAN HOWARD
031752	104.90	02/05/13 SUSAN JASIO KOCH
031753	1000.00	02/05/13 TREASURER, COUNTY OF MONMOUTH
031754	557.66	02/05/13 TRIUS, INC
031755	900.00	02/05/13 TWO RIVERS WATER RECLAMATION AUTHORITY

031756 363.75 02/05/13 UNITED COMPUTER SALES & SERVICE INC
031757 933.85 02/05/13 VERIZON WIRELESS
031758 18643.96 02/05/13 WITT GROUP HOLDINGS LLC
031760 M 5000.00 02/05/13 ENFOTECH & CONSULTING, INC

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

On Friday, January 18, 2013, bids for a project entitled “Monmouth Beach Bathing Pavilion Repair and Reconstruction of Deck and Snack Bar Area.” Since the two (2) low bidders withdrew their bids, at the January 22, 2013 meeting, the Commissioners rejected all bids and authorized T&M Associates to rebid the project. The project was re-advertized on Friday January 28, 2013.

On Tuesday, February 5, bids for the project were received. They were the following:

Bidder	Proposal A	Proposal B	Alternate A1
Altec Building Systems Corp.	\$1,275,800.00	\$1,476,000.00	\$188,000.00
Cypreco Industries, Inc.	\$1,363,800.00	\$1,513,113.00	\$65,800.00
G&P Parlamas, Inc	\$1,317,117.00	\$1,517,117.00	\$141,000.00
Precision Building and Construction	\$1,375,525.90	\$1,611,499.40	\$126,242.00
Structural Concepts, Inc.	\$1,388,120.00	\$1,646,020.00	\$235,000.00
Engineer's Estimate	\$1,509,650.00	\$1,745,750.00	\$94,000.00

Commissioner Cunniff moved, seconded by Commissioner McBride, that the following Resolution be passed and adopted:

RESOLUTION

WHEREAS, Five (5) bids were received by the Borough of Monmouth Beach on February 5, 2013 at 10:00am for a project entitled “Monmouth Beach Bathing Pavilion Repair and Reconstruction of Deck and Snack Bar Area; and

WHEREAS, Francis W. Mullan, Borough Engineer, of T&M Associates, has reviewed said bids and made a recommendation of award; and

WHEREAS, the Borough Attorney has reviewed said bid and deemed it to be in proper legal form; and

WHEREAS, the Chief Financial Officer has determined that sufficient funds are available as is evidenced by the Certification of Funds attached hereto and made a part hereof,

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 project entitled “Monmouth Beach Bathing Pavilion Repair and Reconstruction of Deck and Snack Bar Area” be awarded for Proposal B to Altec Building Systems, 904 Atlantic Avenue, Point Pleasant, NJ 08742, in the amount of One Million Four Hundred Seventy Six Thousand (\$1,476,000.00); and

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

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

The following Ordinance was read by title only by the Clerk:

AN ORDINANCE OF THE BOROUGH OF MONMOUTH BEACH COUNTY OF MONMOUTH, STAE 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 Commissioner McBride 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 March 12, 2013.

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

The following Ordinance was read by title only by the Clerk:

AN ORDINANCE TO FIX THE SALARIES AND TERMS OF OFFICE IN SUCH CASES WHERE THE TERMS OF OFFICE ARE NOT FIXED BY STATUTE OF THE OFFICERS AND EMPLOYEES OF THE BOROUGH OF MONMOUTH BEACH AND TO DEFINE THEIR DUTIES IN ADDITION TO THOSE FIXED BY STATUTE OR OTHER ORDINANCE, ADOPTED THE 27TH DAY OF MARCH, 1951 AS SUBSEQUENTLY AMENDED.

Commissioner McBride moved, seconded by Commissioner Cunniff 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 March 12, 2013.

The following Ordinance was read by title only by the Clerk:

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER VII ENTITLED "TRAFFIC," SECTION 7-14 ENTITLED "PARKING PROHIBITED" SUBSECTION 7-14.3 ENTITLED "PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS DURING CERTAIN TIMES OF THE YEAR" AND SECTION 7-15 ENTITLED "PARKING PROHIBITED DURING CERTAIN HOURS," SUBSECTION 7-15.2 ENTITLED "PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS DURING CERTAIN TIMES OF THE YEAR" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MONMOUTH BEACH.

Commissioner McBride moved, seconded by Commissioner Cunniff 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 March 12, 2013.

The following Ordinance was read by title only by the Clerk:

AN ORDINANCE AMENDING AND SUPPLEMENTING CERTAIN SECTIONS OF CHAPTER XXX TITLED "LAND DEVELOPMENT REGULATIONS" OF THE CODE OF THE BOROUGH OF MONMOUTH BEACH TO AMEND CERTAIN STANDARDS.

Commissioner Cunniff moved, seconded by Commissioner McBride that the hearing on the ordinance be opened to the public.

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

There being no comments or questions from the audience,

Commissioner Cunniff moved, seconded by Commissioner McBride that the hearing on the ordinance be closed.

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

Commissioner Cunniff moved, seconded by Commissioner McBride that the ordinance be passed and adopted after a second reading and a public hearing.

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

The next item on the agenda was a variance hearing for 21 Mann Court. The homeowner, Donna Clark, was present as was her architect, Tom Peterson. She was seeking relief from using V-Zone construction techniques in a Coastal AE zone.

Ms. Clark said her current elevation was 7 ½', and FEMA's new ABFE height for her home was 10'. She said that after adding the additional 3' the Borough ordinance required, she would raise

her house 5 ½ '. Mrs. Clark said she did not want to use pilings but would raise her house on blocks and install the required flood vents.

Mayor Howard asked Ms. Clark if she understood that she might pay more in flood insurance.

Ms. Clark said it might not cost her more since she is going to have the flood gates.

Mayor Howard said she would not pay more right now but that she might have to pay more sometime down the road.

Ms. Clark said she wanted to be secure. She said her house was scheduled to be raised on April 16 and her contractor was Pete Somer, who has been in the business since 1976.

Commissioner McBride moved, seconded by Commissioner Cuniff, that the following Resolution be passed and adopted:

**A RESOLUTION GRANTING A VARIANCE TO LOT 7.08 BLOCK 43
(21 MANN COURT) 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 7.08 Block 43 and more commonly known as 21 Mann Court seeks the following relief:

- 1. Relief from the requirement that Coastal AE 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 AE 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 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 7.08 Block 43, also known as 21 Mann Court, 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

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

There being no further business,

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

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

Mayor Howard

Commissioner Cunniff

Commissioner McBride

ATTEST:

Joyce L. Escalante, RMC
Municipal Clerk
February 5, 2013